

Defendant's Answer to a Plaintiff's Lawsuit- Complete Solution.

PREVIEW

This package includes:

1. Litigation summary letter to the client,
2. Filing pleadings and filing letter to the court,
3. Special appearance,
4. Defendants answers and
5. Response to Plaintiff's request for disclosure

CAUTION:

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PRIOR TO FILING AN ANSWER IN A LAWSUIT, EACH DEFENDANT SHOULD CONSIDER WHETHER OR NOT THE CASE SHOULD BE REMOVED TO FEDERAL COURT RATHER THAN REMAINING IN STATE COURT.

YOU SHOULD CONTACT AN ATTORNEY FOR LEGAL ADVICE CONCERNING THIS DECISION.

Information or instructions: Litigation summary letter to the client

1. Send this letter to the client prior to commencing litigation.
2. The letter explains, in detail, the litigation process so that the client can make an informed decision concerning whether or not to litigate the matter.
3. The letter explains the procedure, step by step and advises the client of some of the risks and downfalls of litigation.
4. Have the client sign the acknowledgement form.

THIS DOCUMENT

Form: Litigation summary letter to the client

THANK YOU

[Date]

[Client's name]

[Client's address]

SUMMARY OF THE LITIGATION PROCESS

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ATTORNEY-CLIENT COMMUNICATION: THIS DOCUMENT IS

PREVIEW

Regarding a Summary of the Litigation Process

Dear [Client's salutation]:

The purpose of this letter is to review with you the litigation process so that you will be able to make an informed decision to resolve your dispute.

1. Litigation. Litigation is the process of filing and prosecuting a lawsuit. You may file a lawsuit in state or federal court. You may also have your matter heard pursuant to an alternate dispute resolution method, such as arbitration, mediation, or short trial process.

(a) Suits in state or federal court are subject to very technical rules of civil procedure and evidence. They generally take longer to process and are more costly than alternate dispute resolution.

(b) Alternate Dispute Resolution. Alternate Dispute Resolution may or may not use the Rules of Civil Procedure and Evidence. Generally, even if said rules are used, the enforcement is more informal and less technical.

2. Groundless Litigation. If a party files a lawsuit that is groundless or done in bad faith, the Court can assess sanctions and penalties against the attorney and the person that filed the lawsuit.

(a) A bad faith lawsuit is one in which there is no or little support for the claim being advanced and the Court determines that the same was filed for the purposes of delay, harassment, or no just cause.

3. Litigation versus Arbitration. Some parties choose litigation in state or federal courts over arbitration because they have the right to select a jury; if they are unhappy with the decision, they have the right to appeal to a higher court.

(a) In a matter where a jury trial is allowed, you have the choice of having your factual disputes decided by a jury instead of a judge.

4. Jury Selection. In a jury trial, prospective jurors are placed on a panel.

(a) The attorney or judge asks the prospective juror questions. This is called the voir dire process.

(b) If it is shown during voir dire that a prospective juror should be disqualified due to bias, prejudice, pecuniary interest, etc., the attorney may strike that juror for cause. This means that the juror is excused from serving on that jury.

(c) In addition to strikes for cause, each side has a certain number of peremptory challenges. This is when the attorney or judge determines which jurors they do not want to serve

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on the jury panel based on the answers given by the prospective jurors during the voir dire process. No reason must be given for exercising the peremptory strikes.

(d) After the voir dire questioning is completed, the parties then select the jury. This process is sometimes considered to be an art rather than a science since studies have shown that jurors do not always volunteer information that is essential in selecting a jury, nor do all jurors always give truthful answers.

(e) Since the time is limited in which to question the jury panel, it is usually not possible to fully obtain all of the facts desired in order to select a jury.

(f) Accordingly, jury selection commonly boils down to attempting to ascertain which prospective juror may be the most harmful to your case, and then striking said juror either for cause or through peremptory challenge.

5. Jury Considerations. The advantage of a jury trial is that the jury, rather than the judge, decides the factual issues.

(a) Depending on the court, six or twelve jurors put their heads together and decide the matter.

(b) One strength of the jury system is the belief that a collective group of individuals will remember most, if not all of the facts, and come to a better decision than one individual in the same situation.

(c) A perceived weakness in the jury system is that jurors may be biased or prejudiced towards one side or the other.

(d) It is said that some jurors have their minds made up by the time opening statements are completed and it is difficult if not impossible to change one's predisposition, biases, prejudices and beliefs. Therefore, the jury may or may not make their decision based solely on the evidence.

(e) Alternatively, the Judge may be asked to render the verdict. Trial before the Judge is generally quicker and may not be quite so technical since a trial by jury requires the judge to strictly enforce the Rules of Evidence and Procedure. A jury trial is also more formal.

(f) Either party may request a jury trial upon paying a jury fee to the Court within the required number of days before the trial.

(g) Trial before the judge allows the Court greater discretion in resolving the dispute; however, a Judge may be more or less prone to bias and prejudice than a jury.

6. Demand Letter. We frequently attempt to resolve disputes by first sending a demand letter to the opposing party.

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(a) We set forth our representation, the facts that give rise to the claim, the law or basis of the claim, a brief description of damages incurred and then make a demand to resolve the claim. Thereafter, a time deadline is given for the recipient to respond to the letter.

(b) Some causes of action and statutes that give rise to a cause of action require a demand letter as a prerequisite to filing a suit. The purpose behind this is to afford the opposing party an opportunity to resolve the matter without the expense of litigation.

(c) If the dispute cannot be resolved after the deadline imposed in the demand letter, the Client has to either continue negotiating, which may be futile, drop the dispute, or proceed with litigation.

7. Filing the Lawsuit or Alternative Dispute Resolution. A lawsuit is commenced by filing a Petition either in the Court or the appropriate forum for alternate dispute resolution.

(a) Alternate dispute resolution may vary depending on the type chosen and the ground rules established by the deciding body.

(b) Alternate dispute resolution frequently consist of the following:

(i) the agreement by the parties to have the matter resolved by alternate dispute resolution submitting forth required short statements of the positions;

(ii) selecting the arbitrator or panel;

(iii) obtaining and reviewing the rules that will be used by the arbitrator or panel to make the decision;

(iv) preparation of the case, with or without depositions or formal discovery process;

(v) scheduling a date for hearing the dispute;

(vi) hearing the dispute;

(vii) the decision and notification of all parties by the deciding board.

