

IN THE SUPREME COURT OF TEXAS

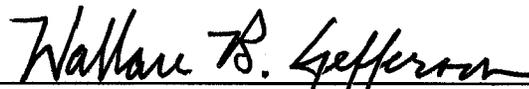
Misc. Docket No. 05- **9049**

APPROVAL OF AMENDMENT TO THE LOCAL RULES OF THE DISTRICT AND COUNTY COURTS OF ORANGE COUNTY, TEXAS

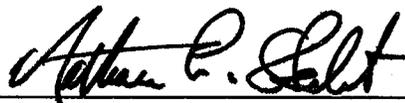
ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3, the following Amendment to the Local Rules of the District and County Courts of Orange County are approved.

In Chambers, this 7th day of March, 2005.



Wallace B. Jefferson, Chief Justice



Nathan L. Hecht, Justice



Priscilla R. Owen, Justice

Harriet O'Neill, Justice

J. Dale Wainwright

J. Dale Wainwright, Justice

Scott Brister, Justice

David M. Medina

David M. Medina, Justice

Paul W. Green

Paul W. Green, Justice

FILING OF BUSINESS RECORDS IN ORANGE COUNTY, TEXAS

Because of the expense to private litigants and to the public involved in the filing and storage of business records accompanied by affidavit under Rule 902(10) of the Texas Rules of Evidence, the following procedures apply, effective December ____, 2004, in the District Courts and County Court at Law of Orange County, Texas, in lieu of the Texas Rules of Civil Procedure and Texas Rules of Evidence:

LOCAL RULE 8

Business records accompanied by affidavit under Rule 902(10), Texas Rules of Evidence, shall be served upon parties and counsel of record as required by the Texas Rules of Civil Procedure and Texas Rules of Evidence, but shall not be filed with the clerk, except as provided below; however, the parties shall file with the clerk a copy of the letter of transmittal and/or certificate of discovery to the opposing and other attorneys, identifying fully therein the business records so served. Exceptions are as follows:

- (a) The trial court may order the business records to be filed;
- (b) A party may file those portions of business records related to a request for relief under Rules 192 and/or 215, Texas Rules of Civil Procedure, or a response to such request, or to some other discovery dispute;
- (c) A party may file business records necessary for the determination of a motion for summary judgment, or for any response or reply to such a motion, or for any other pretrial motion or response or reply to such motion; or
- (d) A party may file business records necessary for a proceeding in an appellate court or for post-judgment purposes.

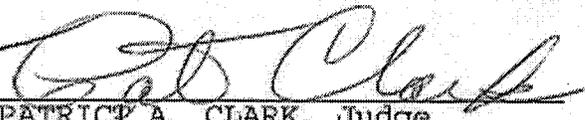
This rule does not enlarge the types of documents that may be filed.

The party responsible for the service of such business records shall retain the original or an exact copy while the case and any related appellate proceedings are pending for five years thereafter. Such original or exact copy shall be public records as if the same were filed with the clerk, notwithstanding the above, and shall be made available to any person on reasonable notice and under reasonable circumstances.

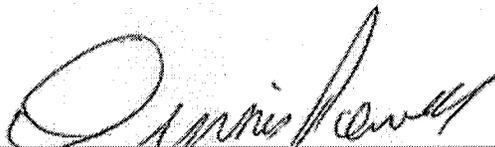
Adopted this 15 day of December, 2004, by all the undersigned District Judges and the County Court at Law Judge of Orange County, Texas.



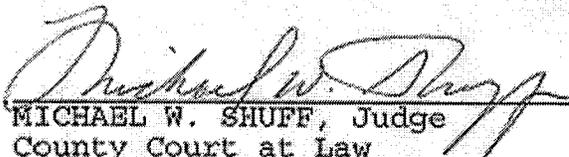
BUDDIE J. HAHN, Admn. Judge and Judge, 260th District Court



PATRICK A. CLARK, Judge 128th District Court



DENNIS POWELL, Judge 163rd District Court



MICHAEL W. SHUFF, Judge County Court at Law



Second Administrative Judicial Region of Texas

Olen Underwood
Presiding Judge

Kassi Cranfill
Administrative Assistant

Christina Crawford
Secretary/Receptionist

January 12, 2005

Honorable Nathan L. Hecht
Justice, Supreme Court of Texas
Attn: Lisa Hobbs, Rules Attorney
P.O. Box 12248
Austin, Texas 78711

Re: Local Rule 8 of Orange County, Texas

Dear Judge Hecht:

Pursuant to, and in accordance with Rule 3a, Texas Rules of Civil Procedure, and Rule 8, Regional Rules of Administration, Second Administrative Judicial Region of Texas, I am enclosing for approval by the Justices of the Supreme Court, Local Rule 8 of Orange County, Texas.

I hereby approve Local Rule 8 of Orange County, Texas. Please advise this office of the Courts actions.

Thank you for your usual courtesies.

Sincerely,

A handwritten signature in cursive script that reads "Olen Underwood".

Olen Underwood
OU/kc

cc: Honorable Buddie Hahn, 260th Judicial District Court
Vicki Edgerly, Orange County District Clerk