

NO. 2018-47794

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| CINDY GARZA-FARMER | § | IN THE DISTRICT COURT |
| | § | |
| <i>Plaintiffs,</i> | § | |
| | § | |
| vs. | § | |
| | § | HARRIS COUNTY, TEXAS |
| RICARDO RAMOS, INDIVIDUALLY, | § | |
| RICARDO L. RAMOS, P.L.L.C., | § | |
| J.D. BUCKY ALLHOUSE, | § | |
| INDIVIDUALLY, J.D. BUCKY | § | |
| ALLHOUSE, P.C., AND I.C.S., INC. | § | |
| | § | |
| <i>Defendants.</i> | § | 133RD JUDICIAL DISTRICT |

JOINT AND AGREED MOTION FOR CONTINUANCE

This Joint and Agreed Motion for Continuance is brought by *Plaintiff*, **CINDY GARZA-FARMER** and *Defendants*, **RICARDO RAMOS, RICARDO L. RAMOS, P.L.L.C., J.D. BUCKY ALLHOUSE, J.D. BUCKY ALLHOUSE, P.C. AND I.C.S., INC**, who pray that the Court continue the final trial in this case, currently set for October 18, 2021, and would show in support the following:

I. INTRODUCTION

1. Parties

Plaintiff is **CINDY GARZA-FARMER**.

Defendants are **RICARDO RAMOS, RICARDO L. RAMOS, P.L.L.C., J.D. BUCKY ALLHOUSE, J.D. BUCKY ALLHOUSE, P.C. AND I.C.S., INC**

2. Nature of Case This is a legal malpractice suit that arises from a complex underlying divorce case. This suit, therefore, involves the principles of the “suit within a suit” doctrine and involves proof not only concerning the elements of alleged legal malpractice, but also concerning the elements of the underlying case and whether Plaintiff would have obtained a better result in that case but for the lawyer-defendants’ alleged legal malpractice. Thus, this case is like two cases in one. It involves not only the lawyers, parties, and fact witnesses that are directly involved with the claims of alleged legal malpractice, but also the lawyers, parties, and fact witnesses that were involved in the underlying divorce case. Further, Plaintiff makes claims against a non-lawyer corporation, further complicating the case.

3. Discovery

Discovery in this suit is governed by a Level 2 discovery control plan.

4. Trial

This case is set for trial on October 18, 2021.

II. FACTS

1. Attorney for Defendant I.C.S., Inc., Bobby K. Newman, is under a protective order and preferentially set for a jury trial on October 18, 2021 beginning at 9:00 a.m. on the docket of the 418th Judicial District Court of Montgomery County, Texas in Cause No. 18-02-01705; *In the Matter of the Marriage of Todd Stone and Jennifer Stone*.
2. Discovery in this matter is not yet completed, including depositions of the parties and other witnesses. Plaintiff and Defendants request a continuance to allow the parties time to appropriately conduct and fully respond to discovery and to take depositions as needed.
3. Plaintiff and Defendants would also show that as of the date of the filing of this continuance, mediation has not yet been completed.
4. This continuance is not sought for delay only, but so that justice may be done.

III. REQUEST FOR CONTINUANCE

Plaintiff and Defendants request a continuance of the final trial date of October 18, 2021 for no less than 180 days.

IV. ARGUMENTS AND AUTHORITIES

The Court may grant a motion for continuance if the motion is supported by affidavit and states sufficient cause. *See* **TRCP 251**. This motion is supported by the affidavit of Bobby K. Newman.

V. CONCLUSION

This continuance is not sought for delay only, but so that justice may be done

VI. PRAYER

For the reasons outlined herein above, *Plaintiff* **CINDY GARZA-FARMER** and *Defendants* **RICARDO RAMOS, RICARDO L. RAMOS, P.L.L.C., J.D. BUCKY ALLHOUSE, J.D. BUCKY ALLHOUSE, P.C. AND I.C.S., INC** respectfully request that the Court continue the trial set for October 18, 2021 for at least 180 days, to a date that the parties and their respective attorneys of record are available.

Respectfully submitted,

BOBBY K. NEWMAN, P.C.

By: /s/ Bobby K. Newman
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Attorney for Defendant Ramos

NOTICE OF HEARING

The Joint and Agreed Motion for Trial Continuance, has been set to _____,
_____ at _____ a.m./p.m. in the 310th Judicial District Court of Harris County, Texas.

Presiding Judge or Clerk

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2021, a true and correct copy of the foregoing instrument was served on all known counsel of record in accordance with the Texas Rules of Civil Procedure.

Via Electronic File Manager (E-Service)

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/s/ Bobby K. Newman

BOBBY K. NEWMAN

Automated Certificate of eService

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Bobby Newman on behalf of Bobby Newman
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Status as of 9/20/2021 8:00 AM CST

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