

Martin Reyes

**CAUSE NO. DC-17-03871**

<b>DR. DAVID S. WHITE, D.D.S.,</b>	§	<b>IN THE DISTRICT COURT</b>
<b>Plaintiff,</b>	§	
	§	
v.	§	<b>95<sup>th</sup> JUDICIAL DISTRICT</b>
	§	
<b>DR. MARK TODD WHITFIELD,</b>	§	
<b>D.D.S., AND DENTAL SURGICAL</b>	§	
<b>SOLUTIONS, LLC (IN REM</b>	§	
<b>ONLY),</b>	§	
<b>Defendants.</b>	§	<b>OF DALLAS COUNTY, TEXAS</b>

**DEFENDANT DR. MARK TODD WHITFIELD, D.D.S.'S AGREED MOTION FOR CONTINUANCE OF JULY 1, 2019 TRIAL SETTING**

COMES NOW, Defendant Dr. Mark Todd Whitfield and files this Agreed Motion for Continuance of July 1, 2019 Trial Setting and in support would respectfully show the court the following:

**I.**

1. This matter was set for bench trial on June 3, 2019, however, was advised by the Court Coordinator, Karin, on May 31, 2019 that this case was on standby status. On the afternoon of June 3, 2019 (at approximately 5:15 p.m.), the Court's Coordinator, Karin, had called a firm **the attorney has not been associated with for the past few years** and left a voice mail message that the Judge wanted to reset this case to a non-jury week and was reset for bench trial on July 1, 2019. Since this message was left at an office not associated with the attorney, the message was not received by the undersigned until June 4, 2019.

2. Defendant Dr. Mark Todd Whitfield, D.D.S. has a conflict with a trial of this matter set on July 1, 2019 because he and his family have a pre-paid vacation from June 28, 2019 - July

7, 2019. This pre-paid family vacation was scheduled after the previous trial setting was set so that it would not conflict with that trial setting.

3. On June 4, 2019, the undersigned's paralegal contacted the Court Coordinator, Karin, to advise her: a) she has for some reason used a bad phone number to contact Lin McCraw, even though all the pleadings in this matter have his correct contact information and have in the past received phone calls from the court at the correct phone number; 2) that the Defendant has a conflict with a July 1, 2019 trial date because of a pre-paid family vacation scheduled during that time; 3) to request possible dates for a bench trial to circulate between the parties to accommodate any other conflicts.

4. The undersigned's office was informed by the Court Coordinator, Karen, a) that the undersigned would have to contact Dallas County and correct any phone number issue, despite our correct phone number being contained in the pleadings of this matter; b) that the trial date would not be changed, a Motion for Continuance is required, a hearing set where the trial would be reset; and c) she would not provide any further potential bench trial dates to allow the parties to circulate an agreement because she would not move what the Judge set.

5. The undersigned would show the Court that upon receipt of notice of the July 1, 2019 trial setting, the Court Coordinator was contacted and advised of the conflict of a trial date unilaterally set by the Court without input from the parties as to conflicts. The undersigned offered to obtain potential dates from the Court to circulate between the parties to reach an agreement of a mutually agreeable date where the parties have no prior commitments or conflicts. Any of the conflicts at this point were not conflicts prior to this time due to the trial that had previously been set for June 3, 2019. It would seem to be an unnecessary use of the Court's time for a hearing when an agreement could be reached between the parties.

6. In addition, the undersigned also advises the court that he has a pre-paid family vacation scheduled from August 16, 2019 through August 20, 2019 and requests that the Court not reset the bench trial before those dates.

7. This continuance is not sought for delay only, but so that justice may be served.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Defendant Whitfield prays that the Court grant this Agreed Motion for Continuance, continue the July 1, 2019 trial setting to a date that is mutually agreeable for the parties and the Court, and for such other and further relief that may be awarded at law or in equity.

Respectfully submitted,

**THE MCCRAW LAW GROUP**

By: /s/ John L. (Lin) McCraw, III

John L. (Lin) McCraw, III

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**For E-Filing Service:**

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**ATTORNEY FOR DEFENDANT**

**CERTIFICATE OF CONFERENCE**

This will certify that on June 4, 2019, the undersigned attorney conferred with John Ivie, counsel for the Plaintiff, who is not opposed to the relief sought.

/s/ John L. (Lin) McCraw, III \_\_\_\_\_  
John L. (Lin) McCraw, III

**CERTIFICATE OF SERVICE**

I certify that on June 4, 2019, a true and correct copy of the above-referenced document has been served to all counsel of record.

/s/ John L. (Lin) McCraw, III \_\_\_\_\_  
John L. (Lin) McCraw, III

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**AFFIDAVIT OF JOHN L. MCCRAW, III**

STATE OF TEXAS	§
	§
COUNTY OF COLLIN	§

Before me, the undersigned notary, on this day personally appeared John L. McCraw, III, the affiant, a person whose identity is known to me. After I administered an oath to the affiant, affiant testified as follows:

1. “My name is John L. McCraw, III. I am of sound mind, am over twenty-one years of age, have never been convicted of a crime of moral turpitude and am fully capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. I am an attorney licensed to practice law in the State of Texas. I am counsel of record for the Defendant Dr. Mark Todd Whitfield, D.D.S. in the above matter.

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