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

FAZZINO INVESTMENTS, LP,	§	
Plaintiff,	§	
v.	§	**CASE NO. 6:25-CV-00001-ADA-DTG**
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT,	§	
Defendant,	§	

ORDER DENYING MOTION TO STAY (DKT. NO. 80)

Before the Court is the plaintiff's Motion to Stay Deadline to Respond to Defendant's Second Motion for Summary Judgment. Dkt. No. 80. The motion is fully briefed and the Court finds a hearing unnecessary. Dkt. Nos. 81 & 82. The motion asks the Court to stay the plaintiff's response deadline until after the Court rules on the plaintiff's motion to strike the defendant's second motion for summary judgment. Dkt. No. 80. The defendant's second motion for summary judgment (Dkt. No. 78) was filed on May 19, 2026—well before the scheduling order deadline to file summary judgment motions (Dkt. No. 62). Rather than respond to it, the plaintiff filed a motion to strike and the present motion to stay its response deadline. Dkt. No. 80. The plaintiff asked that its June 2, 2026, response deadline be stayed until fourteen (14) days after the Court rules on the motion to strike, if the Court denies that motion. *Id*. at 3-4.

Notably, the plaintiff filed its motion to stay on the response deadline knowing that its motion to stay could not be fully briefed and decided before June 2, 2026. The plaintiff also failed to respond to the defendant's second motion for summary judgement on that date as required by the Local Rules.

On this date, the Court has denied the plaintiff's motion to strike (Dkt. No. 79). Similarly, the Court **DENIES** the motion to stay the response deadline.

While the plaintiff's failure to file a response would allow the Court to grant the defendant's second motion for summary judgment as unopposed (L.R. CV-7(D)(2)), the Court will allow the plaintiff to file an untimely response and **ORDERS** that the plaintiff shall file its response to the Motion for Summary Judgment (Dkt. No. 78) by **July 31, 2026**, and that the defendant shall file its reply by **12:00 p.m., August 3, 2026.**

SIGNED this 29th day of July, 2026.



DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE