

NO. 2022-05493

**CHARLES R. MARTIN &
ASSOCIATES, LTD
Plaintiff,**

V.

**QUALITY DRYWALL & SERVICE,
LTD
Defendant.**

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IN THE DISTRICT COURT

190TH JUDICIAL DISTRICT

OF HARRIS COUNTY, TEXAS

**DEFENDANT/COUNTER-PLAINTIFF'S MOTION TO REINSTATE
AFTER DISMISSAL WITHOUT PREJUDICE**

TO THE HONORABLE JUDGE OF SAID COURT,

NOW COMES Defendant/Counter-Plaintiff, **QUALITY DRYWALL & SERVICE, LTD,** Movant herein, pursuant to Texas Rules of Civil Procedure, Rule 165a(3), and brings this Motion to Reinstatement After Dismissal Without Prejudice, and in support thereof, shows the court the following:

I.

Movant's failure to appear was neither intentional nor the result of conscious indifference, but was due to an accident or mistake, in that Movant's counsel miscalendared the February 13, 2024, Order Setting Status Conference. This calendaring error resulted in Movant's failure to appear at the February 13, 2024, status conference.

II.

Defendant is willing to go forward with the trial of this cause at the Court's discretion in the event this Court finds that Movant's absence was unintentional.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this cause will be reinstated on the docket, and for such other and further relief to which Defendant may be justly entitled.

Respectfully submitted,
GARATE & ASSOCIATES, PLLC
17049 El Camino Real, Suite 200
Houston, Texas 77058
Tel. 713.370.9700
Fax 713.223.1010

By: 
ROBERT GARATE
Texas Bar No. 24077561
Email: robert@garatelaw.com

CERTIFICATE OF SERVICE

I certify that on March 8, 2024, a true and correct copy of Defendant's Motion for Reinstatement After Dismissal Without Prejudice was served on Wesson Tribble, and the other attorneys associates with the case, electronically through the electronic filing manager.


ROBERT GARATE

NO. 2022-05493

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ASSOCIATES, LTD**
Plaintiff,

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IN THE DISTRICT COURT

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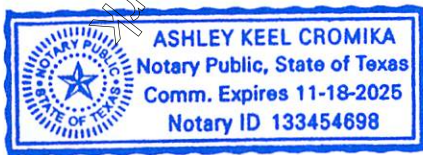
VERIFICATION

BEFORE ME, the undersigned authority, personally appeared **ROBERT GARATE**, who being duly sworn, deposed as follows:

"My name is **ROBERT GARATE**. I am at least 18 years of age and of sound mind. I am personally acquainted with the facts alleged in Defendant's Motion to Reinstate After Dismissal Without Prejudice. I hereby swear that the statements in support of Defendant's Motion to Reinstate After Dismissal Without Prejudice are true and correct."

ROBERT GARATE, Attorney for Defendant

SUBSCRIBED AND SWORN TO BEFORE ME on March 8, 2024, by Robert Garate.



Notary Public, State of Texas

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Envelope ID: 85378573

Filing Code Description: Motion to Reinstate

Filing Description: Counter-Plaintiff's Motion to Reinstate After Dismissal

Status as of 3/11/2024 12:06 PM CST

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