

# No. 16-0347

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IN THE SUPREME COURT OF TEXAS

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**RICHARDSON EAST BAPTIST CHURCH,**  
Petitioner,

v.

**PHILADELPHIA INDEMNITY INSURANCE COMPANY  
AND JAMES GREENSHAW,**  
Respondents.

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On Petition for Review from the Fifth District Court of Appeals  
Dallas, Texas

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**PETITIONER'S FIRST MOTION FOR EXTENSION OF TIME  
TO FILE ITS REPLY BRIEF ON THE MERITS**

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TO THE HONORABLE SUPREME COURT OF TEXAS:

Petitioner, Richardson East Baptist Church, files this First Motion for Extension of Time to File its Reply Brief on the Merits, under the authority of Texas Rules of Appellate Procedure 55.7 and 10.5(b)(1).

### **A. INTRODUCTION.**

1. Respondents Philadelphia Indemnity Insurance Company and James Greenhaw filed their brief on the merits on June 30, 2017.
2. Petitioner's reply brief on the merits is currently due on July 17, 2017.
3. This motion seeks a 30 day extension, or up to and including August 17, 2017, to file its reply brief on the merits.
4. This is Petitioner's first request for an extension of time.

### **B. BASES FOR EXTENSION.**

5. In addition to attempting to prepare the reply brief in this case, Mr. Kelly has been working on the following deadlines:

- ★ Trial in *Henry Jefferson v. John Doe, Rebecca Rutherford, et al.*, Cause No. 2014-28653, in the 152nd Judicial District Court, Harris County, from June 19 - 30;
- ★ Prepared a brief in *John Barfield and Tana Barfield, Wife, Individually, and John Barfield and Tana Barfield as next Friends of C.B. and K. B., Minor Children*, Cause No. 08-17-00059-CV, in the Eighth Court of Appeals, El Paso, Texas, filed on July 14, 2017;
- ★ Prepared a motion for rehearing in *Alberto Delgado, Individually and as Representative of the Estate of Javier Delgado, Deceased, Victoria Delgado, Individually and as next friend of Maria Delgado, a minor child, Jimmy*

*Gutierrez, Jesus Delgado, Samuel Delgado, Edgar Delgado, et. al.*, Cause No. 16-0975, in the Supreme Court of Texas, filed on July 14, 2017;

- ★ Preparing a brief in *Laurie Ann McRay, Infinity Capital, LLC, and McRay Money Management, LLC*, Cause No. 01-17-00149-CV, in the First Court of Appeals, Houston, Texas; due July 19, 2017;
- ★ Preparing response to a motion for JNOV in *Miguel A. Gomez, III, M.D., and Miguel A. Gomez, M.D., P.A. v. Memorial Hermann Health System*, Cause No. 2012-53962, in the 333rd Judicial District Court, Harris County, Texas on July 10, 2017;
- ★ Prepared a response to petition for review in *Texas Health Presbyterian Hospital of Denton, Marc Wilson, M.D., and Alliance OB/GYN Specialists, PLLC d/b/a OB/GYN Specialists, PLLC v. D.A. and M.A., Individually and as Next Friends of A.A., a Minor*, Cause No. 17-0256, in the Supreme Court of Texas, filed on July 10, 2017; and
- ★ Further, undersigned lead counsel will be out of the country on a long-planned vacation from July 14 - 29.

**C. PRAYER.**

Therefore, Petitioner respectfully asks that the Court grant its request and extend the time to file the reply brief on the merits, or up to and including August 17, 2017.

Respectfully submitted,

KELLY, DURHAM & PITTARD, LLP

/s/ Peter M. Kelly

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***Counsel for Petitioner***

***Richard East Baptist Church***

## CERTIFICATE OF CONFERENCE

I, Peter M. Kelly, certify that I have conferred with opposing counsel, Andrew Edelman, counsel for Respondent James Greenhaw, who stated that he does not oppose this motion. At the time of the filing of this motion, I am unable to state whether William Pilat, counsel for Respondent Philadelphia Indemnity Insurance is opposed.

/s/ Peter M. Kelly

Peter M. Kelly

**CERTIFICATE OF SERVICE**

A true and correct copy of this *Petitioner's First Motion for Extension of Time to File its Reply Brief on the Merits* has been forwarded to all counsel of record on July 17, 2017, as follows:

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