

CAUSE NO. C2018-1576B

DOUGLAS WALTER KIRK,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	COMAL COUNTY, TEXAS
	§	
COMAL APPRAISAL DISTRICT	§	
	§	
Defendant.	§	207 TH JUDICIAL DISTRICT

RESPONSE TO PLAINTIFF’S MOTION TO INSTRUCT DEFENDANT TO FOLLOW THE RULES OF CIVIL PROCEDURE

Now comes the Defendant, the Comal Appraisal District (the District), responding to Plaintiff’s (Kirk) Motion to Instruct Defendant to Follow the Rules of Civil Procedure.

As with many of Kirk’s pleadings, his Motion is of uncertain procedural foundation. The Defendant is aware of the Rules of Civil Procedure. The District is also aware that Kirk has grossly protracted the time and expanded the cost of this litigation. The District is simultaneously moving to amend the discovery control plan to accommodate the additional time needed due to Kirk’s actions. Further, in contravention of Rule 191, Kirk has made no attempt to resolve differences before filing his discovery related Motion, and included no certificate of conference on the Motion. Therefore, the District requests the Court to deny Kirk’s motion.

Respectfully submitted,

LOW SWINNEY EVANS & JAMES, PLLC
623 S. Baker Cir.
Leander, Texas 78641
Phone (512) 379-5800
Fax (512) 367-5932

/s/ Kirk Swinney

By: _____
Kirk Swinney
State Bar No. 19588400
kswinney@lsejlaw.com

Ryan L. James
State Bar No. 24078731
rjames@lsejlaw.com
James R. Evans, Jr.
State Bar No. 06721500
jevans@lsejlaw.com
Peter William Low
State Bar No. 12619300
peterwilliamlow@lsejlaw.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been electronically served on the following counsel of record on this 6th day of December, 2019.

Douglas Walter Kirk, *pro se*
dougekirk@gvtc.com

/s/ Kirk Swinney

Kirk Swinney