

Cause No. 12-14270

CITY OF DALLAS, TEXAS
Plaintiff,

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

v.

DAVID JASSO, JR.,
ZOILA SERNADE JASSO,
and
1117 PEMBERTON HILL ROAD, *in rem*,
Defendants.

DALLAS COUNTY, TEXAS

44th JUDICIAL DISTRICT

CITY'S AGREED MOTION FOR CONTINUANCE OF THE TRIAL SETTING

TO THE HONORABLE COURT:

Plaintiff ("City") hereby files the City's Agreed Motion for Continuance of the Trial Setting, and respectfully shows the Court:

I.

This case is currently set for a jury trial on November 10, 2014. The parties are engaged in ongoing settlement negotiations regarding the two properties at issue in this case: 811 Pemberton Hill Road, Dallas, Texas and 1117 Pemberton Hill Road, Dallas, Texas (the "Property"). As part of those negotiations, Defendants have hired an environmental consultant who conducted a Phase I environmental site assessment and Phase II subsurface investigation for the Property for the purpose of investigating environmental conditions there, including, but not limited to, the presence of fill material and other solid waste. The City received a draft report summarizing the Phase II subsurface investigation on October 28, 2014, and is currently reviewing the report. The parties have agreed that the soil sampling data contained in the draft report tend to show that Defendants will need to enter the Property into an environmental cleanup program administered by the Texas Commission on Environmental Quality ("TCEQ"). The parties anticipate that Defendants' completion of an appropriate TCEQ cleanup program for

the Property could further narrow the issues in this lawsuit. The parties, therefore, respectfully request that the trial date be continued for approximately six months and reset to the week of May 11, 2015, to allow for further analysis of the report as well as Defendants' enrollment of the Property in an appropriate TCEQ cleanup program. By these actions, the parties hope to conserve the resources of the Court by cooperatively resolving as many triable issues as possible prior to the final trial of this case.

II.

This motion is not made for the purpose of delay, but so that justice may be done.

PRAYER

Wherefore, premises considered, the City requests that the Court continue this case for six months and reset it to the week of May 11, 2015.

Respectfully submitted,

WARREN M. S. ERNST
Dallas City Attorney

OFFICE OF THE CITY ATTORNEY
CITY OF DALLAS, TEXAS

By: /s/ Chhunny Chhean
Melissa A. Miles
State Bar of Texas No. 90001277
Chhunny Chhean
State Bar of Texas No. 24061225
James B. McGuire
State Bar of Texas No. 24055939
Christopher J. Caso
State Bar of Texas No. 03969230
7DN Dallas City Hall
1500 Marilla Street
Dallas, Texas 75201
Telephone: (214) 670-3519
Fax: (214) 670-0622
melissa.miles@dallascityhall.com
chhunny.chhean@dallascityhall.com
james.mcguire@dallascityhall.com
chris.caso@dallascityhall.com

ATTORNEYS FOR PLAINTIFF,
THE CITY OF DALLAS, TEXAS

Agreed:

CITY OF DALLAS

BY: *M. Hernandez*

ITS: *DIRECTOR OF TRINITY WATERSHED MANAGEMENT*

CERTIFICATE OF CONFERENCE

I, the undersigned attorney, hereby certify to the Court that I have conferred with opposing counsel in an effort to resolve the issues contained in this motion without the necessity of Court intervention, and opposing counsel has indicated that he does not oppose this motion.

Certified to the 6th day of November 2014.

/s/ Chhunny Chhean _____
Chhunny Chhean

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent to Defendants' counsel pursuant to the Texas Rules of Civil Procedure on this 6th day of November 2014.

/s/ Chhunny Chhean _____
Chhunny Chhean