

**IN THE THIRTEENTH COURT OF APPEALS
CORPUS CHRISTI – EDINBURG, TEXAS**

**In Re SPACE EXPLORATION
TECHNOLOGIES CORP.
AND LAUREN KRUEGER,**

Relators

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FILED IN
13th COURT OF APPEALS
CORPUS CHRISTI/EDINBURG, TEXAS

2/21/2024 2:20:04 PM

KATHY S. MILLS
Clerk

No. 13-24-00042-CV

**REAL PARTY IN INTEREST, HECTOR GARCIA, JR'S SECOND MOTION TO EXTEND
TIME TO FILE RESPONSE TO MANDAMUS PETITION**

ORIGINAL PROCEEDING FROM CAUSE No. 2020-DCL-03930
444TH DISTRICT COURT OF CAMERON COUNTY, TEXAS
HON. DAVID A. SANCHEZ, PRESIDING

TO THE HONORABLE JUSTICES OF THIS COURT:

Real Party in Interest, Hector Garcia, Jr. (hereinafter “Real Party”), files this motion for an extension of time to file his Response to the Mandamus Petition filed by Relators in this matter. Real Party respectfully shows:

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 Party in Interest filed a 30-day extension on January 23, 2024 which was granted, making this response due February 21, 2024. Real Party in

Interest requests an additional 14 days to file his Response, making the response due March 6, 2024.

This is Real Party's second motion for an extension of time to file his Response. Undersigned appellate counsel ("Durham") conferred with William Peterson, counsel for Relator Space Exploration Technologies Corp., who advised that Relator Space Exploration Technologies Corp. is opposed to this extension. Durham also reached out to Michael Garatoni, trial counsel for Hector Garcia, Jr. but did not receive a response.

Durham also conferred with Brandy Voss, counsel for Real Parties in Interest Jose Ruiz and Humberto Garcia, who advised they are unopposed. Durham did not receive a response from Relator Krueger's counsel, D. Alan Erwin.

First and foremost, Real Party Hector Garcia, Jr. moves for a second extension to permit this Court to dispose of the February 14, 2024 Motion to Abate filed by Real Parties in Interest, Jose Ruiz and Humberto Garcia. On February 15, 2024, this Court ordered a response to the Motion to Abate and set the response deadline as February 26, 2024, which is after the deadline to file the response to the petition for writ of mandamus, resulting in a procedural conundrum. Real Party, Hector Garcia, Jr. filed his response—agreeing with and joining that Motion to Abate—on February 16, 2024. However, the remaining parties have not yet filed responses but have until February 26th to do so.

For those reasons, Real Party Hector Garcia, Jr. moves for this second extension to allow time for the parties to file ordered responses by February 26, 2024, and ultimately, to conserve resources of both the parties and the Court.

Also, Durham has been engaged in the following cases in their various stages, resulting in good cause for this second extension request:

1. the preparation of objections and supplemental objections following the Evidentiary Hearing held in *Ex Parte Zackary Keith Huddleston*; Cause No. B-31,380 on January 11, 2024 in Ector County, Texas;
2. the preparation of Appellant's Brief in *Kenneth Frank McCann vs. The State of Texas*; Cause Nos. 11-23-00166-CR and 11-23-00167-CR, timely submitted on January 18, 2024;
3. the preparation of the Supplemental 11.07 Writ Application and Brief in *Ex Parte Jeffrey Lee Patterson*; Cause No. W-1945392-A, submitted February 12, 2024.

Due to researching and writing the foregoing, along with other briefs in various stages of completion, Counsel is requesting a 14-day extension from the time that this Court either (1) grants the Motion to Abate and signs an amended new trial order; or (2) denies the Motion to Abate.

This request is not sought for purposes of delay but so that Real Party's position can be adequately represented.

For the above reasons, Real Party respectfully requests that the Court grant this motion as outlined above.

Respectfully Submitted,
BLIZZARD & ZIMMERMAN, P.L.L.C.
1174 North 3rd St.
Abilene, Texas 79601
Tel: (325) 676.1000
Fax: (325) 455.8842

By: /s/Sarah Durham
Sarah Durham
State Bar No. 24116309

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 Parties in Interest Jose Ruiz and Humberto Garcia, Brandy Voss, who advised that Real Parties in Interest Jose Ruiz and Humberto Garcia do not oppose this extension. I certify that I attempted to confer with D. Alan Erwin, counsel for Relator Lauren Kreuger, and Michael Garatoni, trial counsel for Hector Garcia, Jr., through e-mail on February 20, 2024, but neither Mr. Erwin nor Mr. Garatoni responded to the e-mail.

By: /s/ Sarah Durham
Sarah Durham

CERTIFICATE OF SERVICE

I hereby certify that I have reviewed the above Second Extension of Time To File Response to Petition for Writ of Mandamus Petition was served in accordance with Rule 9.5 of the Texas Rules of Appellate Procedure on William Peterson, Michelle Pector, Jared Wilkerson, and David Oliveira, attorneys for Space Exploration Technologies Corp. d/b/a SpaceX, at: William.peterson@morganlewis.com, michelle.pector@morganlewis.com, jared.wilkerson@morganlewis.com, and doliveira@roflp.com, respectively, in addition to D. Alan Erwin, attorney for Lauren Elizabeth Krueger, at aerwin@roflp.com, Michael Garatoni, attorney for Hector Garcia at e-service@daspitlaw.com, and Brady Voss, attorney for Jose Ruiz and Humberto Garcia, at brandy@brandyvosslaw.com.

By: */s/ Sarah Durham*

Sarah Durham

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