

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

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

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

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

**DEFFENDANTS' OPPOSED
MOTION FOR EXTENSION OF TIME TO FILE CLOSING BRIEFS AND
FINDINGS FROM FRIDAY SEPTEMBER 8th TO WEDNESDAY
SEPTEMBER 13th, OR AS THE COURT WILL ALLOW**

Defendants file this motion to ask the Court to extend the time in which to file proposed Findings of Fact and Conclusions of Law, and their Closing Brief, from Friday September 8, 2023 to Wednesday September 13, 2023. Defendants have conferred with Plaintiffs about this request, and Plaintiffs are opposed to this request.

Good cause exists for this request. Defendants continue to work diligently to complete their Closing Brief (with a 60-page count limit), and their proposed Findings and Conclusions for the 10-day bench trial held between August 7, 2023 and August 18, 2023. Plaintiffs, who are collectively represented by 34 lawyers, intend to file separate closing briefs and a joint findings and conclusions document.

In the time between the close of trial and the filing of this motion, Defendants' counsel has diligently worked on the Findings of Fact intended for filing in this matter, obtained transcripts, coordinated with counsel in reviewing copies of trial transcripts and exhibits, worked on confirming exhibit lists and organized its Closing Brief. Defendants will continue working toward completion of Findings of Fact and Closing Briefs; however, Defendants anticipate needing additional time beyond Friday, September 8, 2023 to provide proper work-product to the Court.

Additionally, the undersigned counsel has expended time to cases and discovery that pended during the trial in this matter, reviewed and conferred with counsel regarding recent appellate decisions (including in *CMS Consultants, LLC v. EPM Disaster Recovery Team, LLC*, No. 14-22-00101-CV), and assisted in the

review and preparation of the Appellees' brief in *Evans v. MB Harbour, Ltd.*, No. 14-23-00011-CV.

Defendants make this request for a brief extension in the interest of justice in order to provide the Court with concise and well-briefed assistance for its deliberations, and not to delay proceedings.

Defendants pray the Court grant this motion and extend the parties' deadlines to file their closing briefs and proposed findings and conclusions to Wednesday, September 13, 2023. In the alternative, Defendants ask for any other amount of additional time the Court may reasonably grant.

HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIK PLLC

Dallin B. Holt
Texas Bar No. 24099466
S.D. of Texas Bar No. 3536519
Jason B. Torchinsky*
Shawn T. Sheehy*
dholt@holtzmanvogel.com
jtorchinsky@holtzmanvogel.com
ssheehy@holtzmanvogel.com
15405 John Marshall Hwy
Haymarket, VA 2019
P: (540) 341-8808
F: (540) 341-8809

**admitted pro hac vice*

PUBLIC INTEREST LEGAL
FOUNDATION

Joseph M. Nixon
Federal Bar No. 1319
Tex. Bar No. 15244800
J. Christian Adams*
South Carolina Bar No. 7136
Virginia Bar No. 42543
Maureen Riordan*
New York Bar No. 2058840
107 S. West St., Ste. 700
Alexandria, VA 22314
jnixon@publicinterestlegal.org
jadams@publicinterestlegal.org
mriordan@publicinterestlegal.org
713-550-7535 (phone)
888-815-5641 (facsimile)

**admitted pro hac vice*

Respectfully Submitted,

GREER, HERZ & ADAMS, L.L.P.

By: /s/ Joseph Russo
Joseph Russo (Lead Counsel)
Fed. ID No. 22559
State Bar No. 24002879
jrusso@greerherz.com
Jordan Raschke
Fed. ID No. 3712672
State Bar No. 24108764
jraschke@greerherz.com
1 Moody Plaza, 18th Floor
Galveston, TX 77550-7947
(409) 797-3200 (Telephone)
(866) 422-4406 (Facsimile)

Angie Olalde
Fed. ID No. 690133
State Bar No. 24049015
2525 S. Shore Blvd. Ste. 203
League City, Texas 77573
aolalde@greerherz.com
(409) 797-3262 (Telephone)
(866) 422-4406 (Facsimile)

Counsel for Defendants

CERTIFICATE OF CONFERENCE

I certify that I conferred with counsel for all Plaintiffs on September 5, 2023 and Plaintiffs are OPPOSED to this request.

/s/ Joseph Russo, Jr.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served to all counsel of record via the ECF e-filing system on September 6, 2023.

/s/ Angie Olalde

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, et al.	§	
Plaintiffs,	§	
v.	§	
GALVESTON COUNTY, TEXAS, et	§	Civil Action No. 3:22-CV-00057
al.	§	(consolidated)
Defendants.	§	
	§	
	§	
	§	
UNITED STATES OF AMERICA,	§	
Plaintiffs,	§	
v.	§	
GALVESTON COUNTY, TEXAS, et	§	Civil Action No. 3:22-CV-00093
al.	§	
Defendants.	§	
	§	
	§	
	§	
DICKINSON BAY AREA BRANCH	§	
NAACP, et al.	§	
Plaintiffs,	§	
v.	§	
GALVESTON COUNTY, TEXAS, et	§	Civil Action No. 3:22-CV-00117
al.	§	
Defendants.	§	
	§	
	§	

[PROPOSED] ORDER

The Court has considered Defendants’ request for an extension of time in which to file their Closing Brief and proposed Findings of Fact and Conclusions of Law. The Court has considered the Motion, its opposition, the pleadings and hereby

GRANTS the Motion. The new deadline for the parties to file their Closing Briefs and proposed Findings of Fact and Conclusions of Law is Wednesday, September 13, 2023. Any responses to the Closing Briefs are due Wednesday, September 20, 2023.

Signed on Galveston Island this _____ day of September, 2023.

HON. JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE