

**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, Texas

Case No. 05-14-01491-CV

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**RESPONDENTS PHILADELPHIA INDEMNITY INSURANCE  
COMPANY AND JAMES GREENHAW'S  
UNOPPOSED FIRST MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSES TO PETITION FOR REVIEW**

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Pursuant to Rules 10.5(b) and 53.7(f) of the Texas Rules of Appellate Procedure, Respondents Philadelphia Indemnity Insurance Company (“Philadelphia”) and James Greenhaw (“Greenhaw”) (collectively, “Respondents”) file this unopposed first motion for extension time for Respondents to file

responses to the Petition for Review in this case. In support of this unopposed motion, Respondents respectfully show the Court as follows:

### **I.**

Respondents seek an extension of time of 45 days to file responses to the Petition for Review filed in this case by the Petitioner, Richardson East Baptist Church (“Petitioner”). On September 16, 2016, the Court issued notice requesting that Respondents file a response to the Petition for Review in the above-referenced case by October 17, 2016. Respondents’ requested extension would extend that due date until December 1, 2016.

This is the first request for an extension of time by either of the Respondents to file their responses to the Petition for Review. Petitioner filed its Petition for Review on July 18, 2016, after this Court granted three extensions, for a total of 63 days. Respondents did not oppose Petitioner’s requests for those extensions.

### **II.**

Philadelphia’s counsel has unavoidable conflicts during the time period between the date the Court requested responses until and after the current due date, including:

1. A hearing in Dallas County District Court, on September 21, 2016, in Cause No. DC-16-04989, which is pending in Dallas County District Court;
2. A deposition in Dallas, on September 22, 2016, in Cause No. 380-04741-2015, which is pending in Collin County District Court;

3. Deposition preparations and a deposition in Houston, on September 26-27, 2016, in Cause No. C-3102-14-F, which is pending in Hidalgo County District Court;
4. A hearing in Sulphur Springs, Texas, on September 28, 2016, in Cause No. CV-42271, which is pending in Hopkins County District Court
5. A deposition in Houston, on October 4, 2016, in Cause No. C-3102-14-F, which is pending in Hidalgo County District Court;
6. Deposition preparations with an expert witness in Houston on October 7, 2016;
7. Depositions in Houston, on October 11, 2016, in Cause No. C-3102-14-F, which is pending in Hidalgo County District Court;
8. Mediation in Dallas on October 12, 2016, in Cause No. 2016-386-A, which is pending in Gregg County District Court;
9. Depositions in Houston, on October 13-14, 2016, in Cause No. C-3102-14-F, which is pending in Hidalgo County District Court;
10. A trial setting in Harris County District Court on the October 17, 2016 trial docket, in Cause No. 2015-47924, *Rick Peterson & Associates v. Cantor Fitzgerald Wealth Partners, LLC*;
11. To the extent not conflicted out by the above-referenced trial setting, a deposition in Houston, on October 19, 2016, in Cause No. C-3102-14-F, which is pending in Hidalgo County District Court; and
12. To the extent not conflicted out by the above-referenced trial setting, a court-ordered discovery hearing in Harris County Criminal Court at Law No. 2 on October 20, 2016, in a case related to a civil lawsuit the undersigned counsel for Philadelphia is defending.

### III.

Greenhaw's counsel has unavoidable conflicts during the time period between the date the Court requested responses until and after the current due date, including:

1. Mediation on September 22, 2016, in Houston, Texas;
2. Hearing on a motion to quash and motion for protective order on September 23, 2016, in Cause No. 2015-01771, in Harris County District Court;
3. A deposition on September 27, 2016, in Cause No. C-3102-14-F, which is pending in Hidalgo County District Court;
4. A hearing on a pivotal discovery motion on September 28, 2016, in Cause No. CV42807, which is pending in Hopkins County District Court;
5. A hearing on motion to compel on September 29, 2016, in Cause No. D-1-GN-15-004336, which is pending in Travis County District Court (all proceedings assigned to the 250th Judicial Court);
6. Mediation on September 29, 2016, in Cause No. 16-05-33153, which is pending in Maverick County District Court;
7. Depositions on October 3-4, 2016, in Cause No. C-3102-14-F, which is pending in Hidalgo County District Court;
8. Depositions on October 3-6, 2016, in Cause No. D-1-GN-15-004336, which is pending in Travis County District Court (all proceedings assigned to the 250th Judicial Court);
9. Appellee's Brief due to the United States Court of Appeals for the Fifth Circuit, on October 5, 2016, in Cause No. 16-40359;
10. Trial the week of October 10-14, 2016, in Cause No. 4:14-cv-00211, which is pending in the United States District Court for the Southern District of Texas, Houston Division;
11. Depositions on October 11-14, 2016, in Cause No. C-3102-14-F, which is pending in Hidalgo County District Court;
12. Deposition on October 12, 2016, in Cause No. DC-14-02088, which is pending in Dallas County District Court;
13. Mediation on October 17, 2016, in Cause No. 141-283995-16, which is pending in Tarrant County District Court;

14. Depositions on October 18-19, 2016, in Cause No. C-3102-14-F, which is pending in Hidalgo County District Court;
15. A deposition on October 20, 2016, in Cause No. 2015-01771; which is pending in Harris County District Court;
16. Mediation on October 21, 2016, in Cause No. DC-14-02088, which is pending in Dallas County District Court;
17. A hearing on a motion for summary judgment, on October 28, 2016, in Cause No. D-1-GN-15-004336, which is pending in Travis County District Court (all proceedings assigned to the 250th Judicial Court); and
18. A pre-trial hearing on November 17, 2016, in Cause No. C-3102-14-F, which is pending in Hidalgo County District Court.

#### **IV.**

Respondents request this extension so they may prepare appropriate responses to the Petition for Review. This extension is not sought for purposes of delay, but so that justice may be done.

BASED ON THE FOREGOING, Respondents Philadelphia Indemnity Insurance Company and James Greenhaw request that the Court grant a 45-day extension of time to file responses to the Petition for Review, from October 17, 2016 until December 1, 2016, or until such other date as the Court deems appropriate.

Respectfully submitted,

**KANE RUSSELL COLEMAN & LOGAN PC**

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

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**ATTORNEYS FOR RESPONDENT  
JAMES GREENHAW**

**CERTIFICATE OF CONFERENCE**

I hereby certify that on September 20, 2016, I conferred with Peter Kelly, counsel for Petitioner Richardson East Baptist Church. Mr. Durham informed me that he is not opposed to a motion seeking a 45-day extension off time for Respondents to file response to the petition for review.

/s/ Andrew L. Edelman  
Andrew L. Edelman

**CERTIFICATE OF SERVICE**

I hereby certify that on September 20, 2016, a true and correct copy of the foregoing instrument was served on all counsel of record, as follows:

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