

No. 13-24-00042-CV

FILED IN
13th COURT OF APPEALS
CORPUS CHRISTI/EDINBURG, TEXAS
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KATHY S. MILLS
Clerk

*In the Thirteenth Court of Appeals
Corpus Christi-Edinburg, Texas*

**IN RE SPACE EXPLORATION TECHNOLOGIES CORP.
AND LAUREN KREUGER**

ORIGINAL PROCEEDING FROM CAUSE NO. 2020-DCL-03939
444TH DISTRICT COURT OF CAMERON COUNTY, TEXAS
HON. DAVID A. SANCHEZ, PRESIDING

**REAL PARTIES IN INTEREST JOSE RUIZ AND HUMBERTO GARCIA'S
SECOND MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO
MANDAMUS PETITION**

TO THE HONORABLE THIRTEENTH COURT OF APPEALS:

Real Parties in Interest, Jose Ruiz and Humberto Garcia (hereinafter “Real Parties”), file this second motion for an extension of time to file their Response to the Mandamus Petition filed by Relators in this matter. Real Parties respectfully show:

On January 12, 2024, this Court requested a response to the Mandamus Petition filed by Relators within 10 days of the Court’s order, making the response due January 22, 2024. Real Parties requested and received an additional 30 days to file their Response, making the response due February 21, 2024.

This is Real Parties' second motion for an extension of time to file their Response.

On February 14, 2024, Real Parties filed a Motion to Abate this proceeding, which was opposed. Real Parties asserted that the Court should abate the proceeding to allow the trial court to issue a revised motion for new trial, which will moot the first issue raised in Relators' Petition and cure any failure by the trial court to adequately set out its reasons for granting a new trial—the subject of this proceeding. The next day, this Court requested a response to the motion, but set the deadline to respond as February 26, 2024—after the deadline to file the response to the petition (in accordance with Texas Rule of Appellate Procedure 10.3(a), which requires a 10-day response period for opposed motions).

Real Parties request that the Court extend the time to file Real Parties' response to Relator's petition to provide time for the Court to rule on the motion to abate and to conserve the resources of both the parties and the Court. Real Parties request the Court extend the deadline as follows: (1) if the Court grants the motion to abate, two weeks after the trial court signs an amended new trial order; or (2) two weeks after the Court denies the motion to abate. This request will allow time for Real Parties to determine which issues require a response, and to address a newly issued new trial order, if applicable.

The undersigned counsel conferred with William Peterson, counsel for Relator Space Exploration Technologies Corp., who advised that Relator Space Exploration Technologies Corp. opposes this extension. The undersigned counsel conferred with Sarah Durham, counsel for Real Party in Interest Hector Garcia, Jr. who advised that Real Party in Interest Hector Garcia, Jr. does not oppose this extension (Ms. Durham has indicated that Hector Garcia, Jr. also intends to seek an extension). The undersigned counsel also attempted to confer with D. Alan Erwin, counsel for Relator Lauren Kreuger, by two e-mails and by phone. The undersigned did not receive a response. Accordingly, it is unknown whether Relator Lauren Kreuger is opposed to this extension request.

Additionally, the undersigned counsel is primarily responsible for preparing Real Parties' Response. The demands of other cases have made this extension necessary, and good cause exists for the extension. Specifically, and among other things, the undersigned counsel has been and will be occupied with the following:

- a) Preparing the motion to abate in this Cause;
- b) Preparing a response to an amended Rule 91a motion to dismiss, plea to the jurisdiction, and plea in abatement, which are due February 21, 2024 in Cause No. 2023CCV-61340-2, *Itabiricu Nacional de Pesquisa Mineral LTDA v. Vale SA et al.*, in the County Court at Law No. 2 of Nueces County, Texas;

- c) Preparing Appellees' brief due and filed on February 20, 2024 in Cause No. 07-23-00424-CV, *Lubbock County Water Control and Improvement District No. 1 v. Rodriguez et al.*, in the Seventh Court of Appeals;
- d) Negotiating and documenting the settlement of Cause No. 13-23-00318-CV, *Litif v. Jimenez*, dismissed pursuant to settlement by this Court on February 15, 2024;
- e) Attending to numerous responsibilities as the Large Section Representative on the Board of the State Bar of Texas and as Treasurer of the State Bar Appellate Section; and
- f) Numerous other matters, including researching and preparing discovery, jury charges, and dispositive motions in cases set for trial in the coming months.

This request is not sought for purposes of delay but so that Real Parties' positions can adequately be represented.

For all the foregoing reasons, Real Parties respectfully request that the Court grant this request to extend the deadline as set forth above, and any further relief to which Real Parties are entitled.

Respectfully submitted,

/s/ Brandy Wingate Voss

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CERTIFICATE OF CONFERENCE

I certify that I conferred with William Peterson, counsel for Relator Space Exploration Technologies Corp., who advised that Relator Space Exploration Technologies Corp. is opposed to this extension. I certify that I conferred with counsel for Real Party in Interest Hector Garcia, Sarah Durham, who advised that Real Party in Interest Hector Garcia does not oppose this extension. I certify that I attempted to confer with D. Alan Erwin, counsel for Relator Lauren Kreuger, through e-mail and telephone, but he did not return the e-mails or the call.

/s/ Brandy Wingate Voss

Brandy Wingate Voss

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