(c) A lawsuit in state or federal court is frequently handled per the following process.

(i) First, we must choose the appropriate Court, state or federal, and the appropriate court in the state or federal system.

(ii) Thereafter, a Petition is prepared. The Petition sets forth the following:

(a) jurisdictional requirements, the venue or location where the suit should be handled;

(b) and party designation and information for service of process;

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- (c) the facts that gave rise to the controversy;
 - (d) the cause of action or claim;
 - (e) the damages or relief requested;
 - (f) a request for reimbursement of attorney's fees, if the same is allowed by the cause of action or statute;
 - (g) statutory prerequisites to the lawsuit; and then,
 - (h) a prayer for relief.
- Thereafter, a filing fee is paid the Court for filing the lawsuit.

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8. Service. The next step is to obtain service of the lawsuit on the Defendant(s).

(a) This is frequently done by having a Constable physically deliver a copy of the lawsuit and summons in person to the Defendant.

(b) If the Constable cannot locate the Defendant, it may be possible to have an alternate service performed whereby the Petition is left with a person who is sixteen years of age or older at the Defendant's resident or at the Defendant's place of business.

(c) There are other methods for service in addition to (b) and the same can be discussed with you if the need arises.

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(d) The important thing to remember and consider is that unless the Defendant can be served with the lawsuit the case cannot proceed since due process of law requires a party to be served in most instances before judicial relief can be granted.

9. Defendant's Response. Once the Defendant is served, the Defendant must answer the lawsuit.

(a) In state court, the Defendant has twenty (20) days from the next Monday after service in order to enter his appearance.

(b) This is frequently done by having his attorney file a Defendant's Original Answer with the Court.

(c) A written Answer may be specific or general.

(d) In most instances a general denial is filed.

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(i) A general denial (a denial that the Defendant denies the claims made by the Plaintiff and requests proof of Plaintiff's claim).

(e) The Defendant may also assert claims that he or she has against the Plaintiff by filing a counter-claim or, if more than one Defendant is involved, by filing a cross-claim against the other Defendants.

(f) If a Plaintiff sues a Defendant, the Defendant may have an even better claim against the Plaintiff and therefore the counter-claim can be stronger and worth more money than the Plaintiff's claim.

(g) Therefore, the parties are always advised to consider the possibility of counter or cross claims before commencing the litigation process.

(h) If the Defendant objects to the place where the lawsuit is filed, and desires to have the same transferred to another county, he may file a Motion to Transfer Venue or file a Petition for Removal to transfer the case from state to federal court.

(i) There are separate rules regarding the determination of venue and they will be discussed later if the need arises.

(j) The party contesting the venue must file a written contest to the same and a hearing is generally required before the Court can resolve the venue dispute.

(k) Thereafter, if the motion is granted, the case may be transferred to another county or Court.

(l) In addition to a Motion to Transfer Venue, other pretrial pleas can be heard which including but are not limited to a Motion to Dismiss (for lack of jurisdiction), a Motion to Abate (to cancel, postpone, or delay the lawsuit), special exceptions or the pleadings, etc.

10. Discovery. The next phase of the lawsuit is called the discovery stage.

(a) Before the dispute can be resolved, the facts that support your case and the facts that the other party will attempt to rely on to support their defense or position must be uncovered.

(b) Frequent actions in the discovery process include but are not limited to the following:

(1) Request for disclosure. Per TRCP Rule 194, any party may request the following information and the same must be answered within thirty (30) days from the date of service of the Request: the correct names of the parties to the lawsuit, the name, address, and telephone number of any potential parties, the legal theories and, in general, the factual bases of the responding party's claim or defenses, the amount and any method of calculating economic damages, the name, address, and telephone number of persons having knowledge or relevant

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facts, and a brief statement of each identified person's connection with the case, expert witnesses names, reports and information and all other information stated in the request or rule 194.

(2) Request for Production of Documents. This is used when one party requests physical evidence and documents that the other party has in order to review and find out as much as possible about the case.

(3) Interrogatories. These are written questions whereby one party asks the other party specific questions regarding the facts or law.

In State Court, written questions are limited to two sets of thirty (30) questions each unless one obtains the Court's permission to expand on the scope of the same.

Written answers must be sent to opposing counsel within thirty (30) days or else sanctions may be obtained against the non-answering party including but not limited to assessment of attorney's fees and penalties against the attorney and the party that refuses to answer the Interrogatories.

(4) Request for Admissions. Either party may send a formal written request which requires the opposing party to admit the truth of said requests or deny the truth of said requests.

Request for Admissions are designed to identify and establish facts that are uncontested and thereby narrow the scope of the fact finding process.

After Request for Admissions have been submitted to the other side, the party receiving the requests must file a written answer admitting or denying the requests within thirty (30) days from the date that the party has received the same or else they may be deemed admitted against the party and said facts may be conclusively established against that party for failure to respond.

(5) Depositions. A deposition can be taken orally or by written questions.

The purpose of a deposition is to confront a potential witness to the case with specific questions and obtain his answers to be taken down by a court reporter.

Depositions may be taken in person, by telephone, or videotape. In either case, the answers are written and transcribed by a Court Reporter.

Most discovery is obtained by the use of depositions; however, depositions are expensive since the Court Reporter is paid a fee, experts receive a fee for their testimony and the attorneys charge for their time involved in taking the depositions.

Due to the cost involved, you may not be able to afford to take the depositions of the potential witnesses in the case.

On the other hand, failure to take a deposition may leave a party surprised at the time of trial because a witness may be harmful to your case. The better practice is to take the deposition of all

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of the potential witnesses unless this is prohibitive and you are prepared to face the consequences of unexpected and/or damaging testimony.

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(6) Examinations. When physical objects are the subject of dispute, a motion may be filed to inspect or physically view the property. In personal or medical cases, a request may be made to have an independent medical exam.

