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TARRANT COUNTY, TEXAS

## SCHEDULING ORDER (Level 1 & 2)

The following deadline dates shall apply to this case UNLESS MODIFIED BY THE COURT. **All deadlines may be modified by Rule 11 Agreement except pretrial, dispositive motions and expert challenge dates.** If no date is given below, the item is governed by the TEXAS RULES OF CIVIL PROCEDURE. Compliance with this Scheduling Order will not substitute for any supplementation required by such Rules.

1. \_\_\_\_\_ TRIAL IS SET FOR THE WEEK OF THIS DATE.

**Reset or continuance of the Trial Setting will not alter any deadline established in this Order or established by the Texas Rules of Civil Procedure, unless specifically provided by order after motion showing good cause.**

TIME: \_\_\_\_\_.m. Pro se parties and lead trial counsel shall appear in person to discuss all aspects of trial on this date. All motions in limine and other motions to be determined prior to trial must be filed and presented at this pretrial. **(See #9 below).**

3. 30 days before pretrial conference      **DISPOSITIVE MOTIONS.** Any dispositive motion like summary judgment, jurisdiction pretrial plea, special exceptions must be heard by this deadline, or such motion/plea/exception, etc. is waived.

4. \_\_\_\_\_ JOINDER / DESIGNATION OF RESPONSIBLE THIRD PARTIES. All parties must be added and served, whether by amendment or third-party practice, by this date. THE PARTY CAUSING THE JOINDER SHALL PROVIDE A COPY OF THIS SCHEDULING ORDER AT THE TIME OF SERVICE. Additionally, the designation of Responsible Third Party provided in CPRC § 33.004, must be made by this date.

5. Pltf 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.  
Def:

6. \_\_\_\_\_ DISCOVERY DEADLINE. All discovery must be completed by this date. Parties may initiate discovery beyond this deadline by agreement. Incomplete discovery will not delay the trial date.

**1. DISCOVERY LIMITATIONS.**

- a. Each party may serve \_\_\_\_\_ interrogatories on any other party.
- b. Each party is allowed \_\_\_\_\_ hours of oral deposition to examine and cross-examine parties on the opposing side, experts designated by those parties, and persons who are subject to those parties' control.

7. \_\_\_\_\_ EXPERT WITNESS DESIGNATION AND CHALLENGES TO EXPERTS. A list including each expert's name, address, and the topic of the witness' testimony must be filed by:

a. **Plaintiff(s)** \_\_\_\_\_ **All other parties** \_\_\_\_\_

Experts not listed in compliance with this paragraph will not be permitted to testify absent a showing of good cause.

b. 30 days before pretrial conference Challenges to expert's testimony or qualification must be heard no later than thirty (30) days before pretrial or such challenge is waived.

The following procedure shall govern *Daubert* hearings in the 67th District Court.

- A. Affidavits, deposition excerpts and all evidence for the prima facie challenge to an expert witness must be filed pursuant to the Scheduling Order. The challenge to the expert must specify every aspect of the expert or the opinion or the basis for the opinion that is being challenged; failure to specify a ground for a challenge is a waiver of that challenge.
- B. Direct testimony and all other evidence in support of the challenged expert must be reduced to affidavits or deposition excerpts of each and all witnesses to be used and such material filed with the Court's clerk no later than 3:30 p.m. four days before the hearing (i.e., three business days intervening between the filing and service of the sponsoring party's evidence and the hearing). Such sponsoring evidence must be exchanged so as to be received in opposing counsel's offices by 4 p.m. four days before the hearing. Facsimile transmission received by that time, if receipt is confirmed by telephone, shall be the same as hand-delivery for the purpose of Rule 21a. Affiants, including challenged expert witnesses, may be present in the courtroom but may not be presented for direct testimony in addition to their affidavits or deposition excerpts. The objecting party may cross examine affiants or deponents and, or, the Court may have questions for them, only

after which will the sponsoring party be permitted re-direct examination.

8. \_\_\_\_\_ MEDIATION. If the parties intend to mediate, whether by agreement or pursuant to court order, the mediation must be concluded by this date. **Failure to mediate by this date is not good cause for a trial continuance.**
9. \_\_\_\_\_ THE FOLLOWING MUST BE FILED WITH THE COURT BY NOON AND COPIES SERVED ON ALL OPPOSING PARTIES: **(Court will set this date)**

**Exhibit List**

A list separately identifying each exhibit the party expects to offer during the trial.

**Fact Witness List** (separate document from Exhibit List)

A list including the name, address, phone number and topic of testimony of each fact witness who may be called at trial must be exchanged with counsel by this date. Designations for videotaped depositions must be filed by this date and time. All objections to such deposition designations must be filed prior to or at the pretrial conference.

**Motion in Limine** (with separate Order for Court's ruling) and any other pretrial motions not yet filed with the Court.

**Proposed Jury Questions/Instructions** (or Findings of Fact/Conclusions of Law)

(The pleading should be named "[Name of Party]'s Proposed Jury Questions and Instructions.") A copy must be emailed to the Court Coordinator in Word format at [emlangford@tarrantcountytx.gov](mailto:emlangford@tarrantcountytx.gov).

**Vocabulary List** (if one is filed) - **Required** in medical malpractice cases.

10. **REGARDING EXHIBITS (To be brought to Court on day of trial):**

All exhibits\* shall be **PRE-MARKED**, three-hole punched on the left side\*\* and in a three-ring binder notebook with numbered index tabs and the notebook labeled as to which party's exhibits. If you are not able to provide a notebook, please have the exhibits three-hole punched and we will provide a notebook when you arrive. The original exhibits are to be given to the Court Reporter on the morning prior to the commencement of trial.

\*See Tarrant County Local Rule #3.0.

\*\*If three-hole punching the original exhibit will destroy a part of the exhibit, such exhibit may be placed in a plastic envelope in the exhibit notebook. The Court can provide such plastic envelope if needed.

If the case is not reached, a new trial date will be set by the Court and the pre-trial deadlines may be extended accordingly by the Court. The attorneys signing below are responsible for providing a copy of this Order to all parties joined and/or attorneys making an appearance after the date this Order is signed.

**SIGNED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
DONALD J. COSBY, JUDGE PRESIDING

**APPROVED:**

(Signatures of Attorneys - Fax signatures are acceptable)

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Attorney for Plaintiff

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Attorney for Defendant

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