

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BEAUMONT CHAPTER OF THE NAACP §
and JESSICA DAYE §

VS. §

CASE NO. 1:22-CV-488

JEFFERSON COUNTY, TEXAS ET AL §

**DEFENDANTS' SUR-REPLY TO PLAINTIFFS' MOTION FOR
ORDER TO SHOW CAUSE**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES JEFFERSON COUNTY, TEXAS JEFFERSON COUNTY COMMISSIONERS COURT, LAURIE LEISTER, in her official capacity as the Jefferson County Clerk and MARY BETH BOWLING, in her official capacity as Presiding Judge of the John Paul Davis Community Center and files this response to Plaintiffs' motion for order to show regarding defendants' compliance with temporary restraining order. *See* Doc. 42.

Defense counsel called Plaintiffs in regards to Defendants' Motion for Sanctions

Defendants file this sur-reply to correct the misconception set forth by Plaintiffs' response in Doc. 46. Plaintiffs response alludes that Defense Counsel caved to their Motion to Show cause of information they "simply need to know." While Plaintiffs fail to ever mention, in any motion, how they are even entitled to the information sought, they fail to inform this Court that Defendants served upon them a Motion for Sanctions in accordance with Federal Rule 11 with a letter to Plaintiffs to withdraw their motion or the motion for sanctions would be filed with the court on January 27, 2023. The phone call Plaintiffs reference was Defense counsel's effort to not have to seek sanctions against opposing party, not because Defendants found any merit to their motion, which they don't, and still believe the filing of their unsubstantiated

motion is sanctionable. However, Plaintiffs fail to mention this and instead allude to this Court that Defense Counsel caved to their sanctionable motion. Plaintiffs document 46 is a perfect example of why Defendants served upon Plaintiffs their motion for sanctions. Plaintiffs could have easily just told the court that the issue was worked and filed a motion to withdraw but instead they file a snarky reply that misconstrues the reason for the call, which is that Defense Counsel did not want to bring sanctions against Plaintiffs, something that is now regrettable as the same unprofessional conduct continues.

Defendants would ask this Court to strike Plaintiffs' document #42 and #46.

WHEREFORE, PREMISES CONSIDERED, Defendants JEFFERSON COUNTY, TEXAS, JEFFERSON COUNTY COMMISSIONERS COURT, LAURIE LEISTER, in her official capacity, and MARY BETH BOWLING, in her official capacity pray that the Court strike Plaintiffs' documents #42 and #46 any other and further relief, both in law and in equity, to which these Defendants may show themselves justly entitled.

Respectfully submitted

JEFFERSON COUNTY DISTRICT
ATTORNEY'S OFFICE

By: /s/ Kathleen M. Kennedy

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ATTORNEY FOR DEFENDANTS

Certificate of Service

I hereby certify that a true and correct copy of the foregoing *Reply to Plaintiffs' Motion for Order to Show Cause* has been forwarded to all counsel of record by E-FILE on this 17th day of January, 2023.

/s/ Kathleen M. Kennedy

KATHLEEN M. KENNEDY

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