

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 04-9083

## APPROVAL OF AMENDMENTS TO LOCAL RULES FOR THE CIVIL TRIAL DIVISION, HARRIS COUNTY DISTRICT COURTS

ORDERED that:

Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the attached amendments to local rules that have been submitted to this Court by the Harris County Board of District Judges.

This Order shall be effective when recorded in the Minutes of the Civil Trial Division, Harris County District Courts.

SIGNED AND ENTERED this 4<sup>th</sup> day of May, 2004.

Thomas R. Phillips  
Thomas R. Phillips, Chief Justice

Nathan L. Hecht  
Nathan L. Hecht, Justice

Priscilla R. Owen  
Priscilla R. Owen, Justice

Harriet O'Neill  
Harriet O'Neill, Justice

Wallace B. Jefferson  
Wallace B. Jefferson, Justice

Michael H. Schneider  
Michael H. Schneider, Justice

Steven Wayne Smith  
Steven Wayne Smith, Justice

\_\_\_\_\_  
J. Dale Wainwright, Justice

Scott Brister  
Scott Brister, Justice

Misc. Docket No. 04 9083

On December 12, 2000, the Board of District Judges approved the following amendment to the Local Rules of the Civil Trial Division of the Harris County District Courts:

3.2.4 *Severance.* If a severance of a claim or a defendant in a case is ordered, the new case will be assigned to the court where the original case pends, bearing the same file date and the same number as the original case with a letter designation. **If a severance of multiple plaintiffs or intervenors in a case is ordered, the new case(s) may be randomly reassigned by the Administrative Judge of the Civil Trial Division. If not randomly reassigned, the case(s) will stay in the same court.** When a severed case has previously been consolidated from another court, the case shall upon severance be assigned to the court from which it was consolidated.

At the May 6, 2003, meeting of the Board of District Judges, the Board approved to amend the Rules of the Civil Trial Division, Harris County District Courts.

As presently worded, the form Docket Control Order, section 7 (a), reads as follows:

7. DISPOSITIVE MOTIONS AND PLEAS. Must be set for hearing or submission as follows:
  - (a) Dispositive motions or pleas subject to an interlocutory appeal must be set by this date.

The approved change to the form Docket Control Order, section 7 (a), be revised as follows:

7. DISPOSITIVE MOTIONS AND PLEAS. Must be set for hearing or submission as follows:
  - (a) If subject to an interlocutory appeal, dispositive motions or pleas must be set by this date.

The purpose for this change is to resolve an ambiguity created by the original wording.

*Administrative Office of the District Courts*  
*Harris County, Texas*

Jack E. Thompson  
DISTRICT COURT ADMINISTRATOR  
Fax No. 713-755-8973

1201 Franklin, 7<sup>th</sup> Floor  
Houston, Texas 77002-2022  
713-755-6575

December 13, 2000

Hon. Olen Underwood  
Montgomery County Courthouse  
301 North Main, Suite 228  
Conroe, Texas 77301

Dear Judge Underwood:

On December 12, 2000, the Board of District Judges approved the following amendment to the Local Rules of the Civil Trial Division of the Harris County District Courts:

3.2.4 *Severance.* If a severance of a claim or a defendant in a case is ordered, the new case will be assigned to the court where the original case pends, bearing the same file date and the same number as the original case with a letter designation. If a severance of multiple plaintiffs or intervenors in a case is ordered, the new case(s) may be randomly reassigned by the Administrative Judge of the Civil Trial Division. If not randomly reassigned, the case(s) will stay in the same court. When a severed case has previously been consolidated from another court, the case shall upon severance be assigned to the court from which it was consolidated.

We are submitting this rule for your approval. If so approved, please transmit it to the Chief Justice of the Supreme Court of Texas for his consideration.

Very truly yours,

Jack Thompson

JET:lr

# *Administrative Office of the District Courts*

***Harris County, Texas***

*Jack E. Thompson*  
DISTRICT COURT ADMINISTRATOR  
Fax No. 755-8973

301 San Jacinto, Room 100  
Houston, Texas 77002-2022  
713-755-6575

May 16, 2003

Hon. Olen Underwood  
Montgomery County Courthouse  
301 North Main, Suite 228  
Conroe, Texas 77301

Dear Judge Underwood:

At the May 6, 2003 meeting of the Board of District Judges, the Board approved to amend the Rules of the Civil Trial Division, Harris County District Courts.

As presently worded, the form Docket Control Order, section 7 (a), reads as follows:

7. DISPOSITIVE MOTIONS AND PLEAS. Must be set for hearing or submission as follows:
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7. DISPOSITIVE MOTIONS AND PLEAS. Must be set for hearing or submission as follows:
  - (a) If subject to an interlocutory appeal, dispositive motions or pleas must be set by this date.

The purpose for this change is to resolve an ambiguity created by the original wording.

Accordingly, I am requesting your approval on the above change to the Docket Control Order. If so approved, please transmit this requested change to the Chief Justice of the Supreme Court of Texas for his consideration.

Very truly yours,

Jack E. Thompson

JET:lr