

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**FAZZINO INVESTMENTS, LP** §  
**for itself and all others similarly situated,** §

**PLAINTIFFS** §

**V.** §

**CASE NO. 6:25-cv -00001-ADA-DTG**

**BRAZOS VALLEY GROUNDWATER** §  
**CONSERVATION DISTRICT,** §

**BVGCD** §

**PLAINTIFF'S REPLY TO DEFENDANTS' RESPONSE TO MOTION TO STAY  
DEADLINE TO RESPOND TO DEFENDANT'S SECOND  
MOTION FOR SUMMARY JUDGMENT**

**TO THE HONORABLE UNITED STATES DISTRICT COURT:**

Plaintiff desires a “just, speedy, and inexpensive determination” of this action as much as—and maybe more than—Defendant. The thrust of Plaintiff’s Motion to Stay is that Plaintiff should not be required to expend resources to respond to Defendant’s most recent motion for summary judgment unless the Court determines it is necessary to respond. Plaintiff believes enough resources have been expended on Defendant’s arguments already.

Ironically, Defendant argues both that this is a summary judgment case and that a brief stay of the deadline for Plaintiff to respond to Defendant’s most recent dispositive motion will delay trial. Plaintiff agrees that the undisputed facts strongly suggest summary judgment would be the appropriate disposition. But even if there are fact issues to be determined, a brief stay would not threaten the September 8, 2026 trial setting. Defendant has shown no interest in further discovery, and the Court has ample time to decide the various pending motions before the

trial setting. And Defendant has not identified any way in which it would be prejudiced by granting the motion to stay.

Finally, Defendant's Response appears to forget that Defendant has previously filed what it denominated as a Motion for Summary Judgment or Motion to Dismiss, which makes Plaintiff's motion for summary judgment the "cross-motion" needed to allow the Court to grant full relief. As noted in Defendant's Response, it is in fact "time to fulfill the purpose of the Rules and end this case by summary disposition." Dkt. 81 at p. 2. Staying the case for a brief time to consider whether to strike Defendant's Second Motion for Summary Judgment does not detract from that goal. In fact, if the Court grants Plaintiff's motion to strike, the time required for Plaintiff to respond to the latest summary judgment motion and for Defendant to then file a reply will be unnecessary. This will promote rather than detract from a "just, speedy, and inexpensive determination."

### **CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests the Court to stay Plaintiff's June 2, 2026 deadline to respond to BVGCD's Second Motion for Summary Judgment (Dkt. #78), until the Court rules on Plaintiff's Motion to Strike (Dkt. #79). Should the Court deny Plaintiff's Motion to Strike, Plaintiff further requests the Court to set Plaintiff's deadline to respond to BVGCD's Second Motion for Summary Judgment fourteen (14) days after the date the Court enters its order denying the Motion to Strike. In all things, Plaintiff requests the Court to award such other and further relief to which Plaintiff is justly entitled.

Date: June 11, 2026

Respectfully submitted,

/s/ Marvin W. Jones

Marvin W. Jones

Texas Bar No: 10929100

C. Brantley Jones  
Texas Bar No: 24079808  
**SPROUSE SHRADER SMITH PLLC**  
701 S. Taylor, Suite 500  
Amarillo, Texas 79105-5008  
Telephone: (806) 468-3300  
Facsimile: (806) 373-3454  
Email: marty.jones@sprouselaw.com  
Email: brantley.jones@sprouselaw.com

Richard L. Coffman  
Texas Bar No: 04497460  
**THE COFFMAN LAW FIRM**  
3355 West Alabama, Suite 240  
Houston, Texas 77098-1864  
Telephone: (713) 528-6700  
Facsimile: (866) 835-8250  
Email: rcoffman@coffmanlawfirm.com

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 11, 2026, I served a true and correct copy of Plaintiff's Reply to Defendant's Response to Plaintiff's Motion to Strike Defendant's Second Motion for Summary Judgment on Defendant's counsel via email and the Court's electronic filing system.

/s/ Marvin W. Jones  
Marvin W. Jones