

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CANDACE LOUISE CURTIS, ET AL.,

Plaintiffs,

v.

CANDACE KUNZ-FREED, ET AL.,

Defendants.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 4:16-cv-01969

DEFENDANTS’ OBJECTION TO PLAINTIFFS’ RULE 26(F) PLAN

On October 18, 2016, Plaintiffs filed a “Joint Discovery/Case Management Plan Under Rule 26(f) Federal Rules of Civil Procedure,” [DKT. 66] purporting to set out Plaintiffs’ and Defendants’ positions following the Rule 26(f) conference. But Defendants’ did not agree to such joint filing. Instead, the document was filed unilaterally by Plaintiffs without advance notice of *what*¹ or *when* they would be filing.

Crucially, the document does not accurately state Defendants’ position. Far from agreeing that the parties should make initial disclosures and conduct discovery following the Rule 26(f) conference, Defendants have objected (and continue to object) to any discovery taking place in this matter until the Court rules on the Motions to Dismiss filed by Defendants. *See* Defendants’ Motion to Stay Rule 26(f) Conference and All Discovery Pending Resolution of Motions to Dismiss [DKT. 59]. Defendants have also requested the Court to stay all proceedings in this matter, including the Rule 26(f) conference, pending resolution of the Motions to Dismiss filed by Defendants. *See id.*

¹ Defendants believe Plaintiffs filed a draft Rule 26(f) plan, which was circulated by one of the defendants among the parties for review and comment on October 14, 2016. But before all parties’ comments could be received and assembled, the Plaintiffs unilaterally filed the draft plan. Defendants did not consent to such filing, nor did Plaintiffs inform Defendants that they would be making such a filing.

In sum, Defendants object to Plaintiffs' characterization of their filing as a "joint" plan. Defendants also object to Plaintiffs' filing of a document purporting to state Defendants' "positions." Defendants' positions have been accurately asserted in Defendants' Motion to Stay, and Plaintiffs' unilateral statements to the contrary should be disregarded by this Court.

Dated: October 13, 2016

Respectfully submitted,

/s/ Cory S. Reed

Zandra E. Foley
Attorney-in-charge
Texas Bar No. 24032085
Federal ID No. 632778
zfoley@thompsoncoe.com
Cory S. Reed
Texas Bar No. 24076640
Federal ID No. 1187109
Thompson Coe Cousins & Irons, LLP
One Riverway, Suite 1400
Phone 713-403-8200
Fax 713-403-829
*Attorneys for Defendants Candace Kuntz-
Freed and Albert Vacek, Jr.*

/s/ Bobbie G. Bayless

Bobbie G. Bayless
Attorney-in-charge
Texas Bar No. 01940600
Federal ID No. 7963
bayless@baylessstokes.com
Bayless & Stokes
2931 Ferndale
Houston, Texas 77098
Telephone: (713) 522-2224
Facsimile: (713) 522-2218
Attorney for Defendant Bobbie G. Bayless

/s/ Laura Beckman Hedge

Laura Beckman Hedge
Assistant County Attorney
Attorney-in-charge
Texas State Bar No. 00790288
Federal Bar No. 23243
laura.hedge@cao.hctx.net
1019 Congress, 15th Floor
Houston, Texas 77002
Telephone: (713) 274-5137
Facsimile: (713) 755-8924
*Attorney for Defendants Judge Christine
Riddle Butts, Judge Clarinda Comstock and
Tony Baiamonte*

/s/ Martin S. Schexnayder

Martin S. Schexnayder
Attorney-in-charge
Texas State Bar No. 17745610
schexnayder.m@wssllp.com
Eron F. Reid
Texas Bar No. 24100320
Winget, Spadafore, & Schwartzberg, LLP
Two Riverway, Suite 725
Houston, Texas 77056
Telephone: (713) 343-9200
Facsimile: (713) 343-9201
Attorney for Defendant Neal Spielman

/s/ Robert S. Harrell

Robert S. Harrell
Attorney-in-charge
Texas Bar No. 09041350
Federal Bar No. 6690
robert.harrell@nortonrosefulbright.com
Rafe A. Schaefer
Texas Bar No. 24077700
Federal Bar No. 1743273
rafe.schaefer@nortonrosefulbright.com
Norton Rose Fulbright US, LLP
1301 McKinney, Suite 5100
Telephone: (713) 651-5151
Facsimile: (713) 651-5246
Attorney for Defendant Jill Willard Young

/s/ Stephen A. Mendel

Stephen A. Mendel
Attorney-in-charge
Texas State Bar No. 13930650
steve@mendellawfirm.com
The Mendel Law Firm, L.P.
1155 Dairy Ashford, St 104
Houston, TX 77079
Telephone: (713) 759-3213
Facsimile: (713) 759-3214
*Attorney for Defendants Stephen A. Mendel
and Bradley Featherston*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above filing has been served on October 19, 2016, through the Court's CM/ECF system, which constitutes service on all parties.

/s/ Robert S. Harrell

Robert S. Harrell