

NO. 16-0549

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**IN THE SUPREME COURT OF TEXAS**

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DR. BEHZAD NAZARI, D.D.S., ET AL  
*Petitioners,*

v.

THE STATE OF TEXAS  
*Respondents,*

v.

ACS STATE HEALTHCARE, LLC  
*Respondents.*

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From the  
Third Court of Appeals, Austin, Texas  
Cause No. 03-15-00252-CV

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**UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME TO FILE  
PETITIONER'S MOTION FOR REHEARING**

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**RIGGS & RAY, P.C.**  
Jason Ray  
Bar No. 24000511  
506 West 14<sup>th</sup> Street, Suite A  
Austin, TX 78701  
Tel: (512) 457-9806  
Fax: (512) 457-9066  
[jray@r-alaw.com](mailto:jray@r-alaw.com)

**TO THE HONORABLE TEXAS SUPREME COURT:**

COME NOW, Petitioners, Dr. Behzad Nazari, D.D.S., et al. and file this, their Unopposed Second Motion to Extend Time to file Petitioners' Motion for Rehearing, and would show as follows:

The deadline to file the Motion for Rehearing is set for Monday, August 6, 2018. Petitioners seek a 30 day extension, creating a new deadline of Wednesday, September 5, 2018. This is the Petitioner's second extension request for the Motion for Rehearing. No party opposes this request.

II.

This extension is sought to accommodate the schedule of the undersigned counsel, who was unexpectedly pulled away from preparing the motion for rehearing to handle other matters, including:

- Ironically, the undersigned counsel's need for emergency dental work, which has taken 6 work days to complete,
- In the current week, the undersigned counsel's need to personally handle unexpected health related matters for his children, including a trip to the emergency room and related subsequent doctor visits while his spouse was out of town for several days;


- *State v. Xerox Corporation, et al*, D-1-GV-14-00581: preparation and attendance of previously noticed depositions;
- Prepare and attend several Informal Settlement Conferences scheduled with the Texas Board of Dental Examiners for several providers; and
- Upcoming deadlines for unrelated *qui tam* actions involving unrelated parties.

An extension would permit counsel to prepare a more comprehensive Motion for Rehearing.

### **III. PRAYER**

For these reasons, Petitioners' request that this Court grant a 30-day extension of time to file their brief on the merits, creating a new deadline of September 5, 2018.

Respectfully submitted,



Signature

Jason Ray  
Bar No. 24000511  
RIGGS & RAY, P.C.  
506 West 14<sup>th</sup> Street, Suite A  
Austin, Texas 78701  
Telephone: (512) 457-9806  
Facsimile: (512) 457-9866  
[jray@r-alaw.com](mailto:jray@r-alaw.com)

**ATTORNEY FOR DR. BEHZAD NAZARI, D.D.S. D/B/A ANTOINE DENTAL CENTER, DR. BEHZAD NAZARI, HARLINGEN FAMILY DENTISTRY, P.C. A/K/A PRACTICAL BUSINESS SOLUTIONS, SERIES LLC, JUAN D. VILLARREAL D.D.S., SERIES PLLC D/B/A HARLINGEN FAMILY DENTISTRY GROUP, DR. JUAN VILLARREAL, RICHARD F. HERRSCHER, D.D.S., M.S.D., P.C., DR. RICHARD F. HERRSCHER, M & M ORTHODONTICS, PA, DR. SCOTT MALONE, DR. DIANA MALONE, MICHELLE SMITH, NATIONAL ORTHODONTIX, MGMT., PLLC, DR. JOHN VONDRAK, RGV SMILES BY ROCKY SALINAS, D.D.S. PA, AND DR. ROCKY SALINAS.**

**CERTIFICATE OF CONFERENCE**

This motion is unopposed. I certify I emailed with opposing counsel on August 3, 2018 regarding this motion. Both the State and Xerox and he did not oppose a 30-day extension.

