

CAUSE NO. 202134123

ME ALPHA III, LLC  
*Plaintiff,*

V.

DAVID MURRAY  
*Defendant*

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IN THE DISTRICT COURT

151st JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

**UNOPPOSED JOINT MOTION FOR CONTINUANCE  
AND ENTRY OF SCHEDULING & DOCKET CONTROL ORDER**

TO THE HONORABLE JUDGE ENGELHART:

NOW COME Plaintiff, ME ALPHA III, LLC and Defendant, David Murray and files this Unopposed Joint Motion for Continuance and Entry of Scheduling & Docket Control Order and would show the Court as follows:

**I.  
FACTS SUPPORTING BASIS FOR CONTINUANCE**

1. On June 7, 2021, Plaintiff filed suit against Defendant for negligence and gross negligence as a result of fire damage to Plaintiff's property caused by Defendant's acts and omissions while renting Plaintiff's property. Plaintiff seeks damages for repair of the property.
2. Defendant answered with a general denial on January 22, 2022.
3. This case is presently set for trial on February 6, 2023.
4. The Parties have conducted preliminary discovery and exchanged documents, but despite diligence have been unable to conduct depositions necessary to develop the case.
5. The Parties have been in discussions with the Parties' insurers and working with the insurers on coverage issues and potential resolutions. These discussions are ongoing, and it is in both Parties' best interest to continue such discussions.

6. The Parties' have also been largely delayed by COVID. Plaintiff's counsel's law partner Melanie Sanders and his Senior Associate Taylor Crull (the only firm Associate) both contracted COVID in July 2022 with significant symptoms, causing both of them to be unable to even work remotely for over a week. Additionally, staff in Plaintiff's counsel's office has contracted COVID and been required to be absent from work.

7. Anna Stewart, counsel for Defendant, has advised Plaintiff's counsel that she has contracted COVID and is experiencing symptoms preventing her from preparing for this case. Ms. Stewart is also attending to her elderly father that is also suffering the effects of COVID.

8. Counsels' difficulty recovering has prevented the Parties preparation for trial and attending mediation.

**II.**  
**REQUEST FOR CONTINUANCE**  
**&**  
**EXTENSION OF DOCKET CONTROL ORDER DEADLINES**

9. This is the first motion for continuance filed in this cause by any party, and is not made for the purpose of delay, but solely that justice may be done.

10. Therefore, the undersigned counsels request a continuance of at least 6-months so Counsel for Defendant may properly heal from COVID and be in good health for the trial and the Parties can conduct necessary discovery and continue to work towards resolution, including attending mediation.

11. The Parties further request that the Court extend the deadlines in the Scheduling and Docket Control Order previously issued by the Court in proportion to the continuance.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff, ME ALPHA III, LLC and Defendant, David Murray pray the court grant this Unopposed Joint Motion for Continuance and

grant the Parties any further relief to which they may be justly entitled.

Respectfully submitted,

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By: /s/ DANIEL O. KUSTOFF

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- AND -

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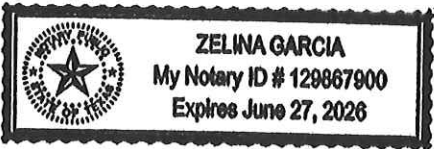
**VERIFICATION**


STATE OF TEXAS           §  
COUNTY OF BEXAR       §

BEFORE ME on this day personally appeared **DANIEL O. KUSTOFF** who, by me duly sworn, on oath stated that the statements contained in the foregoing are true and correct and are within his personal knowledge.

  
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**DANIEL O. KUSTOFF**

SUBSCRIBED AND SWORN TO before me this 14<sup>th</sup> day of January, 2023, to certify which, witness my hand and official seal.



  
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Notary Public, State of Texas

**CERTIFICATE OF CONFERENCE**

The undersigned has conferred with counsel for Defendant on the foregoing Motion for Continuance and Counsel, Anna C. Sewart agreed and joined in the Motion.

/s/ DANIEL O. KUSTOFF  
DANIEL O. KUSTOFF

**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2023, the a true and correct copy of the above and foregoing was forwarded to the following:

BARRY & SEWART, PLLC  
Anna C. Sewart  
David W. Barry  
Austin R. DuBois  
John V. Burger  
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*Attorneys for Defendant*

*via email: [acsewart@barryandsewart.com](mailto:acsewart@barryandsewart.com)*

/s/ DANIEL O. KUSTOFF  
DANIEL O. KUSTOFF

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