

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

\_\_\_\_\_  
vs.  
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IN THE DISTRICT COURT  
385<sup>TH</sup> JUDICIAL DISTRICT  
MIDLAND COUNTY, TEXAS

**SCHEDULING ORDER (LEVEL 3)**

In accordance with Rules 166, 190 and 192 of the Texas Rules of Civil Procedure, the Court makes the following order to control the schedule of this cause.

1. This case will be ready and is set for jury trial on \_\_\_\_\_ **at 8:30 a.m.** (the "Initial Trial Setting"). Reset or continuance of the Initial Trial Setting will not alter any deadlines established in this Order or established by the Texas Rules of Civil Procedure unless otherwise provided by order. If not reached as set, the case may be carried for that week. **FAILURE TO COMPLY WITH THE DEADLINES CONTAINED HEREIN SHALL NOT SUPPORT A MOTION TO CONTINUE THIS MATTER.**

2. Pretrial matters will be complete by the following dates:

- amended pleadings asserting new claims or defenses.....120 days before the Initial Trial Setting
- fact discovery closes.....105 days before the Initial Trial Setting
- party seeking affirmative relief to designate experts & provide reports.....105 days before the Initial Trial Setting
- party opposing affirmative relief to designate experts & provide reports.....90 days before the Initial Trial Setting
- designation of rebuttal experts and provide reports.....75 days before the Initial Trial Setting
- all expert discovery closes.....45 days before the Initial Trial Setting
- other amended pleadings.....45 days before the Initial Trial Setting
- deadline for mediation.....45 days before the Initial Trial Setting

The parties may by written agreement alter these deadlines. Amended pleadings responsive to timely filed pleadings under this schedule may be filed after the deadline for amended pleadings if filed within two (2) weeks after the pleading to which they respond. Except by agreement of the party, 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.

3. Except with leave of court TRCP 166a(c) motions must be heard no later than thirty (30) days before trial.

4. Any objection or motion to exclude or limit expert testimony due to qualification of the expert or reliability of the opinions must be filed no later than seven (7) days after the close of expert discovery, or such objection is waived. Any motion to compel responses to discovery (other than relating to factual matters arising after the end of fact discovery) must be filed no later than seven (7) days after the close of fact discovery or such complaint is waived, except for the sanction of exclusion under Rule 193.6

5. Each side may have 75 hours of depositions, and each party may have 50 interrogatories, subject to the conditions of Rule 190.3(b)(2) and (3).

6. No additional parties may be joined more than eight (8) months after the commencement of this case except on motion for leave showing good cause. This paragraph does not otherwise alter the requirements of Rule 38. The party joining an additional party shall serve a copy of this Order on the new party concurrently with the pleading joining that party.

7. Fourteen (14) days before the Initial Trial Setting, the parties shall exchange designations of deposition testimony to be offered in direct examination and a list of exhibits, including any demonstrative aids and affidavits, and shall exchange copies of any exhibits not previously produced in discovery; over-designation is strongly discouraged and may be sanctioned. Except for records to be offered by way of business record affidavits, each exhibit must be identified separately and not by category or group designation. Ten (10) days before the Initial Trial Setting, the parties shall exchange in writing their objections to the opposing party's proposed exhibits, including objections under Rule 193.7, and deposition testimony. On or before ten (10) days before the Initial Trial Setting, the attorneys in charge for all parties shall confer on stipulations regarding the materials to be submitted to the Court under this paragraph and attempt to maximize agreement on such matters. By 4 p.m. on the Thursday before the Initial Trial Setting, the parties shall file with the Court the materials stated in Rule 166(d)-(m), an estimate of the length of trial, designation of deposition testimony to be offered in direct examination, and any motions in limine. Failure to file such material may result in dismissal for want of prosecution or other appropriate sanction.

8. A Pre-Trial conference is set for \_\_\_\_\_ at \_\_\_\_\_ in the 385<sup>th</sup> Judicial District Court of Midland County, Texas. *(To be set by the Court)*

SIGNED: \_\_\_\_\_

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JUDGE PRESIDING