11. Sanctions. Sanctions may be imposed on a party who refuses to timely comply with the discovery process. For instance, if you fail to provide your attorney with answers necessary to produce documents, answer Interrogatories, answer Requests for Admissions or fail to appear for your deposition, or produce required items, the Court may impose sanctions for your failure to comply with the Texas Rules of Civil Procedure. Sanctions include, but are not limited to:

(a) striking the party's pleading or Answer, which therefore renders the party defenseless so that a judgment or other relief may be obtained against the non-complying party;

(b) imposition of an award of attorney's fees to the other side to punish the offender; and, in some cases,

(c) contempt of Court.

12. Case Evaluation. Once the discovery is completed, the parties then prepare for trial.

(a) Now is an essential time to complete the legal research in the case, if it hasn't been done. It is imperative to research the statutes and case law to determine merits of the case. If under the fact scenario most favorable to you, the legal issue is not favorable to your side, you should quickly resolve your claim or dismiss the case. If on the other hand case law is on your side, then it makes more sense to proceed forward. Legal research is both time consuming and expensive. Computer-based legal research should also be considered; however, it can be quite costly.

(b) Settlement negotiations should be considered throughout the entire process, but especially after discovery has been finalized.

(c) Upon completion of the discovery, the parties should be able to review the expected testimony of the witnesses, with the applicable case law and make predictions as to expected decisions of the court.

(d) The positive and negative aspects of each case need to be evaluated in order to determine the likelihood of prevailing at trial and/or the damages that may be lost if a decision is adverse to the client.

(e) Many parties frequently resolve litigation using the legal economics theory. Which is, that notwithstanding the merits of the case, the cost of litigation and the time involved may dictate a settlement rather than proceeding to trial.

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(1) For instance, a Defendant may decide to pay a sum of money that is somewhat related to the cost to defend the case even though the defendant believes that he or she will ultimately prevail at trial.

(2) The benefit of offering a nuisance settlement or a settlement dictated by legal economics assures the defendant that the case is over and a release obtained for payment of the moneys that may otherwise have been spent defending the case at trial.

(3) The advantage to such a settlement is that even though the Defendant may believe that he or she has done nothing wrong, and is in the right, after spending the moneys to defend its position, Plaintiff may possibly prevail, in which case the Defendant not only must pay the moneys awarded to the Plaintiff, but also pay both parties' attorneys' fees.

(4) Likewise, the Plaintiff may desire to settle even though the Plaintiff believes that he or she has a meritorious case, however, the uncertainty of trial, unpredictability of the court's or the jury's decision, the cost of going to trial, expert witness fees, and time away from work all add up to more money that the Plaintiff is willing to gamble since Plaintiff has no guarantee of a favorable judgment or that it is collectable.

(f) The Plaintiff, generally, has the burden of proof which means that the Plaintiff must prove, in a civil case, that its position is correct by a preponderance of the evidence.

(1) The Plaintiff may feel that its witnesses may not be strong, credible or able to carry the burden, or Plaintiff may not be able to obtain documents or evidence that proves or supports its position, and after anticipating the total expense that may be necessary to take the case to trial, legal economics may dictate a settlement for much less than could be awarded at trial in order to resolve the dispute due to the cost of litigation.

13. Appeals. Both parties must also consider the fact that once a decision is awarded, an appeal can be taken by either party and that may result in a change or reversal of the lower court's opinion, and of course, would delay final resolution of the matter.

14. Motion for Summary Judgment. After settlement has been considered, either party may file a Motion for Summary Judgment.

(a) A Motion for Summary Judgment should generally be granted if there are no material disputed facts and, based on said facts, the Judge can apply the law and therefore render a decision.

(1) For instance, in a commercial case, if a person has signed a promissory note, admitted that he signed the note and has no defenses to the same, a summary judgment could and should be filed in order to obtain a judgment against the Defendant.

(2) A party wishing to oppose a Motion for Summary Judgment must submit Contravening Affidavits and Amended Answers, if necessary, within the time period required by law (generally seven days before the hearing), and the opposing party must raise facts that would be

admissible into evidence that give rise to contested issues that require a Judge or jury to hear both sides of the story and therefore decide the contested issue before a final decision can be made.

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(b) If a Summary Judgment is either not granted or appropriate, the party should then prepare the case for trial. This could include meeting with all of the prospective witnesses, preparing them for trial, obtaining all of the evidence that could be submitted at trial and preparing exhibits, demonstrative aids, charts, summaries, etc. that make the case easier to understand by the Judge or jury.

15. Trial Settings. Thereafter, a trial setting is obtained.

(a) Courts' dockets vary.

(1) A docket is the setting and listing of cases that may be tried by the court during a given period.

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(2) Once a case has been set for trial, depending on the court and location, a specific date may be given, or the attorney may be informed that the case is ready for trial and will be heard by the court when it is ready.

(3) This means that the attorney, and witnesses must be prepared at a moment's notice to be available to come to court and proceed with their trial. (This poses a real time problem for the clients', attorneys' and witness' schedules).

(4) In large counties, such as Harris County, this can be quite inconvenient and further justifies the need for depositions because whoever depositions in a court calls a case for trial and one of the witnesses is not available, the judge may or may not allow a continuance or a postponement of the trial. If the continuance is denied, the parties may have to proceed with the trial notwithstanding the unavailability of the witness.

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(5) The way the docket is structured, however, can be very inconvenient for the parties and witnesses. Unfortunately, the heavy volume of cases precludes changes in the current system.

16. Pretrial Conferences. Prior to trial, many courts have a pretrial conference.

(a) More and more courts are using docket control orders and pre-trial orders.

(b) Docket control orders set forth a time table and deadlines for completing the various steps in the litigation previously discussed.

THANK YOU

(c) A pretrial conference is generally a time where the attorneys meet with the judge, review the facts of the case and the discovery taken, and settlement possibilities. In federal courts, as well as some state courts, the case should be completely developed at the time of the pretrial conference, since you may be required to disclose names of witnesses, their expected testimony, and exhibits to be offered at trial.

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17. Trial. Thereafter, the case may be called for trial.

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(a) If the case is called for trial, the party needs to call his witnesses and have them come to the courthouse.

(b) The attorneys may meet briefly with the judge or opposing counsel and have last minute settlement discussions.

