

Cause #18504

Llano District Court

Motion for Interlocutory Appeal

Marc T. Sewell Petition for Judicial Review
under Local Government Code Sec 211

Vs.

Llano Board of Adjustment (Chairman Mikel Virdell)

Petitioner:

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

Petitionee Attorney:

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

TO: Judge Garrett, Llano District Court:

Based upon Civil Practices and Remedies Code §51.014(d)¹, I request permission for an interlocutory appeal because:

1. We have a controlling question of law regarding the requirement for the petitioner to notify the petitionee when presenting a petition for judicial review to the district court under Local Government Code §211.011.
2. We have a controlling question of law regarding how to effect a judicial review after an order denying a writ of certiorari under Local Government Code §211.011.
3. We have a controlling question of law regarding the proper case style for a petition for judicial review under Local Government Code §211.011.
4. An immediate appeal from the order denying the writ would materially advance the ultimate termination of the litigation. As it stands, the cause is stalled.

Please grant this motion for Interlocutory Appeal.

Marc Sewell

¹ See Civil Practices and Remedies Code §51.014(d) in Appendix A

Appendix A: Civil Practices and Remedies Code §51.014

Sec. 51.014. APPEAL FROM INTERLOCUTORY ORDER. (d) On a party's motion or on its own initiative, a trial court in a civil action may, by written order, permit an appeal from an order that is not otherwise appealable if:

(1) the order to be appealed involves a controlling question of law as to which there is a substantial ground for difference of opinion; and

(2) an immediate appeal from the order may materially advance the ultimate termination of the litigation.

Appendix B – Certificate of Conference

As required by Texas Rule of Appellate Procedure 10.1(a)(5), I certify that, on 6/4/14, I have conferred with Carey Bovey regarding my Motion for Interlocutory Appeal. He opposes the motion.

Marc T. Sewell
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325-247-2508
marcs@simonlabs.com

Appendix C – Certificate of Service

Certificate of Service

I certify that I have served this Motion for Interlocutory Appeal on all other parties—which are listed below—on 6/4/14 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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