

Procedures for Practice

MDL Pre-Trial Judge Sylvia Matthews

Protection of Sensitive Data in Pleadings:

Sensitive Data. Before filing a pleading that includes personal identifiable information such as a social security number, a driver's license number, passport number, bank account numbers, credit card numbers, or other financial account information, or medical and /or health information, please review Rule 21c.

Motion Practice:

Order: Every motion and response must be filed with a proposed order.

Submission Docket. The submission docket is every Monday at 8:00 am after 10 days' notice. A notice of submission is required. Any party may request an oral hearing. Any party requesting an oral hearing, or requesting that a motion be removed from the submission docket and placed on the oral hearing docket, must contact the MDL coordinator for a setting.

Oral Hearings: Any party requesting oral hearing, must contact the MDL coordinator for a setting.

Except as detailed below, every motion must be set for consideration either by submission or by oral hearing.

Agreed Motions. File the motion (with an order) for consideration. An agreed motion need not be set on the Court's docket.

Motions to Dismiss/Nonsuit: File the motion (with an order) for consideration. A motion to dismiss or nonsuit need not be set on the Court's docket.

Pro Hac Vice Motions. If the motion is unopposed, it need not be set on the Court's docket.

Motion to Withdraw as Attorney of Record:

1. Compliance with Texas Rule of Civil Procedure 10 is required. A phone number and email address, if available, must be included with the client's contact information.
2. Additionally, attach to the motion a copy of the letter from the attorney of record to the client giving the client notice (a) that the attorney is withdrawing; (b) that the client is deemed to have knowledge of and is required to abide by the Texas

Rules of Civil Procedure if the client chooses to proceed pro se; (c) that all notices from the court to the client's current address will be deemed to have been received unless the client notifies the court of any change of address; (d) that no continuances or extensions will be granted to the pro se client to obtain other counsel; and (e) of submission at which the motion to withdraw will be considered.

3. Moreover, if the client is a corporation, the attorney must notify the client that a corporation cannot proceed pro se, and if the corporation has not obtained new counsel within 30 days, a default judgment may be entered against the corporation, if it is a defendant, or its claims may be dismissed, if it is a plaintiff.
4. Set the motion for submission by filing a motion with a notice of submission. If a hearing is necessary, the court coordinator will contact Movant.

Motion to Substitute Counsel. If new counsel will appear for a party, a motion to withdraw and substitute is appropriate. For a motion to withdraw and substitute, the signature of the attorney withdrawing is required. The signature may appear on the motion or the order.

Certificate of Conference. Please review Harris County Local Rule 3.3.6 and include a certificate of conference when required by the Rules.

Cancelling an Oral Hearing. If the parties no longer require an oral hearing, notify the court coordinator – as soon as possible. If the Court has set the hearing, the decision to cancel an oral hearing will be made by the Court.

Appearance by Phone/Zoom. Appearances by telephone or Zoom may be arranged through the court coordinator.

Emergency Motions. If both sides agree that an emergency hearing is appropriate, please call the court coordinator to arrange. If there is no agreement, file the motion along with a request for emergency hearing.

Pre-Trial Procedure:

Scheduling Pre-Trial Conferences. The Court will schedule a pre-trial conference consistent with the applicable Case Management Order. To inquire about the scheduling of a pre-trial conference, contact the MDL court coordinator.

Pre-Trial Conferences. Parties are required to exchange motions in limine, designations of deposition excerpts, exhibit lists, and proposed charges in advance of the pre-trial conference.

Motions in limine, exhibit lists, and deposition designations are to be exchanged one week before trial, unless otherwise ordered by the Court. At the pre-trial conference, the Court will rule on motions in limine, objections to deposition excerpts, and objections to exhibits. Exhibits should be pre-marked in advance of the pre-trial conference. Exhibits to which no objection is made will be considered first.

Electronic Filing:

E-Filing. All courts now require E-filing. All documents must be filed electronically with the Harris County District Clerk. Documents should not be hand-delivered to the court, unless the Court has requested a courtesy copy of documents.

Filing Color Exhibits. If filing exhibits that are in color, please ensure that the document is scanned in color. At the time of the hearing, please be prepared to provide a courtesy copy of any color exhibits.

Naming Pleadings. When filing documents, the exact name as it appears on the pleading is to be used. The name of the pleading appears on the search results or summary page for the case. To simplify the search results page, please limit the title of documents to no more than 10 words, unless additional words are necessary. For example, **avoid** naming conventions such as: Defendant ABC International Corporation's Reply to Plaintiff Sally Jane Smith's First Amended Response to Defendant's Supplemental Motion for Summary Judgment Regarding Statute of Limitations.

Automated Certificate of eService: If attached to an order filed in an MDL, the Automated Certificate of eService can turn a 2 page order into a 20 page order. To avoid this cumbersome outcome, when filing an order, file the order as an attachment (sub doc) to a filing letter or the motion.

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