











COVID-19 Safety Information >



District Courts of Harris County



JUDGE C. ELLIOTT THORNTON

 <p>Cases Case Information</p>	 <p>Local Rules Local Rules</p>	 <p>Jurors Information for Jurors</p>	 <p>FAQs Frequently Asked Questions</p>
 <p>Jobs Job Vacancies</p>	 <p>Dockets Court Docket Schedules</p>	 <p>Hearings Election Contest Hearings</p>	 <p>Locations <u>Court Locations and Phone Numbers</u></p>
	 <p>Parking Parking</p>	 <p>Dining Dining</p>	

[Home](#) > [Courts](#) > [Civil](#) > [Judge C. Elliott Thornton](#) > [Judge C. Elliott Thornton](#)

COURT PROCEDURES

Court Procedures

Procedures for the 164th Civil District Court

1. Mandatory Electronic Filing

In accordance with the Local Rules of Harris County District Courts, all cases in the 164th Civil District Court shall be electronically filed. When filing documents, please type the entire title of your pleading in the description field and clearly label all exhibits. Do not use all caps. Each exhibit should be filed separately.

2. Motions

2.1 Certificate of Service

A certificate of conference is required for all motions (including discovery motions), pleas, and special exceptions except for:

- motions for summary judgment;
- default judgments;
- motions for voluntary dismissal or non-suit; and
- motions involving service of citations.

Certificates of conference must state how and when parties have conferred on the matters on which relief is sought, and whether the relief is opposed, agreed, or agreed in part.

2.2 Proposed Orders

All motions **and** responses **must** have a proposed order. The Court may pass hearings on motions filed without a proposed order. All motions should have their own proposed order (Please do not combine multiple motions into one order). The proposed order should include the exact title of the motion being considered.

2.3 Courtesy Copies for Trials Only

After parties e-file their pleadings and exhibits along with a cover letter, they must provide two (2) courtesy copies of those pleadings and accompanying exhibits to the Court (one for the Judge and one for the Court Reporter) and give written notice to all parties stating the specific documents that were provided. The exhibits must be in binders with individual tabs. If an exhibit is referring to depositions in trial, please provide a CONDENSED version of the full deposition. If a party highlights or otherwise marks a document in a courtesy copy provided to the Court, that party shall provide all other parties to the litigation an exact copy of what was provided to the Court. Also include a copy of the proposed order, latest live pleading and answer, latest DCO, and any legal authority, with any courtesy copy provided to the court.

2.4 Discovery Motions

The Court expects that parties will make every effort to resolve all discovery issues without court intervention. If such attempts prove unsuccessful, litigants may request a hearing. The complaining party should file a motion containing:

- a brief description of the dispute;
- a certificate of conference stating the name of all counsel participating in the discussions, including the date, time, and place the parties have had out-of-court discovery discussions, and the results of those discussions; and
- a copy or verbatim reproduction of the discovery requests and responses at issue.

After filing the motion, the complaining party should contact the Court about a hearing. *Before scheduling a hearing, please let the clerk know if an interpreter will be attending said hearing so she can schedule additional time for translation.* The Court will

then determine the need for briefing and/or a conference on the matter.

Proposed orders should list each discovery issue separately. Both the movant and non-movant must submit a proposed order.

2.5 Settlements, Nonsuits, and Agreed Judgments

2.5.1 Settlement Announcements

It is not necessary to appear in Court to announce a settlement; a phone call to the Trial Coordinator is sufficient. However, a plaintiff who announces settlement without an enforceable Rule 11 agreement does so at his/her own risk. Cases are dismissed for want of prosecution if no judgment is filed within 14 days after the court is notified of settlement (this time may be extended where necessary). Failure to obtain an enforceable settlement agreement will not be good cause to avoid dismissal or to reinstate the case.

2.5.2 Settlements Involving Minor Children

A Guardian Ad Litem will be required for all settlements involving minor children. The parties are to submit an agreed motion and order for appointment of a Guardian Ad Litem. The Court will then select the Guardian Ad Litem for that case and will inform the parties of the Court's decision. Once a Guardian Ad Litem has been appointed, the parties may contact the Court Clerk in order to obtain a Minor Settlement hearing date. ***Before scheduling a hearing, please let the clerk know if an interpreter will be attending said hearing so she can schedule additional time for translation.*** At the time of the hearing, the parties are to present the proposed Judgment, as well as the Supreme Court ad litem fee report. All Final Judgments must be filed at least 1-2 days before the Minor Settlement hearing.

