

CAUSE NO. 2018-06752

FREE AND SOVEREIGN STATE OF § **IN THE 127th DISTRICT COURT**
VERACRUZ DE IGNACIO DE LA LLAVE §
§
vs. §
§ **OF**
JAIME REVERTE, JMA REVERTE §
PROPERTIES LLC, AZULGRANA §
MANAGEMENT LLC, GIMAL REVERTE §
PROPERTIES LLC, AND REVERTE §
FAMILY LIVING TRUST AND JAVIER §
DUARTE DE OCHOA § **HARRIS COUNTY, TX**

**DEFENDANTS' MOTION FOR RECONSIDERATION OF SEVERANCE DUE TO
PLAINTIFF'S OPPOSITION TO CONSOLIDATION**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Defendants, Jaime Reverte, JMA Reverte Properties, LLC, Azulgrana Management, LLC, Gimal Reverte Properties, LLC, and the Reverte Family Living Trust, (collectively "Defendants") and file this motion for reconsideration of this Court's denial of Defendants' motion to sever and in support thereof would show as follows:

1. This lawsuit was filed by Plaintiff on January 31, 2018 and on March 5, 2018, Defendants filed their answer and a motion to transfer venue based on the fact that all Defendants and *in rem* properties are located in Montgomery County. On June 4, 2018, Plaintiff filed its first amended petition, wherein it added additional unrelated defendants and properties located in Harris County to the lawsuit in an effort to create venue in Harris County. In response to the addition of the unrelated Harris County parties, Defendants filed a motion to sever defendants Terraventura Development, LLC, Jose Ruiz, and Monica B. Canal, as well as their respective *in rem* properties from this lawsuit as they are unrelated to Defendants, there are different facts and issues surrounding them, and their case can stand alone as evidenced by Plaintiff's multiple cases filed in Harris County.

2. On July 13, 2018 this Court held an oral hearing on Defendants' motion to sever and motion to transfer venue. In its Response to Defendants' motion to sever, Plaintiff stated with respect to its multiple cases in Harris County that, "Plaintiff is in the process of consolidating all Plaintiff's cases involving this conspiracy." See Plaintiff's response to Defendants' motion to sever at Page 6, fn 1, attached as Exhibit A.

3. In addition to the footnote in its response, Plaintiff also represented to the Court during the oral hearing that it intended to consolidate all of its cases, in order to support its claim and argument that there is one conspiracy and that all defendants should be in the same lawsuit.


4. On July 23, 2018, with Plaintiff still having taken no steps to consolidate its cases in Harris County, a defendant in cause number 2018-06480 in the 295th District Court in Harris County filed a motion to consolidate all of Plaintiff's cases in Harris County, including this case, into one cause in the 295th District Court. However, despite Plaintiff's claim in its response to Defendants' motion to sever and its statements to the Court during the oral hearing that it intended to consolidate the cases, Plaintiff is now opposed to the consolidation. See Motion to Consolidate, certificate of conference, attached as Exhibit B and e-mail correspondence, attached as Exhibit C.

5. Accordingly, Defendants ask that this Court reconsider its denial of Defendants' motion to sever which was denied after Plaintiff's representation before this Court that it intended to consolidate all of its cases, which it now opposes.

WHEREFORE, premises considered, Defendants request that the Court reconsider its denial of their motion to sever, and, after doing so, to grant their Motion.

Respectfully submitted,

Martin, Earl & Stilwell LLP

By: 

James H. Stilwell
Texas Bar No. 00794697
1400 Woodloch Forest Drive, Suite 590
The Woodlands, Texas 77380
Tel. (281) 419-6200
Fax. (281) 419-0250
james@meslawfirm.com

CERTIFICATE OF SERVICE

On the 24th day of July 2018, a copy of this Motion for Reconsideration was served on all counsel of record, in accord with the Texas Rules of Civil Procedure by eservice.


James H. Stilwell

Unofficial Copy Office of Chris Daniel District Clerk