

## Neal Spielman

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**From:** Steve Mendel <steve@mendellawfirm.com>  
**Sent:** Monday, September 17, 2018 11:28 AM  
**To:** Comstock, Clarinda (Probate Courts); Bobbie Bayless; nspielman@grifmatlaw.com; Candace Curtis; Carole Brunsting  
**Cc:** Tim Jadloski; Melissa Mauger  
**Subject:** Brunsting Probate / Docket Control Order  
**Attachments:** 2018-09-17 Brunsting Docket Control Order.doc

Dear Judge Comstock:

You asked that the parties endeavor to reach an agreement on a Docket Control Order. The only parties to agree are those represented by counsel, which are Anita Brunsting (my client), Amy Brunsting (Neal Spielman's client), and Carl Brunsting (Bobbie Bayless' client).

Carole Brunsting opposes the docket control order. Candace Curtis has neither agreed nor disagreed as to the docket control and, therefore, I presume she opposes the order.

You indicated a formal motion was not required and to tender a Word file (attached) that you could edit.

Please advise if you need something further.

Very truly yours,  
Stephen A. Mendel

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Exhibit A-5

IN RE: THE ESTATE OF	§	PROBATE COURT
NELVA E. BRUNSTING,	§	NUMBER FOUR (4) OF
DECEASED	§	HARRIS COUNTY, TEXAS

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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. **11/19/2018**      **ALTERNATIVE DISPUTE RESOLUTION.** The parties shall attend a mediation of the case before the Hon. Mark Davidson, in his capacity as a mediator, on this date, or such other date as ordered by Court, or such date as agreed by the parties, but in no event shall the mediation occur later than November 30, 2018.
  
2. **11/26/2018**      **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 THE SCHEDULING ORDER AT THE TIME OF SERVICE.
  
3.                      **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) **12/03/2018**      Experts for parties seeking affirmative relief.
  - (b) **12/17/2018**      All other experts.
  
4.                      **DISPOSITIVE MOTIONS AND PLEAS.** Must be heard as follows:
  - (a) **12/03/2018**      Rule 166a(i) motions may not be filed before this date.
  - (b) **12/03/2018**      Dispositive motions or pleas subject to an interlocutory appeal based purely on a matter of law, or which are based on a breach of the no contest provisions may not be filed before this date.
  - (c) **04/12/2019**      Except as provided in § 4(b), all other dispositive motions or pleas subject to an interlocutory appeal may not be filed before this date.
  - (d) **06/07/2019**      All motions for summary judgment, regardless of the type filed, shall be heard before this date.
  
5.                      **DISCOVERY LIMITATIONS.** Per the rules of procedure.

- 6. 05/13/2019**      **DISCOVERY PERIOD ENDS.** All discovery must be completed 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. The Parties may conduct discovery beyond this deadline by agreement. Incomplete discovery will not delay the trial.
- 7. 05/20/2019**      **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.
- 8. 06/03/2019**      **PLEADINGS.** All amendments and supplements must be filed by this date, unless extended by leave of Court. This order does not preclude prompt filing of pleadings directly responsive to any timely filed pleadings.
- 9. 06/26/2019**      **BY NOON - JOINT PRETRIAL ORDER.** Parties shall provide to the Court, by fax, email, or delivery to our offices, a copy of the signed Agreed Joint Pretrial Order by this date. Parties shall bring the original Agreed Joint Pretrial Order to the Pretrial Conference.
- 10. 07/01/2019**      **PRETRIAL CONFERENCE.** Parties shall be prepared to discuss all aspects of trial with the Court at this time. Parties shall file and exchange (if jury trial) proposed jury charge questions, instructions and definitions at this conference. Parties should be prepared to mark exhibits. Failure to appear will be grounds for dismissal for want of prosecution.
- 11. July 8 – 12, 2019 TRIAL.**

Signed this \_\_\_\_\_ day of September 2018.

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Judge Presiding

**Party:** Anita Brunsting, Individually  
& as Trustee

// s // Stephen A. Mendel

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**Party:** Amy Brunsting, Individually  
& as Co-Trustee

// s // Neal Spielman

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**Party:** Carl Henry Brunsting & His Agent  
Drina Brunsting

// s // Bobbie G. Bayless

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