

CAUSE NO. _____

_____ v. _____	IN THE DISTRICT COURT OF _____ COUNTY, TEXAS 33 RD JUDICIAL DISTRICT
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PRETRIAL SCHEDULING AND PROCEDURAL ORDER

On the Motion of _____, the Court finds that, in order to expedite the orderly completion of pretrial preparation, a scheduling and procedural order should be made imposing deadlines for pretrial matters, and the Court hereby orders and adopts the following schedule for pretrial proceedings:

Legend:

- +nn means number of days after date of this order.
- nn means number of days before trial date.
- N/A means item is not applicable to the case at bar.
- Parenthetical days are the Court’s “typical” target dates.
- Whenever a calculated date falls on a weekend or holiday, the applicable date shall be the next business day.

- If this box is checked, then refer to attached spreadsheet for days/dates.
- If this box is checked, then the standard days in () apply except where noted.

NOTE: If this form has been furnished for your completion and proposing to the Court for entry, the “standard” days are merely suggested for use in moderately complex cases. The parties are free initially to agree on different dates for all **but** items 18-24 and the trial date (if already assigned).

Where “plaintiff’s” or “defendant’s” counsel is referred to, the same refers to each such counsel in the case of multiple parties so denominated. Where there is an intervenor, the time deadlines for the defendant shall apply also to each intervenor. All references to a “Rule” are to Texas Rules of Civil Procedure unless otherwise noted.

Motion Practice

- 1 Before filing a motion, counsel for the moving party shall confer with the counsel of all parties affected by the relief sought to determine whether or not the contemplated motion will be opposed, and shall place a certificate of such conference and the results thereof upon the motion when filed, including *the reasons why agreement could not be reached or an explanation why it was not possible for the required conference to be held*. Such a conference is required for all motions except motions to dismiss the entire action, motions for summary judgment, and motions for new trial.

- (a) Unopposed motions shall be accompanied by agreed proposed orders, signed by the parties or their attorneys. No order shall recite untrue facts.
- (b) Any response to a motion shall be filed within 10 days from the date the motion was filed. Any motion or brief may be accompanied by a brief setting forth a party's contentions of fact and law.
- (c) The motion shall be deemed ready for disposition at the end of the response period unless an extension of time is granted for good cause shown.
- (d) Oral argument on motions will not be held unless directed by the Court, or upon request by either party for good cause shown.

Scheduling

- 2 By _____, (+30) each party shall have submitted to opposing part(ies) all written interrogatories.
- 3 By _____, (+30) the parties shall have submitted to opposing part(ies) all requests or motions for production, examination, and copying of documents or other tangible materials and, if applicable, all requests or motions for entry upon and examination of real property.
- 4 By _____, (+45) the parties shall have submitted to opposing part(ies) any requests for admission of facts or of the genuineness or identity of documents or things.
- 5 By _____, (+45), if not otherwise to be responded to in answers to written interrogatories, plaintiff shall have filed with the Court and served on defendant's counsel a list of all fact witnesses, other than rebuttal or impeaching witnesses the necessity of whose testimony cannot reasonably be anticipated at that time, who have knowledge of relevant facts, showing the name, address, and telephone number of each fact witness, together with a narrative summary of all relevant facts known to each witness.
- 6 By _____, (+45), if not otherwise to be responded to in answers to written interrogatories, defendant shall have filed with the Court and served on plaintiff's counsel a list of all fact witnesses, other than rebuttal or impeaching witnesses the necessity of whose testimony cannot reasonably be anticipated at that time, who have knowledge of relevant facts, showing the name, address, and telephone number of each fact witness, together with a narrative summary of all relevant facts known to each witness.

Settlement Conference and Mediation

- 7 The parties must make a good-faith effort to settle and settlement negotiations shall be

entered into at the earliest possible time, well in advance of any pretrial conference. Belated settlement disrupts the Court's scheduling, inconveniences the parties and counsel in this and other cases, inconveniences the Court, and subjects the court system to disparagement in the eyes of the public. "Tactical delay" in attempting settlement is frowned upon by the Court and, in the proper case, may subject a party to sanctions on the Court's own Motion.

