



designate expert witnesses who may be called and for any consultant expert whose mental impressions have been reviewed by a testifying expert and for each such expert designated shall provide the information listed in Rule 194.2(f) of the Texas Rules of Civil Procedure.

5. **Deadline for Service of Written Discovery.** Any and all written discovery by way of Interrogatories, Requests for Production, or Request for Disclosure, propounded to any party must be served on or before **June 20, 2011**. Any written discovery shall be served via email as well as by certified mail or facsimile.

6. **Completion of Discovery.** The end of the discovery period shall be **July 20, 2011**. On or before that date, all discovery, including oral depositions and discovery responses shall be completed. Thereafter, no new discovery shall be permitted, except by agreement of all parties confirmed by Rule 11 Agreement or upon leave of Court for good cause shown.

7. **Supplementation of Written Discovery Responses.** On or before **July 22, 2011**, all parties shall serve final supplemental responses to all written discovery requests, including Requests for Disclosure, Requests for Admissions, Interrogatories, and Requests for Production required by Rule 193.5(b). This date of **July 22, 2011** shall supercede and govern the time for final supplementation under Rule 193.5(b)

8. **Motions for Summary Judgment.** On or before **July 20, 2011**, all Motions for Summary Judgment shall be filed and served via hand delivery. Thereafter, no Motions for Summary Judgment may be filed unless leave of Court is obtained prior to filing.

9. **Pleadings.** Any party making an affirmative claim for relief shall file and serve any amended pleadings on or before **May 23, 2011**. Defendants shall file and serve any amended pleadings on or before **June 20, 2011**. No amendment of any pleadings shall be filed thereafter without leave of Court, except to respond to special exceptions filed by Defendant.

10. **Expert Motions.** On or before **July 22, 2011**, all parties shall file any motions seeking to strike or otherwise limit any expert or expert testimony.

11. **Trial Witnesses.** On or before **July 29, 2011**, all parties shall serve a list of the information called for in Rule 192.3(d) with respect to those persons that each party expects to call in its case in chief at the time of trial, either live or by deposition testimony. This paragraph does not apply to rebuttal or impeaching witnesses the necessity of which cannot reasonably be anticipated before trial. This list of persons expected to be called shall not be a list of persons with knowledge of relevant facts.

12. **Exchange of Trial Materials:** The parties shall serve on or before **July 29, 2011**, the following:

a. Page and line references for all deposition testimony (by transcript or video)

intended to be offered in a party's case in chief, provided that this requirement does not apply to rebuttal or impeachment testimony the necessity of which cannot reasonably be anticipated before trial; and

b. A list of the exhibits, photographs, demonstrative exhibits, or tangible items, that the party contemplates offering in its case in chief provided that this paragraph does not apply to rebuttal or impeaching documents or exhibits the necessity of which cannot reasonably be anticipated before trial.

13. **Cross-Designation and Objections.** On or before **August 3, 2011**, the parties shall serve the following:

- a. All objections to proposed deposition testimony designated by any other party;
- b. All objections to proposed exhibits, photographs, demonstrative exhibits, or tangible items designated by any other party;
- c. Page and line references for any counter-designations of deposition testimony (by transcript or video);
- d. Motions in Limine; and
- e. Jury Charge

14. **Objections to Cross-Designations.** On or before **August 8, 2011**, the parties shall serve objections to any counter-designations of deposition testimony (by transcript or video).

15. **Meeting of Counsel.** The parties shall confer and attempt to resolve any disputes as to any party's objections to deposition designations, exhibits and Motion in Limine.

16. **Pretrial Hearing.** The pretrial hearing will be set on the long docket for **August 15, 2011 at 9:00 a.m.**

17. **Time Periods – Modification by Agreement.** The time periods and terms of this Discovery Control Plan, except as referenced below, may be modified by the parties by Rule 11 Agreement signed by all parties or by agreement of all parties on the record at a deposition or hearing or upon order of the Court for good cause shown. All hearing dates and the date of the trial may not be passed by agreement unless approved by the Court. This Order is intended to control and govern this litigation, and this Order is intended to and does change certain time periods and other requirements of the Texas Rules of Civil Procedure. Nothing in this Order is intended to relieve any party or counsel of any obligations otherwise provided in law or in the Texas Rules of Civil Procedure, except as expressly addressed and set out in this Order.

SIGNED on this the 19<sup>th</sup> day of May, 2011.

Gisela Triana-Doyal  
THE HONORABLE GISELA TRIANA-DOYAL

**AGREED:**

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