

**The Business Court of Texas,**

**First Division**

|  |  |  |
| --- | --- | --- |
| [PLAINTIFF],  *Plaintiff,*  v.  [DEFENDANT],  *Defendant.* | §  §  §  §  §  § | Cause No. 2\_-BC01A-\_\_\_\_ |

═══════════════════════════════════════

**Scheduling Order**

═══════════════════════════════════════

The Court enters the following order to control discovery, deadlines, and settings in this Cause. Dates marked with an \* may be amended upon the filing of a Rule 11 agreement. No other dates may be changed absent leave of court.

|  |  |
| --- | --- |
| TRIAL SETTING  Date:  Time: 9AM  Cases may be called to trial on the trial date or any date within 14 days thereafter. | \_\_\_\_\_ Bench \_\_\_\_\_ Jury  **If Bench: a party’s agreement to this order constitutes a JURY WAIVER by that party.**  **If Jury: the jury fee must be paid no later than 90 days before the trial setting or the right to a jury will be DEEMED WAIVED and the case will proceed to bench trial.**  If Jury, County where trial is to be commenced: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_ This is the county of proper venue *or*  \_\_\_\_\_ The parties have agreed to this county per Tex. Gov’t Code § 25A.015.  **A reset or continuance of the trial setting does not alter any deadline established by this order.** |

|  |  |
| --- | --- |
| PRETRIAL HEARING  Date:  Time: 9AM | Parties must confer on the following at least 14 days before the pretrial hearing: witness lists, exhibit lists, demonstrative exhibits, deposition excerpts to be offered on direct examination, motions in limine, and proposed jury charges.  All agreed pre-marked exhibits, deposition testimony to be offered on direct examination, and proposed jury charges in Word format must be provided to the Court before or at the pretrial conference. |
| AMENDED PLEADINGS (CLAIMS)  Date: | Pleadings asserting new claims for affirmative relief must be filed and served by this date. |
| AMENDED PLEADINGS (DEFENSES)  Date: | Pleadings asserting new affirmative defenses must be filed and served by this date. |
| JOINDER  Date: | No parties may be joined after this date except upon motion for leave showing good cause. This deadline does not alter the requirements of Texas Rule of Civil Procedure 38.  Any party joined before this deadline or thereafter by order of the Court must be served a copy of this Order by the party moving for joinder. |
| ARBITRATION  Date: | All motions to compel arbitration must be filed and heard by this date. |
| \*FACT DISCOVERY  Date: | Fact discovery closes on this date. |
| \*EXPERT DESIGNATIONS (PARTIES WITH BURDEN/PROOF)  Date: | Parties bearing the burden of proof on a claim or defense must designate experts by this date. |
| \*EXPERT DESIGNATIONS (PARTIES WITHOUT BURDEN/PROOF)  Date: | Parties not bearing the burden of proof on a claim or defense must designate experts by this date. |
| \*REBUTTAL EXPERT DESIGNATIONS  Date: | All rebuttal expert designations are due on this date. |
| \*EXPERT DISCOVERY  Date: | All expert discovery closes on this date. |
| \*MEDIATION  Date: | **Mediation is required except on leave of court.** The parties and their attorneys shall participate in mediation on or before this date. The parties may select a mediator by agreement or may request appointment of a mediator by the Court.  **Parties who fail to mediate by this date will be limited to 3 hours of trial time in a jury trial or 2 hours of trial time in a bench trial.** |
| DISPOSITIVE MOTIONS  Date: | Except where otherwise provided by statute or rule, dispositive motions must be filed and heard by this date. |
| MOTIONS TO STRIKE/ EXCLUDE  Date: | Any objection or motion to exclude or limit expert testimony must be filed and heard by this date. |

ENTERED:

PRESIDING JUDGE

AGREED: