

CAUSE NO. _____

THE STATE OF TEXAS § IN THE DISTRICT COURT OF
V. § _____ COUNTY, TEXAS
[INSERT PROPERTY] § _____ JUDICIAL DISTRICT

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE COURT:

On this day, [DATE], Defendant moves for summary judgment against Plaintiff, and in support of the motion shows:

1. No Evidence to Support Element(s) of Plaintiff’s Cause(s) of Action

Plaintiff argues [DESCRIBE STATE'S CLAIMS]. The burden is on the Plaintiff to prove the essential elements of its cause of action in which the Plaintiff would have the burden of proof at trial. By this motion, Defendant argues that Defendant is entitled to judgment as a matter of law because there is no evidence to raise a genuine issue of material fact as to the following essential element[s] of the Plaintiff’s cause of action:

1. [FILL IN ANY ISSUE FOR WHICH THE STATE DOES NOT HAVE ANY EVIDENCE FROM THEIR PETITION. DESCRIBE WHY YOU BELIEVE THE STATE HAS NO EVIDENCE.]
2. [CONTINUE TO LIST EACH ARGUMENT MADE BY THE STATE THAT YOU BELIEVE IS EITHER WRONG OR THAT THE STATE DOES NOT HAVE SUPPORT OR EVIDENCE FOR AND DESCRIBE WHY YOU BELIEVE THE STATE HAS NO EVIDENCE OR IS WRONG.]

2. Defendant is Entitled to Judgment on the Pleadings as a Matter of Law

With respect to Plaintiff's allegations, Defendant is entitled to a judgment as a matter of law because [FILL IN REASONS THAT THE COURT SHOULD RULE IN YOUR FAVOR.]

WHEREFORE, Defendant requests that this matter be set for hearing, with notice to Plaintiff, and that on completion of the hearing, the Court render judgment as follows:

1. That Plaintiff take nothing by this suit.
2. That Defendant recover costs from Plaintiff, together with such other and further relief to which Defendant may be justly entitled.

Respectfully submitted,

[SIGN YOUR NAME]
[PRINT YOUR NAME]
[YOUR ADDRESS]
[YOUR PHONE]
[YOUR EMAIL]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent on the [DAY] day of [MONTH] [YEAR] by regular U.S. mail, by facsimile, or certified mail, return receipt requested, to the following parties or attorneys of record:

[INSERT NAME OF STATE'S ATTORNEY], Attorney at Law

[INSERT NAME OF ANY OTHER PARTIES OR THEIR ATTORNEY, IF REPRESENTED]