

Cause No. 2012-20396

1620 HAWTHORNE LTD.,	§	IN THE DISTRICT COURT OF
<i>Plaintiff</i>	§	
	§	
v.	§	
	§	
MONTROSE MANAGEMENT DISTRICT,	§	
THE MONTROSE MANAGEMENT DISTRICT	§	
BOARD OF DIRECTORS, CONSISTING	§	
OF THE FOLLOWING: CLAUDE WYNN,	§	
CHAIRMAN; DR. RANDY MITCHMORE,	§	
VICE-CHAIRMAN; CASSIE STINSON,	§	
SECRETARY; KATHY HUBBARD,	§	HARRIS COUNTY, TEXAS
TREASURER; BRAD NAGAR,	§	
ASSISTANT TREASURER; ROBERT JARA	§	
POSITION 6; BOBBY HEUGEL	§	
POSITION 7; DANA THORPE,	§	
POSITION 8; LANE LLEWELLYN,	§	
POSITION 9; TAMMY MANNING,	§	
POSITION 10; DAVID ROBINSON,	§	
POSITION 11; MICHAEL GROVER	§	
POSITION 12; RANDY ELLIS,	§	
POSITION 13; DENNIS MURLAND,	§	
POSITION 14; AND BILL CALDERON	§	
EXECUTIVE DIRECTOR,	§	
<i>Defendants.</i>	§	333 <sup>RD</sup> JUDICIAL DISTRICT

**DESIGNATION OF MATTERS TO BE  
INCLUDED IN CLERK’S RECORD ON APPEAL**

Defendants Montrose Management District and Public Official Defendants<sup>1</sup> (collectively, “Defendants”) file their designation of matters to be included in the Clerk’s Record to be prepared in connection with their appeal from the Court’s order denying Defendants’ Motion for Summary Judgment signed on February 25, 2013 in the above-entitled and numbered cause. Defendants intend to appeal the judgment to the 1<sup>st</sup> or the 14<sup>th</sup> Court of Appeals, Houston, Texas and filed their notice of appeal on March 18, 2013.

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<sup>1</sup> The Public Official Defendants have been sued in their official capacities only and are Claude Wynn, Randy Mitchmore, Cassie Stinson, Kathy Hubbard, Brad Nagar, Robert Jara, Bobby Huegel, Dana Thorpe, Lane Llewellyn, David Robinson, Michael Grover, Randy Ellis, and Bill Calderon. Dennis Murland and Tammy Manning no longer serve on the Montrose Management District Board.

<b><u>Filing Date</u></b>	<b><u>Matter to Be Included in Record</u></b>
1. 04/05/2012	Plaintiff's Original Petition and Suit for Declaratory Judgment
2. 05/07/2012	Defendant's Plea to the Jurisdiction with all exhibits attached thereto (Ex. A-M) and Proposed Final Judgment
3. 05/07/2012	Original Answer of Montrose Management District
4. 05/14/2012	Notice of Hearing on Defendant's Plea to the Jurisdiction
5. 05/25/2012	Plaintiff's First Amended Original Petition and Suit for Declaratory and Injunctive Relief and all Exhibits attached thereto
6. 05/29/2012	Plaintiff's Response to Montrose Management District's Plea to the Jurisdiction and all Exhibits attached thereto
7. 05/31/2012	Defendant's Supplement to Plea to the Jurisdiction and Reply to Plaintiff's Response to Montrose Management District's Plea to the Jurisdiction
8. 05/31/2012	Objections by Montrose Management District's to Affidavit of Robert Rose in Support of Plaintiff's Response to Montrose Management District's Plea to the Jurisdiction and Proposed Order thereon
9. 05/31/2012	Plaintiff's Supplemental Response to Montrose Management District's Plea to the Jurisdiction
10. 06/01/2012	Plaintiff's CD/DVD labeled Exhibit "A" and filing letter for Exhibit "A"
11. 06/22/2012	Rule 11 Agreement regarding due date for Public Official Defendants to answer/respond to Plaintiff's First Amended Petition
12. 07/30/2012	Plea to the Jurisdiction of Public Official Defendants and Exhibit 1 attached thereto
13. 07/30/2012	Affidavit of David Hawes
14. 07/30/2012	Public Official Defendants Original answer
15. 08/10/2012	Notice of Oral Hearing
16. 08/23/2012	Plaintiffs' Objections to Affidavit of David Hawes
17. 08/23/2012	Notice of Filing Affidavit of Robert Rose, Affidavit and Exhibits 1-10 attached thereto

