

SMALL CLAIMS DISCOVERY CONTROL PLAN

Pursuant to Article 28.033 of the Texas Government Code, reasonable discovery shall be permitted but is limited to what the court deems appropriate under the following

LEVEL 3 DISCOVERY CONTROL PLAN – BY COURT ORDER (190.4 TRC)

(a) *APPLICATION*. This control plan applies to:

(1) All Small Claims Court suits in which all plaintiffs seek only monetary relief in which the amount in controversy is not more than \$10,000.00, exclusive of interest and costs

(b) *LIMITATIONS*. Discovery is subject to the limitations provided in the Texas Rules of Court and to the following additional limitations:

(1) *Discovery Period*. All discovery must be conducted during the discovery period, which begins when the suit is filed and continues until 10 days before the date set for trial.

(2) *Total time for oral depositions*. Each party may have no more than six hours in total to examine and cross-examine all witnesses in oral depositions.

(3) *Interrogatories*. Any party may serve on any other party no more than 15 written interrogatories, excluding interrogatories asking a party only to identify or authenticate specific documents. Each discrete subpart of an interrogatory is considered a separate interrogatory.

(c) *REOPENING DISCOVERY*. When the filing of a pleading or supplemental pleading renders this subdivision no longer applicable, the discovery period reopens, and discovery must be completed within the limitations provided in Rule 190.4. Any person previously deposed may be redeposed. On motion of any party, the court may continue the trial date if necessary to permit completion of discovery.

(d) *DEADLINES*. As required in rule 190.4, the court will set the following deadlines which apply in each case under this Discovery Control Plan:

(1) *Joining Additional Parties*. All additional parties must be joined no later than 30 days before the date set for trial.

(2) *Amending or Supplementing Pleadings*. The deadline for amending or supplementing pleadings is 30 days before the date set for trial.

(3) *Designating Expert Witnesses*. The deadline for designating expert witnesses is 30 days before the date set for trial.

The Court may modify the Discovery Control Plan so that it serves the cause of justice and must do so when the interest of justice requires. All trials will be set at least 45 days from the filing date and/or when all parties are notified of a setting by this court. All parties must complete their pre-trial orders and send copies to each party by their due date.