

FILED FOR RECORD  
CINDY POLLEY  
ELLIS COUNTY CLERK

NO. 18-C-3491

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IN THE COUNTY COURT

Plaintiff(s),  
V.

AT LAW NO. 1

Mutts & Mayhem

Defendant(s).

ELLIS COUNTY, TEXAS

**SCHEDULING ORDER  
With Pretrial Instructions  
& Final Pretrial Submission Form**

1. An initial blank and unsigned copy of this Scheduling Order is prepared by the Court in anticipation of a trial and is circulated to the parties shortly after filing of the first responsive pleading in the case. The parties should provide the Court Coordinator with requested trial dates (more and earlier dates are available for a trial to the Court than for a trial to a jury) and the Court shall select the date, taking into account the parties' requests and the Court's schedule. The completed and signed Scheduling Order that will govern this case will then be provided to the parties without the necessity of a scheduling hearing. If within six months of the initial responsive pleading filed in the case the parties have not requested a trial date, the Court may place this case on the DWOP docket or set this case for trial at its discretion.
2. The following instructions, pretrial schedule and form must be utilized and observed by the parties. No changes or modifications may be made except by written order of this Court.
  - a. **WRITTEN DISCOVERY:** Objections to written discovery must have a legally arguable basis in law and fact or must be warranted by a good faith argument for the extension, modification, or reversal of existing law. Written discovery must be supplemented promptly by the parties as new information and/or documents are received.
  - b. **EXPERT DISCOVERY:** The name, address, telephone number, occupation and area of expertise of each and every expert retained by the party to provide expert testimony or opinions at the trial of the case or whose work product, opinions or impressions have been reviewed by any testifying expert, must be disclosed and a report prepared and served upon each opposing counsel and non-represented party as required by the

pertinent T.R.C.P. If any conflict exists between this Order and a statute or rule, the statute or rule will apply.

- c. **MEDIATION:** Mediation is required prior to a contested final hearing. Parties may submit an agreed written order designating their own mediator within thirty days of receipt of this Scheduling Order. If an agreed order is not submitted within that time frame, the case shall be mediated with a mediator appointed by the Court.
- d. **FINAL PRETRIAL SUBMISSION (FPTS):** Every party must file a Final Pretrial Submission either jointly or separately no later than 10:00 o'clock a.m. on the deadline indicated in this Scheduling Order.
- e. **FINAL PRE-TRIAL CONFERENCE (FPTC):** A Final Pretrial Conference will be held on this case at the time indicated in the Scheduling Order. The Attorney in charge for each party must be in attendance, unless expressly excused by the Court, with full authority to make decisions on behalf of the client. Matters to be considered and ruled upon by the Court are set forth hereafter in paragraph i.
- f. **JURY SELECTION & TRIAL:** Jury selection for jury cases will begin at the time indicated in the Scheduling Order. The Court anticipates no delays in the process since all pretrial matters will have been disposed of in the Final Pretrial Conference. The parties must assume that this case will go to trial and be first on the docket.
- g. **SETTINGS & HEARINGS:** The Court Coordinator sets hearings in consultation with the Court. By agreement of the parties and the Court, hearings can be eliminated and rulings made solely upon the written records.
- h. **ATTORNEY CONFERENCE REQUIRED:** Motions requesting a hearing may only be set after reasonable attempt to confer with opposing counsel and a filing of a certificate of conference attesting to the attempt to resolve the matter without action by the Court. The Court may set hearings at any time *sua sponte*.
- i. **PRETRIAL PROCEEDINGS:** All evidentiary matters will be ruled upon by the Court at pretrial. At Final Pretrial Conference all contested matters not previously disposed of will be considered and ruled upon. At that time the Court will also determine which witnesses the Court will permit to testify and the legal theories under which the case will be tried. These rulings will include all known evidentiary conflicts for which there are objections and any and all other matters called to the attention of the Court such as the Motion in Limine described in paragraph j.
- j. **MOTIONS IN LIMINE:** Abusive and detailed Motions in Limine that seek rulings on common evidentiary matters that are controlled by clear and undisputed rules of evidence will not be considered by the Court. However, to prevent prejudicial matters from being placed before the jury without proper foundation, the Court urges the parties

to file limine motions aimed at deterring prejudicial actions that are unique to their case so that pretrial rulings can be made.

- k. **AMENDMENTS TO SCHEDULING ORDER:** This Scheduling Order may not be changed except by Order of this Court.
- l. **TIME LIMITS:** The Court may impose reasonable time limits upon the parties in all proceedings; any such time limits will be announced to the parties prior to the commencement of any hearing and at the Final Pretrial Conference for the trial itself.
- m. **THE TEXAS LAWYER'S CREED:** The mandates for professionalism set forth in the Texas Lawyer's Creed and all other disciplinary rules must be observed by all attorneys practicing before this Court in default of which disciplinary action may result either within this Court or within the State Bar or Texas.
- n. **JUSTICE:** The Court will amend the terms of this Scheduling Order as may be necessary in order to prevent manifest injustice.
- o. **PRETRIAL DEADLINE DATES:** The schedule and deadlines for pretrial procedures are as follows:

**ON OR BEFORE**

**MATTER TO BE COMPLETED**

Date: December 3, 2018

**I. JOINDER OF ALL PARTIES**

Date: March 1, 2019

**II. EXPERTS DESIGNATED AND REPORTS  
FURNISHED**

Date: April 19, 2019

**III. DISCOVERY COMPLETE  
FINAL PLEADINGS FILED  
MOTIONS FOR SUMMARY JUDGMENT  
FILED**

Date: February 1, 2019

**IV. MEDIATION DEADLINE**

Date: April 24, 2019

V. FINAL PRETRIAL SUBMISSION (FPTS)  
FILED

Date: May 1, 2019

VI. OBJECTIONS TO EVIDENCE AND  
WITNESSES FILED

Date: May 6, 2019

VII. FINAL PRE-TRIAL CONFERENCE  
(FPTC)

Time: 9 o'clock A M.

Date: May 20, 2019

VIII. TRIAL DATE (JURY OR TBC)

Time: 10 o'clock A M.

SIGNED AND ENTERED THIS THE 18 OF Oct, 2018.

  
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JUDGE PRESIDING