

Case Summaries: April 2019 Board Meeting Closed Session Agenda

<b>Style of Case on Appeal:</b>	<i>League of United Latin Am. Citizens v. Edwards Aquifer Auth.</i> , No. 18-50655 (5 <sup>th</sup> Cir. Aug. 9, 2018)
<b>Style of Case in Trial Court:</b>	<i>League of United Latin Am. Citizens v. Edwards Aquifer Auth.</i> , No. 5:12-CV-00620 (W.D. Tex. July 25, 2018)
EAA Status in Case:	Party
Nature of Case:	Equal Protection (one-person, one-vote) and Voting Rights Act suit
Date Filed:	June 21, 2012
Summary of Causes of Action:	LULAC and three individuals sued the EAA and the Texas Secretary of State asserting claims for declaratory and injunctive relief to enforce the Equal Protection Clause of the U.S. Constitution and the Voting Rights Act due to the unequal populations comprising the EAA's single-member districts and the underrepresentation of minority-majority EAA districts. Another claim challenged the EAA's alleged failure to seek preclearance approval of its 2012 Redistricting Plan prior to its Nov. 2012 election. After the EAA received preclearance on Nov. 27, 2012, LULAC dropped this claim. SAWS intervened as a plaintiff on the one-person, one-vote Equal Protection claim. The City of San Marcos, the County of Uvalde, the City of Uvalde, New Braunfels Utilities and the Guadalupe-Blanco River Authority intervened as defendant-intervenors. The City of Victoria and current and former EAA directors filed an amicus brief supporting the EAA.
Date of Final Disposition in Trial Court:	July 25, 2018
Summary of Trial Court Disposition:	On June 18, 2018, the judge granted the EAA's motion for partial summary judgment and denied Plaintiffs' motion for partial summary judgment, finding that the EAA is a special purpose district with limited purpose and scope to fulfill the EAA Act, and not a general purpose governmental body, and, therefore, the EAA is not subject to OPOV. Further, the judge found that the EAA's directors' districts have a rational basis as they are balanced to reflect the different water interests in the region that are disproportionately impacted by the EAA. The court dismissed LULAC's Section 2 claim without prejudice.
Date Appeal Filed:	Aug. 9, 2018
Summary of Issues on Appeal:	LULAC has appealed the granting of the EAA's motion for partial summary judgment.
Date of Final Disposition in Appeals Court:	
Summary of Appellate Court Disposition:	
<b>Case Status:</b>	Pending

<b>Style of Case in Trial Court:</b>	<i>Uvalde Cty. Underground Water Conservation Dist. v. Edwards Aquifer Auth.</i> , No. 2018-01-31972-CV (38 <sup>th</sup> Dist. Ct., Uvalde County, Tex. Jan. 16, 2018)
<b>Style of Case on Appeal:</b>	
EAA Status in Case:	Party
Nature of Case:	Action seeking declaratory judgment and injunctive relief
Date Filed:	Jan. 16, 2018
Summary of Causes of Action:	The Uvalde County Underground Water Conservation District and George and Carolyn Ligocky seek a declaratory judgment declaring that the adoption of the EAA's rules allowing base irrigation groundwater conversion based on land use was ultra vires and seeking injunctive relief. The City of Uvalde and Uvalde County have both intervened in the lawsuit on the side of the District. Several other parties have intervened on the side of the EAA: SFD/Medio Creek Land Partnership, Ltd., Hart Components Land, L.P., Tausch Land and Cattle, Ltd., 13095, Ltd., Sammy Nooner, Countywide Builders, L.L.C., Peoples Verdes Ranch Holding Co., Ltd., Henry Verstraeten, Jr., Frank Verstraeten, