

IN THE DALLAS COUNTY COURT AT LAW NO. 4

**SECOND AMENDED ORDER: EMERGENCY STANDING ORDER IN RESPONSE TO NOVEL
CORONAVIRUS (COVID-19)**

Pursuant to the disaster declarations of President Donald J. Trump, Governor Greg Abbott, County Judge Clay Jenkins, Mayor Eric Johnson, and the Supreme Court of Texas and the Court of Criminal Appeals of Texas, this Court finds that it is necessary to implement temporary procedures to minimize the risk of exposure to the novel coronavirus.

ON THIS DAY, April 10th, 2020, in the best interest of public health and safety, this court enters the following Amended Emergency Standing Order related to proceedings occurring from its effective date throughout the duration of the Public Health Emergency. This Order is effective as of the date of execution and amends this Court's *Temporary Order* signed on March 16, 2020 and *Emergency Standing Order* signed April 2, 2020.

This order is consistent with the Dallas County Courts at Law joint order and seeks only to clarify processes for County Court at Law No. 4 ("CCL4").

A. FORCIBLE ENTRY & DETAINER

All trials are cancelled until 30-days after the Governor lifts the State of Disaster Declaration. We will notify you as soon as possible with updates. Court Coordinator, Cathy Moran, will send new trial notices.

B. TRIALS

All trials are cancelled through May 8, 2020. Court Coordinator, Cathy Moran, will send new trial notices.

If you have a special setting, please work with her via email to obtain a new date after May 8, 2020.

C. MOTIONS CURRENTLY AND PROSPECTIVELY SET FOR A HEARING

While the County Clerk continues to operate with a skeleton crew, clerks are still receiving and accepting filings. CCL4 does not have an assigned clerk, however, a clerk is available Monday through Friday, from 8:30AM to 1PM to: 1) set for an oral hearing urgent essential matters (as defined by the County Courts at Law joint order); and 2) set motions to be heard by submission on this Court's *Submission Docket*. Signed orders may remain on the "to-be-scanned queue" longer than usual and may be available on the system only several days after the Judge signs them.

1. Submission Docket

Movant must contact the Clerk to obtain a *Submission Docket* date and time. Movant MUST then promptly eFile and serve their *Notice of Hearing by Submission* to opposing parties. Any party wishing to respond and object to a motion must have their written pleadings and responses by the date of the noticed hearing. Indeed, CCL4's existing policy requiring filings of any responsive pleading or objection by any date certain prior thereto remains in full force and effect.

2. Telephonic or Technological Means Hearings

The Court may grant a request for oral argument upon a showing of good cause. Such a request for oral argument must be made to the Court via submission to the Court Coordinator at Cathy.Moran@DallasCounty.org. All parties must contemporaneously be copied on that

email. If oral argument is granted, the Coordinator will provide the requesting party with a hearing date and time. CCL4 uses Microsoft Team to conduct telephonic hearings. Parties with a Microsoft Team License are encouraged to join with the video feature enabled. CCL4 may also use Zoom for video hearings.

a. Party who obtained leave of Court and hearing date and time for oral argument

MUST:

- i. Immediately eFile and serve a *Notice of Hearing* to all parties.
- ii. No less than 48 hours in advance of said hearing, email the Court Reporter at Coral.Wahlen@dallascounty.org and Coordinator the email address of ALL attorneys (or self represented parties), witnesses and others who may be participating in said proceeding so that information regarding any access code and other pertinent information necessary to conduct the remote connection may be effectuated.

b. All parties to an oral argument must observe and follow the following instructions:

- i. No less than 12 hours in advance of said hearing, any party needing to admit either exhibits or evidence must email the Court Reporter (see address above) in PDF format in advance of the hearing already pre-marked with exhibit stickers and chronologically numbered for ease of reference (and directing a witness's attention) during telephonic proceedings. The pages of each exhibit, deposition, declaration of other proffered evidence must be sequentially numbered for ease of reference. Copies must contemporaneously be directed to all parties.

- ii. The attorneys and parties are directed to collaborate and transmit to the Court Reporter the required information in a single submission with a copy to all counsel of record and self-represented parties.
- iii. Private recording of any Court proceeding remains expressly prohibited without prior consent of the Court.

c. Access to the Public

Consistent with the State policy of open courts, any member of the public wishing to listen to any telephonically conducted proceeding may gain access to the same by contacting the Court Coordinator at 214-653-7345 for dial-in and access code information.

3. Motions for Summary Judgment

Motions for summary judgment will be set on the *Submission Docket* only. Therefore, it is critical that motions and responses contain all exhibits marked with an exhibit sticker. The Court may contact the parties for additional briefing.

4. Default Judgment Requests

The Texas Supreme Court's April 9, 2020 Emergency Order allows for the filing of default judgment requests but prohibits the setting of default judgments hearings at this time. Further, the Order also provides that the time to respond or file and answer is tolled until April 30, 2020. Consequently, any default judgments set between now and April 30, 2020 will be heard after May 20, 2020.

D. DEPOSITIONS

1. Any Deposition may be noticed to proceed technologically and remotely. Said Notice must specifically advise of the location of the prospective Witness and the Court Reporter. It must also advise all counsel of record and any other persons of the ability to participate remotely.
2. Any notice must include the telephone number or other technological platform identification, access codes or other pertinent information to effectuate access to the proceedings by any interested individual or entity.
3. The desire of a party to appear in person or an objection relating to the location of the prospective Witness or Court Reporter for the purposes of taking said deposition must not alone be sufficient grounds to quash a deposition notice.
4. Any party filing a Motion to Quash a deposition pursuant to Tex. R. Civ. P. 199.4 in a manner to cause the immediate canceling of said deposition is responsible for ensuring that a hearing is calendared at the Court's earliest convenience.

E. DISMISSAL DOCKET

Call Court Coordinator with questions.

F. MEDIATION

The requirement of this Court that all parties and counsel must appear for mediation in person is hereby suspended during the pendency of the Governor's declaration of a Public Health Emergency. While the Order requiring mediation remains in effect, any Party may choose to appear at a Mediation via telephonic or other technological means. However, any

party or counsel participating remotely MUST remain present for the entirety of the mediation process.

It is so ORDERED

Signed this __10th__ day of April, 2020.

/s/ Paula M. Rosales

The Hon. Paula M. Rosales

Presiding Judge, County Court at Law No. 4