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July 15, 2026

Via E-file

Judge Derek T. Gilliland
United States District Court
Western District of Texas
800 Franklin Avenue
Waco, Texas 76701

Re: *Fazzino Investments, LP v. Brazos Valley Groundwater Conservation District*, No. 6:25-0001-ADA-DTG in the Western District of Texas.

Dear Judge Gilliland:

Please allow this correspondence to respond to Plaintiff's correspondence of July 14, 2026 regarding the August 3, 2026 motion hearing in this case.

Defendant believes that the Court should grant summary judgment on all grounds presented by Defendant in Defendant's Motion for Summary Judgment and Motion for Judgment on the Pleadings (ECF No. 50) and Defendant's Motion for Summary Judgment (ECF No. 78), and it would be preferable to have all such motions fully before the court on August 3, 2026, in the interest of the Court having the ability to grant complete and thorough relief on all relevant grounds.

To that end, Defendant does not oppose Plaintiff's request for the Court to promptly decide Plaintiff's Motion to Strike Defendant's Motion for Summary Judgment (ECF No. 79) and Plaintiff's Motion to Stay Deadline to Respond to Defendant's Motion for Summary Judgment (ECF No. 80), each of which should be *denied* for the reasons stated in Defendant's responses to those Motions (ECF Nos. 83 and 81, respectively).

Alternatively, the Court could also, without prejudice to the pending Motion to Strike or Motion to Stay, order Plaintiff to file a Response to Defendant's Motion for Summary Judgment at this time. In either case, such action taken in the next two days would allow (1) Plaintiff time to present any Response to the Court and (2) Defendant to present (in short order) a Reply to such Response so the Court would have a complete record in advance of the August 3rd hearing. This course would

July 15, 2026

Page 2

allow briefing to close on all pending motions while fully preserving Plaintiff's objections for the Court's ruling.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Jose E. de la Fuente

Jose E. de la Fuente

JEF/cad

cc: all counsel of record