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| **CAUSE NO.** | | |
| **Plaintiff** | **§** | **IN THE DISTRICT COURT OF** |
|  |  |  |
| **vs.** | **§** | **MONTGOMERY COUNTY, TEXAS** |
|  |  |  |
| **Defendant** | **§** | **284TH JUDICIAL DISTRICT** |

**DOCKET CONTROL ORDER**

**IT IS ORDERED that this Docket Control Order shall control the disposition of this matter; the Texas Rules of Civil Procedure shall control in computing any period of time not addressed within this Order; and any date that falls on a weekend or legal holiday (as determined by the Montgomery County Commissioners Court) shall be moved to the first business day thereafter.**

IT IS ORDEREDTHAT THE PLAINTIFF MUST IMMEDIATELY SEND A COPY OF THIS DOCKET CONTROL ORDER, BY A METHOD PRESCRIBED BY RULE 21a, TO EACH AND EVERY PARTY ANSWERING OR OTHERWISE APPEARING IN THIS CASE AFTER THE DATE THIS ORDER IS SIGNED.

1. **PLEADING DEADLINE: 90 DAYS BEFORE TRIAL**

All amendments and supplements to pleadings must be filed by this date.

2. **DISCOVERY RESPONSES:** **60 DAYS BEFORE TRIAL**

By no later than this date, all written discovery responses must be due, all responses and supplements must be completed, and all depositions must be completed, read, and signed.

3**. DISPOSITIVE MOTIONS: 45 DAYS BEFORE TRIAL**

All dispositive motions shall be set for a submission docket which is no later than this date.

4. **MOTIONS FOR CONTINUANCE: 14 DAYS BEFORE TRIAL**

All motions for continuance of the Trial Date **must** be filed at least 14 days before the trial date, except in exigent circumstances, and will be considered by the Court without necessity of submission if they are agreed.

5. **JOINT NOTICE FILING: 14 DAYS BEFORE TRIAL**

All parties will file a SINGLE Joint Notice with the Court, answering:

(1) Are you ready for trial?

(2) What is the estimated length of time for trial?

(3) Do you need a Pre-Trial conference and, if so, why?

– The Court will take up pre-trial motions in the hour prior to trial. You should request a Pre-Trial conference only if you need more time than that.

(4) Are there any pending motions? If so, what are they and when were they filed?

(5) Are there any special needs or accommodations for the presentation of the case, including any issues related to the availability of counsel and witnesses?

If there is a disagreement among the parties as to any of these five items, the Joint Notice will state the positions of each of the parties.

**ANY PARTY WHO FAILS TO PARTICIPATE IN THE DRAFTING PROCESS WILL BE SUBJECT TO SANCTIONS, INCLUDING DISMISSAL FOR WANT OF PROSECUTION AND A FINDING OF ABANDONMENT OF CLAIMS OR DEFENSES PURSUANT TO TEXAS RULES OF CIVIL PROCEDURE 165 AND 165a.**

– If any party does not participate with the Joint Notice, the party or parties filing the Joint Notice shall identify who did not participate.

**IF A JOINT NOTICE IS NOT TIMELY FILED, THE COURT WILL PRESUME THAT THE PARTIES HAVE NO FURTHER INTEREST IN PURSUING OR DEFENDING THIS MATTER AND THE COURT WILL DISPOSE OF THIS SUIT BY DISMISSAL FOR WANT OF PROSECUTION AND A FINDING OF ABANDONMENT OF CLAIMS OR DEFENSES PURSUANT TO TEXAS RULES OF CIVIL PROCEDURE 165 AND 165a.**

6. **PRE-TRIAL MATERIALS: 14 DAYS BEFORE TRIAL**

By no later than this date, all parties shall exchange with each other and file the following:

a. **EXHIBIT LIST**. All exhibits to be offered at trial shall be pre-marked and identified by exhibit number on the list, with exhibits served on other parties, but not filed. Any party requiring authentication of an exhibit must file and serve notice of same within 7 days after the exhibit is provided; FAILURE TO DO SO IS AN ADMISSION TO AN EXHIBIT’S AUTHENTICITY. All exhibits which the parties agree to admit shall be admitted into evidence as a first order of business on the trial date.

b. **WITNESS LIST.** All witnesses who are anticipated to be called to testify at trial, including all experts shall be on the Witness List.

c. **DEPOSITION EXCERPTS.** All deposition excerpts that may be offered at trial *in lieu* of live testimony shall be identified by specific designated pages and line numbers.

d. **MOTIONS *IN LIMINE*.** Motions *In Limine* should be specific to the case. Please do not duplicate the items which already appear in the Court’s Standing Order *In Limine*.

e. **JURY CHARGE.** If the trial is to a jury, a proposed jury charge shall be both filed and provided via email to the Court Coordinator.

f. **FINDING OF FACT/CONCLUSIONS OF LAW.** If the trial is to the bench, proposed findings of Fact and Conclusions of Law shall be both filed and provided via email to the Court Coordinator.

7. **PRE-TRIAL CONFERENCE** **THURSDAY BEFORE TRIAL**

The Court will set pre-trial conferences based on the Court’s own motion or on request of the parties. The Court

will notice all Pre-Trial conferences. Only those parties notified by the Court shall appear.

8. **TRIAL** **{ENTER DATE}**

This case is set for TRIAL on a two-week rolling docket beginning at 9:00 a.m. on the above date. If the case is not assigned by the second Friday following this date, then the case will be reset. **You are instructed to monitor the Court’s website to determine at what date and time you should appear:**

<https://www.mctx.org/departments/departments_d_-_f/district_courts/284th_district_court/trial_line-up.php>

**UNLESS OTHERWISE ORDERED BY THE COURT, THE FOREGOING DATES AS CALCULATED FROM THE TRIAL DATE STATED HEREIN REMAIN THE APPLICABLE DEADLINES FOR THIS CASE EVEN IF THE TRIAL DATE IS RESET AND REGARDLESS OF THE REASON FOR ANY RESET.**

**Signed on this the 26th day of February, 2021**

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**KRISTIN BAYS, JUDGE PRESIDING**

**284th JUDICIAL DISTRICT COURT**

Sent to: