

CAUSE NO. XXX

JANE DOE

Plaintiff,

v.

JOHN DOE

Defendant.

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IN THE DISTRICT COURT

XXX COUNTY, TEXAS

XXX JUDICIAL DISTRICT

DEFENDANT’S MOTION TO BIFURCATE TRIAL PURSUANT TO TEXAS CIVIL PRACTICE & REMEDIES CODE SECTION 72.052

Defendant [insert full name] files this Motion to Bifurcate Trial pursuant to Texas Civil Practice and Remedies Code Section 72.052 and respectfully shows the Court as follows:

This lawsuit involves a commercial motor vehicle accident. Plaintiff has named both the operator of the vehicle [insert name of driver] and movant [insert name] in this lawsuit. Therefore, the lawsuit implicates subchapter B of Texas Civil Practices & Remedies Code and specifically section 72.052, which states as follows:

BIFURCATED TRIAL IN CERTAIN COMMERCIAL MOTOR VEHICLE ACCIDENT ACTIONS. (a) In a civil action under this subchapter, on motion by a defendant, the court shall provide for a bifurcated trial under this section.

Tex. Civ. Prac. & Remedies Code 72.052. This motion is being filed timely as it is on or before the later of:

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- (1) the 120th day after the date the defendant bringing the motion files the defendant's original answer; or
- (2) the 30th day after the date a claimant files a pleading adding a claim or cause of action against the defendant

Id.

In addition, Texas Rule of Civil Procedure 40(b) authorizes separate trials as are necessary to prevent delay or prejudice. Based on the foregoing authorities, therefore, Defendant hereby moves for bifurcation of trial of any and all claims against it.

PRAYER

Defendant moves for bifurcation of trial of any and all claims against it and for any and all such further relief to which it may be entitled.

Respectfully submitted,

LAW FIRM

s/ Attorney

NAME

State Bar No. xxx

[Email](#)

Address

Telephone xxx

Facsimile xxx

Attorney for Defendant

XXX'S MOTION TO BIFURCATE TRIAL

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served on all counsel of record via e-service in accordance with the Texas Rules of Civil Procedure on the _____ day of _____, 2021.

s/ Attorney _____

Name

XXX'S MOTION TO BIFURCATE TRIAL

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