

**CAUSE NO. 2019-33415**

<b>ABEL AND NANCY VERA, ET AL.,</b>	§	<b>IN THE DISTRICT OF</b>
<i>Plaintiffs,</i>	§	
	§	
<b>vs.</b>	§	<b>HARRIS COUNTY, TEXAS</b>
	§	
<b>FIGURE FOUR PARTNERS, LTD., PSWA</b>	§	
<b>INC., AND REBEL CONTRACTORS, INC.</b>	§	
	§	
<i>Defendants.</i>	§	<b>234<sup>th</sup> JUDICIAL DISTRICT</b>

**DEFENDANT CONCOURSE DEVELOPMENT, LLC'S RESPONSE TO PLAINTIFFS' MOTION TO APPROVE THE ESTABLISHMENT OF THE ELM GROVE SETTLEMENT FUND AND MOTION TO APPOINT MASTER-IN-CHANCERY/SPECIAL MASTER**

Defendant Concourse Development, LLC (“Concourse” or “Defendant”) files its response to Plaintiffs’ Motion to Approve the Establishment of the Elm Grove Settlement Fund and Motion to Appoint Master-In-Chancery/Special Master (the “Motion”) and would show the Court as follows:

1. Plaintiffs issued a Stowers demand to Concourse on May 28, 2021. On June 10, 2021, Concourse accepted the demand in exchange for a full and final release of all claims related to this lawsuit. As Concourse’s settlement includes a full release, Concourse is not and should not be a party to the Confidential Master Settlement Agreement (“MSA”).

2. Concourse does not object to the MSA or the deposit of Concourse’s settlement payment into the Elm Grove Settlement Fund. Further, Concourse has no objection to a Master-in-Chancery (“Special Master”) being appointed, or for Daniel D. Horowitz, III to be that Special Master, to allocate the aggregate settlement amount among Plaintiffs.

3. However, due to the Concourse’s acceptance of the Stowers demand and the full and final release of Concourse in this matter, Concourse should be excluded from this MSA and

cannot be named as a party in any matter related to a Plaintiff who opts out of the settlement agreement.

WHEREFORE, Defendant Concourse Development LLC requests that to the extent this Court orders or approves a Confidential Master Settlement Agreement, the Court exclude Concourse from said Confidential Master Settlement Agreement.

Respectfully submitted,

By: /s/ Melissa Vest

**Melissa Vest**

Texas Bar No. 24096002

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ. P.C.**

1301 McKinney Street

Suite 3700

Houston, Texas 77010

(713) 650-9700 - Telephone

(713) 650-9701 – Facsimile

mvest@bakerdonelson.com

***Attorneys for Defendant***

***Concourse Development, LLC***

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document has been served upon the following counsel of record via electronic filing pursuant to the Texas Rules of Civil Procedure on August 16, 2021.

Jason C. Webster  
Heidi O. Vicknair  
Omar R. Chawdhary  
Russell Sefafin  
THE WEBSTER LAW FIRM  
6200 Savoy Drive, Suite 150  
Houston, Texas 77036  
**Attorneys for Plaintiffs**

Kimberley M. Spurlock  
SPURLOCK & ASSOCIATES, P.C.  
17280 West Lake Housotn Pkwy.  
Humble, Texas 77346  
**Attorneys for Plaintiffs**

William Cozort, Jr.  
Matthew R. Maddox  
Sarai S. Neuman  
BROTHERS ALVARADO, P.C.  
10333 Richmond, Suite 900  
Houston, Texas 77042  
820 Gessner, Suite 1075  
Houston, Texas, 77024  
**Attorneys for Defendant,  
Rebel Contractors, Inc.**

Kyle D. Weynand  
MEHAFFY WEBER, P.C.  
500 Dallas, Suite 1200  
Houston, Texas 77002  
**Attorney for Defendant,  
Texasite LLC**

J. Cary Gray  
Gabe T. Vick  
Brian E. Waters  
GRAY REED & MCGRAW LLP  
1300 Post Oak Blvd., Suite 2000  
Houston, Texas 77056

William K. Luyties  
Paul J. Goldenberg  
LORANCE THOMPSON  
2900 North Loop West, Suite 500  
Houston, Texas 77092  
**Attorney for Defendant,  
LJA Engineering Inc.**

and

Andrew K. York  
Greg White  
GRAY REED & MCGRAW LLP  
1601 Elm Street, Suite 4600  
Dallas, Texas 75201  
**Attorneys for Defendants,  
Figure Four Partners, Ltd. and PSWA,  
Inc.**

John E. Pipkin  
Amanda Duncan  
PIPKIN FERGUSON PLLC  
13430 Northwest Freeway, Suite 1250  
Houston, Texas 77040  
**Attorneys for Defendant,  
Double Oak Consutraction**

*/s/ Melissa Vest*  
\_\_\_\_\_  
Melissa Vest