

CAUSE NO. 2019-33415

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

**PLAINTIFFS' EMERGENCY MOTION FOR STATUS CONFERENCE AND TO
COMPEL EXECUTION OF THE MASTER SETTLEMENT AGREEMENT**

COMES NOW, Plaintiffs, Abel and Nancy Vera, et. al, (hereinafter called "Plaintiffs") and file this, their Motion for Status Conference, and as grounds therefore would show the Court as follows:

1. Pursuant to this Court's Agreed Amended Docket Control Order, the Parties participated in a two-day mediation on May 17, 2021 and May 18, 2021 with Mr. David Matthiesen. The Parties did not reach a settlement agreement on May 18, 2021 but continued to negotiate during the following weeks. In early June, the Parties agreed to a confidential global settlement amount that would settle the entirety of the lawsuit. All Parties were to be included in this global settlement amount. As part of the settlement terms, the Parties were to negotiate a Master Settlement Agreement (hereinafter referred to as "MSA").

2. On June 7, 2021, Mr. Drew York, counsel for Figure Four Partners, Ltd., PSWA, Inc., and Perry Homes, LLC, circulated an initial draft of the MSA. On June 9, 2021, Mr. York sent a Rule 11 Agreement to Plaintiffs' counsel memorializing the settlement agreement and amount.¹ This Rule 11 indicated that the Parties have reached a settlement and the only outstanding issue would be to

¹ Due to the confidential nature of this settlement, Plaintiffs will make this agreement available for the Court to review in person.

negotiate the terms of the MSA in good faith.

3. On June 11, 2021, Plaintiffs' counsel and Mr. York had a conference call regarding the MSA. Counsel discussed changes to the original draft of the MSA. Since then, various drafts of MSA have been circulated between Plaintiffs' counsel and Mr. York with minor changes. Mr. York has been responsible for informing the additional Defendants of the status and terms of the MSA.

4. After several iterations of the MSA and Plaintiffs' willingness to finalize this matter, the MSA has still not been completed. It is Plaintiffs' position that one or more of Defendants are not acting in good faith but are obstructing justice.

5. Plaintiffs' counsel has continuously asked for the final draft of the MSA to execute, but the MSA has still not been forwarded to Plaintiffs' counsel. There is no reason for Defendants to take over 2 months to agree to the terms of the MSA.

6. Plaintiffs request a status conference with the Court so that Defendants may appear and the MSA be executed by all Parties.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on the 20th day of August 2021 in accordance with the Texas Rules of Civil Procedure.

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