

# 4<sup>th</sup> JUDICIAL DISTRICT COURT RUSK COUNTY, TEXAS

## CIVIL DOCKET

### **Trials for the Week of November 29, 2021 at 10:00 a.m.**

Docket Call and Pretrial: Friday, November 19, 2021 at 9:00 a.m.  
at the District Courtroom of Rusk County, Texas

Jury Selection: Monday, November 29, 2021 at 10:00 a.m.  
at the Rusk County Expo Center

Trials: Tuesday – Friday, November 29 –  
December 3, 2021  
at the District Courtroom of Rusk County, Texas

**\*\*\*\* CASES WILL NOT BE PASSED OR CONTINUED WITHOUT A HEARING AND WITHOUT A COMPELLING REASON.**

\*\*\*\* If you have received notice that any of the following cases have also been set on a later docket, such notice does not cancel or otherwise affect notice of the setting given herewith.

\*\*\*\* See attached “Rules for Cases Set for Jury Docket”

\*\*\*\* **In order to protect yourself and others, if you have a mask/facial covering, please wear it in the courthouse for Docket Call/Pretrial and Jury Selection/Trial. We will provide masks if you do not have one. Facial coverings will be required for court proceedings**

---

# **NOTICE**

## **RUSK COUNTY HOLIDAYS**

### **COLUMBUS DAY**

**MONDAY, OCTOBER 11, 2021**

### **VETERAN'S DAY**

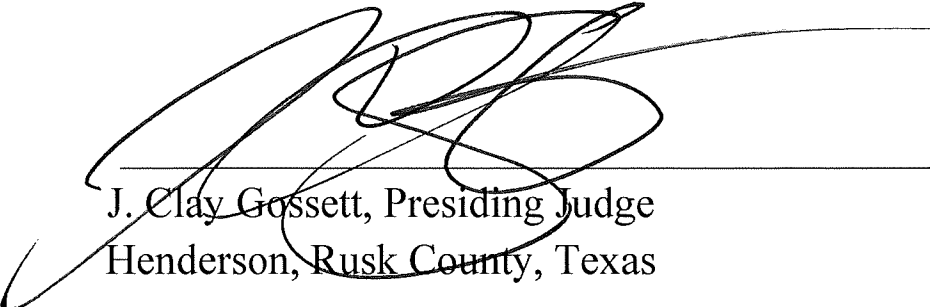
**THURSDAY, NOVEMBER 11, 2021**

### **THANKSGIVING HOLIDAY**

**THURSDAY & FRIDAY, NOVEMBER 25-26, 2021**

**TAKE NOTE OF THE SELECTED LOCAL RULES ATTACHED**

Signed this 6th day of October, 2021



J. Clay Gossett, Presiding Judge  
Henderson, Rusk County, Texas

CASE NO.	TIME	PARTY	ATTORNEY/BONDSMAN
2019-007	09:00	CILK, SOFIA vs. HARRIS, SARAH Action: NOVEMBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: SOREY, R. DANIEL DEF: LEA, KELLY B. 3
2020-260	09:01	LENGUYEN, ALAN vs. TAVO, FELISE K. LILIANA TAVO, TAVO CUSTOM HOMES, LLC AND EAST TEXAS PROFESSIONAL CREDIT UNIO Action: NOVEMBER PRETRIAL Type: CONTR-OTHER CONTRACT	CPL: ADKISON, RON DEF: WILDER, CLAY L 1 DEF: WILDER, CLAY L DEF: WILDER, CLAY L DEF: HOWARD, C. ELAINE
2020-280	09:02	JONES, JAMES CECIL vs. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY Action: NOVEMBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: YOUNG, MARTY DEF: BONNER, BENJAMIN T. 1
2020-103	09:03	FRIZZELL, JAMES D. vs. HENDERSON HOSPITAL, LLC, ET AL Action: NOVEMBER PRETRIAL Type: INJ/DAM-MEDIC MALPRACTICE	CPL: DAVIS, STAFFORD DEF: REMINGTON, PHILIPA M. DEF: REMINGTON, PHILIPA M. DEF: REMINGTON, PHILIPA M. 1
2019-330	09:04	YOUNG, JANICE MANNING vs. JONES, PEGGY BRANTLEY Action: NOVEMBER PRETRIAL - JUDGE BANNER Type: INJURY OR DAMAGE WITH MV	CPL: GOSSETT, JIM DEF: LEA, KELLY B. 2
2018-198	09:05	LEE, HAROLD AND LEE VICKIE vs. ETOS, INC. DBA EAST TEXAS OILFIELD SERVICES AND TOM KING Action: NOVEMBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: BATES, JEFF DEF: GIDDENS, KEVIN 1 DEF: GIDDENS, KEVIN DEF: LEA, KELLY B. DEF: GIDDENS, KEVIN
2019-284	09:06	WHITAKER, WILLIE JOE, JANICE FORD, ESSIE B. BROWN AND DONALD CHANEY vs. WHITAKER, WALTER Action: NOVEMBER PRETRIAL - JUDGE PHIFER Type: REAL PROP-OTHER REAL PROP	CPL: SHUMATE, JOE 2 CPL: SHUMATE, JOE CPL: SHUMATE, JOE DEF: WILDER, CLAY L

