

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

CIVIL DOCKET

**Trials for the Week of
October 21, 2019 at 8:30 a.m.**

Docket Call and Pretrial: Friday, October 11, 2019 at 9:00 a.m.

Jury Selection: Monday, October 21, 2019 at 8:30 a.m.

Trials: Tuesday – Friday, October 22 – 25, 2019

****** 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

LABOR DAY

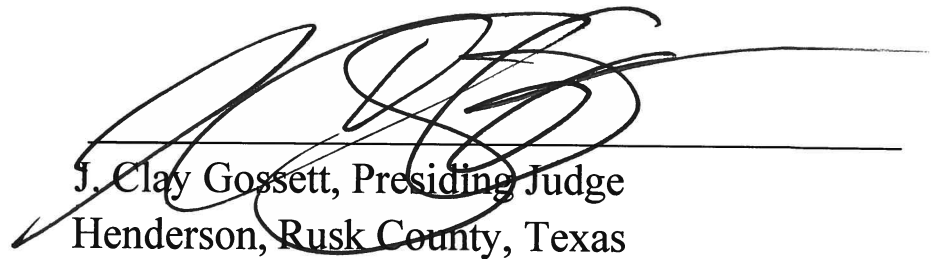
MONDAY, SEPTEMBER 2, 2019

COLUMBUS DAY

MONDAY, OCTOBER 14, 2019

TAKE NOTE OF THE SELECTED LOCAL RULES ATTACHED

Signed this 28th day of August, 2019



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

CASE NO.	TIME	PARTY	ATTORNEY/BONDSMAN
2017-268	09:00	WAGSTAFF, RANDY DONALD vs. FARM BUREAU COUNTY MUTUAL INSURANCE COMPANY OF TEXAS Action: OCTOBER PRETRIAL Type: INSURANCE	CPL: PHENIX, J. R. "RUSTY" DEF: HOWARD, BRENT 1 DEF: MINISSALE, DANA
2015-420	09:01	DURRISSEAU, MARCUS vs. WELLS, LINDY WOLF PACK RENTALS AND ARK-LA-TEX SERVICES Action: OCTOBER PRETRIAL Type: DMGS MOTOR VEHICLE	CPL: MATHIS KIRK DEF: BERRY, D. BOWEN 4 DEF: LYKINS, GARY D DEF: LYKINS, GARY D
2016-363	09:02	STONE, JAY IND. AND ON BEHALF OF BAKER STONE TRANSPORT, LLC vs. HAMPTON, BRAD IND. AND ON BEHALF OF LATEXO TRANSPORT, LL Action: OCTOBER PRETRIAL Type: BREACH OF FIDICIARY DUTY	CPL: SLOAN, JOHN D. DEF: WILDER, BRENT 8 DEF: WILDER, BRENT
2016-115	09:03	WILLIAMS, LEONARD SCOTT vs. ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY Action: OCTOBER PRETRIAL Type: DMGS MOTOR VEHICLE	CPL: YOUNG, MARTY DEF: MCGUIRE, SHANE 8
2017-114	09:04	APOSTOL, CHERYL AND APOSTOL, SIXTO vs. WILLIAMS, DIANN AND GRIFFIN, TIFFANY Action: OCTOBER PRETRIAL Type: DMG MOTOR VEHICLE	CPL: NICHOLS, REX A JR CPL: NICHOLS, REX A JR 3 DEF: LEA, KELLY B. DEF: LEA, KELLY B.
2017-256	09:05	COCHRAN, AIMEE INDIVIDUALLY AND A/N/F OF JOHN COCHRAN, III, MINOR CHILD vs. TRITON AMERICAN TRANSPORTATION, LLC AND MICHAEL ALAN FERGUSON Action: OCTOBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: ROBERTS, KAREN R CPL: NORTHCUTT, ANNIE 3 DEF: SARGENT, DAVID L DEF: SARGENT, DAVID L APPT
2018-128	09:06	ROGERS, MICKLE J. vs. RENTAL XPRESS, LLC AND TRAVIS DALE WOOD Action: OCTOBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: BRISTOW, MICHAEL DEF: KERSHAW, JEFFERY M 2 DEF: KERSHAW, JEFFERY M

CASE NO.	TIME	PARTY	ATTORNEY/BONDSMAN
2018-210	09:07	JETER, JEBRESHA vs. TINKLE, BIRDELL Action: OCTOBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: YOUNG, MARTY DEF: MCGUIRE, SHANE 2
2018-064	09:08	TURNER, DOYLE IND. AND AS REPRESENTATIVE OF THE ESTATE OF CAROLYN TURNER vs. CENICEROS, JAIME Action: OCTOBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: GRANT, DARREN CPL: GRANT, DARREN DEF: LEA, KELLY B. 4
2017-330	09:09	RIDDLE, STEPHANIE NICOLE vs. UNITED PARCEL SERVICE CO., PHILLIP VILLARREAL, AND JACINTHA NICOLE MCELDUFF AS Action: OCTOBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: MCRAW, JOHN L. (LIN) III CPL: GOSDA, DOUGLAS T. 1 INT: STEELE, BRADLEY T INT: MITCHELL, MICHAEL R. INT: NOHINEK, JOHN C. DEF: LAWRENCE, KYLE DEF: GOUDARZI, BRENT
2018-283	09:10	CLARK, MIRANDA, INDIVIDUALLY AND A/N/F OF M.T. AND R.C., MINORS, AND AS REPRESENTATIVE vs. DUKES, MARCUS WAYNE Action: OCTOBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: RUNGE, CARSON R DEF: HOWARD, BRENT 1
2018-154	09:11	RUSSELL, CHANTEL INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF TYLER RUSSELL, DECEA vs. MISSOURI PETROLEUM PRODUCTS COMPANY L.L.C. AND FERNANDO GOMEZ GONZALEZ Action: OCTOBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: GRANT, DARREN DEF: FEE, THOMAS W 1 DEF: STARR, KEITH W
2018-139	09:12	CROSS, CRAIG MICHAEL vs. LANE, AARON AND RUNNELS CARPET & TILE, INC. Action: OCTOBER PRETRIAL Type: CONTR-CONSUM/COMM/DEBT	CPL: ADKISON, RON DEF: SHUMATE, JOE 1 DEF: GALLEGOS, ADAM C. DEF: ADKISON, RON
2019-011	09:13	JONES, CHRISTOPHER vs. WILLBORN, RANDY AND RHONDA MARIE WILSON Action: OCTOBER PRETRIAL Type: QUIET TITLE	CPL: SHUMATE, JOE DEF: WILDER, BRENT 1 DEF: WILDER, BRENT

TOTAL CASES ON DOCKET - 14

**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. Advanced 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.