

CAUSE NO. 2015-69681

EVELYN KELLY, INDIVIDUALLY,
AND ON BEHALF OF THE ESTATE
OF DAVID CHRISTOPHER DUNN

v.

HOUSTON METHODIST HOSPITAL

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

189th JUDICIAL DISTRICT

**PLAINTIFFS' MOTION FOR LEAVE TO SET A HEARING
FOR MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, EVELYN KELLY, INDIVIDUALLY, AND ON BEHALF OF THE ESTATE OF DAVID CHRISTOPHER DUNN and files this Motion for Leave to set a hearing on its Motion for Summary Judgment.

Defendant, Houston Methodist Hospital, recently filed a Motion for Leave to set a hearing for its dispositive motions. Plaintiffs ask that should the Court permit Defendant to be heard on its dispositive motions, that the Court would then also hear Plaintiffs' Motion for Summary Judgment, treating both as cross-motions on the same day, or hear neither Plaintiffs' nor Defendant's motions.

Respectfully submitted,

AKERMAN LLP

/s/ James E. Trainor, III

James E. "Trey" Trainor, III.

Texas State Bar No. 24042052

trey.trainor@akerman.com

700 Lavaca Street Suite 1400

Austin, Texas 78701

Telephone: (512) 623-6700

Facsimile: (512) 623-6701

Joseph M. Nixon
Texas State Bar No. 15244800
joe.nixon@akerman.com

Brooke A. Jimenez
Texas State Bar No. 24092580
brooke.jimenez@akerman.com
1300 Post Oak Blvd., Suite 2500
Houston, Texas 77056
Telephone: (713) 623-0887
Facsimile: (713) 960-1527

CERTIFICATE OF CONFERENCE

Counsel for movant and counsel for respondent have personally conducted a conference at which time there was a substantive discussion of every item presented to the Court in this motion and despite best efforts the counsel have not been able to resolve those matters presented.

/s/ Joseph M. Nixon

Joseph M. Nixon

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to all counsel of record listed below in accordance Texas Rules of Civil Procedure 21a on July 14, 2017, via E-Filing and Serve system via email to:

Dwight W. Scott, Jr.
Carolyn Capoccia Smith
Scott Patton, PC
3939 Washington Avenue, Suite 203
Houston, Texas 77007

Via Email: dscott@scottpattonlaw.com
Via Email: csmith@scottpattonlaw.com

/s/ Joseph M. Nixon

Joseph M. Nixon