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DISCOVERY UPDATE

Overview

- Format of paper
- Common discovery issues reviewed by ordinary appeal
- Common discovery issues reviewed by mandamus

Discovery issues on ordinary appeal (Rule 190.3-.4)

- **Adequate time for discovery—no-evidence motion for summary judgment**
  - **Inadequate.** *Payne v. J. Baker Corp.* (Fort Worth 2013).
  - **Adequate.** *Sloan v. Hill* (Houston [1st.] 2013).

Discovery issues on ordinary appeal (Rule 193.6)

- **Admission/Exclusion of Evidence—failure to respond**
  - **Admission.** *Holland v. Friedman & Feiger* (Dallas 2014); *Bank of Am., N.A. v. Barth* (Corpus Christi 2013).
  - **Exclusion.** *In re T.K.D-H.* (San Antonio 2014); *In re Commitment of Stevenson* (Beaumont 2013).

Discovery issues on ordinary appeal (Rule 193.6)

- **Admission/Exclusion of Evidence—failure to respond**
  - **Additional discovery on remand.** *Safeco Surety v. J.P. S.W. Concrete, Inc.* (Houston [1st] 2013).
  - **Burden.** *Richard v. Towery* (Houston [1st.] 2013).

Discovery issues on ordinary appeal (Rule 194.1-.2)

- **Disclosures**
  - **Sufficient.** *Kim v. Sanchez* (Fort Worth 2014; *City of Laredo v. Limon* (San Antonio 2013).
  - **Deficient/Exclusion.** *Bailey v. Respironics, Inc.* (Dallas 2014); *Massey v. Allen Nat'l Prop., LLC* (Fort Worth 2013)

Title search: Discovery Update

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Appellate Evidence Update: Expert Testimony Update; Discovery Update for Appellate Lawyers; Evidence Challenge; plus Texas Civil Procedural Update

First appeared as part of the conference materials for the
25th Annual Conference on State and Federal Appeals session
"Discovery Update for Appellate Lawyers"