(c) Thereafter, the parties will select the jury.

(d) Once a jury is selected, the judge gives instructions to the jury, they are then sworn in and typically the plaintiff gives a short opening statement whereby he explains his case and what he expects to prove.

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(e) Thereafter, the opposing side has the right to give its opening statement.

(f) Trial then begins with the Plaintiff submitting evidence to prove his position.

(g) The Plaintiff will generally call the first witness.

(1) The witness is asked questions by the attorney and then thereafter, the opposing attorney has right to cross-examine or ask his own questions of the witness.

(2) Proofs through the introduction of evidence by question and answer form.

(3) The attorney may not explain the evidence or the case to the judge or jury except in the short opening and closing arguments.

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(4) In other words, a witness or attorney may not simply lecture or explain the case to the jury. It must be elicited in a question and answer form. The opposing side has the right to object to the questions and introduction of evidence.

(5) The rules of evidence are quite complicated and occasionally prohibit the introduction of key evidence that is essential to a party's case.

(h) After the plaintiff has called all of its witnesses, then the defendant is entitled to call its witnesses.

THANK YOU

(i) After both parties have presented their testimony through their witnesses, introduced exhibits and evidence, the court generally lets the jury take a recess and then the attorneys prepare special questions that must be answered by the jury.

(j) Fact issues are determined by having the jury answer special questions. The answers are given to the judge who then applies the law to the answers in order to render a final decision.

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(k) The drafting and preparing of the questions are critical to the outcome of the case because how the questions are phrased may help one side or the other.

(l) The judge's ruling on which special questions are submitted to the jury can have a large effect on the jury's decision.

(m) Once the special questions and instructions to the jury have been prepared, both parties are entitled to give closing arguments.

(n) The plaintiff, or the party with the burden of proof, has the right to make the first closing argument to the jury.

(o) The opposing side, or defense, then has the right to offer his closing statement.
(p) Then the plaintiff has a short rebuttal period in order to make its final closing statement to the jury.

(q) After the closing statements are made, the judge gives final instructions to the jury and the jury then retires to the jury room to deliberate and make their decision.

(r) After the jury has made their decision, a verdict is announced and the answers to the special questions are given to the court.

18. Decision. If a required number of jurors do not answer the special questions appropriately, the case may have to be retried and the process repeated.

(a) Assuming, however, that the jury unanimously answered the special questions, or in some courts, ten out of twelve jurors, the answers are given to the judge and the judge is then able to render a final decision.

(b) In the event that some of the answers to the special questions are inconsistent with each other and with a final outcome, the court has to decide if the answers can be reconciled; if not, a new trial may be required.

(c) Assuming that the questions are consistent, and the judge can render a final decision, a written judgment is then prepared, submitted to the court for its approval, and then signed by the judge.

(d) After a judgment is obtained, the losing party has thirty days to contest the judgment; for instance, requesting a new trial if he believes that he can show that errors were committed in the trial or appealing the judgment to a higher court.

(e) If a Motion for New Trial is denied, the party must then appeal within the time deadlines.

(f) The appeal process can be time consuming and expensive.

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19. Conclusion. As you can see, based on this lengthy letter, the litigation process is complicated and can be quite expensive. We cannot guarantee any predetermined outcome due to the risks and unpredictable factors associated with litigation.

Please carefully review this letter and if you have any questions, call me. Thereafter, please sign the letter in the space provided, keep one copy for yourself, and send the original to my office.

I hope this letter has been useful to you.

Very truly yours

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[Attorney's Name]

CLIENT ACKNOWLEDGMENT AND DECISION

I have read and understand the above summary of the litigation process. I fully understand that litigation is risky and not generally capable of exact determination. Based on the above, and after discussions with my attorney, I have decided that I desire to:

Check the desired option

1. Settle the case based on the demand letter without filing a lawsuit and going to trial.
2. **THIS DOCUMENT** File a lawsuit and attempt to settle the case for [\$Amount].
3. After the lawsuit has been filed and if the matter cannot be settled for the above sum, then:.

(a) If a lawsuit is filed, I hope to settle the same and am not willing to go to final trial on this matter I do not wish to spend extensive moneys for discovery and litigation preparation. Accordingly, I wish either to settle the case for a reasonable amount or dismiss the litigation.

(b) I understand the risks and rewards of litigation and desire to settle the case for [\$Amount] or take my chances at trial.

Date _____ **THANK YOU**

[Client Name]

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Information or instructions: filing pleadings and filing letter to the court

1. Filing letters may be used to transmit to the court frequently filed documents. Some courts have special intake forms that must be completed when filing court pleadings such as forms to assist the court in processing service of citations.
2. Some courts now allow fax transmission of court filings. Check with the clerk's office to inquire about maintaining a deposit for fees or credit card billing. This can eliminate the need to file documents in person or through the use of a delivery service.
3. Texas Rule of Civil Procedure 191 provides the following documents are no longer filed with the court clerk's office unless ordered by the Court.

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1. Depositions TRCP Rule 199
2. Requests for Production of Documents, Examination of Real Estate, Responses Thereto TRCP Rule 196
3. Requests and Motions for Entry Upon and Examination of Real Estate
4. Depositions Upon Written Questions TRCP Rule 199; and
5. Interrogatories or Copy of Interrogatories TRCP Rule 197. [Former rule required filing with the clerk amended rule has deleted the filing requirement.]

Form: Filing Letter To The Court

[Date]
THIS DOCUMENT

[Name], Clerk of the Court
[Address]

Regarding: [Case name, case no., and Court]

Dear [Name-Clerk of the Court]:

Please file the following documents or pleadings [list the documents or pleadings]

[If applicable:

Please set the same for hearing on [Date] at [time].

THANK YOU

Request the Judge to sign the enclosed order.

Please record and return the enclosed document.

Enclosed is our check in the amount of \$[Amount] to cover the costs incurred in this matter.

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By copy of this letter, we are forwarding copy of the enclosed to all parties of record's
opposing counsel or party if represented pro se.

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Please acknowledge your receipt of this filing transmittal by affixing your stamp to a copy of this letter and returning it to the undersigned.

Thank you for your cooperation.

