

STATE OF TEXAS

Plaintiff,

v.

RETIREMENT VALUE, LLC,
RICHARD H. "DICK" GRAY, HILL
COUNTRY FUNDING, LLC, HILL
COUNTRY FUNDING, and
WENDY ROGERS,

Defendants,

and

JAMES SETTLEMENT SERVICES,
LLC, et al.,

Third Party Defendants.

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

126TH JUDICIAL DISTRICT

Filed in The District Court
of Travis County, Texas

JL FEB 01 2012

M.
At 5:00 P.
Amalia Rodriguez-Mendoza, Clerk

AGREED DISCOVERY CONTROL PLAN

In accordance with Rule 190.4 of the Texas Rules of Civil Procedure, the Court enters the following Agreed Discovery Control Plan and ORDERS as follows:

1. **Trial Setting.** The case will be preferentially set for a three week jury trial during the month of **January 2013**.
2. **Joinder of Parties/Intervention.** On or before **April 30, 2012**, all parties shall be joined or added pursuant to Rules 37 and 39, and any party seeking to intervene shall intervene by this date, without prejudice to Wells Fargo's rights to contest the joinder of major defendants (exclusive of licensees) or addition of intervenors, whose addition may impact the case, or to otherwise seek relief to accommodate the addition of parties including, without limitation, a continuance of the trial date.
3. **Mediation.** On or before **August 31, 2012**, the parties shall mediate this case before a mutually acceptable mediator.
4. **Experts – Plaintiff.** On or before **July 2, 2012**, Plaintiff (or other parties asserting affirmative claims) shall 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. **Experts – Defendants.** On or before **September 4, 2012**, each Defendant shall 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.

6. **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 **October 16, 2012**. Any written discovery shall be served via email in addition to any other form of service.

7. **Completion of Discovery.** The end of the discovery period shall be **November 16, 2012**. 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.

8. **Supplementation of Written Discovery Responses.** On or before **November 23, 2012**, 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 **November 23, 2012** shall supercede and govern the time for final supplementation under Rule 193.5(b).

9. **Dispositive Motions.** On or before **November 15, 2012**, all Motions for Summary Judgment or other dispositive motions shall be heard by the Court. Unless otherwise ordered by the Court, Motions must be filed and served via the Court's electronic filing system, email or hand delivery at least 24 days prior to any scheduled hearing. Thereafter, no summary judgment or other dispositive motions may be heard unless leave of Court is obtained prior to filing.

10. **Pleadings.** Any party making an affirmative claim for relief shall file and serve any amended pleadings on or before **September 4, 2012**. Defendants shall file and serve any amended pleadings on or before **September 11, 2012**. No amendment of any pleadings shall be filed thereafter without leave of Court, except to respond to special exceptions filed by Defendant.

11. **Expert Motions.** On or before **November 1, 2012**, all motions seeking to strike or otherwise limit any expert or expert testimony shall be heard by the Court. Unless otherwise ordered by the Court, Motions must be filed and served via the Court's electronic filing system, email or hand delivery at least 24 days prior to any scheduled hearing and any responses to be filed at least 7 days prior to any scheduled hearing. Thereafter, no motions seeking to strike or otherwise limit any expert or expert testimony

17. **Pretrial Hearing.** The pretrial hearing will be set on the long docket for **December 17, 2012 at 9:00 a.m.**

18. **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 1 day of February, 2012.



THE HONORABLE GISELA TRIANA