

CAUSE NO. _____

Applicant,

v.

Respondent.

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IN THE PROBATE COURT

NO. 3

DALLAS COUNTY, TEXAS

AGREED SCHEDULING ORDER

In accordance with Texas Rule of Civil Procedure 190.4, Applicant --
----- (“Applicant”) and Respondent ----- (“Respondent”),
submit the following Agreed Scheduling Order for entry by the Court.

1. **Trial.** This matter is set for (Bench or Jury) Trial on _____, 20__ -
_____, 20__ (___ days) (the “Trial Setting”). Any resetting or continuance
of the Trial Setting will not alter any deadlines established by this Order or the Texas
Rules of Civil Procedure, unless otherwise provided by an order of this Court.

2. **End of Discovery Period.** All discovery must be concluded by
_____, _____. Any motion to compel responses to discovery (other than
relaying to factual matters arising after the end of discovery) must be filed no later
than seven days after the close of discovery or such complaint is waived, except for
the sanction of exclusion. (*Before Mediation*)

3. **Limits on Discovery.**

a. Unless otherwise ordered, Rule 190.4 (Level 3) of the Texas Rules of Civil
Procedure will control the discovery in this case. Except by the parties’ agreement, leave
of court, or where expressly authorized by the Texas Rules of Civil Procedure, no party
may obtain discovery of information subject to disclosure under Rule 194 by any other
form of discovery.

b. **Interrogatories.** The total number of interrogatories that any party may serve on any other party is twenty-five (25), excluding interrogatories asking a party only to identify or authenticate specific documents. Each discrete subpart of an interrogatory is considered a separate interrogatory for purposes of this limit.

c. **Depositions.** Each side may have no more than fifty (50) hours of depositions, which may include up to twelve (12) hours of expert depositions.

4. **Deadline to Add Parties.** No additional parties may be joined after _____, _____, except on motion for leave showing good cause.

5. **Deadline for Amending or Supplementing Pleadings.** The deadline to amend pleadings is _____, _____. Amended pleadings responsive to timely-filed pleadings may be filed after the deadline for amending if filed within fourteen (14) days after the filing of the pleading to which they respond.

6. **Deadline to Designate Testifying Expert Witnesses.** An expert not designated before the following deadlines will not be permitted to testify unless good cause is shown for the late designation:

a. **Initial experts.** Any party seeking affirmative relief must designate any testifying expert on an issue pertinent to the party's affirmative claims on or before _____, _____. The designation shall include both the information contained in Texas Rule of Civil Procedure 194.2(f) and a written report prepared by the expert setting forth the substance of the expert's opinions.

b. **Opposing experts.** Any party opposing affirmative relief must designate any testifying expert on an issue pertinent to the opposing party's affirmative claims on or before _____, _____. The designation shall include both the information contained in Texas Rule of Civil Procedure 194.2(f) and a written report prepared by the expert setting forth the substance of the expert's opinions.

c. **Objections to experts.** Any objection, or motion, to exclude or limit expert testimony due to qualifications of the expert or reliability of the opinions must be filed no later than _____, _____.

7. **Pretrial Conference.** The pretrial conference will take place on _____, _____ at _____ o'clock ___m. (Please state how much time will be needed (i.e. 30 minutes, 1 hour, 1 hour 30 minutes, etc.)) No later than _____, _____, the parties must exchange with each other the items below:

a. Proposed jury instructions and questions.

- b. Motions in limine.
- c. Exhibit lists.
- d. Labeled and numbered exhibits. Before the pretrial conference, the parties must exchange all exhibits they intend to introduce at trial and to make good faith efforts to reach an agreement on the admissibility of each exhibit. The parties should be prepared to discuss at the pretrial conference objections to exhibits that the parties do not agree are admissible.
- e. Witness lists stating each witness's name, address, and phone number. The parties should be prepared to discuss at the pretrial conference any scheduling problems relating to witnesses and any objections to improperly designated experts or fact witnesses.

Mediation. Mediation is required. If parties fail to agree to a mediator, and advise the Court in writing thereof by _____ the Court shall appoint one. Mediation(s) must be completed and the results reported to the Court by _____. *(Before Pre-Trial Conference)*

All other deadlines and discovery matters will be governed by the Texas Rules of Civil Procedure or further order of this Court.

Signed on this the _____ day of _____, _____.

MARGARET JONES-JOHNSON
JUDGE PRESIDING

AGREED & ENTRY REQUESTED:

Name:

State Bar No.

[E-mail:](#)

Address:

Address 2:

City, State, ZIP Code

Telephone: (XXX) XXX-XXXX

Telecopier: (XXX) XXX-XXXX

Attorney for Applicant XXXX XXXX

- and -

Name:

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Attorney for Respondent XXXX XXXX