CASE NO.	TIME	PARTY	ATTORNEY/BONDSMAN
2018-283		CLARK, MIRANDA, INDIVIDUALLY AND A/N/F OF M.T. AND R.C., MINORS, AND AS REPRESENTATIVE	CPL: RUNGE, CARSON R
	09:07	vs. DUKES, MARCUS WAYNE Action: NOVEMBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	DEF: HOWARD, BRENT 4
2020-175		REDMON, JAMES A.	CPL: NELSON, J PAUL
	09:08	vs. REDMON, MARYLEE A/K/A MARYLEE FELTS AND GENIVA L. REDMON-BOWMAN Action: NOVEMBER PRETRIAL Type: REAL PROP-OTHER REAL PROP	DEF: WHARTON, ALAN D. 2 DEF: PRO SE'
2021-047		ASHLEY, EUGENE	CPL: GOSSETT, JIM
	09:09	vs. FERRELL, JIMMIE SR. Action: NOVEMBER PRETRIAL - JUDGE KENNEDY Type: INJURY OR DAMAGE WITH MV	DEF: MCGUIRE, SHANE 1
2018-133		DIAZ, SILVIA LORENA CANAS, INDIVIDUALLY, AND AS RESPRESENTATIVE OF THE ESTATE	CPL: GREENSLADE, JOHN W.
	09:10	vs. HALLIBURTON ENERGY SERVICES, INC. D/B/A HALLIBURTON AND MATTHEW SELF Action: NOVEMBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: GREENSLADE, JOHN W. 3 CPL: GREENSLADE, JOHN W. CPL: GREENSLADE, JOHN W. INT: JUDKINS, SAVANNAH INT: JUDKINS, SAVANNAH INT: JUDKINS, SAVANNAH INT: LAURENZO, LENA INT: PENN, JILL CAMPBELL INT: ADJEI, ALVIN INT: BERCHELMANN, RYAN INT: BERCHELMANN, RYAN DEF: HILL, W. BRADFORD JR DEF: HILL, W. BRADFORD JR
2020-144		DIAZ, ORALIA AND DIAZ, MIGUEL	CPL: DEPPISCH, KENNETH D
	09:11	vs. COOPER, CASS Action: NOVEMBER PRETRIAL Type: BREACH OF CONTRACT	DEF: NELSON, J PAUL 2

TOTAL CASES ON DOCKET - 12

**LOCAL RULES FOR THE FOURTH DISTRICT COURT OF  
RUSK COUNTY, TEXAS**

**RULE 1.18 DOCKET CALLS AND ANNOUNCEMENTS**

Docket call is for the purpose of hearing announcements of “Ready” or “Not Ready” for trial and for the purpose of hearing contested motion for continuance.

