

No. _____

ESTATE OF

§

COUNTY COURT AT LAW

_____ ,

§

NO. 3

DECEASED

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SMITH COUNTY, TEXAS

PRETRIAL DOCKET CONTROL SCHEDULING ORDER

1.	_____	NEW PARTIES shall be joined and served by this date. The party causing such joinder will provide copies of this Order to the new parties.
2.	_____	EXPERTS for all parties shall be designated by this date. No additional experts will be permitted to testify except for good cause shown.
3.	_____	DISCOVERY shall be completed by this date. Counsel may by agreement continue discovery beyond this deadline not to exceed an additional thirty (30) days; such continued discovery, however, will not delay the trial date. Discovery motions must be filed and a ruling obtained, if necessary, with sufficient time prior to this deadline to allow a response to the discovery sought if the Motion were granted.
4.	_____	ALTERNATE DISPUTE RESOLUTION Upon the Court's own motion the case is referred to mediation or arbitration to be held on or before this date.
5.	_____	MOTIONS FOR SUMMARY JUDGMENT Any Motion or Amended Motion for Summary Judgment must be filed by this date.
6.	_____	AMENDMENTS AND ALL MOTIONS OTHER THAN SUMMARY JUDGMENTS Amendments to pleadings and motions other than summary judgments shall be filed by this date including Motions in Limine. Responses to amended pleadings and other motions shall be filed within ten (10) days following the amended pleadings. Any motions filed by the parties under <i>Daubert/Havner/Robinson</i> or TEXAS RULE OF EVIDENCE 705 with respect to the expert or experts designated by the opposing party shall be filed by this date including appropriate affidavits or excerpts from sworn testimony that the party contends support its assertion that the expert designee does not meet the requirements of the law and the <i>Daubert/Havner/Robinson</i> line of cases. No amendments or supplements will be allowed. Future objections or motions raising these issues will not be entertained, sustained, or granted. Any timely designated

		<p>expert against whom an objection or motion is not filed by this date will be deemed to have no objection to his or her status as an expert in the designated area. This is also your notice that, in the event such a motion is made challenging the expert status of a designated witness, no live evidence will be received at the hearing thereon.</p> <p>Therefore, any testimony to be used in such hearing must be obtained and submitted by this date. With notice of this requirement, the parties should ask questions and obtain answers at depositions that it contends will support or disprove a witness' expertise. If an attorney or party instructs a potential expert not to answer a question that the court finds at the <i>Daubert</i> hearing thereon to have been a permissible question, the party or attorney may not be allowed to use such witness as a sanction for such abuse. Further, if any party becomes so abusive in taking an opposing witness' deposition that the deposition becomes unnecessarily repetitive, oppressive, or beyond the bounds of reasonable discovery, the offending abusive party will be sanctioned to potentially include striking of an expert or experts of the abusing party.</p>
7.	_____	<p>This is the deadline for all parties to submit responses including appropriate excerpts from sworn testimony or affidavits from an expert, designated as such in this case, that the party contends support its assertion that its expert designee meets the requirements of the law and <i>Daubert/Havner/Robinson</i>. No amendments or supplements will be allowed</p>
8.	_____	<p>JOINT PRETRIAL ORDER shall be filed by this date. The approved form will be provided by the Court on its website.</p>
9.	_____	<p>If any Rule 705 or <i>Daubert/Havner/Robinson</i> issues require a Pretrial Hearing, Counsel are instructed to contact the Court Coordinator, Tina Knighton at (903) 590-4611 or tknighton@smith-county.com at least 15 days before Trial to enable the setting of a Pretrial Hearing.</p>
10.	_____	<p>JURY TRIAL IS SET FOR THIS DATE If the case is not tried by the Friday after this date, the trial date will be reset. DOCKET CALL Will Be Held at 8:30 o'clock a.m. in the County Court at Law #3 Courtroom, Third Floor of the Smith County Courthouse. Jury Trial must be timely requested in writing (in accordance with Rule 216, Texas Rules of Courts) and a Jury Fee paid, otherwise the setting will be for a bench trial. Trial counsel are ORDERED to have prepared and submitted to the court a proposed Court's Charge at the time of trial which does not have to be exchanged with opposing counsel at that time.</p>

SIGNED AND ENTERED on _____.

Judge Presiding