

CAUSE NO.

IN THE DISTRICT COURT

425TH JUDICIAL DISTRICT

WILLIAMSON COUNTY, TEXAS

FAMILY CASE DOCKET CONTROL ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the following deadlines shall be in place for this case.

_____ For any matter on which a party is seeking affirmative relief, that party shall designate their experts and provide the matters set forth in Texas Rule of Civil Procedure 194.2(f) for each expert by this date.

For any matter on which a party is not seeking affirmative relief, that party shall designate their experts and provide the matters set forth in Texas Rule of Civil Procedure 194.2(f) for each expert by this date.

Each party shall designate all rebuttal experts and provide the matters set forth in Texas Rule of Civil Procedure 194.2(f) for each expert.

_____ Last day to serve written discovery. All documents produced must have a unique Bates Number affixed.

All challenges to experts must be filed by this date.

Discovery Deadline. Deadline for completion of all discovery, including depositions, motions to compel and motions regarding privilege disputes.

MOTIONS TO COMPEL: It is ORDERED that prior to filing a Motion to Compel, LEAD COUNSEL (and any unrepresented person), accompanied by anyone else whose presence is needed to fully explore resolution, shall meet IN PERSON to discuss all outstanding requests for discovery at issue.

If the meeting between lead counsel does not resolve the dispute, the attorneys shall prepare and file a JOINT REPORT ON DISCOVERY DISPUTES in the form found at [https://www.wilco.org/Elected-Officials/District-Courts/425th-District-Court/Attorneys-Discovery Dispute Joint Report](https://www.wilco.org/Elected-Officials/District-Courts/425th-District-Court/Attorneys-Discovery-Dispute-Joint-Report). The joint report shall be filed with the motion to compel. Unjustified delay in arranging the meeting, or refusal to attend or participate meaningfully will be grounds for sanctions and/or for entry of an order in favor of the other side. Except in extreme circumstances, excuses such as press of business, inconvenience, or cost will not suffice. In the event the parties are unable to agree on a site for the in-person meeting of lead counsel, the court requires the party who first filed the motion to compel to designate the meeting location.

Upon receipt of the Motion to Compel with the Discovery Dispute Joint Report attached, the court will determine whether further proceedings, if any, are appropriate. If the issues are clearly presented and ripe for decision, the court may issue a ruling. Any party seeking an award of attorney fees or other expenses because of a discovery dispute shall file a ***noticed*** motion pursuant to the rules. The court recommends the filing of such a motion would occur after the court has ruled on the dispute.

All motions to compel shall include a Discovery Dispute Report. If the party filing the Motion to Compel is unable to obtain cooperation from opposing party for the completion of a Discovery Dispute Joint Report, the moving party shall file their own Discovery Dispute Report attached to the motion.

Any motions to compel *not* containing the Discovery Dispute Report will not be set for oral hearing.

ALL MOTIONS TO STRIKE OBJECTIONS AS TO PRIVILEGE AND RESPONSES to such motions shall include legal briefs on the issues and a privilege log.

IT IS ORDERED that information that contains privileged matter or attorney work product shall be immediately returned to the producing party (i) if such information appears on its face that it may have been inadvertently produced or ii) if the producing party provides notice within 15 days of discovery by the producing party of the inadvertent production.

Deadline for all Dispositive Motions **to be heard.**

All MOTIONS FOR SUMMARY JUDGMENT must have attached the Elements of Proof Rubric found at the court's website at <https://www.wilco.org/Elected-Officials/District-Courts/425th-District-Court/Attorneys> - *Summary Judgment Rubric*. Motions for Summary Judgment without the required Elements of Proof Rubric will not be set for oral hearing.

File and serve notice of intent to use, in whole or in part, electronic presentation of evidence, including, but not limited to, electronic courtroom technology.

Counsel will exchange their respective lists of fact and expert witnesses, including rebuttal witnesses that reasonably should be anticipated, that they intend to call at trial. Persons not so identified will not be allowed to testify unless good cause is shown.

Counsel shall exchange a list of exhibits that each reasonably anticipates will be offered in evidence. Exhibits not listed will not be admitted unless good cause is shown. Counsel should stipulate insofar as possible to the authenticity and admissibility of exhibits to be used at trial.

Counsel shall exchange page and line references for all deposition testimony to be offered in their respective case in chief.

Counsel shall exchange their motions in limine.

Counsel shall exchange cross-designations of page and line references of all deposition testimony to be used at trial. Counsel shall also provide a written statement of page and line references to designations that are the subject of any evidentiary objections, including the basis for the objections. Failure to object will be deemed a waiver of any objections.

Counsel shall provide a written statement of page and line references to designations that are the subject of any evidentiary objections, including the basis for the objections. Failure to object will be deemed a waiver of the objection.

Counsel shall confer in good faith to resolve all objections to deposition designations and exhibits, as well as to resolve disputed motions in limine filed by an opposing party. Any objections not resolved by conference will be heard at the pretrial conference held on the day of trial.

If a jury trial is scheduled, each party shall serve on all other parties a proposed jury charge, including questions, definitions and instructions, which shall include citation to the Texas Pattern Jury Charge or other authority that supports the submission. If case law supports the submission, include a copy of the case with material language highlighted for the Court at the pretrial conference. The charge shall also be submitted in electronic form in WORD format to the court administrator.

Judicial Trial Notebook due to the Court. [See, <https://www.wilco.org/Elected-Officials/District-Courts/425th-District-Court/Attorneys> - *Pretrial Procedures*

PRETRIAL HEARING: Each party to the suit shall have the lead attorney appear at the PRETRIAL HEARING. Counsel shall be prepared to discuss all aspects of the case. FAILURE TO APPEAR WILL BE GROUNDS FOR DISMISSAL FOR WANT OF PROSECUTION. All aspects of the Court's PRETRIAL PROCEDURES MUST BE COMPLETED. [See, <https://www.wilco.org/Elected-Officials/District-Courts/425th-District-Court/Attorneys> - *Pretrial Procedures*

CONTINUANCES GRANTED SHALL NOT SERVE TO ALTER ANY OF THE ABOVE DEADLINES EXCEPT BY ORDER OF THE COURT UPON A SHOWING OF GOOD CAUSE.

TRIAL DATE

NOTICE: DISMISSAL DATE: In addition to being set for a pretrial hearing, or a trial date and in accordance with Rule 165A Texas Rules of Civil Procedure and the court's inherent power to dismiss for failure to diligently prosecute the suit, all pending actions in the case as described will be on the dismissal docket AT THE SAME DATE AND TIME AS THE PRETRIAL HEARING and the SAME DATE AND TIME AS THE TRIAL. *The Court shall dismiss this case, including all pending actions, for want of prosecution at the date set for the PRETRIAL AND TRIAL if there are no appearances.*

Signed _____

HON. BETSY F. LAMBETH