2.6 Default Judgments

An oral hearing is required on expedited foreclosure default judgments only. All other default judgments can be set for submission. The Non-Military Affidavit must comply with recent amendments to the Soldiers and Sailors Relief Act.

2.7 Special Note Regarding Homeowners' Association Defaults

The Court makes a special attempt to work together with Homeowners' Associations and property owners in judicial foreclosure cases. Motions for Default Judgment based upon unpaid assessments or deed restriction violations must be set for an oral hearing, however a board member or property manager does not need to be present at the hearing.

The Court would like to review the following three documents at the hearing:

- the lien foreclosure language in the declarations;
- the deed; and
- the accounting.

It is not necessary to submit the entirety of the Associations' declarations with your Motion; the Court is only interested in reviewing the lien foreclosure language. Likewise, the Court is only interested in reviewing the property description within the deed.

2.8 Severance

Motions for Severance may be set either for submission or oral hearing. The motion must state the basis for the severance. The proposed Order of Severance should include the following:

- how the severed case is to be styled;
- the cause number;

- the parties to be included in the severed case;
- all the pleadings that are to be severed into the new file;
- whether the Order disposes of the severed case, or whether it will remain an active case; and
- who will pay for the costs of severance.

2.9 Motions to Withdraw as Attorney of Record

Motions for withdrawal of counsel is not required to be set on the oral hearing docket. However, the motion must contain:

- a statement of the particular circumstances and disciplinary rules requiring withdrawal;
- a certificate of the attorney of record of the client's name, address, telephone number, and the last known time the information was correct;
- a copy of a letter from the attorney of record to the client giving notice: (a) that the attorney is withdrawing; (b) that the client is deemed to have knowledge of and is required to abide by the Texas Rules of Civil Procedure if the client proceeds pro se; (c) that all notices from the Court to the client's current address will be deemed to have been received unless the client notifies the Court of any change of address; (d) that no continuances or extensions will be granted to the pro se client in order to obtain other counsel; and (e) notice of the hearing at which the motion to withdraw will be considered; and
- a signed acceptance of the terms of the letter described above, if the client has agreed to the withdrawal. If the client has not agreed to the withdrawal, proof of service of the letter described above must be filed.

2.10 Rule 106 Motions for Substituted Service

Parties requesting an Order for Substituted Service under Rule 106 should use the court's suggested form: [164th Order Granting Rule 106 Substitute Service.pdf](#). Rule 106 Motions must be placed on our **submission** docket and an affidavit that includes the following information:

- efforts taken to verify that defendant actually lives or works at the subject address;
- each attempt at service, with date and time;
- identity of persons who were present at the subject address and what was said; and
- identity of cars in driveway or other indications that defendant resides at the subject address.

2.11 Rule 109 Motions for Substituted Service by Publication

Parties requesting an Order for Substituted Service by Publication under Rule 109 should use the court's suggested form: [ORDER GRANTING SERVICE BY PUBLICATION\(revised Aug. 2022\).pdf](#)

2.12 Motions to Retain

Motions to Retain should be set for **submission** and/or an oral hearing. Please contact the clerk at (832) 927-2380 to schedule a hearing date. Please e-file a proposed Order to accompany your Motion.

3. Hearings

3.1 Oral Hearings

The Court's oral hearing docket is Wednesday at 9:30 am. Any party requesting an oral hearing should call the Court Clerk for a date and time for a hearing and be ready to state an approximate amount of time needed for the hearing. **Before**

scheduling a hearing, please let the clerk know if an interpreter will be attending said hearing so she can schedule additional time for translation. Please advise the court clerk of the amount of time necessary for your hearing and whether you require a court reporter. No motion will be set for oral hearing without the party requesting the hearing providing a time estimate. Also, **if your hearing is scheduled as a Zoom hearing, you must have your video on to be recognized as a participant.**

Once the clerk assigns a hearing date the party requesting the hearing must file a notice of oral hearing and serve it on all counsel and self-represented parties. The hearing notice must state the exact title of the motion or motions to be heard.

All pleading must be filed by 4:00 pm the last business day before the hearing. **Late filed pleadings will not be considered by the court.**

3.2 Submission Docket

The submission docket takes place Mondays at 8:00 a.m. with ten days' notice. If you set a matter on the **submission** docket file a notice of **submission** with the exact title of the motion or motions set for consideration and serve it on all counsel and self-represented parties.

If any party wants an oral hearing on a motion that has been placed on the **submission** docket that party should file a written request with the Court. The court clerk will contact the original filing party with a hearing date, and that party must give notice to all parties of the hearing.

