

No. 13-24-00042-CV

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

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

**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
FIRST 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 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 respectfully request an additional 30 days to file their Response, making the response due February 21, 2024.

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

The undersigned counsel conferred with William Peterson, counsel for Relator Space Exploration Technologies Corp., who advised that Relator Space Exploration Technologies Corp. does not oppose this extension. The undersigned also counsel conferred with Michael Garatoni, counsel for Real Party in Interest Hector Garcia, who advised that Real Party in Interest Hector Garcia does not oppose this extension. The undersigned counsel attempted to confer with D. Alan Erwin, counsel for Relator Lauren Kreuger, through e-mail on January 18, 2024 and phone calls on January 19, 2024 and January 22, 2024. The undersigned did not receive a response. Accordingly, it is unknown whether Relator Lauren Kreuger is opposed to this extension request.

The undersigned counsel is primarily responsible for preparing Real Parties' Response. The undersigned counsel was only recently hired as appellate counsel and requires time to study the record and Relator's Mandamus Petition. Additionally, 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 for and attending a jury trial commencing on January 8, 2024 and ending January 12, 2024 in Cause No. 153-297168-18, *Pachecano*

et al. v. Jackson Construction, Ltd., in the 153rd District Court of Tarrant County, Texas;

- b) Preparing a response to a Rule 91a motion to dismiss, plea to the jurisdiction, and plea in abatement set for hearing January 31, 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 briefing for and attending a pretrial hearing on January 17, 2024 in Cause No. C-3664-19-G, *Martinez et. al. v. PGE Transport, Inc. et al.*, in the 370th District Court of Hidalgo County, Texas; and
- d) Numerous other matters.

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 for Real Parties' Response to February 21, 2024 and any further relief to which they may be justly entitled.

Respectfully submitted,

/s/ Brandy Wingate Voss

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***Counsel for Real Parties in Interest Jose
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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. does not oppose this extension. I certify that I conferred with counsel for Real Party in Interest Hector Garcia, Michael Garatoni, 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 on January 18, 2024 and telephone on January 19, 2024 and January 22, 2024, but Mr. Erwin did not return the e-mail or the calls.

/s/ Brandy Wingate Voss

Brandy Wingate Voss

CERTIFICATE OF SERVICE

On January 22, 2024, in compliance with Texas Rule of Appellate Procedure 9.5, I served a copy of this notice upon all other parties proceeding by e-mail and/or facsimile as follows:

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