

IN THE SUPREME COURT OF TEXAS

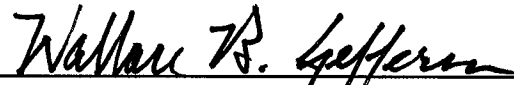
Misc. Docket No. 05- 9062

**ORDER APPROVING LOCAL RULE 8
ORANGE COUNTY, TEXAS**

ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3, the following Amendments to the Local Rules of the District and County Courts of Orange County, Texas, are approved.

SIGNED AND ENTERED this 5th day of April, 2005.



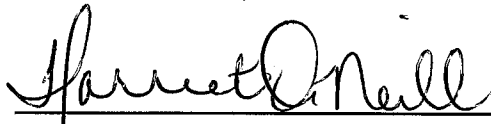
Wallace B. Jefferson, Chief Justice



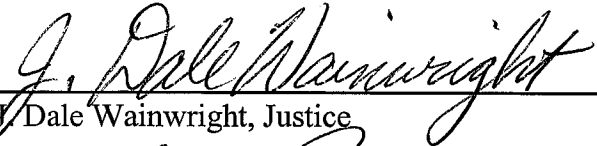
Nathan L. Hecht, Justice



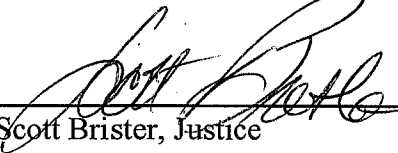
Priscilla R. Owen, Justice



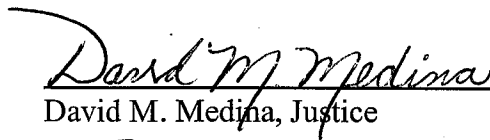
Harriet O'Neill, Justice



Dale Wainwright, Justice



Scott Brister, Justice



David M. Medina, Justice



Paul W. Green, Justice

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FILING OF BUSINESS RECORDS IN ORANGE COUNTY, TEXAS

Because of the expense to private litigants and to the public involved in the filing and storage of business records accompanied by affidavit under Rule 902(10) of the Texas Rules of Evidence, the following procedures apply, effective December ____, 2004, in the District Courts and County Court at Law of Orange County, Texas, in lieu of the Texas Rules of Civil Procedure and Texas Rules of Evidence:

LOCAL RULE 8

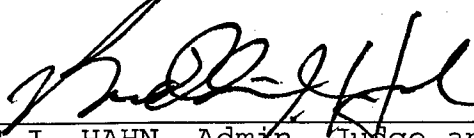
Business records accompanied by affidavit under Rule 902(10), Texas Rules of Evidence, shall be served upon parties and counsel of record as required by the Texas Rules of Civil Procedure and Texas Rules of Evidence, but shall not be filed with the clerk, except as provided below; however, the parties shall file with the clerk a copy of the letter of transmittal and/or certificate of discovery to the opposing and other attorneys, identifying fully therein the business records so served. Exceptions are as follows:


- (a) The trial court may order the business records to be filed;
- (b) A party may file those portions of business records related to a request for relief under Rules 192 and/or 215, Texas Rules of Civil Procedure, or a response to such request, or to some other discovery dispute;
- (c) A party may file business records necessary for the determination of a motion for summary judgment, or for any response or reply to such a motion, or for any other pretrial motion or response or reply to such motion; or
- (d) A party may file business records necessary for a proceeding in an appellate court or for post-judgment purposes.

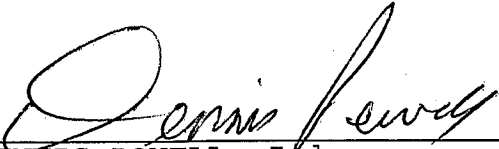
This rule does not enlarge the types of documents that may be filed.

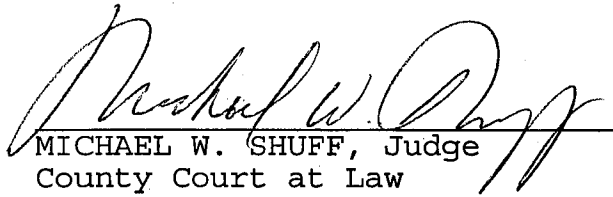
The party responsible for the service of such business records shall retain the original or an exact copy while the case and any related appellate proceedings are pending for five years thereafter. Such original or exact copy shall be public records as if the same were filed with the clerk, notwithstanding the above, and shall be made available to any person on reasonable notice and under reasonable circumstances.

Adopted this 15 day of December, 2004, by all the undersigned District Judges and the County Court at Law Judge of Orange County, Texas.


BUDDIE J. HAHN, Admin. Judge and
Judge, 260th District Court


PATRICIA A. CLARK, Judge
128th District Court


DENNIS POWELL, Judge
163rd District Court


MICHAEL W. SHUFF, Judge
County Court at Law



Vickie Edgerly
Orange County District Clerk
P.O. Box 427
Orange, TX 77631-0427

Elva Couvillion
Chief Deputy

Phone: (409) 882-7825
Fax: (409) 882-7083

January 7, 2005

Supreme Court of Texas
Attn: Lisa Hobbs, Rules Attorney
P. O. Box 12248
Austin, Texas 78711

Re: Local Rule 8
Orange County, Texas

Dear Ms. Hobbs:

Please find enclosed a duplicate original of Local Rule 8, which has been approved by all of the judges in Orange County, Texas, as evidenced by their signatures on December 15, 2004. Please submit this Local Rule 8 to the Supreme Court of Texas for approval as an emergency rule for filing discovery and materials in civil cases in the County Court at Law and District Courts of Orange County, Texas.

By copy of this letter I am favoring the presiding judge over our administrative judicial region, Hon. Olen Underwood, with a copy of said Local Rule 8 for his consideration and approval.

If there are any questions concerning this matter, please contact me at 409 882-7826 or by e-mail vedgerly@co.orange.tx.us. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Vickie Edgerly".

Vickie Edgerly

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

Mr. Larry C. Hunter
Hunter Burch, L.L.P.
1260 North Main
Vidor, Texas 77662