Very truly yours,

[Attorney's name]

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THANK YOU

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Information or instructions: [] special appearance [] elect either the special appearance or general denial. Note that some answers require verified denials or affirmative defenses. For instance in a collection case, a general denial is not a sufficient answer, the answer must be a sworn denial of the sworn account. You should check with an attorney to make sure that you are filing the correct answer and that there are no defects in your response.]

1. The purpose of a special appearance is to contest the court's jurisdiction.
2. It may be used to claim that the defendant is not subject to Texas process or that the property that is the subject of the suit is not located in Texas.
3. The form should state the facts and show why the defendant should not be required to defend the cause of action in the State of Texas.
4. The defendant can also contest service of process under the Texas Long Arm Statute, e.g., by claiming lack of the minimum contacts necessary to establish a business relationship in Texas.
5. See TRCP 120A for the statutory provision on special appearances.
6. Pursuant to TRCP 121, if the defendant files an answer, he or she waives the right to contest the validity of the issuance or service of citation. If the defendant files a special appearance, he or she does not waive the right to assert a claim of lack of jurisdiction.
7. TRCP 84 provides that an answer may also allege several defenses, including a special appearance and a general denial.
8. The form that follows assumes that the defendant does not reside in the State of Texas and does not own or control property in the State of Texas. Included in the special appearance is a general denial, which prevents a default judgment in the event that the special appearance is defective or overruled.
9. The verification which is attached to the special appearance is required by Rule 120A of the Texas Rules of Civil Procedure. It gives more credibility to the claim by stating that the defendant believes the facts contained therein are true and correct.

Form: Special appearance

[Name],
PLAINTIFF

vs.

[Name],
DEFENDANT

IN THE [Type of Court] COURT

[Court number]

OF [NAME] COUNTY, TEXAS

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DEFENDANT'S SPECIAL APPEARANCE

Defendant [Name] and files this special appearance to object to the jurisdiction of the Court in the above entitled and numbered proceeding.

1. Defendant's legal domicile is outside of the State of Texas and is in [Name] County, [State].
2. Defendant's person and property are not amenable to process issued by the courts of this state, and Defendant prays the Court to so rule.

3. Accordingly, Defendant prays that the Court dismiss the above entitled and numbered cause for lack of jurisdiction.

4. Pleading further, and in the alternative, but without limiting or waiving Defendant's plea to the Court's jurisdiction, Defendant asserts a General Denial by which Defendant denies the allegations contained in Plaintiff's Original Petition and respectfully requests that the Court and Jury require the Plaintiff to prove Plaintiff's claims, charges and allegations by a preponderance of the evidence, as required by the Constitution and Laws of the State of Texas.

Respectfully Submitted,

[Law Firm Name]

By _____

[Attorney's Name]
THANK YOU

Attorney for Defendant

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[Bar Card Number]

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State of Texas
County of _____

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BEFORE ME, a notary public in and for [Suit County] County, Texas, on this day personally appeared [Name], to me well known to be a credible person of lawful age and qualified in all respects to make this affidavit, who being first sworn upon oath, says that [he or she] is [party designation] in the above-referenced case, and has the authority to make this affidavit. Affiant further states that [he or she] has read the foregoing and that the pleading is in every statement and allegation true and correct.

[Include any other facts to support the affidavit]

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Subscribed and sworn to before me on _____ by

_____.

Signature of officer

Notary's typed or printed name

My commission expires.

THIS DOCUMENT

[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]

THANK YOU

Type of Service:

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

___ U.S. Mail, First Class.

___ Hand delivery by name of delivery service []

___ Electronic transmission to _____ [fax number] or for e-mail _____

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PREVIEW

[Attorney's signature]

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THANK YOU

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Defendants Original answer (General Denial)

PREVIEW

1. The purpose of an answer by defendant is to prevent the entry of a default judgment from being obtained by plaintiff and to set forth any applicable defenses or responses to plaintiff's petition.
2. The answer must be filed with the court within the prescribed time period, and should include a certificate of service to all counsel of record.
3. See the following Texas Rules of Civil Procedure applicable to answers:

Rule 83-Original and supplemental answer, endorsement;

Rule 84-Answer may include several matters;

Rule 85-Original answer contents;

Rule 86-Plea of privilege;

Rule 87-Hearing on plea;

Rule 88-Plea not waived;

Rule 89-Transfer of plea is sustained;

Rule 90-Waiver of defects in pleading;

Rule 91-Special exceptions;

Rule 92-General denial;

Rule 93-Certain pleas to be verified;

Rule 94-Affirmative defenses;

Rule 95-Pleas of payment;

Rule 96-No discontinuance;

Rule 97-Counterclaim and cross-claim;

Rule 98-Supplemental answers.

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THIS DOCUMENT

Information or instructions: General denial

1. The answer set forth in the form that follows is commonly referred to as a general denial and may be used in all cases, **except where affirmative defenses are required by Rules 93 and 94 of the Texas Rules of Civil Procedure or in trespass to try title petitions in which a plea of not guilty should be made.**

Form: General Denial

THANK YOU

[Name],
PLAINTIFF

IN THE [Type of Court] COURT

[Court number]

vs.

[Name],
DEFENDANT

OF [NAME], COUNTY, TEXAS

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PREVIEW

Defendant [Name], files this original answer to the Plaintiff's petition, and would respectfully show unto the court the following:

Subject to such stipulations and admissions as may hereafter be made, this Defendant asserts a general denial as is authorized by Rule 92 of the Texas Rules of Civil Procedure. Defendant respectfully requests that the Plaintiff be required to prove the charges and allegations against this Defendant by a preponderance of the evidence as is required by the Constitution and laws of the State of Texas.

PLEASE DO NOT COPY

PRAYER

The above answer is respectfully submitted to the Court and Jury by the Defendant, who asks that the Plaintiff take nothing; that this Defendant be allowed to recover the costs which have been incurred by reason of the charges and allegations of the Plaintiff against this Defendant; and that the Court give this Defendant such other and further relief from these charges as the Court may feel that this Defendant is entitled to.

THIS DOCUMENT

Respectfully Submitted,

[Law Firm Name]

By _____

[Attorney's Name]
THANK YOU

Attorney for Defendant

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[Bar Card Number]

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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.