- A. If no announcements are made in a case at docket call, that case will be removed from the active trial docket.
- B. If an announcement of “Ready” is made by any part, it shall be presumed that any part not announcing is also ready for trial.
- C. An announcement of “Not Ready” must be accompanied by a written motion for continuance unless there is an agreement by all parties to pass the case, which agreement is subject to the approval of the Court.
- D. Parties and counsel are excused from appearing at docket call if all parties have agreed to continue or pass the case AND the court approves such agreement, OR the party desiring to be excused is ready for trial and there are no pre-trial motions or other preliminary matters to be heard.

**RULE 1.19 RESETTING CASES**

Once a case had been placed on the active jury docket, such case is automatically set for trial from term to term until disposition and shall not be removed from such docket except for no announcements at docket call and except by Order of the Court on the motion of a party, for good cause after notice and hearing, or on the Court’s own motion, with or without hearing.

**RULE 3.10 PRESENTMENT OF PRE-TRIAL PLEAS AND MOTIONS**

Except for Motion in Limine and motion for continuance, all special exceptions, other pre-trial motions and pleas must be filed and copies served on opposing counsel for three (3) full days before the pre-trial hearing, unless a longer period for filing is otherwise required or a shorter period allowed for good cause.

(Motions in Limine not urged at the pretrial hearing will be heard in the judge’s chambers on the day of jury selection at 8:30 a.m.)

When counsel for any party fails to appear at the pretrial, the Court may:

- 1. Rule on all special exceptions, motions or pleas in the absence of such counsel.
- 2. Declare any special exceptions, motions or pleas of such absent party waived.
- 3. Advance or delay the trial setting according to the convenience of the counsel present.
- 4. Pass and reset the pre-trial.

Counsel at the pre-trial shall either be the attorney who expects to try the case, or shall be familiar with the case and is fully authorized to state his party's positions on the law and facts make stipulations and enter into settlement negotiations as trial counsel. If the court finds counsel is not qualified, the Court may consider that no counsel has appeared and may take any of the procedures provided above.

All special exceptions and other pre-trial motions and pleas filed but not urged at the pre-trial hearing shall be deemed waived.

I here shall be no further pleadings or discovery after the pre-trial hearing except in direct response to orders of the Court at the pre-trial hearing OR upon written motion for good cause after notice and hearing

### **RULE 3.11 DISPOSTIION OF MOTIONS AND OTHER PRELIMINARY MATTERS**

Motions and other preliminary matters may be heard in advance of the pre-trial if, when filed, they are accompanied by an Order Setting Hearing to be completed by the Court. Otherwise, all such motions and other preliminary matters must be urged at the pre-trial, or they will be deemed waived.

It is the responsibility of the moving party to give notice of such settings to all other parties or their counsel of record.

### **RULE 3.13 MOTIONS FOR CONTINUANCE**

All contested motion for continuance must be in writing and filed before docket call.

Contested motions for continuance filed after docket call must be based on grounds that either did not exist or were not known and could not have been reasonable anticipated at the time of docket call.

### **RULE 3.22 DISCOVERY MOTIONS**

Motions relating to discovery may be heard in advance of the pre-trial if, when filed, they are accompanied by an Order Setting Hearing to be completed by the Court. Otherwise, all such motions must be urged at the pre-trial, or they will be deemed waived.

It is the responsibility of the moving party to give notice of such settings to all other parties or their counsel of record.

### **RULE 3.26 JURY VOIR DIRE/VENIRE**

Prior to voir dire examination, counsel will be provided a copy of the completed jury panel personal data questionnaire of each panel member.

## **RULES FOR CASES SET FOR JURY DOCKET**

1. All counsel are to be present at pretrial. No written or call in announcements of Ready will be accepted.
2. All exhibits are to be pre-marked and presented to the Court in a notebook at pre-trial.
3. Exhibits will be submitted to counsel seven (7) days prior to the pre-trial date.
4. The Court will hear all objections to trial exhibits at time of pretrial.
5. Any documents not produced to opposing counsel in response to Request for Disclosure or request for Production, absent a specific objection, will be excluded. General or Global objections will not be considered by the Court.
6. All requested issues and instruction have to be submitted to the Court at time of jury selection.
7. Failure to appear, submit exhibits and issues will result in sanctions by the court.