*R.K. Sandill*

*Judge, 127th District Court*

**THE 127th is an E-FILING COURT[1]**

## Motions

**Motions in General**. The Court requires a courtesy copy of any motion, response or variation thereof that is over 30 pages inclusive of exhibits. Further, the Court requires a courtesy copy of any motion or response that is filed within 24 hours of a hearing or submission date. Always include a proposed order with your motion or response.

**With the exception of dispositive motions such as summary judgments, you must confer with opposing counsel prior to filing any motion and include a detailed certificate of conference. No exceptions. All motions without a detailed certificate of conference will be reset or passed.**

**Discovery motions**. You must attach a copy of the discovery response at issue or state verbatim the request and answer in the body of your motion. Proposed orders should list each discovery issue separately and should be emailed to the trial coordinator prior to the hearing date in Word.

**Responses**. Please include an order denying your opponent's motion. **Failure to file a written response 24 hours prior to hearing or submission is considered a representation of no opposition and will not be considered.**

**Special exceptions**. Attach a copy of the pleading you are excepting to (unless the exception is only to the amount of damages sought) or state verbatim the paragraph to which you except. Proposed orders should list each exception separately.

**Severance.** If a severance is granted, the party requesting the severance must obtain certified copies of all pleadings that are to be severed into the new file before an order will be signed. A cheaper alternative in some cases is to ask for abatement of one cause of action or separate trial on a cause of action.

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[1] To view the Court's Standing Order regarding E-filing, please go to http://www.justex.net/Courts/Civil/CourtSection.aspx?crt=7&sid=289.

**Agreed motions**. Agreed motions do not have to be placed on the Court's docket. File them with the Court for consideration. If an agreed motion is denied without a hearing, you can request a subsequent oral hearing on the motion. Most Agreed Motions for Continuance will be taken up at the pre-trial conference.

**Rule 106 Motions for Substituted Service.** All motions for Substituted Service under Rule 106 must be accompanied by an affidavit that includes the following information:

Efforts taken verify that defendant actually lives or works at the subject address.
Each attempt at service, with date and time
Identity of persons who were present at the subject address and what was said.
Identity of cars in the driveway or other indications that defendant reside at the subject address.

## Depositions

**Scheduling.** To the extent possible, depositions should be scheduled by agreement. Generally, the party who requests the first deposition is entitled to take the first deposition.

**Deposition Exhibits.** Exhibits should be sequentially marked E. 1, Ex. 3, etc. regardless of the identity of the deponent of the side introducing the exhibit. These same exhibit numbers will be used throughout pre-trial and trial.

## Temporary Injunctions

**Witnesses**. Please contact the trial coordinator prior to lining up and bringing witnesses for a Temporary Injunction hearing.

## Trials

The Court's docket control order sets the first trial date approximately 13 months after an answer has been filed. **This is a real trial date.** The Court considers continuances on a case-by-case basis. If you need an earlier trial date, please contact the trial coordinator with an agreed trial date.