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[Attorney's signature]

THIS DOCUMENT

THANK YOU

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Information or instructions: Defendant's answer in affirmative defense in a sworn account matter

PREVIEW

1. The affirmative defense in the form that follows contains a corporate and an individual verification. The verifications must be attached to the answer in order to comply with TRCP 93.

2. Included in the answer is an affirmative defense that the sworn account is not true and correct and that the defendant was sued in an incorrect legal capacity. Typically, creditors may sue a defendant in both an individual and corporate capacity.

3. This affirmative defense is used to contest the individual liability claim asserted by plaintiff.

4. Texas Rules of Civil Procedure 18, "Suit on Account," has been amended. The old rule required the defendant's answer to specifically state that the claim was not just, true, or correct and that all just and lawful offsets, payments and credits have not been allowed.

5. The new rule deletes that requirement and brings the answer on a sworn account under the standard rules for pleading and practice.

6. Suits on a sworn account are now covered by Texas Rule of Civil Procedure 93, which has been amended to add subsection 10, providing for "a denial of an account which is the foundation of the plaintiff's action, and supported by affidavit . . ." In other words, if you desire to deny the sworn account, the answer must be verified under Texas Rule of Civil Procedure 93.

7. The following form illustrates the denial.

THIS DOCUMENT

Form: Answer and affirmative defense

CAUSE NUMBER _____

**[Name],
PLAINTIFF**

IN THE [Type of Court] COURT

[Court number]

vs.

**[Name],
DEFENDANT**

OF [NAME], COUNTY, TEXAS

THANK YOU

DEFENDANT'S ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES

Defendant, [Name] in the above styled and numbered cause, files this original answer to the

Plaintiff's petition, and would respectfully show the court the following:

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1. Subject to such stipulations and admissions as may hereinafter be made, Defendant asserts a general denial as authorized by Rule 92 of the Texas Rules of Civil Procedure, and Defendant respectfully requests that Plaintiff be required to prove the charges and allegations against Defendant by a preponderance of the evidence as required by the Constitution and laws of the State of Texas.

2. In the alternative, without limiting or waiving the above general denial, Defendant denies Plaintiff's sworn account on the ground that Defendant did not order the goods or services referred to in Plaintiff's Petition.

3. In the alternative, without limiting or waiving the above general denial, Defendant states that Defendant [Name of individual] does not have the legal capacity to be sued for the debts of Defendant [Name of corporation], if any, nor is Defendant [Name of individual] liable to Plaintiff in the capacity in which Plaintiff has sued this Defendant.

4. In the alternative, without limiting or waiving the above general denial, Defendant states that Defendant [Name of individual] did not sign the [specify instrument, e.g., note or contract] referred to in Plaintiff's Petition as an individual for purposes of individual liability and therefore he is not liable for the moneys, if any, that are allegedly owed. Pursuant to Rule 93 of the Texas Rules of Civil Procedure, Articles III and IV of this answer constitute a sworn denial of execution of the [specify instrument] with respect to Defendant [Name of individual] in [his or her] capacity as an individual for personal liability.

5. Pleading further, and in the alternative, without limiting or waiving the above general denial, Defendant states that Defendant [Name of individual] never represented to Plaintiff that [he or she] was acting or would act in an individual capacity. Plaintiff was aware of or should have been aware of the fact that Defendant's authority was limited to acting on the behalf of the corporation.

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Accordingly, Plaintiff should be ~~respected and prevented from asserting~~ that Defendant [Name of individual] is liable in [his or her] individual capacity.

PREVIEW

PRAYER

The above answer is respectfully submitted to the Court and Jury by Defendant, who asks that Plaintiff take nothing, that Defendant be allowed to recover costs of suit, and that the Court award this Defendant such other and further relief as the Court may deem proper under the circumstances.

PLEASE DO NOT COPY

Respectfully Submitted,

[Law Firm Name]

By _____

[Attorney's Name]

THIS DOCUMENT

[Attorney for Defendant]
[Attorney's Address]
[Telephone Number]
[Facsimile Number]
[Bar Card Number]

AFFIDAVIT

State of Texas
County of _____

BEFORE ME, a notary public in and for _____ County, Texas, on this _____ day personally appeared [Name], to me well known to be a credible person of lawful age and qualified in all respects to make this affidavit, who being first sworn upon oath, says that [he or she] is [party designation] in the above-referenced case, and has the authority to make this affidavit. Affiant further states that [he or she] has read the foregoing and that the pleading is in every statement and allegation true and correct.

THANK YOU

[Include any other facts to support the affidavit]

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Affiant

PREVIEW

Subscribed and sworn to before me on _____ by _____

Signature of officer

Notary's typed or printed name

My commission expires: _____

PLEASE DO NOT COPY

[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]

THIS DOCUMENT

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]

THANK YOU

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Information or instructions: Corporate verification for affirmative defense

PREVIEW

1. The corporate verification in the form that follows is used by the officers of the corporation to swear to the truthfulness of the statements contained in the pleading.
2. The verification is attached to pleadings in order to comply with TAR 93.

Form: Corporate verification for affirmative defense

State of Texas

County of _____

BEFORE ME, a Notary Public in and for [Suit County] County, Texas, on this day personally appeared [Name], who being by me duly sworn in [his or her] oath depose and say that [he or she] is the duly authorized agent of [Name], Defendant in the above entitled and numbered cause; that [he or she] has read the above and foregoing Defendant's Original Answer; and that the Answer is, in every statement and allegation thereof, true and correct to [his or her] own personal knowledge.

[Include any other facts to support the affidavit]

[Capacity i.e. President

THIS DOCUMENT

[Name of corporation]

State of Texas

County of _____

Subscribed and sworn to before me on _____ by

_____.

Signature of officer

THANK YOU

Notary's typed or printed name

My commission expires:

[or Notary's Stamp]

Information or instructions: Individual verification

LegalFormsForTexas.Com

The individual verification is used to show that the individual believes that the statements contained in the pleading are true and correct.

