



*R.K. Sandill*

*Judge, 127th District Court*

### **MOTIONS**

1. If your hearing occurs within three (3) days of the date you are filing your motion, response, or reply, **you must send an electronic copy and physical copy of your written work product directly to the [clerk](#) of the 127th Judicial District Court.** Failure to provide a copy to the Court may result in the hearing/submission being passed.
2. Further, the Court requires a courtesy copy of any motion, response or variation thereof that is over thirty (30) pages inclusive of exhibits. Failure to provide a courtesy copy to the Court may result in the hearing/submission being passed.
3. Every motion or response must include a proposed order. Failure to provide a proposed order to the Court may result in the hearing/submission being passed.

### **RESPONSES**

1. **Failure to file a written response twenty-four (24) hours prior to the scheduled hearing or submission date is considered a representation of no opposition. NO EXCEPTIONS.**
2. Please include an order denying your opponent's motion.

### **CERTIFICATES OF CONFERENCE**

1. Counsel must make serious and timely efforts to confer with opposing counsel on all motions (excluding Motions for Summary Judgment, Motions to Dismiss, Motions to Strike, Motions to Transfer, Motions for Directed Verdict, Motions for Substituted Service, and Motions for New Trial) to try to reach agreements on the relief requested or any agreements that can be reached on some of the relief requested.

2. All Certificates of Conference shall state whether counsel have conferred regarding the substance of the relief requested and whether the relief is opposed, agreed, or agreed in part with a statement on what relief was agreed to between the parties. In circumstances where opposition is uncertain, the party filing the motion must make at least two (2) attempts on separate days to ascertain whether the relief is opposed, and must provide a certificate of conference stating the number of attempts made to contact the opposing party, the method of those attempts (i.e., fax, e-mail, telephone call, postal mail), the date and time of the attempts, and the results obtained.

3. Failure to provide a substantive certificate of conference in your motion may result in the hearing/submission being passed.

### **DISCOVERY DISPUTES**

1. The Court expects counsel to make every effort possible to resolve any and all discovery issues without Court intervention.

2. If Court intervention is necessary, the following procedure must be followed:

- a. The party seeking Court intervention must file a letter not to exceed two (2) pages (13 point font) explaining the nature of the dispute and include the date, time, and place of prior out-of-court discovery or scheduling discussion(s) and the names of all counsel participating in the discussion(s). This letter must be both e-filed and e-mailed to the [lead clerk](#);
- b. after receiving the letter, the Court will schedule a ten (10) to fifteen (15) minute telephonic conference with the parties. The responding party will have an opportunity to file a one (1) page (13 point font) response forty-eight (48) hours prior to the telephonic conference; and
- c. at the conclusion of the telephonic conference, the Court may order further briefing and a submission/hearing date.

3. The Court will send notice to all parties of any discovery submissions/hearings. The parties will be limited to briefing not to exceed ten (10) pages on any discovery matter.

### **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 special exception separately.

## AGREED MOTIONS

Agreed motions do not have to be placed on the Court's docket. Send an electronic copy of the motion to the Court for consideration. If an agreed motion is denied without a hearing or if a ruling has not been obtained within two (2) weeks of the filing date, you may request a subsequent oral hearing on the motion.

## RULE 106 MOTIONS FOR SUBSTITUTED SERVICE

All motions for Substituted Service under Rule 106 must be accompanied by an affidavit that includes at least four (4) attempts and the following information:

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

## DEPOSITIONS

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

## TEMPORARY INJUNCTIONS

1. Temporary injunctions and evidentiary hearings typically are set on Fridays unless otherwise directed by the Court. Please call the Court Clerk before your scheduled hearing to confirm the hearing. For a temporary injunction hearing, it is imperative that the Court know whether or not you are ready to proceed; if the parties were properly served; and the length of time and the number of witnesses.
2. We may need to reschedule your hearing and extend the TRO (as permitted by law) if there are trial conflicts. Do not bring your witnesses to court until you have spoken with the Court Clerk.

## **MOTIONS FOR REHEARING**

All motions for rehearing **MUST** be set on the submission docket.

### **SEVERANCE**

The order of severance must include the following information:

- Style of the case;
- Case number (e.g., 2006-32041-A);
- Parties to be included in the severed case;
- Documents to be included in the severed case;
- The order should state whether or not the severed order disposes of the severed case or if the case shall remain active; and
- Party paying for cost of the severance.

### **EXPEDITED HEARINGS**

Any party requesting an expedited or emergency hearing must file a detailed request.

### **MOTIONS FOR WITHDRAWAL OF COUNSEL**

All motions for withdrawal of counsel must be set for oral hearing, unless all counsel and the client of the attorney seeking withdrawal (as evidenced by the client's signature) agree to the motion.

### **MOTIONS FOR DEFAULT JUDGMENT**

All default judgment motions and settings require 21a notice to all defendants.

### **TRIALS**

The Court's docket control order sets the first trial date approximately thirteen (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.