

APR 27 2022

Time: 11:36am
By: C.W.
Deputy
Harris County, Texas

MASTER CAUSE NO. 2021-41903

IN RE:

IN THE DISTRICT COURT OF

WINTER STORM URI

HARRIS COUNTY, TEXAS

LITIGATION

281ST JUDICIAL DISTRICT

§
§
§
§
§
§

CASE MANAGEMENT ORDER NO. 4
(Filing Pleadings and Approved Forms for Tagging Cases and Notice)

This Order supplements Case Management Order No. 2 signed on December 15, 2021, and addresses the correct form of captions to be used when filing pleadings in cases pending in the MDL and the manner in which tag-along cases are to be noticed and filed under Rule 13.5 of the Texas Rules of Judicial Administration. This Order applies to cases pending in the MDL together with tag-along cases that may be added.

The Court finds it is necessary for administrative reasons to transition to a different system of filing and case management, moving from a centralized to a decentralized method. The intent is to reduce the number of filings in the Master Cause No. by using the cause number for each specific case. Going forward, (a) Harris County cases will be managed in the cause number assigned when the case was originally filed in Harris County and (b) cases originally filed outside of Harris County will be assigned a Harris County Cause No. and that case-specific cause number will be used for filings.

Therefore, it is hereby ORDERED that:

1. Cases Originally Filed in Harris County.

Cases pending in this MDL that were originally filed in Harris County will be managed in the Harris County Cause No. assigned to them at the time of filing. Filings in Harris County cases already transferred to this MDL shall now be made using their original Cause No. under a single caption.

New cases starting out in Harris County shall continue to be tagged as indicated in Case Management Order No. 2 using the Forms approved by the Court in Orders signed on February 3, 2022 and July 29, 2021. Upon filing a Notice of Transfer in the Harris County trial court and the Notice of Tag-Along in the Master Cause No., the case is deemed transferred to this MDL Pretrial Court Cause No. 2021-41093 under Rule 13.5(e). After transfer, the case shall be managed and filings shall be made the same as for the existing Harris County cases in this MDL.

2. Cases Originally Filed Outside of Harris County.

For cases originally filed outside of Harris County that have already been tagged into the MDL Pretrial Court and assigned a unique MDL Case Number, the District Clerk will assign a Harris County cause number, with assistance from liaison counsel.

For cases that will be transferred into the MDL Court, the party transferring the case shall file its Notice of Transfer and Tag-Along ("Tag-Along Notice") using the Form attached as **Attachment A**. When a Tag-Along Notice is filed in Harris County via the EFile platform, it should be designated as a new case in Harris County, by selecting "New Filing." The applicable category is "MDL" with the specific selection: "**MDL – Winter Storm Uri Litigation**" as the case type.

Filing the Tag-Along Notice in the manner described will link any filings in the new cause number back to the MDL. A heading of "**BEFORE THE WINTER STORM URI MDL PRE-TRIAL JUDGE**" should be in the caption, above the style on a separate line. The caption should be a double style for non-Harris County cases, noting the original court, as shown on **Attachment A**. Upon filing a Notice of Transfer in the trial court (see Order signed on July 29, 2001) and the Tag-Along Notice as a new case in Harris County, the case is deemed transferred to this MDL Pretrial Court Cause No. 2021-41093 under Rule 13.5(e). The title of the pleading should reference the unique MDL Case Number assigned as prescribed in Case Management Order No. 2.

3. Selected Cases.

By Order dated March 18, 2022, the Court designated five (5) Selected Cases, as defined in Case Management Order No. 1. When filing pleadings related to those five cases, unless instructed otherwise, the caption shall match the caption that the Court used on the Docket Control Orders for Initial Motions, also signed on March 18, 2022.