18. 08/30/2012 Notice of Filing of Affidavit of David Hawes and Affidavit of David Hawes attached thereto
19. 08/30/2012 Plaintiff's Response to Public Official Defendants' Plea to the Jurisdiction
20. 08/30/2012 Plaintiff's Supplemental Petition to First Amended Original Petition and Suit for Declaratory and Injunctive Judgment
21. 10/23/2012 Objection, Motion to Quash and Motion for Protective Order Regarding Notice for Oral Deposition of David Hawes, along with all exhibits and the Proposed Order thereon
22. 10/31/2012 Defendants' Motion for Summary Judgment , along with the Proposed Order thereon
23. 10/31/2012 Appendix in Support of Defendants' Motion for Summary Judgment
24. 10/31/2012 Notice of Oral Hearing on Defendants' Motion for Summary Judgment
25. 11/27/2012 Plaintiff's Motion to Continue and Reset Defendants' December 14, 2012 Hearing Date on Their Traditional Motion for Summary Judgment and Pleas to the Jurisdiction to January 18, 2013 and Plaintiff's Motion to Continue and Reset Plaintiff's December 7, 2012 Deadline to Respond to Traditional Motion for Summary Judgment to January 11, 2013 and all Exhibits attached thereto and Proposed Order thereon
26. 11/27/2012 Plaintiff's Motion to Compel Oral Deposition of David Hawes and Plaintiff's Response to Defendants' Objection, Motion to Quash and Motion for Protective Order Regarding Notice for Oral Deposition of David Hawes; and Proposed Order thereon
27. 12/05/2012 Defendants' Opposition to Plaintiff's Motion to Continue December 14, 2012 Hearing on Defendants' Motion for Summary Judgment and Exhibit "A" attached thereto
28. 12/05/2012 Defendants' Response to Plaintiff's Motion to Compel Deposition of David Hawes
29. 12/06/2012 Plaintiff's Notice of Filing Affidavit and Affidavit of Amanda Peterson
30. 12/07/2012 Defendants' Amended Notice of Oral Hearing
31. 12/07/2012 Defendants' Supplement to its Response to Plaintiff's Motion to Compel Deposition of David Hawes and Motion to Continue Hearing on Summary Judgment Motion

32. 01/11/2013 Plaintiff's Response to Defendants' Motion for Summary Judgment with Exhibits 01-2(1)-(10), A-C attached thereto and Proposed Order thereon
33. 01/17/2013 Objections by Defendants to the January 11, 2013 Affidavit of Andy Taylor Filed with Plaintiff's Response to Defendants' Motion for Summary Judgment and Proposed Order thereon
34. 01/17/2013 Objections by Defendants to the August 23, 2012 Affidavit of Robert Rose Filed with Plaintiff's Response to Defendants' Motion for Summary Judgment and Proposed Order thereon
35. 01/17/2013 Objections by Defendants to the May 29, 2012 Affidavit of Robert Rose Filed with Plaintiff's Response to Defendants' Motion for Summary Judgment and Proposed Order thereon
36. 01/17/2013 Defendants' Reply to Plaintiff's Response to Defendants' Motion for Summary Judgment on Jurisdiction Issues and Proposed Order thereon
37. 01/23/2013 Proposed Order
38. 01/24/2013 Proposed Final Judgment
39. 01/24/2013 Proposed Final Judgment
40. 02/25/2013 Signed Order Denying Final Summary Judgment
41. 05/23/2012 Docket Control Order

Defendants hereby offer to pay any required clerk's fee or to make satisfactory arrangements with the Clerk to pay any such fee.

Respectfully submitted,

BLANK ROME LLP

By: /s/ Barry Abrams

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ATTORNEYS FOR DEFENDANTS  
MONTROSE MANAGEMENT DISTRICT AND PUBLIC  
OFFICIAL DEFENDANTS

**CERTIFICATE OF SERVICE**

I certify that on March 18, 2013, I served a true and correct copy of the foregoing instrument on counsel of record, at the address and in the manner indicated below:

**By Email & CM/RRR #70110470000305607935**

Mr. Andy Taylor  
ANDY TAYLOR & ASSOCIATES, P.C.  
2668 Highway 36S, #288  
Brenham, Texas 77833

/s/ Barry Abrams  
Barry Abrams