

Judge Kent Sullivan
80th District Court
July 2005

ORDER FOR CASES PENDING IN THE 80TH DISTRICT COURT

These procedures apply to cases assigned to Judge Sullivan, and they supplement any pending docket control order. The accompanying procedures are to be used in conjunction with the Harris County Local Rules and not as a substitute for them.

1. Pursuant to the Local Rules, each case is assigned to a two-week trial docket. If a party believes a case is not ready for trial, the parties should seek to have the case removed from the trial docket through the timely filing of a motion for continuance.
2. If the case is not ready for trial, do not assume that the case will not be called for trial. A request for a continuance after a case has been called for trial is untimely, and it may be denied absent extraordinary circumstances.
3. Motions for continuance should be timely filed so that they may be heard no later than the Monday one week in advance of the docket period. Agreed motions for continuance may be granted by the Court without oral argument. However, all motions for continuance based on the need for additional pre-trial preparation should specify the steps to be taken by the parties so that the case will be ready for a later trial date if the case is continued. The parties must also provide a firm timetable for the completion of pre-trial preparation.
4. After the Court has ruled on all outstanding motions for continuance, the order of cases on the trial docket will be finalized. It is the intent of the Court to make every effort to resolve the cases on the trial docket during that two-week docket period. Any cases not reached will be reset. However, since all cases originally placed on the trial docket were determined to be ready for trial by the parties and/or the Court, any cases not reached will be reset with minimal delay and with the anticipation that there will be no further activity by the parties. This is to ensure that parties otherwise ready for trial need engage in little or no additional pre-trial preparation (or additional expenditure of resources) relative to the resetting of the case.
5. When the Court actually calls the case for trial, the parties should appear with the following completed, exchanged by opposing counsel, and ready for discussion at a pre-trial conference pursuant to Rule 166, Texas Rules of Civil Procedure:
 - **Motions *in Limine*** – Counsel are reminded to file motions only referencing issues actually raised by the case before the Court. Form motions should be amended/updated so as to eliminate irrelevant/ unnecessary issues.
 - **Trial Witness List** – This should include the name of any person expected to testify at trial and a brief statement of that person's connection with the case. The trial witness list should be provided to Judge Sullivan and the court reporter prior to trial.

- **Exhibits.** An exhibit list is required. All exhibits must be pre-marked with inadmissible items redacted. The parties must make their proposed exhibits available for inspection by all other parties prior to the pre-trial conference. All parties should be prepared to discuss any objections to the admissibility of the exhibits prior to trial. Objections to authenticity are subject to Rule 193.7, Texas Rules of Civil Procedure. The exhibit list should be provided to Judge Sullivan and the court reporter prior to trial. If the case is a bench trial, a courtesy copy of all exhibits must be provided to Judge Sullivan.
 - **Deposition Excerpts.** The parties must designate in writing by page and line all deposition excerpts to be offered at the time of trial. This applies to all depositions but is particularly critical to any desired videotape excerpts. The deposition and/or video designation list should be provided to Judge Sullivan and the court reporter prior to trial (as well as a copy of the relevant depositions). The parties should be prepared to discuss any objections to proposed excerpts.
 - **Draft Jury Charge.** The parties must have a proposed jury charge available at the pre-trial conference, and the Court will undertake a serious discussion of the proposed charge at that time. If the case is a bench trial, the parties should be prepared to discuss proposed findings of fact and conclusions of law.
6. Throughout the pendency of a case, the parties, all counsel, and their agents or representatives shall obey and comply with the Texas Rules of Civil Procedure, the Texas Disciplinary Rules of Professional Conduct, and the Texas Lawyers' Creed – A Mandate for Professionalism (as applicable) and orders and/or instructions from the Court. Violations may be subject to punishment by contempt in appropriate circumstances. This punishment can include up to a \$500.00 fine and/or six (6) months in jail. Violations may also be subject to sanctions pursuant to Rule 215, Texas Rules of Civil Procedure, as well as other applicable authority and the inherent power of the Court.
 7. The Court may also raise such other issues and matters as contemplated by Rule 166, Texas Rules of Civil Procedure, to facilitate the trial of the case.

The order of the trial docket is generally available on the Friday prior to the first week of the scheduled docket. It can be viewed at the Court's website at www.justex.net.