

NO. 21-1027

IN THE SUPREME COURT OF TEXAS

OFFICE OF THE ATTORNEY GENERAL,

PETITIONER,

v.

JAMES BLAKE BRICKMAN, J. MARK PENLEY, DAVID MAXWELL,
AND RYAN M. VASSAR,

RESPONDENTS

APPEAL FROM CAUSE No. 03-21-00161-CV,
IN THE THIRD COURT OF APPEALS, TEXAS

RESPONDENT JAMES BLAKE BRICKMAN'S RESPONSE IN
OPPOSITION TO JOINT MOTION TO ABATE

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ATTORNEYS FOR RESPONDENT
JAMES BLAKE BRICKMAN

Respondent James Blake Brickman's Response to Joint Motion to Abate

Respondent James Blake Brickman opposes the request of the other parties to abate this matter. Respondents filed this lawsuit in the trial court on November 12, 2020 – more than two years ago. OAG immediately filed a challenge to the jurisdiction of the court, which the trial court denied, and this case has been in the appellate court system, with the trial court proceedings stayed, ever since.

There is no basis for abating this case. The other parties seek abatement only because they intend to mediate this case. However, Respondent Brickman is not engaged in any settlement negotiations with OAG and is not participating in a mediation. Thus, even if the other parties reach settlement, Brickman's claim will remain in need of adjudication. Brickman respectfully requests that this Court deny the request for abatement. It imposes further needless delay of the adjudication of Brickman's claim.

Prayer

Respondent James Blake Brickman prays that the Court deny the Joint Motion to Abate.

Respectfully submitted,

/s/ Thomas A. Nesbitt

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Response has been served upon the following via electronic service on the 26th day of January, 2023.

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