

CAUSE NO. _____

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THE DISTRICT COURT

38th JUDICIAL DISTRICT

_____ COUNTY, TEXAS

SCHEDULING ORDER
For Level 1 & 2 Cases

Based on the information available to the court, the following order shall apply to this case unless modified by the court. 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 timely response to any discovery requests or interrogatory supplementation.

1. _____ NEW PARTIES shall be joined and served by this date. The party causing the joinder shall provide a copy of this scheduling order at the time of service.

2. EXPERT WITNESSES: Except when in conflict with applicable deadlines established by Tex. Civ. Prac. & Rem. §74 or other statute, any objection to the qualifications of an expert witness or to the reliability of an expert’s opinion must be made not later than the 30th day after: (1) the date the objecting party receives a copy of the expert’s report, or (2) the date of the expert’s deposition, or such objection shall be deemed waived. If any such deadlines have already passed prior to the date of this order, any such objections must be made not later than 30 days after the date of this order. **Any objections to the qualifications of an expert witness or to the reliability of an expert’s opinion must be heard by the Court no later than 30 days prior to the trial date or such objection shall be deemed waived. It is the responsibility of the party making such objection to obtain a timely hearing on the objection.**

3. DISCOVERY: Discovery will be governed by the Texas Rules of Civil Procedure applicable to Level 1 cases [see T.R.C.P. 190.2] or Level 2 cases [see T.R.C.P. 190.3(b)(2)&(3)], unless further modified by the court or by agreement of the parties.

4. _____ MEDIATION, or a hearing on objection to mediation, must occur 30 days before trial. Unless an objection to mediation is sustained by the court, counsel are jointly responsible for participating in mediation of this case with any mediator agreed to by the parties serving as mediator. **A party’s failure to participate in mediation will result in sanctions.**

5. _____ @ 9:00 a.m. Status Hearing.

6. _____ @ 9:00 a.m. PRETRIAL HEARING. Parties shall be prepared to discuss all aspects fo trial with the cour on this date. Failure to appear will be grounds for dismissal for want of prosecution.

7. TRIAL is set for the week of _____, 20__, at 9:00 a.m. **Parties are to appear at 8:30 a.m. ready to present motions in limine and any other necessary pretrial matters. Please have a proposed charge available for review and all exhibits ready to be marked. If a divorce case being tried to the bench, each attorney is required to submit a proposed property division to the court. This is not a preferential setting. If not reached, trial will be reset by the court.**

Signed : _____

Judge Kelley T. Kimble