

CAUSE NO. _____

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IN THE PROBATE COURT
NO. 2 (T W O) OF
HARRIS COUNTY, TEXAS

DOCKET CONTROL ORDER

The following Docket Control Order shall apply to this case unless modified by the court. The dates indicated below shall control. The Texas Rules of Civil Procedure control when no date is provided.

1. _____ **REQUIRED INITIAL DISCLOSURES DUE.** TRCP 194.2 (30 days after the filing of the first answer or general appearance unless otherwise set by agreement or court order).
2. _____ **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 DOCKET CONTROL ORDER AT THE TIME OF SERVICE.**
3. _____ **EXPERT WITNESSES DESIGNATION.** Expert witness designations are required and must be served by the following dates. The designation must include the information listed in Rule 195.5. Failure to timely respond will be governed by Rule 193.6.
 - (a) _____ • Experts for parties seeking affirmative relief. TRCP 195.2(a) (90 days before the end of the discovery period)
 - (b) _____ • All other experts. TRCP 195.2(b) (60 days before the end of the discovery period)
4. _____ **ALTERNATIVE DISPUTE RESOLUTION. Mediation is hereby ORDERED and shall be completed by this date. Mediators shall e-file the Mediator’s Letter at end of mediation.**
5. _____ **TRIAL STATUS CONFERENCE. Time 9am.** Only counsel to appear, allowed remotely (by Zoom), to report on the status of the proceeding. This hearing is informal and off the record.
6. _____ **CHALLENGES TO EXPERT TESTIMONY.** All motions to exclude testimony and evidentiary challenges to expert testimony must be heard by this date. This Order does not include exclusion based on Rule 193.6.
7. _____ **DISCOVERY PERIOD ENDS.** (Rule 194.2(a)) All discovery must be conducted before the end of the discovery period. Parties seeking discovery must serve requests far enough in advance of end of discovery period, to ensure the deadline for responding is within the discovery period. Counsel may conduct discovery beyond this deadline by Rule 11 agreement. Incomplete discovery will not delay the trial.
8. _____ **PLEADINGS.** All amendments and supplements must be filed by this date. This order does not preclude prompt filing of pleadings responding directly to a timely filed pleading.
9. _____ **RULE 194.4 PRETRIAL DISCLOSURES** must be filed and provided to all other parties pursuant to Rule 194.4.

10.

DISPOSITIVE MOTIONS AND PLEAS. Must be heard or set by submission as follows:

- (a) _____ No-evidence summary judgment motions may not be considered before the end of the discovery period (see line 6 supra).
- (b) _____ All dispositive motions or pleas, including summary judgments, must be considered by this date.

11.

_____ **RULE 166 PRETRIAL DISCLOSURES AND DOCUMENTS TO BE FILED WITH THE COURT AND EXCHANGED AMONG ALL COUNSEL:**

- **IDENTIFY ALL PENDING DILATORY PLEAS, MOTIONS, AND EXCEPTIONS;** TRCP 166(a)
- **THE NECESSITY OR DESIREABILITY OF AMENDMENTS TO PLEADINGS.** TRCP 166(b)
- **WRITTEN STATEMENTS OF THE PARTIES' CONTENTIONS.** TRCP 166(d)
- **CONTESTED ISSUES OF FACT.** TRCP 166(e)
- **AGREED WRITTEN STIPULATIONS.** TRCP 166(f)
- **IDENTIFY LEGAL MATTERS TO BE RULED ON OR DECIDED BY THE COURT.** Include a list of current, live pleadings and the dates they were filed. TRCP 166(g)
- **PARTY/ATTORNEY LIST.** Names, addresses, and phone numbers of each pro se party and attorney.
- **TRIAL WITNESS LIST.** The name, address and telephone number of any person expected to testify at trial, whether such person is expected to testify in person or remotely, and a brief statement of each identified person's connection with the case. TRCP 166(h). See also TRCP 194.4
- **WAIVER OF OBJECTION TO REMOTE WITNESSES.** For each witness expected to testify remotely who has not been previously deposed, consider seeking an Irrevocable Waiver of Objection to the witness testifying remotely. See Civ. Prac. & Rem. Code §30.012(b).
- **EXPERT WITNESS LIST.** TRCP 166(i). See also TRCP 195.5
- **AGREED APPLICABLE PROPOSITIONS OF LAW AND CONTESTED ISSUES OF LAW.** TRCP 166(j)
- **PROPOSED JURY CHARGE QUESTIONS, INSTRUCTIONS AND DEFINITIONS.** TRCP 166(k)
- **MARK AND EXCHANGE EXHIBITS AND FILE EXHIBIT LIST (*Do not file exhibits*).** TRCP 166(l). See also TRCP 194.4
- **WRITTEN TRIAL OBJECTIONS TO OPPOSITE PARTY'S EXHIBITS.** TRCP 166(m)
- **DEPOSITION EXCERPTS AND EDITED VIDEOS.** Designate page and line in sequence to be used at trial.
- **TRIAL SCHEDULING.** Estimated trial length and potential attorney or witness conflicts or travel difficulties.
- **MOTIONS IN LIMINE**

12. _____ **PRETRIAL CONFERENCE.** Parties shall be prepared to discuss all aspects of trial with the court on this date. TIME: **9:00 a.m.** **This matter may be DISMISSED FOR WANT OF PROSECUTION for failure to appear at Pretrial.**

13. _____ **TWO-WEEK TRIAL DOCKET BEGINNING THIS DATE.** If not assigned by the second Friday following this date, the case will be reset.

ORDER ON REMOTE APPEARANCES

IT IS ORDERED THAT all persons participating in a court proceeding in this matter shall do so "by physical presence in the court". Tex. R. Civ. P. 21(d)(1), except upon prior leave of court stating good cause to appear remotely. Pursuant to TRCP 21d(d), a party may also object to the method of appearance, stating good cause for the objection. Motions for Leave to Appear Remotely and Objections to the Method of Appearance should be filed within a reasonable time before the hearing or after the party receives notice of the appearance. Motions for Leave to Appear Remotely and Objections to the Method of Appearance will be considered by the court pursuant to the rule. Factors considered in determining good cause include those listed in TRCP 21d(e). This rule shall be construed with Tex. Civ. P. Rem. Code § 30.012(a) & (b).

ORDER ON CERTIFICATES OF CONFERENCE

IT IS ORDERED THAT the requirement of a certificate of conference in TEX. R. CIV. P. 191.2 is extended to all contested pretrial hearings in this matter. All parties and their attorneys are expected to cooperate in all contested issues prior to bringing them before the court and to make any agreements reasonably necessary for the efficient disposition of the case. All contested motions or requests for hearings related to the contested matter must contain a **Certificate of Conference** by the party filing the motion that a reasonable effort has been made to resolve the dispute without the necessity of court intervention and the effort failed.

Estimated Days: _____

Bench or Jury: _____

Contested Matter: _____

Judge: _____