

Information or instructions: Plaintiff's motion & order for a preferential trial setting

1. The purpose of a motion for preferential setting is to advance the case's position on the trial docket so that it may be reached for trial during the week designated in the setting.

2. Most court dockets are based upon the chronological age of the case number; accordingly, the older the case number, the sooner it will be reached for trial on the court's docket. Preferential setting allows the plaintiff to have the case tried regardless of the chronological order of the case number.

3. See the court's local rules for the procedure applicable to granting preferential settings. Some local rules provide the following reasons to justify granting the preferential setting:

- a. The case has been on the docket for over two years;
- b. Out of town witnesses will be called;
- c. Injunctive relief has been granted against one of the parties to the action and the Movant suffers from hardships which stem from the injunctive relief;
- d. Good cause shown to the court.

For Preview Only - Please Do Not Copy

Form: Plaintiff's motion for preferential setting

CAUSE NUMBER _____

[Name],
PLAINTIFF

IN THE [Type of Court] COURT

[Court number]

vs.

[Name],
DEFENDANT

OF [NAME], COUNTY, TEXAS

PLAINTIFF'S MOTION FOR PREFERENTIAL SETTING

[Name of plaintiff], Plaintiff files this Motion for Preferential Setting pursuant to Rule [Rule Number] of the Rules of the District Courts of County, Texas.

1. This cause was filed on [Date].
2. Plaintiff states to the Court the following reasons that entitle Plaintiff to receive a preferential setting:
[Reasons].
3. Plaintiff would show that manifest hardship would be imposed upon one of the parties to this lawsuit if a preferential setting is not granted.

PRAYER

Plaintiff respectfully requests this Honorable Court to preferentially set the above styled and numbered cause for trial to a jury during the week of [specify week], or, in the alternative, at the earliest date available on the Court's calendar during the / assignment at which this lawsuit may be tried to a jury.

Respectfully Submitted,

[Law Firm Name]

By _____

[Attorney's Name]

Attorney for [Plaintiff, Defendant or Movant]

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[Bar Card Number]

State of Texas

County of _____

BEFORE ME, the undersigned authority, on this day personally appeared [Name of Affiant], known to me to be the person and counsel for Plaintiff in the foregoing lawsuit, whose Name is subscribed below, and after being by me first duly sworn, did upon [his or her] oath, state as follows:

1. My Name is [Name].
2. I have read the foregoing Motion for Preferential Setting and the facts contained in the Motion are true and correct based upon my own personal knowledge.
3. [State the facts that justify the granting of the motion].

Affiant

Subscribed and sworn to before me on _____ by _____

Signature of officer

Notary's typed or printed name

My commission expires:

[or Notary's Stamp]

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading or document has been served upon all attorneys of record and any parties who are not represented by an attorney on _____.

Attorney for: [Other attorney's client's name]

Attorney's name: [Other attorney's name]

Attorney's address [Other attorney's address]

Type of Service:

___ U.S. Mail, Certified Return Receipt Request No. _____.

___ U.S. Mail, First Class.

___ Hand delivery by [name of delivery service]: _____.

___ Facsimile transmission to _____ [fax number] before 5 p.m.

[Attorney's signature]

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CAUSE NUMBER _____

[Name],
PLAINTIFF

IN THE [Type of Court] COURT

[Court number]

vs.
[Name],
DEFENDANT

OF [NAME], COUNTY, TEXAS

ORDER FOR PREFERENTIAL SETTING

On _____, the court considered [Movant's name] Motion for a Preferential
Setting in this case.

After considering the motion, the court decided that the request should be granted.

It is ORDERED that this case is preferentially set for trial on [Date], at [time].

[State: granted or denied.]

Signed on _____.

JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

[Law Firm's or Attorney's Name]
Attorney for [Plaintiff or Defendant]
[Address]
[Telephone & facsimile numbers]
Texas Bar no. [Number]

APPROVED AS TO FORM ONLY:

[Law Firm's or Attorney's Name]
Attorney for [Plaintiff or Defendant]
[Address]
[Telephone & facsimile numbers]
Texas Bar no. [Number]