

**4th JUDICIAL DISTRICT COURT
RUSK COUNTY, TEXAS**

CIVIL DOCKET

**Trials for the Week of
DECEMBER 3, 2018 at 1:00 p.m.**

Docket Call and Pretrial: Friday, November 16, 2018 at 9:00 a.m.

Jury Selection: Monday, December 3, 2018 at 1:00 p.m.

Trials: Tuesday – Friday, December 4 - , 2018

**** **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”

NOTICE

RUSK COUNTY HOLIDAYS

Veteran's Day

November 12, 2018 and

Thanksgiving Holidays

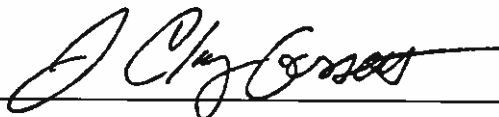
November 22 & 23, 2018 and

Christmas Holidays

December 24 & 25, 2018

TAKE NOTE OF THE SELECTED LOCAL RULES ATTACHED

Signed this 12th day of October, 2018



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

Court Coordinator
Annette Griffin

Official Court Reporter
Terri Boling



Telephone
903-657-0358

Fax
903-655-1250

J. CLAY GOSSETT

JUDGE
FOURTH JUDICIAL DISTRICT COURT
RUSK COUNTY COURTHOUSE, SUITE 303
115 NORTH MAIN
HENDERSON, TEXAS 75652

October 12, 2018

ALL ATTORNEYS ON CIVIL JURY TRIAL DOCKET

Please take notice of the pretrial date on the front page of this docket. Civil Jury Pretrial date may be different from the date on your scheduling order.

The correct date will be **FRIDAY, NOVEMBER 16, 2018, AT 9:00 A.M.**

If you have any questions please contact me.

Thank you!

Annette Griffin
Court Coordinator

CASE NO.	TIME	PARTY	ATTORNEY/BONDSMAN
2016-113	09:00	BEST,ROBIN AND WIFE, DAWN BEST vs. MONTGOMERY,EMEKIA, FARMERS TEXAS COUNTY MUTUAL INSURANCE AND TEXAS FARM BUREAU MUTUAL Action: DECEMBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: SLOAN, JOHN D. CPL: SLOAN, JOHN D. 6 DEF: BUSH,SNOW E JR DEF: WHITE,CLAY M DEF: HOWARD,BRENT
2015-290	09:01	WAGGONER, TERRY vs. EAST TEXAS SALT WATER DISPOSAL COMPANY Action: DECEMBER PRETRIAL Type: ALL OTHER CIVIL CASES	CPL: ADKISON, RON CPL: ADKISON, RON 20 CPL: ADKISON, RON DEF: MERRITT, EDWARD L
2017-024	09:03	HALL, THOMAS EUGENE JR. AND HEATHER GALE HALL vs. AMERICAN MIDSTREAM GAS SOLUTIONS, L.P. Action: DECEMBER PRETRIAL Type: INJ/DAM-OTHER INJ/DAM	CPL: ADKISON, RON CPL: ADKISON, RON 9 DEF: DELUCA, BRADLEY L.
2017-257	09:04	HALL, SANDRA IND AND ANF JEANETTE SALAS AND SALAS, JEANETTE IND. vs. JOHNSON, JEFF IND. AND ANF MADELYN JOHNSON, A MINOR Action: DECEMBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: WILDER, CLAY L DEF: MCGUIRE, SHANE 3 DEF: MCGUIRE, SHANE
2016-363	09:05	STONE, JAY IND. AND ON BEHALF OF BAKER STONE TRANSPORT, LLC vs. HAMPTON, BRAD IND. AND ON BEHALF OF LATEXO TRANSPORT, LL Action: DECEMBER PRETRIAL Type: BREACH OF FIDICIARY DUTY	CPL: SLOAN, JOHN D. DEF: WILDER, BRENT 3 DEF: WILDER, BRENT
2016-305	09:06	DANIEL, SHELLY vs. GIESLER, DARIN PAUL Action: DECEMBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: REEVES, DON R. DEF: BOYD, PAUL M. 2
2013-220	09:07	ARNOLD, DON H., ARNOLD, MILTON E ARNOLD, RUSSELL DEAN vs. LARGO OIL COMPANY Action: DECEMBER PRETRIAL Type: CONTR-OTHER CONTRACT	CPL: WILDER, CLAY L DEF: HENRY, DAVID P. 2

CASE NO. TIME PARTY ATTORNEY/BONDSMAN

2018-021 LAMAR ADVANTAGE OUTDOOR COMPANY, L.P. CPL: TOBIN, DANIEL P.
09:08 vs. BURL'S COLLISION CENTER, INC. DEF: PHENIX, J. R. "RUSTY"
Action: DECEMBER PRETRIAL 1
Type: DECLARATORY JUDGMENT

2017-328 SMITH, STEPHANIE ~~CPL: HOLMES, JAMES A~~
09:09 vs. DINGER, CHARLES MARTIN JR. ~~DEF: MCGUIRE, SHANE~~
Action: DECEMBER PRETRIAL 1 DEF: HOWARD, BRENT
Type: INJURY OR DAMAGE WITH MV Matthew Flanery

2018-049 SWEET, IVAN AND SILAS MAYEUX CPL: MCMAHON, MARK P
09:10 vs. HOWELL, GUY CLARK JR. CPL: MCMAHON, MARK P
Action: CIVIL JURY PRETRIAL 1 DEF: PARKER, W. TODD
Type: INJURY OR DAMAGE WITH MV

TOTAL CASES ON DOCKET - 10

**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.