



# **DISCOVERY BUILDING BLOCKS**

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# OVERVIEW

- ◆ Discovery Tools
- ◆ Scope of Discovery
- ◆ Comparison of State and Federal Procedures
- ◆ Special Discovery Traps and Issues



# DISCOVERY CONTROL PLANS

- ◆ Initially based on plaintiff's original petition
- ◆ "Discovery will proceed under TEX. R. CIV. P. 190.4."
- ◆ Defendant may challenge plaintiff's designation



# DISCOVERY CONTROL LEVELS

## LEVEL 1

- ◆ Limited to \$50,000 in damages
- ◆ Limit Discovery
  - 6 to 10 hours of depositions per party
  - 25 interrogatories
- ◆ Limits Damages
- ◆ Amend out and you start all over [190.2(d)]
  - Redepose witnesses
  - Continuance of trial setting
- ◆ No one uses Level 1



# DISCOVERY CONTROL LEVELS

## LEVEL 2

Default Level

- 50 hours of depositions per side
- 25 interrogatories per party

## LEVEL 3

Court Order Required

Used in bigger and/or multi party cases

- Expand deposition time
- Other deadlines



# FEDERAL DISCOVERY CONFERENCE

- ◆ Discovery Conference  
*(The 26(f) Conference)*
- ◆ Set by court
- ◆ Discovery Plan (often issued by court)
  - Disclosures
  - Subjects of Discovery
  - Limitations on Discovery
  - Any disagreements

