



Judge Jack James
Justice of the Peace, Precinct 1

Judge Cathy Penn
Justice of the Peace, Precinct 2

1111E. YELLOWJACKET LANE
ROCKWALL, TEXAS 75087

Judge Mark Russo
Justice of the Peace, Precinct 3

Judge Liana Whitten
Justice of the Peace, Precinct 4

**TEMPORARY STANDING ORDER REGARDING CORONAVIRUS DISEASE (COVID-19)
MITIGATION AND ALL JUSTICES OF THE PEACE IN ROCKWALL COUNTY
(ORDER NO. 02)**

The four Justices of the Peace in Rockwall County issue the following Order to in response to orders issued by the Texas Supreme Court Order and the Texas Court of Criminal Appeals. This order supplements and does not replace the STANDING ORDER REGARDING CORONAVIRUS DISEASE (COVID-19) MITIGATION TO ALL ROCKWALL COUNTY JUSTICES OF THE PEACE (ORDER NO. 01).

In compliance with the Texas Supreme Court Order issued on March 19, 2020, all residential eviction cases in the Rockwall County are on hold and no hearings will be held before April 19, 2020, other than an essential court proceeding. "Essential court proceedings" are defined as: residential evictions for threat to person; writs of re-entry; writs of retrieval; writs of restoration; magistration of defendants in custody and fugitives from justice; issuing death certificates, or burial transit permits; repair and remedy cases that materially affect the physical health or safety of a tenant; and any proceedings necessary to enforce a governmental entity's response to a COVID-19 declaration of state of disaster.

Until May 1, 2020, all new filings shall be limited E-File (EFileTexas.gov) or to the Justice Court's designated filing email as provided in each Justice Court's website.

The term "residential eviction for threat to person" in this order shall be defined as a residential eviction case where it is shown that the actions of the tenant, or the tenant's household members or guests, pose an imminent threat of (a) physical harm to the plaintiff, the plaintiff's employees, or other tenants, or (b) criminal activity that poses an imminent threat of harm to plaintiff, plaintiff's employees, or other tenants. In such cases, the stay of proceedings provided in Order No. 1 do not apply, and the normal deadlines and timelines, including appeal deadlines, required by the Texas Property Code, the Texas Rules of Civil Procedure, and any applicable law prior to all COVID-19 orders apply, except in the Justice Court's discretion in order to prioritize public health and avoid risk to court officers, staff and members of the public.

The procedure for filing a residential eviction for threat to person case are modified from the current procedures as follows:

- 1) A plaintiff seeking a residential eviction for threat to person eviction must file with the "Rockwall County Justice Court's Sworn Complaint for Forcible Detainer for Threat to Person or For Cause" document that is attached to this order.
- 2) After the case is filed and as soon as practicable, the Justice of the Peace shall review the "Rockwall County Justice Court's Sworn Complaint for Forcible Detainer for Threat to


Person or For Cause” petition and if it makes a prima facie case that it is a residential eviction for threat to person, then the Justice of the peace shall sign an order setting the case by telephone/video conference setting only. Each Justice Court will develop a procedure to notify the litigants how to participate by telephone/video and the procedure to conduct the hearing. If a prima facie case is not made, the case shall be set after May 1, 2020 like all other eviction cases.

- 3) The Constables of Rockwall County are ordered to use their best discretion, prioritizing public health and deputy constable safety, in serving court papers and executing writs in this case and may delay serving court papers and executing writs if necessary.
- 4) Setting, hearing, and any post-judgment remedies (including appeal deadlines) shall follow the time schedule as outlined in the Texas Property Code and the Texas Rules of Civil Procedure, except when not practicable in accordance with the Justice Court’s mitigation plan and no tolling of time shall take place on these cases.
- 5) Any judgment for residential eviction for threat to person must be announced on the same telephonic/video conference as the trial and the Justice of the Peace must inform the losing party of the process for submitting an appeal while complying with the Justice Court’s requirement of filing only by e-File or email during the COVID-19 state of emergency.
- 6) During the trial, the Justice of the Peace shall first determine if the actions of the tenant, or the tenant's household members or guests, pose an imminent threat of (a) physical harm to the plaintiff, the plaintiff’s employees, or other tenants, or (b) criminal activity. Only after such affirmative finding can the Justice of the Peace then consider the grounds for eviction. If no affirmative finding is made then no decision as to the grounds for eviction shall be determined, and the Justice of the Peace shall abate the proceeding until after May 1, 2020, and shall not render a final judgment until after May 1, 2020.
- 7) If the Justice of the Peace during the trial finds that the filing of this case and allegation of threat to others was a pretext in order for the Justice Court to hear an eviction case circumventing the Court's delay of hearing eviction cases until after May 1, 2020, then the Justice Court can require the Plaintiff to show cause as to why the filing was not pretextual. The Justice Court may sanction the Plaintiff for a bad faith filing, awarding the Defendant all costs for inconvenience, harassment, out-of-pocket expenses incurred or caused by the subject of litigation, and attorney's fees; and/or ordering the Plaintiff to pay a penalty into the Court. In addition, the Justice Court can find the Plaintiff in contempt of court after a show cause hearing with such punishment being a fine and/or days in jail.

