

Local Rule 2. Transfers of Cases Between the First and Fourteenth Courts of Appeals from Multi-District Litigation

- (a) This rule, and not rules 1.3-1.5, governs the transfer of cases between the First and Fourteenth Courts of Appeals involving appeals and/or original proceedings from a decision of a Multi-District Litigation (MDL) judge.
- (b) The First or Fourteenth Court of Appeals may, either sua sponte or on the motion of a party, transfer an appeal or original proceeding to the other Houston court of appeals, that challenges an order or judgment signed by a multi-district litigation (MDL) trial court judge, if all of the following criteria are met:
1. per rule 1.1(c), there is a “previously filed” case, appeal or original proceeding, in the First or Fourteenth Court of Appeals that is challenging an order or judgment signed by an MDL judge;
 2. there are subsequent cases, appeals or original proceedings, from the same MDL proceeding and the same MDL judge in the other Houston court of appeals;
 3. the legal issues in the subsequent cases sought to be transferred are the same as those in the “previously filed” case and any unique issues in a particular case do not predominate;
 4. the MDL orders or judgments in the cases sought to be transferred were signed within 30 days, or other reasonable time, of each other and of the “previously filed” case; *and*
 5. the MDL judge ruled on such legal issue(s) in all the cases in question at a common hearing(s), if any.
- (c) This transfer is for the limited purpose of deciding cases that meet the established criteria. Any transfer under this Rule does not effectuate a transfer of all appeals or original proceedings from a single MDL judge or proceeding to one of the Houston courts of appeals and will not affect the future assignment of further appeals or original proceedings on different issues from that MDL judge—even if the MDL trial court case number is the same.
- (d) The Chiefs of the First and Fourteenth Courts of Appeals will jointly decide which of those courts should handle the transferred appeals or original proceedings in order to take into account and equalize the courts’ caseloads.

(e) If the Chiefs of the First and Fourteenth Courts of Appeals are unable to agree on the transfer of such cases, then they may refer the issue to the Supreme Court of Texas for determination.