

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

**CIVIL DOCKET  
Trials for the Week of  
June 24, 2019 at 8:30 a.m.**

Docket Call and Pretrial: Friday, June 14, 2019 at 9:00 a.m.

Jury Selection: Monday, June 24, 2019 at 8:30 a.m.

Trials: Tuesday – Friday, June 25 – June 28, 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”

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# **NOTICE**

## **RUSK COUNTY HOLIDAYS**

### **MEMORIAL DAY**

**MAY 27, 2019**

TAKE NOTE OF THE SELECTED LOCAL RULES ATTACHED

Signed this 30<sup>th</sup> day of April, 2019

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

CASE NO.	TIME	PARTY	ATTORNEY/BONDSMAN
17-244	08:59	TURNER, BRADFORD & PAT TURNER vs. DUDLEY, JIM & MARY DUDLEY Action: JUDGE BANNER - PRETRIAL SET 6/7/2019 @ 10:00 AM Type: DECLARATORY JUDGMENT	CPL: DAUGHERTY, CRAIG M CPL: DAUGHERTY, CRAIG M DEF: THIGPEN, MATTHEW LEE "MATT" DEF: THIGPEN, MATTHEW LEE "MATT"
2016-305	09:00	DANIEL, SHELLY vs. GIESLER, DARIN PAUL Action: JUNE PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: REEVES, DON R. DEF: BOYD, PAUL M.
2017-257	09:01	HALL, SANDRA IND AND ANF JEANETTE SALAS AND SALAS, JEANETTE IND. vs. JOHNSON, JEFF IND. AND ANF MADELYN JOHNSON, A MINOR Action: JUNE PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: WILDER, CLAY L DEF: MCGUIRE, SHANE DEF: MCGUIRE, SHANE
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: JUNE PRETRIAL Type: BREACH OF FIDICIARY DUTY	CPL: SLOAN, JOHN D. DEF: WILDER, BRENT DEF: WILDER, BRENT
16-115	09:03	WILLIAMS, LEONARD SCOTT vs. ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY Action: JUNE PRETRIAL Type: DMGS MOTOR VEHICLE	CPL: YOUNG, MARTY DEF: MCGUIRE, SHANE
2018-117	09:04	TURNER, BOB BOLTON vs. OLDCASTLE MATERIALS TEXAS PRODUCTION ASSETS COMPANY, L.L.C. Action: JUNE PRETRIAL Type: CONTR-CONSUM/COMM/DEBT	CPL: ADKISON, RON DEF: MCLAIN, MATTHEW T.
2018-126	09:05	NATIONSTAR MORTGAGE LLC D/B/A, CHAMPION MORTGAGE COMPANY vs. CAMP, WAYNE Action: JUNE PRETRIAL Type: QUIET TITLE	CPL: KELLER, MICHAEL E. DEF: VOLBERDING, JAMES W
2018-153	09:06	SMITH, MARK vs. BRASHER-HINDS, KAREN AND HINDS, WILLIAM Action: JUNE PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: MANN, J. MARK DEF: MCGUIRE, SHANE DEF: MCGUIRE, SHANE

CASE NO.	TIME	PARTY	ATTORNEY/BONDSMAN
8-175	09:07	MCBRIDE OPERATING, L.L.C. vs. EAST TEXAS OILFIELD PRODUCTION SERVICES, INC. Action: JUNE PRETRIAL Type: INJ/DAM-OTHER INJ/DAM	CPL: ADKISON, RON DEF: MOSCOWITZ, BARRY A. 2
2018-033	09:08	HERNANDEZ, DAVID vs. BROWN, HELEN Action: JUNE PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: JONES, CHRIS DEF: BLACK, DENNIS G. 2
2017-239	09:10	FRANCIS, THOMAS N IND. AND ON BEHALF OF THE ESTATE OF THOMAS C FRANCIS, DECEASED, ET AL vs. KILGORE HEALTHCARE, LLC DBA KILGORE HEALTH & REHABILITATIO ET AL Action: JUNE PRETRIAL Type: MALPRACTICE	CPL: POWERS, PATRICK W. CPL: POWERS, PATRICK W. 1 CPL: POWERS, PATRICK W. DEF: MACDONALD, DAVID M. DEF: REYNOLDS, C. TIM
2017-312	09:11	CLARKSON, JOSEPH vs. CRATER, ARION SPRING Action: JUNE PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: YOUNG, MARTY DEF: STEVENS, NATALIE R. 1
7-114	09:12	APOSTOL, CHERYL AND APOSTOL, SIXTO vs. WILLIAMS, DIANN AND GRIFFIN, TIFFFANY Action: JUNE PRETRIAL Type: DMG MOTOR VEHICLE	CPL: NICHOLS, REX A JR CPL: NICHOLS, REX A JR 1 DEF: LEA, KELLY B. DEF: LEA, KELLY B.
2017-256	09:13	COCHRAN, AIMEE INDIVIDUALLY AND A/N/F OF JOHN COCHRAN, III, MINOR CHILD vs. TRITON AMERICAN TRANSPORATION, LLC AND MICHAEL ALAN FERGUSON Action: JUNE PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: ROBERTS, KAREN R DEF: SARGENT, DAVID L 1 DEF: SARGENT, DAVID L
2017-025	09:14	BRANHAM, KIMBERLY A/N/F OF CHARITY A. WASHBURN, A MINOR vs. DUKES, DONNA RAE Action: JUNE PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: PHENIX, J. R. "RUSTY" DEF: MCGUIRE, SHANE 2

TOTAL CASES ON DOCKET - 15

**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.