

No. 16-0347

IN THE SUPREME COURT OF TEXAS

RICHARDSON EAST BAPTIST CHURCH,
Petitioner,

v.

PHILADELPHIA INDEMNITY INSURANCE COMPANY
and JAMES GREENHAW,
Respondents.

On Appeal from the Fifth Court of Appeals, Dallas, Texas
Case No. 05-14-01491-CV

**RESPONDENTS' UNOPPOSED JOINT FIRST MOTION
FOR EXTENSION OF TIME TO FILE BRIEFS**

TO THE SUPREME COURT OF TEXAS:

Respondents Philadelphia Indemnity Insurance Company (“Philadelphia”) and James Greenhaw (“Greenhaw”) (collectively, “Respondents”) file this unopposed joint first motion to extend time for Respondents to file their Response Briefs on the Merits. *See* TEX. R. APP. P. 10.5(b). The extension is needed for the following reasons:

1. Respondents seek an extension of time of 31 days, or until Friday, June 30, 2017, to file their Response Briefs on the Merits, which are currently due on May 30, 2017. This is Respondents’ first request for an extension of time to file their Response Briefs on the Merits in this cause.

2. Respondents seek an extension of time to further evaluate this Court's opinion in *USAA Texas Lloyds Co. v. Menchaca*, No. 14-0721, 2017 WL 1311752 (Tex. Apr. 7, 2017), the implications of *Menchaca* for this case, and Petitioner's new appellate arguments concerning the same which were not raised in the trial court or court of appeals.
3. Petitioner received an additional 77 days, over three extensions, to file its Brief on the Merits.
4. The 21-day period between the date when Petitioner filed its Brief on the Merits and the current due date for Respondents' Response Briefs on the Merits encompasses the three-day Memorial Day holiday weekend of May 27-29, 2017.
5. Philadelphia's counsel has unavoidable conflicts during the time period between the filing of Petitioner's Brief on the Merits on May 9, 2017 and the May 30, 2017 deadline set for Respondents' Response Briefs on the Merits, including:
 - a. Deposition in Dallas on May 12, 2017, in *Philadelphia Indem. Ins. Co. v. Mooring Recovery Svs., Inc.*, In the 188th District Court of Gregg County, Texas;
 - b. Mediation in Las Vegas, Nevada on May 15-17, 2017, in Case No: A-14-710463-D, *In re: Aspen Series BB Evaporator Coil Litigation*, In the District Court of Clark County, Nevada; and
 - c. Deposition on May 24, 2017, in *Philadelphia Indem. Ins. Co. v. Mooring Recovery Svs., Inc.*, In the 188th District Court of Gregg County, Texas.
6. Greenhaw's counsel has unavoidable conflicts during the time period between the filing of Petitioner's Brief on the Merits on May 9, 2017 and the May 30, 2017 deadline set for Respondents' Response Briefs on the Merits, including:
 - a. Response to Motion for Rehearing on May 12, 2017, in Case No. 14-15-00574-CV, *Westview Drive Investments, LLC v. Landmark American Insurance Co.*, In the 14th Court of Appeals of Texas;

- b. Mediation on May 15, 2017, in Cause No. 2015-01771; *Investcorp Institutional Group, Ltd. v. Air Liquide E&C Solutions US Inc., et al.*; In the 334th District Court of Harris County, Texas;
 - c. Hearing on Motion for Judgment Notwithstanding the Verdict on May 22, 2017, in Cause No. 15-03577, *Maria Cazares, et al. v. Trinity Infrastructure, LLC, et al.*, In the 134th District Court of Dallas County, Texas;
 - d. Deposition on May 24, 2017, in *Philadelphia Indem. Ins. Co. v. Mooring Recovery Svcs., Inc.*, In the 188th District Court of Gregg County, Texas;
 - e. Pretrial conference on May 26, 2017, in Cause No. 1:12-CV-605-LY; *Kimberly Doe, et al v. Corrections Corporation of America, et al*; In the United States District Court for the Western District of Texas, Austin Division;
 - f. Appellant's Brief due on June 6, 2017, in Cause No. 08-16-00334-CV; *Texas Department of Family and Protective Services, et al v. Grassroots Leadership, Inc., et al*; In the Eighth Court of Appeals of Texas; and
 - g. Jury Trial set in the month of June, 2017, in Cause No. 1:12-CV-605-LY; *Kimberly Doe, et al v. Corrections Corporation of America, et al*; In the United States District Court for the Western District of Texas, Austin Division.
7. Respondents request this extension so they can prepare adequate briefs that will be helpful to the Court. This extension is not sought for purposes of delay but so that justice may be done.
8. For all these reasons, counsel for Respondents request additional time to prepare their briefs.

ACCORDINGLY, Respondents request that the Court grant them an extension of time to file their Response Briefs on the Merits for 31 days, or until June 30, 2017.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ William R. Pilat (w/permission)

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CERTIFICATE OF CONFERENCE

I hereby certify that counsel for James Greenhaw, Andrew L. Edelman, conferred with counsel for Petitioner, Peter Kelly, on May 17, 2017 and that Petitioner is not opposed to this motion.

/s/ Andrew L. Edelman

Andrew L. Edelman

CERTIFICATE OF SERVICE

I certify that on May 17, 2017, the foregoing instrument was served on the following counsel for via electronic filing in accordance with the Texas Rules of Appellate Procedure:

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