

IN RE: STANDING ORDER
NO. _____

IN THE 58TH DISTRICT COURT OF
JEFFERSON COUNTY, TEXAS

AMENDED STANDING ORDER REGARDING
CLOSURE OF CLERK'S OFFICE,
ENLARGING TIME AND EXTENDING DEADLINES

The Court, acting *sua sponte*, takes judicial notice of the fact that Hurricane Rita struck the Jefferson County, Texas area early in the morning of September 24, 2005, causing considerable destruction of and damage to property, and creating, as it approached, the necessity of mass evacuation beginning September 21st. Further, the Court takes judicial notice that the Jefferson County Courthouse, and with it the Jefferson County District Clerk's Office, closed at 5:00 p.m. on September 21, 2005, has been continuously closed since then, and remains closed as of the time of this order. Accordingly, the Court finds that it has been impossible to file instruments in cases in this court from 5:00 p.m. September 21 to the present. It is now anticipated that the clerk's office will remain closed until 8:00 a.m. October 17, 2005.

The Supreme Court of Texas issued its order Misc. Docket No. 05-9168 on September 26, 2005, enlarging the time for filing any document until the clerk's office re-opens, and finding the closure of the clerk's office to be "good cause" as a matter of law in calculating the time in which documents are to be filed. This court also finds such good cause under that circumstance.

It is therefore ordered that, in all cases pending in the 58th District Court as of September 21, 2005, any and all deadlines and time limits are hereby extended and enlarged by the number of days from September 21, 2005, until the Jefferson County District Clerk's office re-opens for regular business, now contemplated to be October 17 (thus, a total enlargement and extension of 25 days, if the clerk's office does re-open then). All docket control order items, such as time for mediation, discovery cutoff, and so forth, are similarly advanced by that number of days.

As to the trial calendar, the October docket will be called to trial during the month of November 2005. The November 2005 trial docket will also be called to trial during November. The December docket and all subsequent months' dockets will be called as originally scheduled.

It is now anticipated that jury trials will resume October 31, 2005, and will proceed to be called in normal fashion thereafter.

There has been some confusion about the fact that the clerk's office has handled a small number of matters on an emergency basis during the present closure. The Court finds that such action by the clerk is solely at the clerk's discretion, and does NOT constitute an "opening" of the clerk's office within the meaning of the Supreme Court's order. The clerk's office is not "open" until the clerk, in her discretion, declares her office open for all regular business, and until

the County Judge declares the Jefferson County Courthouse open for all regular business.

Signed this 12th day of October, 2005, at 9:00 a.m.

A handwritten signature in black ink, appearing to read "Mehafty", written in a cursive style.

JAMES W. MEHAFFY, JUDGE
58TH DISTRICT COURT