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July 14, 2026

Hon. Derek Gilliland
U.S. Magistrate Judge
Western District of Texas
800 Franklin Avenue
Waco, TX 76701

Re: *Fazzino Investments, L.P. v. Brazos Valley Groundwater Conservation District*; No. 6:25-cv-00001-ADA-DTG (W. D. Tex.)

Dear Judge Gilliland:

We write regarding the August 3 motion hearing.

Currently on the docket are Defendant's Motion for Summary Judgment and Motion for Judgment on the Pleadings (ECF No. 50), Plaintiff's Motion for Summary Judgment (ECF No. 66), and Defendant's [Second] Motion for Summary Judgment (ECF No. 78). Also on the docket are Plaintiff's [Opposed] Motion to Strike Defendant's [Second] Motion for Summary Judgment (ECF No. 79) and Plaintiff's [Opposed] Motion to Stay Deadline to Respond to Defendant's [Second] Motion for Summary Judgment (ECF No. 80).

Plaintiff's Motion to Strike and Motion to Stay are fully briefed threshold motions that Plaintiff respectfully requests the Court to decide prior to the August 3 hearing. Pending the Court's rulings on these motions, Plaintiff has not filed a response to Defendant's [Second] Motion for Summary Judgment because, as set forth in Plaintiff's threshold motions, Plaintiff asserts that Defendant improperly filed its second summary judgment motion.

Deciding Plaintiff's threshold Motion to Strike now would result in a more efficient August 3 hearing. Should the Court grant Plaintiff's Motion to Strike, Plaintiff's two threshold motions *and* Defendant's [Second] Motion for Summary Judgment would be eliminated from the August 3 docket. Conversely, should the Court deny Plaintiff's Motion to Strike, sufficient time would still exist in advance of the August 3 hearing for Plaintiff to file its response to Defendant's second summary judgment motion and Defendant to file a reply brief.

Very truly yours,

Richard L. Coffman

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