

NO. 14-13-00567-CV

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IN THE COURT OF APPEALS  
FOR THE FOURTEENTH DISTRICT OF TEXAS

FILED IN  
14th COURT OF APPEALS  
HOUSTON, TEXAS  
9/30/2013 6:20:28 PM

CHRISTOPHER A. PRINE  
Clerk

*LINDA HERNANDEZ, JOSE HERNANDEZ, JAVIER VASQUEZ,  
CLAUDIA GIL, RAUL VASQUEZ AND VIRGINIA VASQUEZ,*

**Appellants**

v.

*ABRAHAM, WATKINS, NICHOLS, SORRELS & FRIEND, A TEXAS  
GENERAL PARTNERSHIP, RANDALL SORRELS, AND BERNARDINO  
AGOSTO, JR.,*

**Appellees**

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**APPELLEES' MOTION FOR A 30-DAY EXTENSION OF TIME  
TO FILE BRIEF**

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**TO THE HONORABLE COURT OF APPEALS:**

Come now the appellees—Abraham, Watkins, Nichols, Sorrels & Friend, A Texas General Partnership, Randall Sorrels, and Bernardino Agosto, Jr. (“Appellees”)—and respectfully move for a 30-day extension of time to file their brief. Appellees have requested and received two previous extensions of time (of 30 and 31 days, respectively) to file their brief.

The current deadline for Appellees to file their brief is Monday, September 30, 2013. This motion is e-filed on Monday, September 30, 2013, and therefore is timely filed. *See* TEX R. APP. P. 38.6(d) (“A motion to extend the time to file a brief may be filed before or after the date the brief is due.”).

In granting Appellees’ last motion, the Court stated that “no further extensions will be granted absent exceptional circumstances.” Appellees respectfully show exceptional circumstances below.

The now-83-year-old father of Levon G. Hovnatanian, Appellees’ counsel, recently was injured when he fell into a swimming pool while trimming a tree. He suffered significant damage in one of his knees and has been under a doctor’s care, with surgery possible in the very near future. Mr. Hovnatanian has been occupied in the last few weeks tending to his father.

Besides tending to his father, Mr. Hovnatanian also has been extremely busy with other pressing matters, including the following:

1. Mr. Hovnatanian prepared, and, on September 23, 2013, filed (after two extensions) the appellees' brief in Cause No. 14-13-00432; *Prabha Bhalla, Appellant v. Craig James and Eva Wooldridge, Appellees*; in the Fourteenth Court of Appeals.
2. Mr. Hovnatanian prepared the defendants' motion for new trial (which was due on September 18, 2013) in Cause No. 12-DCV-196841; *State of Texas, Plaintiff, v. Medical Discount Pharmacy, L.P., Lifecek Rosenberg GP, Inc., Lifecek, Inc. and Bruce V. Gingrich, Individually, Defendants*; in the 434th Judicial District Court of Fort Bend County, Texas.
3. Mr. Hovnatanian prepared for, and, on Tuesday, September 10, 2013, performed oral argument on behalf of the respondent in Case No. 12-0251; *Crosstex Energy Services, Petitioner v. Pro Plus, Inc., Respondent*; in the Supreme Court of Texas.
4. Mr. Hovnatanian prepared the defendants' motion to modify the judgment (which was due on September 18, 2013) in Cause No. 12-DCV-196841; *State of Texas, Plaintiff, v. Medical Discount Pharmacy, L.P., Lifecek Rosenberg GP, Inc., Lifecek, Inc. and Bruce V. Gingrich, Individually, Defendants*; in the 434th Judicial District Court of Fort Bend County, Texas.
5. Mr. Hovnatanian is preparing the respondents' brief that will respond to the amicus curiae brief in Cause No. 12-0483; *Randy W. Williams, As Chapter 7 Trustee Of The Bankruptcy Estate Of Sonya Porretto And Rosemarie Porretto v. Texas General Land Office And Jerry Patterson, In His Official Capacity As Texas Land Commissioner*; in the Supreme Court of Texas. The case is set for oral argument on November 5, 2013.

Appellees very respectfully submit that Mr. Hovnatanian's time spent tending to his father, especially when considered with his recent work commitments, constitutes "exceptional circumstances" and ask the Court for one more extension of time to file their brief.

Based on the above, Appellees respectfully request a 30-day extension of time to file their brief, that is, to and including Monday, October 30, 2013.

Respectfully submitted,

MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P.

By: /s/ Levon G. Hovnatanian

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AND BERNARDINO AGOSTO, JR.

**CERTIFICATE OF CONFERENCE**

This is to certify that on September 30, 2013, the undersigned conferred with opposing counsel Mr. Lance Kassab about this motion, but at the time the motion was e-filed that evening, Mr. Kassab had not stated whether he was opposed or unopposed.

*/s/ Levon G. Hovnatanian* \_\_\_\_\_

Levon G. Hovnatanian

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing motion for extension of time to file brief of appellees has been forwarded to the individuals listed below, by the method indicated, on this 30th day of September 2013:

Mr. Lance Christopher Kassab  
Mr. David Eric Kassab  
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*(Counsel for Appellants Linda Hernandez, Jose Hernandez,  
Javier Vasquez, Claudia Gil, Raul Vasquez, and Virginia Vasquez)*

*/s/ Levon G. Hovnatanian* \_\_\_\_\_

Levon G. Hovnatanian

**CERTIFICATE OF COMPLIANCE**

This is to certify that this computer-generated motion for extension of time contains 534 words.

*/s/Levon G. Hovnatanian*

Levon G. Hovnatanian

Dated: September 30, 2013