

CAUSE NO. CIV-40-001

FILED
FOR RECORD

IN RE:

CIVIL LAWSUITS,

DELINQUENT TAX COLLECTION CASES

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IN THE DISTRICT COURT

40TH JUDICIAL DISTRICT

ELLIS COUNTY, TEXAS

NOV 12 2021

MELANIE REED, DISTRICT CLERK
ELLIS COUNTY, TEXAS

**STANDING ORDER APPLICABLE TO
DELINQUENT TAX COLLECTION CASES**

The trial court has analyzed and considered the recent amendments to the Texas Rules of Civil Procedure, including Rule 194.1(a) which provides for the automatic disclosure of information and materials, as well as certain exemptions from such requirements as follows:

“Except as exempted by Rule 194.2(d) or as otherwise agreed by the parties or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties the information or material described in Rule 194.2, 194.3, and 194.4.”

Further, the trial court has considered the impact such automatic disclosure requirements will have upon delinquent tax collection cases filed under Texas Property Tax Code, Subtitle E, Chapters 31 – 34.

The trial court finds that the increased financial expense associated with the increased labor, time, resources, and costs incurred by the district clerk’s office, the trial court, the taxing entities, and the attorneys representing the taxing entities to comply with the new requirements greatly outweigh any negligible benefit, *if any*, which may be derived by the civil defendant.

Moreover, it is noted that during the past decade, from among thousands of delinquent property tax cases, the trial court is neither aware of a single lawsuit, nor could it locate a single lawsuit wherein the law firm representing the taxing entities was involved in a discovery dispute, or failed to provide any requested documentation to opposing counsel or the self-represented litigants.

Finally, the trial court finds that all information/documents necessary to properly evaluate, defend, resolve, and/or participate in the trial of a delinquent property tax lawsuit brought under Texas Property Tax Code, Subtitle E, Chapters 31 – 34, are contained within the pleadings on file and/or submitted as evidence in advance of the final hearing; and further, all such information is readily accessible in public records.

Accordingly, with respect to delinquent tax collection cases, **IT IS ORDERED** that compliance is hereby waived, and all taxing entities and their attorneys are exempt from the automatic and otherwise mandatory disclosure requirements provided for by rule 194.1, et seq., of the Texas Rules of Civil Procedure.

IT IS FURTHER ORDERED that the preceding waiver and exemption is extended only to the mandatory requirements of such provisions, and that any party duly served with discovery requests under these provisions by the opposing party will still be fully obligated to timely and, consistent with the requirements of the Texas Rules of Civil Procedure, fully answer any such party-initiated discovery requests. This Standing Order is effective immediately on the date of signing indicated below, and applicable retroactively to the effective date of the recent amendments to the Texas Rules of Civil Procedure.

SIGNED ON NOV 12 2021


JUDGE PRESIDING