PREVIEW

Form: Individual verification

State of Texas

County of _____

BEFORE ME, a Notary Public in and for [County] County, Texas, on this day personally appeared [Name], to me well known to be a credible person of lawful age and qualified in all respects to make this Affidavit, who being first sworn on oath, says that [he or she] is the Defendant in the foregoing Defendant's Original Answer, and that [he or she] has read the foregoing Answer, and that the Answer is in every statement and allegation thereof true and correct to [his or her] own personal knowledge.

PLEASE DO NOT COPY

Subscribed and sworn to before me on _____ by

_____.

Signature of officer

Notary's typed or printed name

THIS DOCUMENT

My commission expires

[or Notary's Stamp]

THANK YOU

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Information or instructions: Defendant's Answer and Cross-claim in consumer action

PREVIEW

1. The form that follows assumes that a seller of goods has been sued by a plaintiff under the Texas Deceptive Trade Practices-Consumer Protection Act and has filed an answer and cross-claim against the manufacturer of the product sold to plaintiff.
2. Article 1.1 of the form includes a general denial. Articles 2.1-2.05 include an affirmative defense under the Texas Deceptive Trade Practices Act that the defendant complied in good faith with State and Federal consumer laws and any noncompliance was the result of a bona fide error.
3. Article 2.2 states alternatively as a defense that the Plaintiff did not give defendant a reasonable time to cure the alleged defects which are the subject matter of the litigation and plaintiff's claim for breach of warranty is thus barred.
4. Article 2.4 allows the defendant to plead the affirmative defense of lack of a necessary party, and in Article 2.05 defendant pleads the two-year statute of limitations.
5. Articles 3.1-3.05 contain the cross-action in which defendant states that the codefendant manufactured the defective product and that it is therefore liable to the plaintiff. The defendant further pleads that it relied upon warranties provided by the manufacturer; Pursuant to Section 17.55 of the Texas Business & Commerce Code, the defendant seeks indemnity and contribution from the codefendant manufacturer. The defendant also seeks reimbursement of its attorney's fees.
6. The Texas Deceptive Trade Practices-Consumer Protection Act can be found in the Texas Business & Commerce Code, Section 17.01-17.13.

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THIS DOCUMENT

Form: Defendant's original answer and cross-claim against codefendant

CAUSE NUMBER _____

**[Name],
PLAINTIFF**

IN THE [Type of Court] COURT

[Court number]

vs.

**[Name],
DEFENDANT**

OF [NAME], COUNTY, TEXAS

THANK YOU

**DEFENDANT'S ORIGINAL ANSWER AND CROSS-CLAIM
AGAINST CO-DEFENDANT**

[Name], one of the Defendants in the above styled and numbered cause, and files this its original answer to the Plaintiff's original petition, and would respectfully show the Court the following:

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CONFIDENTIAL

1.1 Subject to such stipulations and admissions as may hereinafter be made, Defendant [Name] asserts a general denial as authorized by Rule 92 of the Texas Rules of Civil Procedure, and respectfully requests that the Plaintiff be required to prove the charges and allegations against this Defendant by a preponderance of the evidence as required by the Constitution and laws of the State of Texas.

2. AFFIRMATIVE DEFENSES

2.1 Pleading further, and in the alternative, if such be necessary, and without limiting or waiving the above general denial, Defendant [Name] has attempted in good faith to comply with the applicable State and Federal consumer laws; noncompliance, if any, alleged by Plaintiffs is the result of an accident or good faith error which occurred despite the procedures maintained by Defendant to prevent the occurrence of such errors.

2.2 Pleading further, and in the alternative, if such be necessary, and without limiting or waiving the above general denial, Plaintiff did not give Defendant [Name] a reasonable time to cure alleged defects in the [specify goods that are the subject of the action] which is the subject matter of this litigation.

2.3 Plaintiff's failure to provide Defendant [Name] with an opportunity to repair the [goods] which is the subject matter of this lawsuit bars Plaintiff's claim, if any, in its entirety. Accordingly, this Defendant is entitled to be dismissed from this cause.

2.4 Pleading further, and in the alternative, if such be necessary and without limiting or waiving the above general denial, Defendant [Name] pleads the absence of a necessary and indispensable party; without the joinder of the necessary party, the Plaintiff cannot proceed further in this cause.

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2.05 Pleading further, and in the alternative, if such be necessary and without limiting or waiving the above general denial, Defendant [Name] pleads the two (2) year Statute of Limitations and this affirmative defense bars Plaintiff's claim, if any, as to Defendant.

3. CROSS-ACTION

3.1 Separately from the foregoing answer and affirmative defense, Defendant [Name] complains of Co-Defendant [Name] and for cause of action shows the following by way of cross-claim.

3.2 [Name], Co-Defendant, is a corporation organized under and existing by virtue of the laws of the State of and the Co- Defendant may be served with citation in this cause as follows: [state Name and Address of registered agent].

3.3 Co-Defendant [Name] manufactured the [specify goods that are the subject of the action], which is the subject matter of this litigation. Accordingly, the cross-claim of Defendant [Name] arises directly out of the same transaction or occurrence that is the subject matter of this litigation. Defendant would further show that Co-Defendant is or may be liable to Defendant for all or part of the claims asserted by Plaintiff in the above entitled and numbered cause of action. Defendant relied on the manufacturer for the design, efficient assembly, and quality manufacturing of the [goods] which would be suitable for sale to the general public of which class Plaintiff is a member.

3.4 Co-Defendant [Name] has provided warranties relating to the [goods], copies of which are attached to this cross-claim. Defendant expressly excludes any and all warranties on the [goods] and, therefore, relies on the warranty given by the manufacturer, [Name].

3.05 Pursuant to Section 17.55 of the Texas Business and Commerce Code, otherwise known as the Deceptive Trade Practices Consumer Protection Act, Defendant [Name] is a person against whom an action has been brought under the Act, and seeks contribution or indemnity from Co-

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Defendant [Name], the person who under Federal, State or Common Law may have liability for the damaging event of which Plaintiff complains. As the manufacturer of the [specify goods], which is the subject matter of this litigation, Co-Defendant [Name] is responsible for any and all claims made against Defendant [Name] and should, therefore, be required to indemnify Defendant, for any and all or act or omissions of which Plaintiff may complain regarding the transaction which is the subject matter of this litigation. Defendant [Name] additionally seeks to recover all sums which the or she is required to pay as a result of the above entitled cause of action, including attorney fees and Court costs.

