

'TEXAS RULES OF CIVIL PROCEDURE

PART V - RULES OF PRACTICE IN JUSTICE COURTS

[RULES 523 to 591. Repealed effective August 31, 2013]

RULE 500. GENERAL RULES

RULE 500.1. CONSTRUCTION OF RULES

Unless otherwise expressly provided, in Part V of these Rules of Civil Procedure:

- (a) the past, present, and future tense each includes the other;
- (b) the term “it” includes a person of either gender or an entity; and
- (c) the singular and plural each includes the other.

RULE 500.2. DEFINITIONS

In Part V of these Rules of Civil Procedure:

- (a) “Answer” is the written response that a party who is sued must file with the court after being served with a citation.
- (b) “Citation” is the court-issued document required to be served upon a party to inform the party that it has been sued.
- (c) “Claim” is the legal theory and alleged facts that, if proven, entitle a party to relief against another party in court.
- (d) “Clerk” is a person designated by the judge as a justice court clerk, or the judge if there is no clerk available.
- (e) “Counterclaim” is a claim brought by a party who has been sued against the party who filed the lawsuit, for example, a defendant suing a plaintiff.
- (f) “County court” is the county court, statutory county court, or district court in a particular county with jurisdiction over appeals of civil cases from justice court.
- (g) “Cross-claim” is a claim brought by one party against another party on the same side of a lawsuit. For example, if a plaintiff sues two defendants, the defendants can seek relief against each other by means of a cross-claim.
- (h) “Default judgment” is a judgment awarded to a plaintiff when the defendant fails to answer

and dispute the plaintiff's claims in the lawsuit.

- (i) "Defendant" is a party who is sued, including a plaintiff against whom a counterclaim is filed.
- (j) "Defense" is an assertion by a defendant that the plaintiff is not entitled to relief from the court.
- (k) "Discovery" is the process through which parties obtain information from each other in order to prepare for trial or enforce a judgment. The term does not refer to any information that a party is entitled to under applicable law.
- (l) "Dismissed without prejudice" means a case has been dismissed but has not been finally decided and may be refiled.
- (m) "Dismissed with prejudice" means a case has been dismissed and finally decided and may not be refiled.
- (n) "Judge" is a justice of the peace.
- (o) "Judgment" is a final order by the court that states the relief, if any, a party is entitled to or must provide.
- (p) "Jurisdiction" is the authority of the court to hear and decide a case.
- (q) "Motion" is a request that the court make a specified ruling or order.
- (r) "Notice" is a document prepared and delivered by the court or a party stating that something is required of the party receiving the notice.
- (s) "Party" is a person or entity involved in the case that is either suing or being sued, including all plaintiffs, defendants, and third parties that have been joined in the case.
- (t) "Petition" is a formal written application stating a party's claims and requesting relief from the court. It is the first document filed with the court to begin a lawsuit.
- (u) "Plaintiff" is a party who sues, including a defendant who files a counterclaim.
- (v) "Pleading" is a written document filed by a party, including a petition and an answer, that states a claim or defense and outlines the relief sought.
- (w) "Relief" is the remedy a party requests from the court, such as the recovery of money or the return of property.
- (x) "Serve" and "service" are delivery of citation as required by Rule 501.2, or of a document as required by Rule 501.4.