

Civil Scenarios: Pre-Judgment Procedure

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Scenario 1

- Karen comes into your court and tells the clerk that she has an acquaintance named Pablo who has a paint shop. She let Pablo's Paint Shop do paint work on her car, and says the car is "ruined" and needs to file suit and wants to know if she is supposed to sue Pablo or the business?
- What should the clerk say?
- What happens if she files suit incorrectly?

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PRESENTATION TITLE

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Scenario 2

- Karen files suit against Pablo Paint Company, LLC. Pablo Paint Company files a counterclaim against Karen. What do they have to submit? Pay? What service is needed on Karen?
- Karen doesn't file an answer, and Pablo Paint files a request for a default hearing. Grant it?

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PRESENTATION TITLE

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Scenario 3

- Amber sues John following an auto accident. Amber says in the petition that she is suing for \$25,000. The court sets the case for a hearing on jurisdiction. At that hearing, Amber says she is reducing the amount she is seeking to \$20,000. Is this allowable?

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PRESENTATION TITLE

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Scenario 4

- 10 days before the trial on the auto accident, Amber submits a modified petition to the court and serves it on John, including personal injury claims in addition to her original property damage claim. Can she do this? What if it was 3 days before trial? At trial?

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PRESENTATION TITLE

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Scenario 5

- Mark is suing Thea over possession of a piece of British Royal Family merchandise, valued at \$18,000. Mark tells the clerk that the court needs to hold the property safe until the trial, because Thea will destroy it out of spite rather than let him have it.
- What should the court do?

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PRESENTATION TITLE

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Scenario 6

- In the suit over the British Royal Family piece, Thea files a plea to the jurisdiction. At a hearing on the motion, Thea offers an expert who testifies that they value the piece at \$22,500. What does the court do?

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PRESENTATION TITLE

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Scenario 7

- Rebecca lends Mark \$3,000. He fails to repay it. She files suit, using the Debt Claim petition. Is this case a Debt Claim Case? How should the court handle this?

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Scenario 8

- Rebecca tells the court that Mark doesn't live where he used to anymore and she doesn't know where he is now. She says that it is the court or constable's job to track him down so he can get served.
- Is she right? What should happen next?

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Scenario 9

- Mark files an answer, agreeing that he entered the agreement and owes Rebecca \$3,000, but that he can't pay due to various financial hardships. Rebecca files a motion for summary disposition. Is this appropriate? What happens next?
- What if Mark's answer instead says he owes her \$1,800, not \$3,000?

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PRESENTATION TITLE

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Scenario 10

- Mo sues Jessica over an auto accident. Jessica doesn't file an answer. What should the court do at this point? What does Mo need to do?
- What if, instead, the case was over a contract of sale that both parties signed, and Mo filed a copy of that contract with the petition?

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Scenario 11

- Your court received a small claims suit petition for encroachment (tree branches). The plaintiff's attorney filed a petition stating in 2nd paragraph subtitled: "DISCOVERY CONTROL PLAN" and then reads, "Plaintiff contends that the discovery in this matter should be conducted under the guidelines of Level I and she will seek discovery control plan pursuant to 190.4 TRCP."
- How does the court handle this?

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Scenario 12

- A small claims suit has been filed with me regarding a recently divorced couple, stating the defendant was directed to return personal property in a divorce decree, and has not done so. The defendant answers and requests a dismissal, stating only the divorce court has jurisdiction.
- Are they correct? What next?

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Questions?