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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

133rd JUDICIAL DISTRICT

FIRST CAPITAL MONEY CENTER LTD

vs.

CITY OF HOUSTON

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**DOCKET CONTROL ORDER**

The following docket control order shall apply to this case unless modified by the court. If no date is given below, the item is governed by the Texas Rules of Civil Procedure.

- 1. **09/01/15 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.
- 2. **EXPERT WITNESS DESIGNATION.** Expert witness designations are required and must be served by the following dates. The designation must include the information listed in Rule 194.2(f). Failure to timely respond will be governed by Rule 193.6.
  - (a) **09/01/15** Experts for parties seeking affirmative relief.
  - (b) **10/05/15** All other experts.
- 3. **STATUS CONFERENCE.** Parties shall be prepared to discuss all aspects of the case, including ADR, with the court on this date. **TIME:** Failure to appear will be grounds for dismissal for want of prosecution.
- 4. **DISCOVERY LIMITATIONS.** The discovery limitations of Rule 190.2, if applicable, or otherwise of Rule 190.3 apply unless changed below:
  - (a) Total hours per side for oral depositions.
  - (b) Number of interrogatories that may be served by each party on any other party.
- 5. **ALTERNATIVE DISPUTE RESOLUTION.**
  - (a) **12/04/15** By this date the parties must either (1) file an agreement for ADR stating the form of ADR requested and the name of an agreed mediator, if applicable; or (2) set an objection to ADR. If no agreement or objection is filed, the court may sign an ADR order.
  - (b) **12/18/15** ADR conducted pursuant to the agreement of the parties must be completed by this date.
- 6. **12/04/15 DISCOVERY PERIOD ENDS.** All discovery must be conducted before the end of the discovery period. Parties seeking discovery must serve requests sufficiently far in advance of the end of the discovery period that the deadline for responding will be within the discovery period. Counsel may conduct discovery beyond this deadline by agreement. Incomplete discovery will not delay the trial.
- 7. **DISPOSITIVE MOTIONS AND PLEAS.** Must be heard by oral hearing or submission.
  - (a) **12/04/15** If subject to an interlocutory appeal, dispositive motions or pleas must be heard by this date.
  - (b) **12/04/15** Summary judgment motions not subject to an interlocutory appeal must be heard by this date.
  - (c) **12/04/15** Rule 166a(i) motions may not be heard before this date.
- 8. **CHALLENGES TO EXPERT TESTIMONY.** All motions to exclude expert testimony and evidentiary challenges to expert testimony must be filed by this date, unless extended by leave of court.
- 9. **11/25/15 PLEADINGS.** All amendments and supplements must be filed by this date. This order does not preclude prompt filing of pleadings directly responsive to any timely filed pleadings.
- 10. Parties shall be prepared to discuss all aspects of trial with the court on this date. **TIME:** Failure to appear will be grounds for dismissal for want of prosecution.
- 11. **01/04/16 TRIAL.** If not assigned by the second Friday following this date, the case will be reset.

Time: \_\_\_\_\_  
By \_\_\_\_\_  
Deputy  
Harris County, Texas

**FILED**  
Chris Daniel  
District Clerk  
JAN 23 2015

JAN 23 2015

JOHN STEVEN DWYRE  
4207 GARDENDALE 104B  
SANANTONIO, TX 78229

SIGNED  
*Jaclanel M. McFarland*  
JACLANEL M. MCFARLAND  
Judge, 133RD DISTRICT COURT  
06307400 Date Generated 01/21/2015

To All Counsel and Pro Se Parties:

**NOTIFICATION OF COURT'S POLICY REGARDING ALTERNATIVE DISPUTE RESOLUTION ("ADR")**

Please pay Special Attention to Sections 5(a) and 5(b) of the Docket Control Order.

5(a): The Court requires that by the listed date the parties either;  
(1) supply the Court with the form of ADR, the date, and if mediation, the mediator's name;  
(2) an objection to mediation WITH AN ORDER ATTACHED for the Court to either "Sustain" or "Overrule" the objection.

5(b): If the Court does not receive an objection pursuant to 5(a) by the date listed therein, the parties should then consider this an order to have mediation completed by the date listed here. Failure to do so is to be in non-compliance with a Court order and subject to sanctions.

The Court Order requires your client to personally appear at mediation. Telephone appearances at mediation are not acceptable.

**THESE ARE CONSIDERED TO BE COURT ORDERS.**

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SIGNED

PATRICIA L CASEY  
900 BAGBY, 4TH FLOOR  
HOUSTON, TX 77002

3959075

JACLANEL M. MCFARLAND  
Judge, 133RD DISTRICT COURT  
Date Generated 01/21/2015

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I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this February 3, 2015

Certified Document Number: 63954652 Total Pages: 4

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**