

IN RE ALL CASES FILED
IN THE 172ND DISTRICT COURT

(WITH EXCEPTIONS) AS OF
AUGUST 15, 2008

IN THE 172ND DISTRICT COURT OF
JEFFERSON COUNTY, TEXAS

172ND JUDICIAL DISTRICT

ORDER DESIGNATING ALL CASES E-FILE
AND
SETTING FORTH CERTAIN REQUIREMENTS
IN E-FILE CASES

IT IS HEREBY ORDERED that, henceforth, all cases filed in the 172nd District Court of Jefferson County, Texas, shall be, and they are designated E-file cases in accordance with Local Rule 7, EXCEPT that tax cases, cases filed by pro se parties, and seizure and forfeiture cases, shall not be so designated, subject to further orders of this court.

IT IS FURTHER ORDERED that the District Clerk shall not receive any pleadings whatsoever in E-file cases in paper form, save and except for the original petition and return citations, and the District Clerk shall not electronically scan paper pleadings to E-file. If the District Clerk receives a paper pleading in an E-file case, the Clerk is ORDERED to return that pleading to the purported filer with a notification that the case is E-file and that no paper pleadings can be received, file-stamped, nor scanned. The attached *Efile Administrative Procedures* shall apply for electronic filing or e-filing.

IT IS FURTHER ORDERED that the District Clerk shall send the notice appended hereto to all new parties to a lawsuit, whether original defendants, cross defendants, or otherwise, advising of this order and of the requirements of Local Rule 7.

IT IS FURTHER ORDERED that the District Clerk must be furnished with an electronic disk of all parties in cases involving 10 plaintiffs or defendants or a combination of both, including the addresses of those receiving service, in a format prescribed by the District Clerk.

IT IS FURTHER ORDERED that each pleading in cases designated as E-file shall be fully and properly labeled, and a pleading shall deal with only one subject matter. Thus, for example, a Motion To Transfer Venue may not be combined with an Answer, but they shall be two separate pleadings, each labeled accordingly and filed separately. In similar fashion, all matters shall be separately pleaded, labeled, and filed, and there shall be no "gang filing". The purpose of this requirement is so that separate matters may be readily indexed and located in the electronic file.

SIGNED AND ENTERED THIS 14TH DAY OF JULY, 2008.



DONALD J. FLOYD, JUDGE
172ND DISTRICT COURT

**EFILE ADMINISTRATIVE PROCEDURES OF THE
172ND DISTRICT COURT
JEFFERSON COUNTY, TEXAS**

1. Documents that must be electronically filed; Exceptions

Each document that must be filed under the Rules shall be eFiled unless otherwise ordered by the Court. Except that paper copies of any Original Petition shall be filed to facilitate service of process as required by the Rules and by statute. Paper courtesy copies of pleadings seeking judicial action shall only be filed at the discretionary request of the assigned judge. The cover page must indicate “COPY” and include the assigned Transaction ID number. An additional exception to the requirement of e-filing shall apply to return citations, survey maps, building plats, and similar descriptive exhibits. Such documents shall be submitted to the District Clerk, but the submitting party shall also e-file notice to all parties of the submission.

2. Form of Documents Electronically filed

(a) *Format.* Each electronically filed document shall be filed in Word, WordPerfect, TIFF or .PDF format, *except that each electronically filed brief and proposed order shall be filed in editable Word or WordPerfect format.* To the extent practicable *each document* shall be formatted in accordance with the applicable rules governing formatting of paper documents, and in such other and further format as the District Clerk or Judge may require from time to time. A document may exceed page limitation rules to a maximum of two (2) additional pages when the additional pages are attributed to the electronic conversion or filing process.

(1) eFile will automatically convert any Word, WordPerfect or TIFF file to .PDF format, but the original format will also be available for downloading.

(2) The official record of the court is the .PDF version.

(b) *Title of Documents.* The title of each electronically filed document shall include:

(1) Party or parties filing the document,

(2) Descriptive title of the document,

(3) Party or parties against whom relief, if any, is sought, and

(4) Nature of the relief sought (e.g., Defendant ABC Corporation’s Motion for Summary Judgment against Plaintiff Jones).

(c) *Signature.*

Each electronically filed document shall be deemed to have been signed by the attorney authorizing such filing, and shall bear a facsimile or typographical signature of such person, e.g., “/s/ Adam Attorney.” Each document eFiled by or

on behalf of a party shall also include the typed name, address, and telephone number of the attorney filing such document. Attorneys shall include their Texas bar number.

Each electronically filed declaration and affidavit shall be deemed to have been signed by the declarant or affiant if an attorney or party not represented by an attorney has authorized such filing. The original affidavit or declaration filed or served electronically, shall be maintained by the party filing the affidavit during the pendency of the litigation, and shall be made available, upon reasonable notice, for inspection by other counsel, the District Clerk or the Court.

- (d) *Discovery* - in E-file cases, only the certificates of serving discovery requests and responses shall be E-filed; neither the requests nor responses shall be eFiled nor need be efiled. (See Local Rule pertaining to *Filing of Discovery and Related Materials in Civil Cases in Jefferson County, Texas.*)

3. **Time of eFiling and Service**

- (a) Any document filed electronically by 11:59 pm ET shall be considered eFiled with the District Clerk once the transmission is successfully completed (“authorized date and time”) as recorded on the LexisNexis File & Serve system.
- (b) An eFiled document is deemed served only upon selection of parties to be served and submission according to the File & Serve procedures. The electronic service of a pleading or other document in the eFiling system is considered valid and effective service on all parties and shall have the same legal effect as conventional service of an original paper or document. The filing party is not required to conventionally serve a paper copy of the electronically filed document on parties not subscribing to the eFiling system. LexisNexis shall serve subscribing parties electronically and non-subscribing parties via facsimile or US Mail. The associated filing receipt will list the parties selected for service and give proof of date, time and method of service.

4. **Public Access to the Docket**

The District Clerk shall make a Public Access Terminal available to interested parties to allow access to the Court’s electronic case record in all eFiled cases. Copies made from the Court’s electronic case records shall be printed by the District Clerk’s office and copying fees will be charged in accordance with District Clerk’s copying fees.

5. **Obligation of Registered eFile Users to Maintain Proper Delivery Information.**

Parties or attorneys who register to use the File & Serve system shall notify LexisNexis File & Serve within 10 days of any change in firm name, delivery address, fax number or e-mail address.