This order is in effect immediately and shall expire May 1, 2020.

The time periods in this order may be extended in a subsequent order if required.

Dated: March 31, 2020 at 12:00 p.m.



Judge Cathy Penn

On behalf of the Justices of the Peace in Rockwall County, Texas

For Office Use Only:

Cause No. _____ Hearing Date: _____ at _____ a.m/p.m.

ROCKWALL COUNTY JUSTICE COURT'S SWORN COMPLAINT FOR FORCIBLE DETAINER FOR THREAT TO PERSON OR FOR CAUSE

IN THE JUSTICE COURT, ROCKWALL COUNTY, PRECINCT _____

All sections are required to be completed if applicable.

TO THE HONORABLE JUDGE OF SAID COURT:

PLAINTIFF(S) NAME(S) _____
EMAIL (REQUIRED) _____ PHONE: _____
ADDRESS _____
[] AGENT [] ATTORNEY _____
EMAIL (REQUIRED) _____ PHONE: _____
ADDRESS _____

DEFENDANT(S) NAME(S) _____
EMAIL (REQUIRED IF KNOWN) _____ PHONE: _____
ADDRESS _____
OTHER ADDRESS WHERE DEFENDANT MAY BE FOUND _____

1) Plaintiff (Landlord) hereby complains of the defendant(s) named above for eviction of plaintiff's premises (including storerooms and parking areas) located at _____ (address, city, state, zip code). This property is within **Justice Court Precinct _____**, in Rockwall County. The Owner/Landlord is _____.

2) Service of Citation is requested on defendant(s) by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other Addresses where the defendant(s) may be served are _____.

3) The plaintiff claims the defendant(s) should be evicted because (REQUIRED):
The actions of the tenant, or tenant's household members or guests, pose an imminent threat of (a) physical harm to the plaintiff, the plaintiff's employees, or other tenants, or (b) criminal activity that poses an imminent threat of harm to plaintiff, plaintiff's employees, or other tenants (state the nature in specificity as to the imminent threat or criminal activity and reason why the defendant should be evicted):

Unpaid rent. Defendant(s) failed to pay rent for the following time period(s): _____
_____. The amount of rent claimed as of the date of
filing is: \$_____. Plaintiff reserves the right to orally amend the amount at trial to
include rent due from the date of filing through the date of trial.

Other lease violations. Defendant(s) breached the terms of the lease (other than by failing to
pay rent) as follows: _____

Holdover. Defendant(s) are unlawfully holding over by failing to vacate at the end of the rental
term or renewal of extension period, which was the _____ day of _____, 20____.

4) Written notice to vacate and demand for possession was given on (date) _____ in
the following manner and a copy is attached

Certified Mail Regular Mail Delivery in Person

Posting inside door Other (describe) _____

5) The rent is \$_____ per month and is due on the _____ day of each month. (Amount paid
by tenant \$_____ ; Amount paid by Government Agency \$_____).

6) **Attorney's Fees.** Plaintiff will be or will NOT be seeking applicable attorney's fees. Attorney's
name, address, telephone and fax numbers are: _____
_____.

REQUEST FOR JUDGMENT: Plaintiff prays that defendant(s) be served with citation and that plaintiff have judgment against defendant(s) for: possession of premises, unpaid rent owed in the amount of \$_____ plus all rents accruing through the date of judgment, all court costs, and attorney's fees.

Alleging a false imminent threat or criminal activity in this filing as a pretext to circumvent the Court's delay in hearing eviction cases until after May 1, 2020 will subject the filer to sanctions - awarding the Defendant all costs for inconvenience, harassment, out-of-pocket expenses incurred or caused by the subject of litigation, and attorney's fees; and/or ordering the filer to pay a penalty into the Court. In addition, the Court can find the Plaintiff in contempt of court after a show cause hearing with such punishment being a fine and/or days in jail. DO NOT FILE THIS COMPLAINT IF IT IS PRETEXTUAL OR FALSE.

Plaintiff's Signature

Authorized Attorney/Agent Signature

Said Plaintiff (or his agent or attorney), being duly sworn by me, the undersigned authority, upon oath says that the facts as stated in the above instrument are, within the knowledge of said affiant, true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____, 20__ to certify which; witness my hand and seal of office.

Notary Public in and for the State of Texas

Justice Court Clerk, Precinct _____