

**IN THE COURT OF APPEALS
THIRTEENTH DISTRICT OF TEXAS**

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

Relator

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

1/23/2024 10:40:02 AM

KATHY S. MILLS
Clerk

No. 13-24-00042-cv

**REAL PARTY IN INTEREST HECTOR GARCIA, JR'S AMENDED FIRST
MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO
PETITION FOR WRIT OF MANDAMUS PETITION**

**ORIGINAL PROCEEDING FROM CAUSE NO. 2020-DCL-03939
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 requests an additional 30 days to file his Response, making the response due February 21, 2024.

This is Real Party's first motion for an extension of time to file his Response. Undersigned appellate counsel ("Durham") initially noted in her January 22 Motion to Extend Time that she conferred with William Peterson, counsel for Relator Space Exploration Technologies Corp., who advised that Relator Space Exploration Technologies Corp. does not oppose this extension. That conferral did not take place until January 23, 2024, as noted in the revised Certificate of Conference below. Durham also conferred with Michael Garatoni, trial counsel for Hector Garcia, Jr., who is unopposed to the motion. Mr. Garatoni and Durham agreed that she would file the present extension motion on behalf of Hector Garcia, Jr..

Durham also conferred with Brandy Voss, counsel for Real Parties in Interest Jose Ruiz and Humberto Garcia, who advised they do not oppose this extension. Durham did not receive a response from Relator Kreuger's counsel, D. Alan Erwin. Accordingly, it is unknown whether Relator Lauren Kreuger is opposed to this extension.

Durham relies on the following facts as good cause for the requested extension:

Counsel has been engaged in the preparation for and attendance of the Evidentiary Hearing held in *Ex Parte John Eric Garcia*; Cause Nos. 2006-CR-2946

and 2006-CR-2946, on January 5, 2024 in Bexar County, Texas. Counsel also prepared for and attended the Evidentiary Hearing held in *Ex Parte Zackary Keith Huddleston*; Cause No. B-31,380, on January 11, 2024 in Ector County, Texas. Additionally, Counsel prepared the Appellant's Brief filed 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. Finally, Counsel prepared the Proposed Memorandum and Order Designating Issues in *Ex Parte Raymond Scott Duke*; Cause No. 27241-A, timely submitted on January 19, 2024. Due to researching and writing the foregoing, along with other briefs in various stages of completion, Counsel is requesting a 30-day extension.

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 to extend the deadline for his Response to February 21, 2024.

Respectfully Submitted,
BLIZZARD & ZIMMERMAN, P.L.L.C.
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Abilene, Texas 79601
Tel: (325) 676.1000
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By: /s/Sarah Durham
Sarah Durham
State Bar No. 24116309

CERTIFICATE OF CONFERENCE

I certify that I conferred with William Peterson on January 23, 2024, 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, Jr., 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 22, 2024, but Mr. Erwin did not return the e-mail.

By: /s/ Sarah Durham

Sarah Durham

CERTIFICATE OF SERVICE

I hereby certify that I have reviewed the above Amended 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, and Michael Garatoni, attorney for Hector Garcia Jr. at e-service@daspitlaw.com.

By: /s/ Sarah Durham

Sarah Durham

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