

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DAMON JOHNSON, TREASURE	§	
SMITH, and THE PANTHER PARTY,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	
WALLER COUNTY, TEXAS; THE	§	Civil Action No. 4:18-cv-3985
WALLER COUNTY	§	
COMMISSIONERS COURT; JUDGE	§	
CARBETT “TREY” J. DUHON III, in	§	
his official capacity as the Waller County	§	
Judge; and CHRISTY A. EASON, in her	§	
official capacity as the Waller County	§	
Elections Administrator,	§	
<i>Defendants.</i>	§	

**DEFENDANT’S MOTION FOR LEAVE TO LATE-FILE
POST-TRIAL FINDINGS OF FACTS, CONCLUSIONS OF LAW AND SUPPLEMENTAL
MEMORANDUM OF LAW**

TO THE HONORABLE CHARLES ESKRIDGE, U.S. DISTRICT JUDGE:

Defendants respectfully file this *Motion for Leave to Late-File Post-Trial Findings of Facts, Conclusions of Law and Supplemental Memorandum of Law* and respectfully ask that they be permitted until 1:00 p.m., March 30, 2021 to the foregoing filings, and in support respectfully shows the following:

**I.
INTRODUCTION**

1. The deadline under the Court’s current order for these filings was Monday, March 29, 2021. Due to technical difficulties with the undersigned’s remote connection, Defendants’ counsel was unable to finalize and file the materials until this morning.

Defendants now respectfully file this motion asking the Court to accept Defendants' Post-Trial Findings of Fact, Conclusions of Law, and Supplemental Memorandum of Law today so that they may be deemed timely filed.

II. MOTION

2. The undersigned was prepared to finalize and file the materials before midnight on March 29, 2021. However, the undersigned is working remotely during the pandemic and lost remote access in the process of finishing the filing, and was unable to regain access despite multiple attempts.

3. As a result, Defendant respectfully requests permission to file the attached materials out of time, so that Defendants Findings of Fact, Conclusions of Law, and Memorandum of Law may be deemed timely filed. Good cause exists for this motion because the failure to file by March 29, 2021 was not the result of undue diligence or delay, but rather an unforeseen technical difficulty. The delay in filing times will not prejudice the Plaintiffs who are not opposed to this motion.

III. CONCLUSION

4. For the reasons set forth above, Defendant respectfully requests that the Court grant this Motion for Leave and extend the time in which Defendants are permitted to file their Post-Trial Findings of Fact, Conclusions of Law, and Supplemental Memorandum of Law up to, and including, 1:00 p.m., March 30, 2021, such that the filed documents may be deemed timely.

Respectfully submitted,

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By: /s/ Gunnar P. Seaquist
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

The undersigned attorney hereby certifies that he has conferred with Plaintiffs' counsel, Leah Aden, who stated that Plaintiffs are not opposed to the relief requested herein.

/s/ Gunnar P. Seaquist
Gunnar P. Seaquist

CERTIFICATE OF SERVICE

This is to certify that on March 30, 2021, a true and correct copy of the foregoing document was served on all counsel of record via the electronic case filing system of the United States District Court for the Southern District of Texas.

/s/ Gunnar P. Seaquist

Gunnar P. Seaquist