



**W. EDWIN DENMAN**  
**District Judge**  
**412th Judicial District**  
**Brazoria County, Texas**

**PROCEDURES FOR SETTING CIVIL MATTERS IN THE 412<sup>TH</sup> DISTRICT COURT  
BRAZORIA COUNTY, TEXAS**

**THE CIVIL TRIAL DOCKET**

**TRIAL SESSIONS:** The Court will schedule certain weeks for civil trials. This schedule will be posted in the office of the District Clerk and published on the Website for Brazoria County.

**SETTINGS:** The Court encourages the use of a Docket Control Order (DCO) to set trial dates. A DCO will be required in all Level III Discovery cases. The Court will schedule no more than seven (7) cases for trial each week by the DCO. These will be the first seven (7) cases that week which will be called for trial. All other parties wishing to obtain a trial setting for those weeks can do so by making a Trial Setting Request, but these cases will be listed behind those which are already listed by virtue of the DCO irrespective of the age of the case. If the case set by a DCO is not reached on the trial week, it will be given priority in resetting or will be reset on the next available Special Setting Week which is the fifth week in a month.

If there is no Docket Control Order in place, no Trial Setting Request may be made, except with leave of Court, on any case that is proceeding under Level II Discovery earlier than ten (10) months after the date the Defendant's Answer was filed, or under Level III Discovery earlier than fifteen (15) months after the Defendant's Answer was filed. In a multi-defendant case, the time will begin to run after the date the first Defendant's Answer was filed.

A civil case may be set by an attorney of record or by the Court. Unless set by the DCO or by the Court, a setting will be for a particular month and will not be assigned to a specific week until the call of the monthly civil docket.

- (a) Settings in the Court must use the form of DCO or Trial Setting Request required by this Court. No Trial Setting Requests will be accepted if they are not on the form required by this Court.
- (b) Cases will be set upon receipt of timely request without further confirmation. However, counsel must not request a trial setting without the consent of the Court, or of all parties, earlier than the trial date on the DCO, or if no DCO is in place, earlier than is permitted by these rules.
- (c) Trial Setting Requests must be received by the Court Coordinator for the 412<sup>th</sup> District Court not later than sixty (60) days prior to Docket Call for the month requested for a trial setting.

If a party desires to enter a DCO and is unable to secure the agreement of all parties, that party should request a hearing to enter a DCO.

**DOCKET CALL:** The civil docket will be called at 1:45 p.m. on the second Friday of each month for all cases set for trial during the following month. **All cases set on the docket by DCO will be announced as "ready" unless a written Motion for Continuance is filed and served on all opposing counsel at least seven (7) days prior to docket call.** All written Motions for Continuance will be heard

immediately following docket call. **No oral motions for continuance will be heard.** Counsel is not required to be present at docket call unless a written Motion for Continuance is filed and will be opposed, in which case, all lead counsel are required to be present. At the docket call, cases will be set for trial during a specific week of the month with preference given to the cases set by DCO.

**AGREED PASS:** Cases (except those set by the Court or on the dismissal docket) may be passed one time by agreement prior to docket call. Afterward, the Court must approve any pass or delay. If a case has a DCO in place and a trial setting is passed, either by agreement or on Order of the Court, a new DCO must be entered setting a trial date or the parties must use a Trial Setting Request.

**PREFERENTIAL TRIAL SETTING:** Cases may be set out of order by motion to the Court setting forth specific grounds of good cause for such request. A hearing is required.

**DISMISSAL DOCKET:** Unless a DCO is in place, all cases pending more than eighteen (18) months will be placed on a Try or Dismiss docket with the docket call to be announced.

### **THE CIVIL ANCILLARY DOCKET**

**SETTINGS:** Requests for hearing contested motions and other ancillary civil matters shall be made by telephone (preferable) or in writing to the Civil Docket Coordinator of the Court, who will set the matter for an available day and time in accordance with instructions from the Court. The requesting attorney must give proper written notice to all opposing counsel of such setting.

Contested ancillary matters in civil cases will be heard on Mondays, Tuesdays, Wednesdays and Friday afternoons of the Ancillary Week, which is the third (3rd) full week of each month for this Court. Tuesdays and Wednesdays will be reserved primarily for Summary Judgments. However, if you have emergency ancillary matters that must be heard at other times, depending on the Court's docket, ancillary matters may also be scheduled for an 8:30 hearing. However, except with prior Court approval, the 8:30 hearings must be completed before 9:00 a.m. so you will need to estimate your time accurately. Contested matters are not considered by submission.

**PASS OF A NOTICED HEARING:** After a Notice of Hearing has been sent, the hearing may be passed only with the written consent of all parties. If no notice has been sent, a hearing can be passed by the party requesting the setting by written notice to the Civil Court Coordinator requesting that the hearing be passed and certifying that no notice of the hearing has been given.



The forms for Docket Control Orders and Trial Setting Requests for the 412<sup>th</sup> District Court are available at the Brazoria County website which is <http://www.brazoria-county.com>. They are posted in the Downloadable Forms option of the District Clerk's homepage. You can also find other forms and procedures for this Court, including the **Certificate of Conference Between Counsel**, as well as the Brazoria County District Court Schedule.

NO TRIAL SETTING REQUEST OR MOTION, EXCEPT FOR CERTAIN MOTIONS SUCH AS SUMMARY JUDGMENTS OR PLEAS TO JURISDICTION, WILL BE ACCEPTED, NOR WILL A HEARING BE HELD, UNLESS THE TRIAL SETTING REQUEST COMPLIES WITH THE FORM REQUIRED BY THIS COURT AND EACH MOTION HAS ATTACHED TO IT THIS COURT'S CERTIFICATE OF CONFERENCE BETWEEN COUNSEL.