  
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Jason Ray

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this brief was served via e-mail and e-service on the 6<sup>th</sup> day of August, 2018 on the following:

***Counsel for Plaintiff State of Texas***

Raymond C. Winter  
Reynolds B. Brissenden  
Cam Barker  
Scott Keller

**Office of the Attorney General**

P.O. Box 12548  
Austin, Texas 78711-2548  
Telephone: (512) 936-1709  
Facsimile: (512) 936-0674  
E-mail: [raymond.winter@texasattorneygeneral.gov](mailto:raymond.winter@texasattorneygeneral.gov)  
E-mail: [reynolds.brissenden@texasattorneygeneral.gov](mailto:reynolds.brissenden@texasattorneygeneral.gov)  
E-mail: [Cam.Barker@oag.texas.gov](mailto:Cam.Barker@oag.texas.gov)  
E-mail: [Scott.Keller@oag.texas.gov](mailto:Scott.Keller@oag.texas.gov)

***Counsel for Xerox Corporation, et al.***

Robert C. Walters  
**Gibson, Dunn, & Crutcher, LLP**  
2100 McKinney Avenue, Suite 1100  
Dallas, Texas 75201  
Telephone: (214) 698-3100  
Facsimile: (214) 571-2900  
E-mail: [RWalters@gibsondunn.com](mailto:RWalters@gibsondunn.com)

W. Curt Webb  
Constance H. Pfeiffer  
**Beck Redden, LLP**  
1221 McKinney Street, Suite 4500  
Houston, Texas 77010  
Telephone: (713) 951-3700  
Facsimile: (713) 951-3720  
E-mail: [cwebb@beckredden.com](mailto:cwebb@beckredden.com)  
E-mail: [cpfeiffer@beckredden.com](mailto:cpfeiffer@beckredden.com)

Eric J. R. Nichols  
Christopher R. Cowan  
**Beck Redden, LLP**  
515 Congress Avenue, Suite 1750  
Austin, Texas 78701  
Telephone: (512) 708-1000  
Facsimile: (512) 708-1002  
E-mail: [enichols@beckredden.com](mailto:enichols@beckredden.com)  
E-mail: [ccowan@beckredden.com](mailto:ccowan@beckredden.com)

***Counsel for Defendants/Third-Party Plaintiffs***

E. Hart Green  
Mitchell A. Toups  
**WELLER, GREEN, TOUPS &  
TERRELL, L.L.P.**  
Post Office Box 350  
Beaumont, Texas 77704-0350  
Telephone: (409) 838-0101  
Facsimile: (409) 832-8577  
E-mail: [hartgr@wgttlaw.com](mailto:hartgr@wgttlaw.com)  
E-mail: [matoups@wgttlaw.com](mailto:matoups@wgttlaw.com)  
*Counsel for Defendants*

Richard B. Pecore  
**LILES PARKER, PLLC**  
3400 N. McColl Rd., Suite F-35  
McAllen, Texas 78501  
Telephone: (202) 298-9750  
Facsimile: (202) 337-5804  
E-mail: [rpecore@lilesparker.com](mailto:rpecore@lilesparker.com)  
*Counsel for RGV Smiles by Rocky Salinas,  
DDS PA,  
and Dr. Rocky Salinas*

Robert M. Anderton  
**Law Offices of Hanna & Anderton**  
900 Congress Avenue, Suite 250  
Austin, Texas 78701  
Telephone: (512) 477-6200  
Facsimile: (512) 477-1188  
E-mail: [andertonr@msn.com](mailto:andertonr@msn.com)  
*Counsel for Richard F. Herrscher, DDS,  
MMSC, PC and Dr. Richard F. Herrscher*

J.A. "Tony" Canales  
**CANALES & SIMONSON, P.C.**  
2601 Morgan Ave.  
P.O. Box 5624  
Corpus Christi, Texas 78465-5624  
Telephone: (361) 883-0601  
Facsimile: (361) 884-7023  
E-mail:  
[tonycanales@canalessimonson.com](mailto:tonycanales@canalessimonson.com)  
*Counsel for M&M Orthodontics,  
P.A., Dr. Scott Malone, Dr. Diana  
Malone, Michelle Smith, National  
Orthodontix Mgmt., PLLC and Dr.  
John Vondrak*

Oscar X. Garcia  
**Law Offices of Oscar X. Garcia**  
302 Kings Highway, Suite 112  
Brownsville, Texas 78521  
Telephone: (956) 554-3000  
Facsimile: (956) 554-3248  
E-mail: [oxgarcia@aol.com](mailto:oxgarcia@aol.com)  
*Counsel for Dr. Vivian Teegardin*

Philip H. Hilder  
William B. Graham  
**Hilder & Associates, PC**  
819 Lovett Boulevard  
Houston, Texas 77006  
Telephone: (713) 234-1416  
Facsimile: (713) 655-9112  
E-mail: [philip@hilderlaw.com](mailto:philip@hilderlaw.com)  
E-mail: [will@hilderlaw.com](mailto:will@hilderlaw.com)  
*Counsel for Dr. Wael Kanaan*

  
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Jason Ray Signature