3.3 Pleas to the Jurisdiction and Evidentiary Hearings

Pleas to the Jurisdiction and Evidentiary Hearings will be heard on Thursdays at 9:30 a.m. Parties may request an oral hearing or telephonic conference by contacting the Court Clerk.

3.4 Telephonic Appearances

Telephonic appearances on contested matters are strongly discouraged. You may only appear by telephone upon receiving special permission from the Court in advance of the hearing. Please contact our Court Clerk with your request and state the reasons, with specificity, as to why you need to appear by telephone.

3.5 Show Causes

All Show Causes must be done by oral hearing.

4. Temporary Injunctions

Temporary Injunctions are generally set on Thursdays at 11:00 a.m or 1:30 p.m. Please contact the Court Clerk before your hearing date to confirm that all necessary parties have been served, that you are ready to proceed, how long your hearing will take, and how many witnesses will be called. It may be necessary to reschedule your hearing and extend the TRO until a convenient time for the Court.

5. Trial Continuances

Continuance requests does not need to be set for oral hearing unless otherwise specified. Parties should not expect that continuance request, even an agreed request, will be granted in the absence of good reasons for the continuance.

Proposed continuance orders must be agreed to by all parties. If parties cannot agree to a proposed order, the reasons for non-agreement should be stated with specificity. All deadlines remain in effect until a new DCO is entered.

6. Trial

6.1 Trial Settings

All cases are set on a two-week trial docket. There are no docket positions; cases will be set for a date certain by the Trial Coordinator. If a case is not reached within the two-week docket the Court will automatically issue an order resetting the trial date. Preferential settings are available in special circumstances and may be requested by motion.

6.2 Pretrial Order

The Court has a standing Pretrial Order. The order is on the Court's website. All parties must comply with the order prior to the pretrial conference. [Trial Preparation OrderCopy.pdf](#)

6.3 Pretrial Conferences

There will be a pretrial conference, generally held the week before the two-week trial docket, for each case set for trial. The Trial Coordinator will contact the parties to confirm the date of the pretrial conference.

All motions and trial documents need exchanged by parties, e-filed and submitted to the court before your pretrial conference. This includes, but is not limited to:

- live pleadings;
- witness lists (with estimated time for examination and cross-examination of each);
- exhibit lists (including copies of exhibits and any objections);
- motions in limine and objections;
- deposition extracts and objections; and
- proposed jury charges.

If there will be any deposition excerpts, we will need a hard copy of the deposition(s) and during the trial the line and page should be quoted into the record in real time. Please deliver one hard copy

for the judge and one hard copy for the court reporter, tabbed and in binders along with a USB thumb drive to:

C. Elliott Thornton, Judge

Cynthia Daugherty, Court Reporter

164th Civil District Court

201 Caroline Street, 12th Floor

Houston, Texas 77002

At the pretrial conference, the Court will rule on any motions in limine and objections to deposition excerpts, pre-admit any agreed exhibits, discuss witnesses and timing issues, and any other relevant matters.

6.4 Expert Witnesses

Any Motions to exclude or challenge expert evidence must be filed and set for hearing on a date at least thirty days prior to trial.

7. Mediation

The Court does not require mediation in every case. It may, however, order mediation on a case-by-case basis.

8. Courtroom Audio/Video Equipment

All courtrooms have state of the art audio-visual equipment, including an ELMO (document camera), computer jacks, projectors, TV screens and DVD players. We encourage you to use the ELMO to present exhibits to the jury. If you are unfamiliar with its use, you may visit our courtroom to test the equipment. For detailed instructions on use of the audio-visual equipment, please visit the following web link: <https://www.justex.net/Courts/Civil/CivilTechnology.aspx>

HELPFUL RESOURCES



Judges



Attorneys

- Civil Ad Litem
- FDAMS Application
- FDAMS User Guide
- Standards and Procedures
- Vips Application
- Vips Support Documents and Useful Resource Links
- HCSO Inmate Visitation Info



Reporters

- Court Reporter Case Management System



Media

- Civil Electronic Media Rules



Employees

- Microsoft Outlook Web Access
- Accessing County Resources



Statistics

- Civil
- Criminal
- Family
- Juvenile



Career Opportunities

Job Vacancies

Externships

Internships

Volunteers

Harris County Links

Harris County | Texas

Harris County Community Supervision & Corrections Department

Harris County Pretrial Services

HC AZ

Court Agenda

County Directory

Employees

County Holidays

District Clerk

The Administrative Office of the District Courts

1201 Franklin, 7th Floor

Houston, Texas 77002

Thank you for visiting us

Visitor Counter: 2091586