ORIGINAL

FILED
DEC 18 2014
MELANIE REED
CLERK DISTRICT COURT
ELLIS COUNTY, TEXAS

40TH DISTRICT COURT
443RD DISTRICT COURT

ELLIS COUNTY COURTS BUILDING
109 S. JACKSON
WAXAHACHIE, TX 75165

WRITTEN DESIGNATION AND INSTRUCTIONS TO THE ELLIS COUNTY DISTRICT CLERK REGARDING THE DIVISION OF CIVIL MATTERS BETWEEN THE 40TH JUDICIAL DISTRICT COURT AND THE 443RD JUDICIAL DISTRICT COURT

On the effective date of January 1, 2015, and pursuant to Section 6 of the *Assignment and Docketing Procedures* dated December 18, 2014, written designation is hereby provided to the Ellis County District Clerk instructing her to assign and docket civil matters between the 40th Judicial District Court and the 443rd Judicial District Court, as follows:

a. 443rd Judicial District Court –

1. All tax cases involving ad valorem and/or personal property tax delinquencies;

2. Motor vehicle accidents involving personal injury, property damage, and/or wrongful deaths;

3. All property forfeiture proceedings pursuant to the Code of Criminal Procedure;

4. Rule 736 home equity foreclosure proceedings;

5. Lawsuits involving residential real property foreclosures, including related temporary restraining orders and temporary injunctions;

6. Lawsuits wherein the primary relief sought is the collection of consumer indebtedness from credit cards or retail installment loans, including post judgment collections and individual receiverships;

7. Writs of sequestration wherein the writ seeks to sequester personal property which is the subject of consumer indebtedness and garnishment actions in relation to personal or individual accounts;

8. Transfer of structured settlement annuities;

9. Cases involving workers' compensation claims;

10. All expunctions and non-disclosures, except those where jurisdiction is mandatory in the 40th Judicial District Court;

11. Judgment Nisi's resulting from companion felony criminal cases pending in the 443rd Judicial District Court; and

12. Any civil proceedings directly related to the 443rd Judicial District Court being designated as the primary juvenile court for Ellis County, Texas.

b. 40th Judicial District Court –

1. All lawsuits, claims, and causes of action involving commercial business disputes among businesses and/or business owners, including disputes involving the dissolution of a business, as well as the receivership of a business enterprise;

2. Lawsuits wherein the primary relief sought is the collection of commercial or business indebtedness, writs of sequestration for commercial or business property, and garnishment actions in relation to business or commercial accounts;

3. Civil suits for breach of contract, deceptive trade practices, business fraud, breach of fiduciary duty, conspiracy, other business torts, as well as cases involving theft of trade secrets and/or violations of the theft liability act;

4. Cases involving defective products, personal injury, property damage, and/or wrongful death claims (except motor vehicle accidents involving personal injury, property damage, and/or wrongful deaths);

5. Medical malpractice cases and other lawsuits involving professional negligence;

6. Lawsuits involving easements, title to land, boundary disputes, commercial foreclosures, oil and gas matters, and trusts;

7. Lawsuits by and against insurance companies, umpire proceedings, declaratory judgment actions, defamation, and lawsuits involving statutory causes of action, violations, and defenses including anti-slap cases;

8. Only those expunctions and non-disclosures wherein jurisdiction is mandatory in the 40th Judicial District Court;

9. Judgment Nisi's resulting from companion felony criminal cases pending in the 40th Judicial District Court; and

10. Appeals from the Ellis County Appraisal Review Board.

In the event the District Clerk receives a case for filing and there is any uncertainty or question with respect to which District Court such civil matter should be assigned and docketed, the District Clerk may contact either the 40th District Court Judge or the 443rd District Court Judge to obtain guidance, and the instruction of that Judge shall be sufficient authorization for purposes of assigning and docketing the case. In all such instances, within a reasonable time thereafter, the District Clerk shall notify by email both Judges and their respective Court Coordinators the name and cause number of the case, which Judge was consulted, and the District Court to which the civil matter was assigned and docketed.

Signed this 18th day of December, 2014.

40th Judicial District Court

Judge Bob Carroll

443rd Judicial District Court

Judge Cindy Ermatinger