

CAUSE NO. 2022-39990

NICIA VITORINO ASSIGNEE OF  
WILLIAM CALLEDARE  
*Plaintiff*

v.

POST OAK CROSSING COUNCIL  
OF CO-OWNERS, ET AL  
*Defendants.*

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IN THE 151<sup>st</sup> JUDICIAL

DISTRICT COURT OF

HARRIS COUNTY, TEXAS

INTERLOCUTORY

ORDER GRANTING DEFENDANTS SEARS, BENNETT, & GERDES, LLP AND POST OAK CROSSING COUNCIL OF CO-OWNERS MOTION TO DISMISS WITH PREJUDICE

After considering Defendants Sears, Bennett & Gerdes, LLP and Post Oak Crossing Council of Co-Owners' Motion to Dismiss under Texas Rule of Civil Procedure 91a, the Pleadings, the response and arguments of counsel if any, and relevant authority, the Court is of the opinion that Defendants' Motion to Dismiss pursuant to Rule 91a should be granted.

IT IS THEREFORE ORDERED AS FOLLOWS:

Sears, Bennett & Gerdes, LLP's

1. Defendants' Motion to Dismiss Pursuant to Rule 91a is hereby Granted.

Nicia Vitorino and William Calledare's

Sears, Bennett & Gerdes, LLP only

2. Plaintiff's claims made subject of this lawsuit against Defendants are hereby dismissed with prejudice.

3. Pursuant to Rule 91a.7, an award of costs and attorney fees is mandatory. Defendants Sears, Bennett & Gerdes, LLP

shall have and recover of and from the Plaintiff Judgment for \$1,500.00 as costs of

Court and attorney's fees incurred with respect to this cause of action.

It is so ORDERED. The Motions to Dismiss as to Defendants Woodforest and Post Oak are hereby DENIED.

The Court believes that summary judgment is a more appropriate avenue for assessing the viability of Plaintiffs' remaining claims and causes of action.

SIGNED: \_\_\_\_ day of \_\_\_\_\_ 2023.

Signed:  
2/13/2023

JUDGE PRESIDING

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