

CAUSE NO. 24-002626-CV-472

TEXAS A&M UNIVERSITY SYSTEM,	§	
<i>Plaintiff,</i>	§	
	§	IN THE DISTRICT COURT OF
vs.	§	
	§	
BRAZOS VALLEY GROUNDWATER	§	
CONSERVATION DISTRICT AND	§	
ALAN DAY, GENERAL MANAGER	§	
OF BRAZOS VALLEY	§	
GROUNDWATER CONSERVATION	§	
DISTRICT,	§	BRAZOS COUNTY, TEXAS
<i>Defendants,</i>	§	
	§	
vs.	§	
	§	
UW BRAZOS VALLEY FARM LLC, et	§	
al.,	§	
<i>Intervenors.</i>	§	472nd JUDICIAL DISTRICT
	§	

LANDOWNER INTERVENORS’ NOTICE OF NONSUIT WITHOUT PREJUDICE

Pursuant to Texas Rule of Civil Procedure 162, Intervenors UW Brazos Valley Farm LLC, Cula d’Brazos LLC, RH2O LLC, L. Wiese Moore LLC, Clifford A. Skiles III, and James C. Brien (collectively, the “Landowner Intervenors”), give this written notice that they elect to nonsuit, without prejudice, all of their affirmative claims in the above-referenced matter. This nonsuit disposes of all affirmative claims by Intervenors in this cause and is effective upon filing. This nonsuit moots Plaintiff and the Brazos County Entities’ Pleas to the Jurisdiction filed November 21, 2024.¹

¹ Landowner Intervenors reserve their right to later refute, as necessary, Plaintiff and the Brazos County Entities’ pleas to the jurisdiction. Plaintiff has invoked the Court’s jurisdiction to hear this dispute, including Landowner Intervenors’ declaratory judgment claim that is germane to, connected with, and properly defensive to Plaintiff’s mandamus action. *See Hughes v. Tom Green Cnty.*, 573 S.W.3d 212, 218 (Tex. 2019) (“*Reata’s* application is not dependent on the assertion of monetary damages but rather on the relationship of the parties’ adverse claims.”). Plaintiff’s immunity argument and the Brazos County Entities’ ripeness assertions are meritless and do not deprive the Court of its full authority to hear this case.

The Landowner Intervenor's Motion for Summary Judgment remains pending with respect to summary disposition of Plaintiff's mandamus claim, and the Landowner Intervenor will present that Motion at the December 6, 2024 hearing previously scheduled with the Court.

Dated: December 5, 2024

Respectfully submitted,

By: /s/ Kevin T. Jacobs

Kevin T. Jacobs
Texas Bar No. 24012893
Travis Gray
Texas Bar No. 24101824
910 Louisiana Street
Houston, Texas 77002-4995
Tel: (713) 229-1947
Fax: (713) 229-7847
kevin.jacobs@bakerbotts.com

Paulina Williams
Texas Bar No. 24066295
Katie Jeffress
Texas Bar No. 24126527
401 South 1st Street, Suite 1300
Austin, Texas 75704-1296
Tel.: (512) 322-2543
Fax: (512) 322-3643
paulina.williams@bakerbotts.com

Jon Miller
Texas Bar No. 14093000
miller@rodgersmiller.com
P.O. Box 4884
Bryan, TX 77805
Tel: (979) 260-9911
Fax: (979) 846-7083

**ATTORNEYS FOR UW BRAZOS VALLEY FARM
LLC, CULA D'BRAZOS LLC, RH2O LLC, L.
WIESE MOORE LLC, CLIFFORD A. SKILES III,
AND JAMES C. BRIEN**

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2024, a true and correct copy of the foregoing was served electronically on all counsel of record in accordance with the Texas Rules of Civil Procedure.

/s/ Kevin T. Jacobs _____
Kevin T. Jacobs