

**4th JUDICIAL DISTRICT COURT
RUSK COUNTY, TEXAS**

CIVIL DOCKET

**Trials for the Week of
October 28, 2024 at 8:30 a.m.**

Docket Call and Pretrial: Friday, October 18, 2024 at 9:00 a.m.
in the 4th Judicial District Courtroom

Jury Selection: Monday, October 28, 2024 at 8:30 a.m.
in the 4th Judicial District Courtroom

Trials: Tuesday–Friday, October 28 - November 1, 2024
in the 4th Judicial District Courtroom

****** CASES WILL NOT BE PASSED OR CONTINUED WITHOUT A
HEARING AND WITHOUT A COMPELLING REASON.**

******** If you have received notice that any of the following cases have also
been set on a later docket, such notice does not cancel or otherwise
affect notice of the setting given herewith.

******** See attached “Rules for Cases Set for Jury Docket”

NOTICE

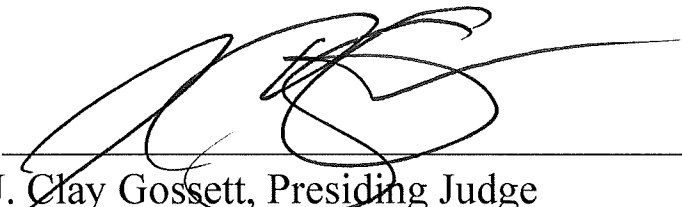
RUSK COUNTY HOLIDAYS

LABOR DAY HOLIDAY
MONDAY, SEPTEMBER 2, 2024

COLUMBUS DAY HOLIDAY
MONDAY, OCTOBER 14, 2024

TAKE NOTE OF THE SELECTED LOCAL RULES ATTACHED

Signed this 26th day of August, 2024



J. Clay Gossett, Presiding Judge
Henderson, Rusk County, Texas

CASE NO.	TIME	PARTY	ATTORNEY/BONDSMAN
2023-122	09:00	MCFALL, DONNA MASON vs. ZERMENO, JUAN AND AMPARO ZERMENO Action: OCTOBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: ADKISON, RON DEF: PARKER, W. TODD 1 DEF: PARKER, W. TODD
2019-284	09:01	WHITAKER, WILLIE JOE, JANICE FORD, ESSIE B. BROWN AND DONALD CHANEY vs. WHITAKER, WALTER Action: OCTOBER PRETRIAL - JUDGE PHIFER Type: REAL PROP-OTHER REAL PROP	CPL: SHUMATE, JOE 6 CPL: SHUMATE, JOE CPL: SHUMATE, JOE DEF: WILDER, CLAY L
2022-246	09:02	SILVER HILL ENERGY OPERATING, LLC vs. STROUD, JAMES CLIFTON JR. AND LYNDA STROUD Action: OCTOBER PRETRIAL Type: ALL OTHER CIVIL CASES	CPL: HARGROVE, ROBERT G INT: BIFULCO, GERARD F. 4 CPL: SMITH, RUSSELL R. DEF: ADKISON, RON DEF: ADKISON, RON
2023-027	09:03	KRIESEL, GARY vs. CONSUMERS COUNTY MUTUAL INSURANCE COMPANY Action: OCTOBER PRETRIAL Type: CONTR-CONSUM/COMM/DEBT	CPL: BIRDELL, ANDREW M. DEF: 2 DEF: IRABOR, BRANDON
2022-154	09:04	GUNN, AUSTIN vs. GOOD SPRINGS WOOD PRODUCT, INC, ET AL Action: OCTOBER PRETRIAL Type: INJ/DAM-OTHER INJ/DAM	CPL: RUNGE, CARSON R DEF: MORAN, ROB K. 1 DEF: MERKLEY, DAVID L. DEF: O'HARA, KAITLYN T. DEF: LANKFORD, MARK DEF: O'HARA, KAITLYN T. DEF: AKIN, G.R. (RANDY)
2022-327	09:04	CASEY, JACOB AND WIFE, JULIA CASEY vs. SOUTHWESTERN ELECTRIC POWER COMPANY, JUSTIN SMITH, THE DAVEY TREE EXPERT COMPANY, AND Action: OCTOBER PRETRIAL Type: INJ/DAM-OTHER INJ/DAM	CPL: AKIN, G.R. (RANDY) CPL: AKIN, G.R. (RANDY) 1 DEF: WORTHINGTON, STAYTON L. DEF: ERHART, STEPHANIE A. DEF: PARKER, W. TODD DEF: SCHEINTHAL, SCOTT L. DEF: WILLIAMS, MONTE L. DEF: SCHEINTHAL, SCOTT L.