(a) By _____, (+60) the parties and counsel shall conduct a settlement conference in person. This conference is mandatory. Any entity party must be represented at the conference by a person having full authority and power to settle the case in all respects. Counsel for plaintiff shall, within 3 days following such conference, file a report in the case (with a copy to advise the Court) in writing of

1. the fact of the conference,
2. any parties or counsel failing to attend, and
3. whether or not the case was settled in whole or on part, without divulging any details thereof.

(b) To any extent the case was settled or issues defined, a Rule 11 agreement shall be produced and signed by all counsel, and filed with the papers in the case within 5 working days following the conference, with a copy to the Court.

8 By _____, (+75) any jury demand (if not already made) must be filed. After this date, no case will be placed on the jury docket without leave of Court after notice and hearing. This requirement is necessary in order to manage the Court's docket.

9 By _____, (+110), if the foregoing settlement conference did not fully settle the case, the parties will have completed mediation in accordance with the Local ADR Procedures. The Court will assign a court-annexed mediator and issue an Order of Referral to Mediation upon receipt of the report pursuant following the settlement conference unless a Rule 11 Agreement is tendered agreeing upon a mediator.

[] If this box is checked, the Court's standard mediation order is attached and the "Mediation Period" therein shall be per the dates between the Settlement Conference and Mediation Deadline per this Order. The discovery freeze in the standard mediation order is lifted except during the Mediation Period.

10 By _____, (+135) plaintiff shall have completed all depositions of fact witnesses and persons other than expert witnesses.

- 11 By _____, (+150) defendant shall have completed all depositions of fact witnesses and persons other than expert witnesses.
- 12 By _____, (+160) any “no evidence” motions for summary judgment shall be filed.
- 13 By _____, (+190) the parties shall have filed any motions for mental or physical examination of any person.
- 14 By _____, (+90) plaintiff shall have filed with the Court and served on defendant's counsel a list of all expert witnesses who may be called by plaintiff to testify at trial, showing the name, address, and telephone number of each expert and the subject matter on which each expert is expected to testify.
- 15 By _____, (+180) defendant shall have completed all depositions of expert witnesses.
- 16 By _____, (+210) defendant shall have filed with the Court and served on plaintiff's counsel a list of all expert witnesses who may be called by defendant to testify at trial, showing the name, address, and telephone number of each expert and the subject matter on which each expert is expected to testify.
- 17 By _____, (+255) plaintiff shall have completed all depositions of expert witnesses.

Final Designation of Experts, Summary Judgments and Cutoffs

- 18 By _____, (-60) each party shall have filed with the Court and served on opposing counsel (a) a designation of each expert witness who is to be called to testify, and each such expert's report shall be reduced to tangible form pursuant to Rule 195.5, if not already so done.
- 19 By _____, (-45) any *Robinson/Daubert* challenges shall be filed.

Hearing thereon to be held on _____.

- 20 By _____, (-60) all motions for summary judgment, partial summary judgment, or other dispositive motions shall be filed.
- 21 By _____, (-45) ALL DISCOVERY OF EVERY NATURE SHALL BE COMPLETE.
- 22 Until _____, (-30) either party may amend its pleadings without leave of the Court. After that time, leave of the Court shall be required for any amendments to

pleadings.

23 By _____, (-21) each party shall have prepared a list of all documentary or other tangible exhibits that may be introduced at trial and shall have filed the list with the Court and provided it to opposing counsel.

24 By _____, (-21) each party shall have filed with the Court and served on opposing counsel any motions in limine and proposed jury questions, definitions and instructions.

25 Prior to _____, (-14) counsel for each party shall meet with the Court for a pretrial conference to consider, among other matters, all pending pleas, motions, and exceptions, objections to documentary evidence, the possibility of obtaining stipulations of fact, the proposed jury charge questions, instructions, and definitions, any motions in limine, the possibility of settlement, and other matters as directed by the Court.

(a) It shall be the responsibility of Plaintiff to coordinate with all counsel/unrepresented parties and the Court Administrator to obtain a setting for this purpose, which may be heard by telephone conference call.

26 A re-scheduling of the trial date will not alter the dates set forth above (even if initially established by reference to the number of days prior to the trial setting set forth below).

27 The parties may not alter any of the dates set forth in this or any subsequent or amended scheduling order without consent of the Court and entry of an Order reflecting same.

28 _____ Trial of this matter shall begin on at Total time allotted for trial is, including jury selection (if applicable):

Signed on _____..

Guilford L. Jones, III
Presiding Judge

Assigned Trial Judge:

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