

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. 3

(Service of Process)

This Order applies to all cases now pending in this MDL Court, as well as all cases that are later transferred to this MDL Court.

Plaintiffs' counsel may request a waiver of service of citation pursuant to Tex. R. Civ. P. 119 by emailing a copy of the Petition for a specific case along with a Memorandum of Waiver of Service ("Rule 119 Memorandum"), in the form attached as Exhibit "A", to each applicable Defendant in that Petition whose counsel of record has indicated to Liaison Counsel for the Defendants that he/she is authorized to accept a Rule 119 Memorandum on behalf of his/her respective client(s). Liaison Counsel for the Defendants shall maintain a list of all such counsel of record ("Rule 119 List"). However, inclusion of a Defendant on the Rule 119 List shall not require a Defendant to waive service of citation in any case. The Rule 119 List shall be updated at least monthly and forwarded to Liaison Counsel for the Plaintiffs no later than the 5th day of each month, and which shall contain the following information: (1) name of Defendant; (2) name of counsel authorized to receive Rule 119 Memorandum and name of counsel's law firm; and (3) email address for such authorized counsel. The initial Rule 119 List is attached as Exhibit "B". Liaison Counsel for Plaintiffs shall distribute any monthly updates to the Rule 119 List to all known counsel of record for Plaintiffs no later than the 10th day of each month.

The request for a waiver of service shall be deemed delivered on the day the Petition and Rule 119 Memorandum for a specific case is sent by email to the applicable Defendant as set forth above. For any Defendant who has agreed to accept a Rule 119 Memorandum, authorized counsel of record for such Defendant shall upon receipt of a Rule 119 Memorandum and Petition sign and return via email to the original sender the signed Rule 119 Memorandum acknowledging service of the Petition no later than seven business (7) days after receipt of the Petition and Rule 119 Memorandum, unless the Defendants elects not to waive service. Any signed Rule 119 Memorandum shall be effective on the date of signature by the Defendant's authorized counsel, and shall have the same force and effect as if the citation had been issued and served as provided by law. Plaintiffs' counsel shall be responsible for filing any signed Rule 119 Memorandum(s).

This Order does not prevent any Plaintiff from effectuating service of citation pursuant to any method authorized under the Texas Rules of Civil Procedure nor does it require any Defendant to agree to waive service of citation. Waiver of service of a citation does not waive any objection to personal jurisdiction or to venue.

SIGNED this _____ day of February 2022.

Signed:
2/16/2022



HON. SYLVIA A. MATTHEWS
Judge Presiding
Sitting by Assignment

Exhibit A

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,
Plaintiffs,

v.
Defendants.

IN THE DISTRICT COURT OF

COUNTY, TEXAS

JUDICIAL DISTRICT

The entity I represent agrees to save the expense of issuing citation and serving a citation and Petition in this case, and I hereby acknowledge receipt and service of the _____ Petition in this matter.

I understand that the entity I represent will keep all defenses or objections to the lawsuit, the Court's jurisdiction, and the venue of the action, but that I waive on behalf of the entity I represent any objections to the absence of a citation or of service.

The Court's current stay pursuant to Case Management Order No. 1 includes a stay on the filing of answers or motions (except as set forth in Case Management Order No. 1) and no answer will be due. The failure to file an answer or motion will not be grounds for a default judgment. The filing of answers and motions in this matter will be governed by Case Management Order No. 1 and future Orders of the Court, with the understanding that the entity I represent will have an additional 30 days to file any answer, motion, or other responsive pleading that may be required by virtue of waiving service pursuant to this memorandum.

Date: _____

Signature of the attorney of party waiving
service of the citation

Printed name of party waiving service
of the citation.

Printed name

Address

Exhibit B

Master Cause No. 2021-41903: Rule 119 List as of February __, 2022

[illegible]