

CAUSE NUMBER 14-2715-C

CHM II LLC  
Plaintiff (s)

VS.

JOHN DOES (1-3); BROOKDALE  
SENIOR LIVING, INC.; LTC-K2  
LIMITED PARTNERSHIP;  
UNIVERSITY OF TEXAS AT TYLER;  
UNIVERSITY OF TEXAS AT TYLER;  
RODNEY MABRY; UNIVERSITY OF  
TEXAS AT TYLER

Defendant (s)

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IN THE 241<sup>ST</sup> JUDICIAL DISTRICT  
COURT OF SMITH COUNTY, TEXAS

TRIAL SETTING AND PRE-TRIAL ORDER  
ORDERING CASE TO MEDIATION  
AND SCHEDULING ORDER

The Court hereby ORDERS that this form must be completed and filed by the Plaintiff after conferring with all counsel and pro se parties. The completed scheduling order must be filed with the Court by **February 8, 2016**, or the case will be DISMISSED FOR WANT OF PROSECUTION. In setting dates, the Court will not consider the concerns of any party who fails to assist in completing this scheduling order. If you have any questions, contact the Court Coordinator, Denise Langston, (903)590-1634, dlangston@smith-county.com. The Court ORDERS this case be set for docket call and trial on the following date:

JURY TRIAL:

WEEK BEGINNING  
AT 8:30 A.M. AND THEREAFTER INSTANTER  
CIVIL DOCKETS ARE SET THE FIRST MONDAY  
OF THE MONTH - see enclosed availability dates)

BENCH TRIAL

\_\_\_\_\_, (See attached available dates  
for NON-JURY TRIALS)

Rule 165a Dismissal for Want of Prosecution Notice

\*\*\*Pursuant to Rule 165a of the Rule of Civil Procedure, a case may be dismissed for want of prosecution on failure of any party seeking affirmative relief to appear for any hearing or trial of which the party had notice. You are hereby notified of the court's intention to dismiss any case on the date and at the time of any hearing or trial where a party seeking affirmative relief fails to appear for trial or hearing. The Court does not allow telephone conference call appearances for pre-trial hearings as set out below.\*\*\*

Mediation Notice

The Court ORDERS that a mediator be appointed and mediation completed on or before the following date:

**MEDIATION:** \_\_\_\_\_ (Trial - 14 days)  
**AT 5:00 P.M.**

The parties may agree on a mediator and are ORDERED to report in writing to the court any such agreement on or before \_\_\_\_\_ (Today + 30 days). Failing notification of such agreement the Court shall appoint a mediator.

All parties and counsel must appear in person for any trial.

### **Scheduling of Case**

Based on the information available to the court, the following scheduling 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. The Court ORDERS that the following deadlines be met and actions taken by the parties, as follows:

1. \_\_\_\_\_ (Trial - 90 days) **JOINDER.** All parties must be added and served, whether by amendment or third party practice, by this date: **THE PARTY CAUSING THE JOINDER SHALL PROVIDE A COPY OF THIS SCHEDULING ORDER AT THE TIME OF SERVICE.**
  
2. **AS SET** **EXPERT WITNESS DESIGNATION.** A list including each expert's name, address, and the topics of the witness' testimony must be filed by:  
**Plaintiff(s):** \_\_\_\_\_ (Trial - 90 days)  
**All other parties:** \_\_\_\_\_ (Trial - 70 days)  
Experts not listed in compliance with this paragraph will not be permitted to testify absent a showing of good cause. This designation is not a substitute for any required interrogatory supplementation.
  
3. \_\_\_\_\_ **STATUS CONFERENCE:** Parties shall be prepared to discuss all aspects of the case with the Court on this date at 10:00 A.M.  
**(NOT REQUIRED BY COURT)**
  
4. \_\_\_\_\_ (Today + 30 days) **ALTERNATIVE DISPUTE RESOLUTION.** By this date the parties must in writing filed with the court designate an agreed mediator. If no designation is filed the Court will designate a mediator. ADR must be completed by the following date:
  
5. \_\_\_\_\_ (Trial - 30 days) **DISCOVERY DEADLINE.** All discovery requests and deposition notices must be filed by this date. Counsel may initiate

discovery beyond this deadline by agreement, however incomplete discovery will NOT DELAY the trial date.

6. **(Trial - 60 days)** **FACT WITNESSES LISTS.** A list including the name, address, phone number, and topic of testimony of each fact witness who may be called at trial must be filed by this date. Fact witnesses not listed in compliance with this paragraph will not be permitted to testify absent a showing of good cause. This list is not a substitute for any required interrogatory supplementation.
7. **(Trail - 7 days)** **PLEADINGS.** All amendments must be filed by this date. This order does not preclude prompt filing of pleadings directly responsive to any timely filed pleadings.
8. \_\_\_\_\_ **ESTIMATED DAYS OF TRIAL, INCLUDING JURY SELECTION**
9. \_\_\_\_\_ **TRIAL SETTING DATE/DOCKET CALL/JOINT PRE-TRIAL ORDER.** Parties shall be prepared to discuss all aspects of trial with the Court on this date and SHALL FILE their **JOINT PRE-TRIAL ORDER** on this date at 8:30 A.M and thereafter instanter.  
**(Trial Date)**

The parties may by written agreement alter these deadlines.

_____ Plaintiff's Counsel Signature (attach signature page) (include email address)	_____ Date	_____ Defense Counsel Signature (attach signature page) (include email address)	_____ Date
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_____ Plaintiff's Counsel Printed Name	_____ Defense Counsel Printed Name
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(All other counsel may add signature page)

SIGNED AND ENTERED THIS THE \_\_\_\_\_ day of February, 2016.

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**JACK SKEEN, JR.,** Judge  
241st District Court