

**Cause #18504**

**Llano District Court**

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**Motion for Setting**

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Marc T. Sewell  
(judicial review petitioner)

Requesting Judicial Review,  
under Texas Local Government  
Code 211, of Llano City Planning  
& Zoning Commission and Llano  
City Council  
(Carey Bovey City Attorney and  
Mike Virdell Mayor)

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**Petitioner:**

Marc T. Sewell  
108 Summit  
Llano, TX 78643  
Pro Se

**Petitionee Attorney:**

Carey L. Bovey  
2251 Double Creek Drive  
Round Rock, TX 78664

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TO: Judge Garrett, Llano District Court:

On June 6, 2014 regarding Cause 18504, I submitted a motion for interlocutory appeal. During a required conference in an attempt to get agreement to a notice of setting (Appendix A on page 3), City Attorney Carey Bovey refused to setting a date for my motion hearing regarding the Motion for Interlocutory Appeal. I then had a conference on 7/29/14 regarding this motion for setting. He declined to agree on setting.

His reason for denial was that I did not follow Judge Garrett's order to change my case style to include the City of Llano. Since this disagreement on law is one of the bases of my request for an Interlocutory Appeal, he will have the opportunity to present his objections and let Judge Garrett or the Appeal's court decide the legal issue.

As I have said, Mr. Bovey knows who his clients are since he has been sending invoices to them for over a year on this subject. This is merely an attempt to impede the progress of this case. I believe this is a violation of, at least, Texas Rules of Professional Conduct 3.04(c) (5) "engage in conduct intended to disrupt the proceedings".

I therefore request that the court set the date for the Motion for Interlocutory Appeal using the notice of setting in Appendix A on page 3.

Marc Sewell

**Appendix A – Notice of Setting**

Marc T. Sewell (judicial review petitioner)	Cause No. <u>18504</u>	
Requesting Judicial Review, under Texas Local Government Code 211, of Llano City Planning & Zoning Commission and Llano City Council (Carey Bovey City Attorney and Mike Virdell Mayor)	§ § § § § §	IN THE DISTRICT COURT  33 <sup>RD</sup> JUDICIAL DISTRICT OF  <u>Llano</u> COUNTY, TEXAS

**NOTICE OF SETTING**

Notice is hereby given that the following matter in the above styled and numbered case is set as follows:

Matter Set: motion hearing regarding the Motion for Interlocutory Appeal filed on 6/4/14

Date/Time: 1:30pm on September 25, 2014

City & County in which set: City of Llano, Llano County  
In the District Courtroom of the 33<sup>rd</sup> Judicial District Court in said city & county.

Time Allotted: 20 minutes for Marc Sewell,  
unknown for Carey Bovey

Judge Assigned: Judge Garrett (or unknown)

All parties and their attorneys are expected to attend.  
The hearing has been confirmed through the office of the Court Administrator.

Respectfully Submitted,  
Signature Block of Atty or *pro se*

Marc Sewell, pro se  
108 Summit  
Llano, TX 78643  
325-247-2508  
marcs@simonlabs.com

## **Appendix B – Certificate of Conference**

I certify that, on 7/29/14 at 9:20am, I have conferred with Carey Bovey regarding my Motion for Setting Appeal. He opposes the motion. His reason for opposition was that I did not follow Judge Garrett’s order to change my case style to include the City of Llano.

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Marc T. Sewell  
108 Summit  
Llano, TX 78643-1127  
325-247-2508  
marcs@simonlabs.com

## Appendix C – Certificate of Service

### Certificate of Service

I certify that I have served this Motion for Service on all other parties—which are listed below—on 7/29/14 as follows:

1. Llano City Attorney Carey Bovey **via email**  
Law office of Cary L. Bovey, PLLC  
2251 Double Creek Drive, Suite 204  
Round Rock, TX 78664  
(512) 904-9441  
cary@boveylaaw.com
2. Llano City Secretary Toni Milam **in person** for distribution to: Board of Adjustment Chairman/Mayor Mikel Virdell, City Attorney Carey Bovey  
City of Llano  
301 West Main  
Llano, TX 78643  
(325) 247-4158  
tmilam@cityofllano.com

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