

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

TERRY PETTEWAY, et al.	§	
	§	
Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00057
	§	(Consolidated)
GALVESTON COUNTY, TEXAS, et al.	§	
	§	
Defendants.	§	

UNITED STATES OF AMERICA,	§	
	§	
Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00093
	§	
GALVESTON COUNTY, TEXAS, et al.	§	
	§	
Defendants.	§	

DICKINSON BAY AREA BRANCH NAACP, et al.	§	
	§	
Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00117
	§	
GALVESTON COUNTY, TEXAS, et al.	§	
	§	
Defendants.	§	

**DEFENDANTS', GALVESTON COUNTY'S AND HON. JUDGE MARK
HENRY'S, RESPONSE TO PLAINTIFFS' MOTION TO REQUEST
SCHEDULING CONFERENCE**

COMES NOW, Defendants Galveston County, Texas, and Mark Henry, in his capacity as Galveston County Judge, (“Defendants”) and file this Response to Plaintiffs’ Motion to Request Scheduling Conference (“Motion”).

ARGUMENT

In filing their Motion, Plaintiffs attempt to expedite this case, even though they have neither filed a motion to expedite nor moved for preliminary relief. Defendants oppose Plaintiffs’ backdoor manner of attempting to expedite a matter that is otherwise on the Court’s traditional track.

In opposing the Motion, Defendants have zero objections to the Court scheduling a joint discovery conference in its due course as it sees fit—provided the parties are given sufficient time to confer and file the required joint statements prior to the conference.

Regarding Rule 16 Conferences and Docket-Control Orders, the Court’s local procedures state:

“Rule 16 conferences *will be scheduled by the court* and handled by Judge Edison. At least one attorney for each party must attend in person. A Joint Discovery/Case Management Plan, in the form found on Judge Brown’s homepage, *must be filed at least 10 days before the Rule 16 conference*. At the Rule 16 conference, Judge Edison will issue a docket control order (the form of which is also on Judge Brown’s homepage). If new parties are joined after entry of the docket-control order, the party causing such joinder shall provide to the new parties copies of both the operative docket-control order and these procedures.”

Galveston District Court Rules of Practice, Rule 2 (emphasis added). As the Court’s local procedures speak squarely on point, Defendants took the position that Plaintiffs’ Motion was improper and unnecessary.

Defendants intend to fully abide by the rules of the Court, and any Court order, and will negotiate with Plaintiffs in good faith to prepare a Joint Discovery/Case Management Plan when the time comes and when ordered to do so by the Court. If Plaintiffs wish that this matter be heard in a similar manner to matters requesting preliminary relief, or otherwise expedite this matter, they should file a motion to that effect.

CONCLUSION

For the foregoing reasons, this Court should deny Plaintiff's Motion to Request a Scheduling Conference and schedule the requested conference in due course.

Date: June 28, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2022, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Dallin B. Holt
Counsel for Defendants