



Filing Receipt

Filing Date - 2023-12-27 03:53:35 PM

Control Number - 52310

Item Number - 101

DOCKET NO. 52310
SOAH DOCKET NO. 473-23-02390.WS

PETITION OF ROSE HILL SPECIAL	§	
UTILITY DISTRICT FOR A CEASE	§	BEFORE THE STATE OFFICE OF
AND DESIST ORDER AGAINST THE	§	
CITY OF TERRELL, TEXAS FOR	§	ADMINISTRATIVE HEARINGS
UNAUTHORIZED WATER SERVICE	§	

RULE 11 AGREEMENT FOR EXTENSION OF TIME

COMES NOW, the City of Terrell (City) and Rose Hill Special Utility District (District), by and through their undersigned attorneys of record, and pursuant to Rule 11 of the Texas Rules of Civil Procedure, file as part of the record this Rule 11 Agreement for Extension of Time, advising the State Office of Administrative Hearings (SOAH) Administrative Law Judge (ALJ) of an agreement between the City and District to extend the deadlines to respond to discovery.

I. BACKGROUND

On September 26, 2022, the District filed its Second Requests for Information (District's Second RFIs), which included the District's RFI 2-10 requesting "For each of the Listed Customers in Rose Hill's First Petition, please produce all documents relating to the City's provision of ... water service to those customers." The City filed objections to the District's Second RFIs on October 6, 2022, objecting to District RFIs 2-1 through 2-9 and noting that the District agreed to amend District RFI 2-10 so rather than a request for "all documents," the District only requests "service agreements and billing records for the last two years." On October 17, 2022, the City filed its responsive information to District RFI 2-10 and stated that if it located additional documents it would supplement its response. Then on October 26, 2022, the SOAH ALJ issued Order No. 2 abating discovery in this proceeding. The abatement was not lifted until the SOAH ALJ filed an Order Lifting Abatement on November 29, 2023. Counsel for the District then emailed counsel for the City on December 15, 2023, requesting that the City supplement its response to District RFI 2-10.

On December 15, 2023, the City filed its First Requests for Admission and First Requests for Information (City's First RFAs and RFIs). Under 16 Texas Administrative Code (TAC)

§ 22.144(b)(2), (c)(1), and (d), the deadlines for the District to object and respond to the City's First RFIs are December 28, 2023¹ and January 8, 2024, respectively.²

The District filed its Third Requests for Information (District's Third RFIs) on December 18, 2023. Under 16 TAC § 22.144(c)(1) and (d), the deadlines for the City to object and respond to the District's Third RFIs are December 28, 2023, and January 8, 2024,³ respectively.

The City filed its Second Requests for Admission and Second Requests for Information (City's Second RFAs and RFIs) on December 19, 2023. Under 16 TAC § 22.144(c)(1) and (d), the deadlines for the District to object and respond to the City's Second RFIs are December 29, 2023, and January 8, 2024, respectively.

Lastly, on December 21, 2023, the SOAH ALJ issued an Order Granting Motion to Compel, overruling the City's objections to the District's RFIs 2-1 through 2-9. The SOAH ALJ's Order did not specify a deadline for the City to respond to District RFIs 2-1 through 2-9. Therefore, the deadline for the City to respond to the District's RFIs 2-1 through 2-9 is January 10, 2024.

Pursuant to 16 TAC § 22.144(k), the parties may modify deadlines for responses, objections, and motions to compel by agreement by filing a letter or other document evidencing the agreement. Due to the number and complexity of the City and District's RFIs and absences due to the holidays, the parties have agreed to the deadlines to object and respond provided herein.

II. AGREED DEADLINES

The City and District agree to the following deadlines to file objections and responses to the City's First RFIs and Second RFIs and the District's Second RFIs and Third RFIs, notwithstanding any objections, motions to compel, or rulings thereon:

Deadline for the District to object to the City's RFIs 1-7 through 1-9	January 3, 2024
Deadline for the District to respond to the City's RFIs 1-7 through 1-9	January 10, 2024

¹ 10 days from December 15, 2023 is December 25, 2023. Under 16 TAC § 22.4(a) if a deadline falls on a day the Commission is not open for business, the deadline will run until the end of the next day on which the Commission is open for business. The Commission is closed on December 25 and 26, 2023, therefore this deadline will extend to Wednesday, December 27, 2023.

² The City's First RFAs and RFIs were filed at the Commission before 3:00 p.m. on December 15, 2023, but the District did not receive service until after 3:00 p.m.

³ 20 days from December 18, 2023, is Sunday, January 7, 2024. Under 16 TAC § 22.4(a), this deadline will extend to Monday, January 8, 2024.

Deadline for the District to object to the City's First RFAs, RFIs 1-1 through 1-6 and 1-10 through 1-17, Second RFAs, and Second RFIs	January 19, 2024
Deadline for the City to object to the District's Third RFIs	January 19, 2024
Deadline for the District to respond to the City's First RFAs, RFIs 1-1 through 1-6 and 1-10 through 1-17, Second RFAs, and Second RFIs	January 29, 2024
Deadline for the City to supplement its response to District RFI 2-10, and respond to the District's RFIs 2-1 through 2-9 and Third RFIs	January 29, 2024

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)

DAVID J. KLEIN
State Bar No. 24041257
dklein@lglawfirm.com



DANIELLE LAM
State Bar No. 24121709
dlam@lglawfirm.com

ATTORNEYS FOR THE CITY OF TERRELL

By: /s/ Sergio M. Estrada

Andrew S. "Drew" Miller

Drew.Miller@kempsmith.com

State Bar No. 00786857

Deborah C. Trejo

Deborah.Trejo@kempsmith.com

State Bar No. 24007004

Sergio M. Estrada

Sergio.Estrada@kempsmith.com

State Bar No. 24080886

KEMP SMITH LLP

2905 San Gabriel St,

Suite 205

Austin, TX 78705

(512) 320-5466

(512) 320-5431 (Fax)

**ATTORNEYS FOR ROSE HILL SPECIAL
UTILITY DISTRICT**

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on December 27, 2023, in accordance with the Commission Order Suspending Rules, issued in Project No. 50664.



Danielle Lam