CASE NO.	TIME	PARTY	ATTORNEY/BONDSMAN
2023-018	09:06	STOKES, MICHAEL vs. CURRIN, JENNIFER LEE Action: OCTOBER PRETRIAL Type: INJURY OR DAMAGE WITH MV	CPL: ARMSTRONG, SCOTT P. DEF: FLASOWSKI, W WADE, IV 1
2022-322	09:07	W.D. TOWNLEY & SON LUMBER CO., INC. vs. CREST TAX PARTNERS, LLC AND PAMELA FOUGHTY Action: OCTOBER PRETRIAL - JUDGE PHIFER Type: ALL OTHER CIVIL CASES	CPL: ADKISON, RON DEF: THARPE, DALLAS W. 2 DEF: THARPE, DALLAS W.
2023-059	09:08	DROTAR, WILLIAM JR. vs. CARTER, BILLY Action: OCTOBER PRETRIAL Type: DMGS MOTOR VEHICLE	CPL: SATTERWHITE, MICAH L. DEF: FISCHER, TAYLOR C 2
2021-213	09:09	BATON, DAVID AND WIFE, JOHNNYE BATON vs. BATON, JAMES W. Action: OCTOBER PRETRIAL Type: REAL PROP-OTHER REAL PROP	CPL: SHUMATE, JOE 7 CPL: SHUMATE, JOE DEF: BERRY, JOHN F
2023-121	09:10	JENNIFER ANN GEDDIE vs. FAVOR CUSTOM HOMES, LLC AND ROY JOHN CLARK Action: OCTOBER PRETRIAL Type: REAL PROP-OTHER REAL PROP	CPL: PHENIX, J. R. "RUSTY" DEF: ADKISON, RON 1 DEF: ADKISON, RON
2023-036	09:11	WALGAMA, UPALI M.D. vs. LEITNER, MARK, QUINTEN HARRISON, ETMC PHYSICIAN GROUP, INC., DBA UT HEALTH EAST TEXAS PHYSICIAN Action: OCTOBER PRETRIAL Type: CONTR-OTHER CONTRACT	CPL: ADKISON, RON DEF: DRAKE, JO BETH 2 DEF: DRAKE, JO BETH DEF: DRAKE, JO BETH DEF: SMILEY, JENNIFER

TOTAL CASES ON DOCKET - 12

**LOCAL RULES FOR THE FOURTH DISTRICT COURT OF
RUSK COUNTY, TEXAS**

RULE 1.18 DOCKET CALLS AND ANNOUNCEMENTS

Docket call is for the purpose of hearing announcements of “Ready” or “Not Ready” for trial and for the purpose of hearing contested motion for continuance.

- A. If no announcements are made in a case at docket call, that case will be removed from the active trial docket.
- B. If an announcement of “Ready” is made by any part, it shall be presumed that any part not announcing is also ready for trial.
- C. An announcement of “Not Ready” must be accompanied by a written motion for continuance unless there is an agreement by all parties to pass the case, which agreement is subject to the approval of the Court.
- D. Parties and counsel are excused from appearing at docket call if all parties have agreed to continue or pass the case AND the court approves such agreement, OR the party desiring to be excused is ready for trial and there are no pre-trial motions or other preliminary matters to be heard.

RULE 1.19 RESETTING CASES

Once a case had been placed on the active jury docket, such case is automatically set for trial from term to term until disposition and shall not be removed from such docket except for no announcements at docket call and except by Order of the Court on the motion of a party, for good cause after notice and hearing, or on the Court’s own motion, with or without hearing.

RULE 3.10 PRESENTMENT OF PRE-TRIAL PLEAS AND MOTIONS

Except for Motion in Limine and motion for continuance, all special exceptions, other pre-trial motions and pleas must be filed and copies served on opposing counsel for three (3) full days before the pre-trial hearing, unless a longer period for filing is otherwise required or a shorter period allowed for good cause.

(Motions in Limine not urged at the pretrial hearing will be heard in the judge’s chambers on the day of jury selection at 8:30 a.m.)

When counsel for any party fails to appear at the pretrial, the Court may:

- 1. Rule on all special exceptions, motions or pleas in the absence of such counsel.
- 2. Declare any special exceptions, motions or pleas of such absent party waived.
- 3. Advance or delay the trial setting according to the convenience of the counsel present.
- 4. Pass and reset the pre-trial.

Counsel at the pre-trial shall either be the attorney who expects to try the case, or shall be familiar with the case and is fully authorized to state his party's positions on the law and facts make stipulations and enter into settlement negotiations as trial counsel. If the court finds counsel is not qualified, the Court may consider that no counsel has appeared and may take any of the procedures provided above.

All special exceptions and other pre-trial motions and pleas filed but not urged at the pre-trial hearing shall be deemed waived.

I here shall be no further pleadings or discovery after the pre-trial hearing except in direct response to orders of the Court at the pre-trial hearing OR upon written motion for good cause after notice and hearing

RULE 3.11 DISPOSTIION OF MOTIONS AND OTHER PRELIMINARY MATTERS

Motions and other preliminary matters may be heard in advance of the pre-trial if, when filed, they are accompanied by an Order Setting Hearing to be completed by the Court. Otherwise, all such motions and other preliminary matters must be urged at the pre-trial, or they will be deemed waived.

It is the responsibility of the moving party to give notice of such settings to all other parties or their counsel of record.

RULE 3.13 MOTIONS FOR CONTINUANCE

All contested motion for continuance must be in writing and filed before docket call.

Contested motions for continuance filed after docket call must be based on grounds that either did not exist or were not known and could not have been reasonable anticipated at the time of docket call.

RULE 3.22 DISCOVERY MOTIONS

Motions relating to discovery may be heard in advance of the pre-trial if, when filed, they are accompanied by an Order Setting Hearing to be completed by the Court. Otherwise, all such motions must be urged at the pre-trial, or they will be deemed waived.

It is the responsibility of the moving party to give notice of such settings to all other parties or their counsel of record.

RULE 3.26 JURY VOIR DIRE/VENIRE

Prior to voir dire examination, counsel will be provided a copy of the completed jury panel personal data questionnaire of each panel member.

RULES FOR CASES SET FOR JURY DOCKET

1. All counsel are to be present at pretrial. No written or call in announcements of Ready will be accepted.
2. All exhibits are to be pre-marked and presented to the Court in a notebook at pre-trial.
3. Exhibits will be submitted to counsel seven (7) days prior to the pre-trial date.
4. The Court will hear all objections to trial exhibits at time of pretrial.
5. Any documents not produced to opposing counsel in response to Request for Disclosure or request for Production, absent a specific objection, will be excluded. General or Global objections will not be considered by the Court.
6. All requested issues and instruction have to be submitted to the Court at time of jury selection.
7. Failure to appear, submit exhibits and issues will result in sanctions by the court.