

Cause Number: E- _____ -C

Style: _____

IN THE COUNTY COURT AT LAW NO. 2, ORANGE COUNTY, TEXAS

DISCOVERY CONTROL AND SCHEDULING ORDER

This Order shall apply unless modified by the court. Any date that falls on a weekend or legal holiday (as determined by the Orange County Commissioners Court) shall be moved to the next day that is not a weekend or legal holiday. If no date or limitation on discovery is given below, the item is governed by the Texas Rules of Civil Procedure. If more than one trial date is given below, the earliest trial date is "the first trial date."

1. **4 months prior to first trial date** **JOINDER.** All parties must be added and served, whether by amendment or third party practice, by this date. THE PARTY CAUSING THE JOINDER SHALL PROVIDE ANY NEW PARTY WITH A COPY OF THIS DISCOVERY CONTROL ORDER AT THE TIME OF SERVICE.

2. **EXPERT WITNESS DESIGNATION** Expert witness designations are required and must be served by the following dates. The designation must include the information listed in Rule 194.2(f). Failure to timely designate will be governed by Rule 193.6.

90 days prior to first trial date Experts for parties seeking affirmative relief.

60 days prior to first trial date All other experts.

3. **30 days prior to first trial date** **DISCOVERY PERIOD ENDS**
All discovery must be conducted before the end of the discovery period. Parties seeking discovery must serve requests sufficiently far in advance of the end of the discovery period that the deadline for responding will be within the discovery period. Counsel may conduct discovery beyond this deadline by written agreement. Incomplete discovery will not delay the trial.

4. **21 days prior to first trial date** **DISPOSITIVE MOTIONS AND PLEAS**
Must be filed and set for hearings before this date.

5. **30 days prior to first trial date** **CHALLENGES TO EXPERT TESTIMONY**
All motions to exclude expert testimony and evidentiary challenges to expert testimony must be filed by this date, unless extended by leave of court.

6. **45 days prior to first trial date PLEADINGS** All amendments and supplements must be filed by this date. This order does not preclude prompt filing of pleadings directly responsive to any timely filed pleadings. Special exceptions must be filed within fourteen days of this date, and must be scheduled for hearing no later than 30 days before trial.

7. **DEPOSITION TESTIMONY DESIGNATIONS**

21 days prior to first trial date

All parties shall, in good faith, file and serve realistic page\line designations for any deposition testimony that they intend to offer at trial, except counter-designations.

14 days prior to first trial date Objections and counter-designations shall be filed and served.

7 days prior to first trial date Objections to counter-designations shall be filed and served.

(Do not file a copy of the deposition testimony)

8. **EXHIBIT AND WITNESS LISTS**

21 days prior to first trial date Plaintiff(s) shall serve on opposing counsel:

- A. Plaintiff's list of trial witnesses (distinguishing between those who are expected to testify and those who may testify);
- B. A numbered exhibit list; and
- C. A copy of marked exhibits

14 days prior to first trial date Each Defendant shall serve on opposing counsel:

- A. Defendant's list of trial witnesses (distinguishing between those who are expected to testify and those who may testify);
- B. A numbered exhibit list;
- C. A copy of marked exhibits; and
- D. Written objections to Plaintiff's exhibits and proposed witness.

7 days prior to first trial date Plaintiff shall serve on each opposing counsel and file written objections to Defendant's exhibits and proposed witness list.

(Do not file copies of exhibits)

9. **7 Days Before Pretrial Conference** Each party shall file and exchange:
- 1) Motions in Limine
 - 2) Proposed Charge to Jury, definitions and instructions, with a printed copy and a 3.5 computer disc or CD containing the Proposed Charge to the Jury (WordPerfect or Word).
10. **Prior to Pretrial Conference** Each party is ordered to confer with opposing counsel and be prepared to identify to the court unresolved:
- | | |
|--------------------------|-----------------------|
| A. Limine issues; | C. Exhibit objections |
| B. Deposition objections | D. Charge issues |
11. _____, 20____.m. **PRETRIAL CONFERENCE**
 All parties shall be represented by counsel with authority to discuss all issues relating to the case, including settlement. Failure to attend will be grounds for dismissal for want of prosecution, or for default judgment, as applicable. Counsel shall be prepared to discuss all matters as may aid in the disposition of this action, including those items outlined in Rule 166 (a) - (p).
12. _____ **TRIAL** Appear at 9:30 a.m. for jury selection. (Case will be continued week to week if not reached).

SIGNED _____, 20_____.

 JUDGE PRESIDING