

# 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 GREENHAW,**  
Respondents.

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On Petition for Review from the Fifth Court of Appeals  
Dallas County, Texas  
No. 05-14-01491-CV

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**UNOPPOSED THIRD MOTION FOR EXTENSION OF TIME  
TO FILE BRIEF ON THE MERITS**

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TO THE HONORABLE SUPREME COURT OF TEXAS:

Petitioner Richardson East Baptist Church makes this unopposed third motion for extension of time to file its brief on the merits, under the authority of Texas Rules of Appellate Procedure 55.3 and 10.5(b)(1), and would respectfully show:

**A. INTRODUCTION.**

1. Petitioner's brief on the merits is currently due April 24, 2017.
2. Petitioner has sought and received two thirty day extensions.

3. This motion seeks an extension of 30 days, or up to and including May 24, 2017.

**B. BASES FOR EXTENSIONS.**

4. In addition to attempting to prepare the brief in this case, undersigned counsel for petitioner has been otherwise engaged in:

- \* Preparation for trial in *Henry Jefferson v. John Doe, Rebecca Rutherford, et al.*, Cause No. 2014-28653, in the 152nd Judicial District Court, Harris County;
- \* Preparing a brief in *RLI Insurance Company v. Marie Costello*, Cause No. 17-20126, in the United States Court of Appeals for the Fifth Circuit, New Orleans, due April 24, 2017;
- \* Prepared a post-submission brief in *Rey Garza v. Roxana Regalado Harrison and Joseph Santellana, Individually and as Representative of the Estate of Jonathen Anthony Santellana, Deceased*, Cause No. 14-16-00615-CV, in the Fourteenth Court of Appeals, Houston, Texas, filed on April 20, 2017; and
- \* Prepared a brief in *Bettina Littell, as parent and next friend of I.L., a minor; Yvonne Benavides, as parent and next friend of A.B., a minor*, Cause No. 16-20717, in the United States Court of Appeals for the Fifth Circuit, New Orleans, filed on April 17, 2017.

**C. PRAYER.**

5. Therefore, Petitioner prays the Court grant its request for an extension of 30-days to file its brief on the merits, or up to and including May 24, 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 *Unopposed Third Motion for Extension* has been forwarded to all counsel of record on April 24, 2017, as follows:

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/s/ Peter M. Kelly  
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