

CAUSE NO. 2018-06745

FREE AND SOVEREIGN STATE OF	§	IN THE DISTRICT COURT OF
VERACRUZ DE IGNACIO DE LA	§	
LLAVE	§	
	§	
Plaintiff,	§	
	§	HARRIS COUNTY, TEXAS
v.	§	
	§	
18 SHALLOWFORD PL., LLC, <i>ET AL.</i>	§	
	§	
Defendants.	§	334 th JUDICIAL DISTRICT

DEFENDANTS' NOTICE OF APPEAL

Defendants Jose Bandin, Monica Babayan, and 18 Shallowford Pl., LLC (collectively, "Defendants") hereby file this notice of appeal, pursuant to Sections 27.008 and 51.014(a)(12) of the Texas Civil Practices and Remedies Code and Texas Rules of Appellate Procedure 25.1(a) and 26.1(b).

1. This is an appeal from the denial of Defendants' motion to dismiss pursuant to Section 27.003 of the Texas Citizens Participation Act. Defendants filed their motion on May 17, 2018. This Court held a hearing on Defendants' motion on July 13, 2018, and was required to rule on Defendants' motion by August 12, 2018. *See* TEX. CIV. PRAC. & REM. CODE § 27.005(a) (requiring a court to rule "not later than the 30th day following the date of the hearing on the motion"). Defendants have, to date, not received any notification from this Court of a ruling on Defendants' motion. Thus, since more than 30 days has elapsed from the hearing on Defendants' motion without a ruling, it has been denied by operation of law. *Id.* § 27.008(a).

2. Defendants Jose Bandin, Monica Babayan, and 18 Shallowford Pl., LLC desire to appeal this ruling to the First of Fourteenth Court of Appeals, Houston, Texas.

3. This notice of appeal is timely filed pursuant to Rule 26 of the Texas Rules of Appellate Procedure.

4. This is an accelerated appeal pursuant to TEX. CIV. PRAC. & REM. CODE § 27.008(b).

5. This is not a parental termination or child protection case.

Respectfully submitted,

**FOGLER, BRAR, FORD,
O'NEIL & GRAY, LLP**

/s/ Murray Fogler

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**COUNSEL FOR DEFENDANTS
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AND 18 SHALLOWFORD PL., LLC**

LOCAL RULE NOTICE OF ASSIGNMENT OF RELATED CASE

As required by the Local Rules Relating to Assignment of Related Cases between the First and Fourteenth Courts of Appeals, I certify that the following related appeal or original proceeding has been previously filed in the Fourteenth Court of Appeals:

- In re Jose Bandin and Monica Babayan; Trial Court Case No. 2017-62649; Appellate Court Case No. 14-18-00605-CV.

/s/ Murray Fogler

MURRAY FOGLER

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2018, a true and correct copy of the forgoing document has been served on all counsel of record, listed below, by the Electronic Service Provider, if registered, otherwise by email and/or fax.

/s/ Murray Fogler

MURRAY FOGLER

Unofficial Copy Office of Crisis Management
Daniel District Clerk