4. Notices filed in the Master Cause.

Parties filing motions or other requests for relief (a "Motion") in any individual case pending in this MDL Pretrial Court promptly shall file in Master Cause No. 2021-24797 (a) a notice indicating that a Motion was filed, using the form of notice attached as **Attachment B** and (b) a notice indicating that the Motion will be submitted to the Court either by submission or oral hearing, if any, so that all parties have notice of the MDL proceedings. If applicable, the notices may be combined as provided in **Attachment B**.

5. General Statements.

This procedure to transfer cases to the MDL Pretrial Court from outside of Harris County is administrative and is created to facilitate the MDL Pretrial Court's system of identifying and organizing pleadings in each case in this MDL Pretrial Court. Parties who, under this Order, transfer a tag-along case from outside of Harris County *are not* filing a new case in Harris County. The new cause number assigned by Harris County under this Order is not for a new case, but rather is solely an administrative measure to facilitate a system to transfer cases into the MDL Court.

By filing a Tag-Along Notice, a party does not waive any rights to assert venue and/or jurisdictional arguments, nor does transferring a case under this Order implicate any venue and/or jurisdictional issues.

6. Posting.

This Order shall be posted to the justex.net website of the MDL Court.

SO ORDERED this 27th day of April, 2022



HON. SYLVIA A. MATTHEWS
Judge Presiding
Sitting by Assignment

CAUSE NO. _____

BEFORE THE WINTER STORM URI MDL PRE-TRIAL JUDGE

Plaintiff	§	IN THE DISTRICT COURT OF
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
Defendants	§	_____ JUDICIAL COURT

TRANSFERRED FROM

CAUSE NO. _____

Plaintiff	§	IN THE DISTRICT COURT OF
	§	
v.	§	_____ COUNTY, TEXAS
	§	
Defendants	§	_____ JUDICIAL DISTRICT

NOTICE OF TRANSFER OR “TAG-ALONG”¹

Pursuant to Rule 13.5(a) of the Rules of Judicial Administration and the Orders of the Multidistrict Litigation Panel dated June 10, 2021, and July 7, 2021, in MDL No. 21-0313, this notice is to inform the MDL Pretrial Court that upon filing of this notice, the underlying cause is deemed transferred to Cause No. 2021-41903; in the 281st Judicial District Court in Harris County, Texas (the “MDL Pretrial Court”), for all pretrial purposes as described in Rule 13 of the Rules of Judicial Administration.

As required by Rule 13.5(a), attached as Exhibit A are the following:

1. List of all parties who have appeared and remain in the case as well as names,

¹ The MDL Pretrial Judge has approved this form for use in Cause No. 2021-41903; in the 281st Judicial District Court in Harris County.

addresses, phone numbers, and bar numbers of their attorneys, or, if a party is pro se, the party's name, address, and phone number; and

2. List of those parties who have not yet appeared in the case.

Respectfully submitted,

[Counsel for Defendant/Plaintiff]

ATTORNEYS FOR [DEF/PLTF]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Notice of Transfer or "Tag-Along" has been served upon all counsel of record in accordance with the Texas Rules of Civil Procedure on this _____ of _____, 2022.

[name]

MASTER CAUSE NO. 2021-41903

IN RE:	§	IN THE DISTRICT COURT OF
	§	
WINTER STORM URI	§	HARRIS COUNTY, TEXAS
	§	
LITIGATION	§	281 ST JUDICIAL DISTRICT

NOTICE OF MOTION OR REQUEST FOR RELIEF [MDL CASE NO. 5.00]

Pursuant to Case Management Order No. 4, [Party] gives this notice that [Party] has filed [Title of Motion or Other Request for Relief] in Harris County Cause No. _____ [MDL Case No. 5.00____] [and set it for [hearing/submission] on _____, 2022 at __.m.].

Respectfully submitted,

[Counsel for Defendant/Plaintiff]

ATTORNEYS FOR [DEF/PLTF]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Notice has been served upon all counsel of record in accordance with the Texas Rules of Civil Procedure on this _____ of _____, 2022.

[name]