

Marc Sewell
108 Summit
Llano, TX 78643

May 16, 20214

Judge Allan Garrett
108 E. Polk, Suite 74,
Burnett, TX 78611

Subject: Cause 18504 Status Hearing

Dear Judge Garrett,

During the status hearing for Cause 18504 on 5/14/14, you suggested that I change my case style to include the City of Llano so that we may proceed to a “disposal of all pending claims”. I thought I understood at the time but now do not.

The premise for this change, as I recall, is that the city attorney does not know who his clients are and the court doesn’t know where to send instructions. The city attorney has mailed \$18,000+ worth of invoices so he seems to know who his clients are. The city attorney and co-council, the mayor, the city manager, and the city secretary were present at the hearing so the court knows where to send notices. I fail to see how adding a party to the case style enhances the situation. I have requested a transcript which I will study to see what I have forgotten.

I hesitate to just amend the case style for it doesn’t seem to be benign. It was apparent in the hearing that the city attorney would deluge the court with all sorts of pleadings and motions and spend another \$20,000 of taxpayer funds to not answer my complaint - as he has done in the appeals court. The city manager and mayor do not seem to be concerned by this waste but I am.

My assertion that it is the court’s responsibility, §211.011(c), to initiate the judicial review is substantiated by the Texas Supreme Court in *Tellez v. City of Socorro*. *Tellez* also demonstrates that my case style is adequate as it stands and it may be altered later after the city has replied to my brief. Thus I contend that the ball is in the court’s court and it is the court’s current responsibility to initiate the judicial review without any action on my part.

I was surprised that a judge is not able to correct an order should I prove that an error occurred. I reported the “notification” error before your denial order was issued as well as the same day the order was issued. At that time I also satisfied the notification problem and requested a hearing to resolve. I appealed the same day you indicated “disposed.” After the final Appeals Court’s action, I immediately requested the hearing to address the error. So, it seems reasonable that the court had plenty of notice and opportunity to fix or stay the order. I am researching this.

That said, I have taken the following actions to assist:

1. I have asked again to settle.
2. I have suggested to the City Council(attached) that they answer my complaint without waiting for an order from the court as was done in *Hagood v. City of Houston*
3. I am investigating “interlocutory” which seems to bypass the need to “dispose of all claims.”

Thank you for your patience and deference in the hearing. I don’t like being in the position of expending your time but I want to completely understand this judicial process for I will be back again in a few months with a more serious situation containing more violations of the same laws and would like that to go smoothly.

Marc Sewell

cc City Attorney Carey Bovey

cc City Mayor Mike Virdell

attachment: email to council

Attachment: Email to Llano City Council Regarding Settlement

Council Members,

I propose an alternative to settling on my judicial review legal action: City Council instructs the city manager and P&Z chairman to answer my complaint without waiting for the court to order it. The City of Houston has done this and there is case law that demonstrates it.

This approach bypasses all the expensive legal wrangling and also demonstrates respect for citizens. At present, you are spending \$thousands to prevent from answering my complaint but will eventually have to answer. Why waste the money? Just present your position on the 3 zoning issues.

So to summarize, there are three options before you:

1. Settle with no cost or future liability. This is the best answer if Brenton has misunderstood the law. You can verify the law for free by asking the TML or the AG.
2. Answer the complaint without waiting for a court order to do so. This will cost about \$125 for the city attorney to review your answer. This is the best answer if you think I have misunderstood the law.
3. Continue on present course and spend another \$20,000 or more to delay options 1 or 2.

As a citizen of Llano, I recommend option #1 or #2. I'll bet every citizen in Llano would also.

Marc Sewell