**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**ESTATE/GUARDIANSHIP OF § IN THE PROBATE COURT**

**§**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**  **§ OF**

**§**

**DECEASED/AN ALLEGED § DALLAS COUNTY, TEXAS**

**INCAPACITATED PERSON §**

**AGREED SCHEDULING ORDER**

This order shall govern the schedule and deadlines in this case unless modified by the Court. If no date is inserted below or otherwise ordered by the Court, the item shall be governed by the Texas Rules of Civil Procedure. **Failure to comply with these deadlines shall not support a motion to continue the matter. Reset or continuance of the trial setting will not alter any deadlines established herein unless otherwise ordered by the court.**

1. \_\_\_\_\_\_\_\_\_\_\_\_ **TRIAL *in person***. **BENCH \_\_\_ JURY \_\_\_ # OF DAYS \_\_\_\_**

@\_\_\_\_\_\_ \_\_.m. Three hard copies of all parties’ marked exhibits and/or trial notebooks shall

be provided to the Court **no less than 3 business days** before trial.

2. \_\_\_\_\_\_\_\_\_\_\_\_ **PRETRIAL CONFERENCE *in person*** (no less than 7 days before trial)

@\_\_\_\_\_\_ \_\_.m. Parties must be prepared to discuss all aspects of the trial with the Court on this date. Failure to appear will be grounds for dismissal for want of prosecution. Any motions in limine and objections to disclosed witnesses, exhibits, and any proposed jury charges will be heard at this time.

3. \_\_\_\_\_\_\_\_\_\_\_\_ **MOTIONS IN LIMINE**. Must be filed no less than 10 days before Pretrial

Conference.

4. \_\_\_\_\_\_\_\_\_\_\_\_ **DOCUMENT EXCHANGE AND FILING BEFORE PRETRIAL**.

Parties shall file and exchange all exhibit lists, demonstrative aids, witness lists, deposition excerpts, and proposed jury charges, if any, by this date. The parties shall confer regarding exhibits and stipulate to the admissibility of any unopposed exhibits. For jury trials, parties shall confer and endeavor to reach agreement on the jury charge prior to the pretrial conference. The Texas Pattern Jury Charges should be used to draft the jury charge.

5. **DISPOSITIVE MOTIONS AND PLEAS**. By oral hearing or submission.

(a) \_\_\_\_\_\_\_\_\_\_\_ If subject to an interlocutory appeal, dispositive motions or pleas must be heard by this date.

(b) \_\_\_\_\_\_\_\_\_\_\_ Summary judgment motions not subject to an interlocutory appeal must be heard by this date.

(c) \_\_\_\_\_\_\_\_\_\_\_ Rule 166a(i) motions may not be heard before this date.

6. \_\_\_\_\_\_\_\_\_\_\_\_ **MEDIATION REQUIRED**. Parties shall complete mediation 30 days before trial.

7. \_\_\_\_\_\_\_\_\_\_\_\_ **JOINDER**. All parties must be added and served by this date whether by

amendment or third-party practice. **The party causing joinder must provide a copy of this Order at the time of service.**

8. \_\_\_\_\_\_\_\_\_\_\_\_ **PLEADINGS**. All amendments and supplements must be filed by this date.

Pleadings directly responsive to any timely filed pleadings should be filed promptly without delay.

9. **DISCOVERY LIMITATIONS**. Pursuant to Rule 190.2, 190.3 or as agreed.

(a) \_\_\_\_\_\_\_\_\_\_\_\_ Total hours per side for oral depositions.

(b) \_\_\_\_\_\_\_\_\_\_\_\_ Number of interrogatories that may be served by each party on any other party.

10. \_\_\_\_\_\_\_\_\_\_\_\_ **DISCOVERY PERIOD ENDS**. Parties seeking discovery must serve requests in sufficient time to allow for responses within the discovery period. Parties may agree in writing to extend such deadlines, including but not limited to the Rule 194.2 deadline for initial disclosures. Discovery supplementation must be completed by no later than 30 days prior to trial. Incomplete discovery will not delay trial.

11. **EXPERT WITNESS DESIGNATION**. Designationsare required to be served and filed and information must comply with Rule 194.2. Failure to timely respond will be governed by Rule 193.6.

(a) \_\_\_\_\_\_\_\_\_\_\_\_ Designation for parties seeking affirmative relief

(b) \_\_\_\_\_\_\_\_\_\_\_\_ Designation of all other experts

12. \_\_\_\_\_\_\_\_\_\_\_\_ **CHALLENGES TO EXPERT TESTIMONY**. Motions to exclude and

evidentiary challenges to expert testimony must be filed by this date.

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**JUDGE PRESIDING**

**AGREED:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Counsel for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Counsel for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Counsel for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Counsel for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NOTE: PARTIES WHO DO NOT SIGN THIS ORDER SHALL BE PRESUMED TO HAVE AGREED TO ALL DEADLINES AND SETTINGS CONTAINED HEREIN IF NO OBJECTION IS FILED WITHIN SEVEN DAYS FOLLOWING THE FILING AND SERVICE OF THIS ORDER**.