PRAYER

Defendant [Name] requests judgment of the Court that Plaintiff take nothing by this suit and that Defendant recover all costs, together with such and other further relief to which it may be justly entitled. Furthermore, if the Court finds judgment for the Plaintiff and against Defendant, this Defendant requests judgment of the Court that Co-Defendant [Name] be adjudicated liable to Defendant for the amount of the judgment, together with all costs, including attorney fees and Court costs, and for such and other and further relief to which Defendant may be justly entitled.

Respectfully Submitted,

[Law Firm Name]

By _____

THANK YOU

[Attorney's Name]

Attorney for Defendant

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[E-mail Address]

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PREVIEW

State of Texas

County of _____

BEFORE ME, a notary public in and for [Suit County] County, Texas, on this day personally appeared [Name], to me well known to be a credible person of lawful age and qualified in all respects to make this affidavit, who being first sworn upon oath, says that [he or she] is [party designation] in the above-referenced case, and has the authority to make this affidavit. Affiant further states that [he or she] has read the foregoing and that the pleading is in every statement and allegation true and correct.

[Include any other facts to support the affidavit]

PLEASE DO NOT COPY

Affiant

Subscribed and sworn to before me on _____ by

_____.

THIS DOCUMENT

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 Requested No.

___ U.S. Mail, First Class.

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____ Hand delivery by [name of delivery service] _____
____ Facsimile transmission to _____ [fax number] before 5 p.m.

PREVIEW

[Attorney's signature]

Information or instructions: Affidavit for affirmative defenses contained in answer

1. The affidavit in the form that follows must be filed with the preceding form to comply with the verification requirements set forth under Texas Rules of Civil Procedure, Rule 93.

Form: Affidavit for affirmative defenses contained in answer

PLEASE DO NOT COPY

State of Texas

County of _____

BEFORE ME, a notary public in and for [Suit county] County, Texas, on this day personally appeared [Name], to me well known to be a credible person of lawful age and qualified in all respects to make this affidavit, who being first sworn upon oath, says that [he or she] is one of the [party designation] in the above-referenced case, and has the authority to make this affidavit. Affiant further states that [he or she] has read the foregoing answer and cross claim against Co-[party designation], and that the pleading is in every statement and allegation true and correct.

THIS DOCUMENT

Affiant

Subscribed and sworn to before me on _____ by

_____.

Signature of officer

THANK YOU

Notary's typed or printed name

My commission expires:

[or Notary's Stamp]

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Information or instructions: Response to a request for disclosure

PREVIEW

1. This pleading responds to a Request for Disclosure per TRCP 194. It should provide the basic information about the case, parties, theory, etc. The response must be made no later than 30 days from the date the Request was received.

2. Per TRCP 194.4: Copies of documents and other tangible items ordinarily must be served with the response, but if the responsive documents are voluminous, the response must state a reasonable time and place for the production of the documents. The responding party must produce the documents at the time and place stated, unless otherwise agreed by the parties or ordered by the court, and must provide the requesting party a reasonable opportunity to inspect them.

3. Per TRCP 194.5: No Objection. No objection or assertion of work product is permitted to a request under this rule.

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4. For a discussion on the rule changes and copies of the new rules see p 1153- 1154, Texas Bar Journal December 1998- Supreme Court of Texas Misc. Docket No. 98-9196.

Form: Response to a request for disclosure

CAUSE NUMBER _____

[Name],
PLAINTIFF

IN THE [Type of Court] COURT

vs.

[Name],
DEFENDANT

THIS DOCUMENT

[Court number]

OF [NAME], COUNTY, TEXAS

RESPONSE TO A REQUEST FOR DISCLOSURE

TO: [Requesting Party's Name], [Plaintiff or Defendant], by and through the attorney of record, [Name of Requesting Party's Attorney], [Law Firm's Address], [City] [Zip Code]

This response to request for disclosure is made by [Name of Responding Party] pursuant to Rule 194 of the Texas Rules of Civil Procedure.

THANK YOU

1. [Name of Responding Party] is [Plaintiff or Defendant] in this suit.

2. This response is being served prior to the expiration of 30 days from the date upon which the request was served.

3. Response

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194.2(a). the correct name of the parties to the lawsuit

PREVIEW
PLAINTIFFS

[Plaintiff's Name]

DEFENDANTS

[Defendant's Name]

194.2(b) the name, address and telephone number of any potential parties.

Name, Address and Telephone Number

[Potential Party's Name, Address and Telephone Number]

194.2(c) the legal theories, and in general, the factual bases of your claims or defenses (you need not marshal all evidence that may be offered at trial).

194.2(d) the amount and method of calculating economic damages.

[\$[Amount of Economic Damages] in economic damages.

Method of calculation:

[Method of Damage Calculation]

194.2(e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

Name, Address, Telephone Number

[Name of Person with Relevant Facts, Address, Telephone Number]

194.2(f) for any testifying expert:

1. the expert's name, address and telephone number:

2. the subject matter on which the expert will testify;

THANK YOU

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3. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not obtained by you, employed by you, or otherwise subject to your control, documents reflecting such information;

4. if the expert is retained by you, employed by you, or otherwise subject to your control:

A. all documents, tangible things, reports, models or data

compilations that have been provided to you, reviewed by you, or prepared by or for the expert in anticipation of the expert's

testimony; and

B. the expert's current resume and bibliography;

EXPERTS

194.2(g). any discoverable indemnity and insuring agreements.

194.2(h). any discoverable settlement agreements;

194.2(i). any discoverable witness statements,

194.2(j). in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;

194.2(k). in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by you by virtue of an authorization furnished by Plaintiff.

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PREVIEW _____
[Law Firm Name]

By _____

[Attorney's Name]

Attorney for [Plaintiff, Defendant or Movant]

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[Bar Card Number]

PLEASE DO NOT COPY
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Response to A Request for Disclosure 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:

THIS DOCUMENT

___ U.S. Mail, certified mail, return receipt requested No. _____.

___ U.S. Mail, first class mail.

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

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

[Name of Client's Attorney]

THANK YOU

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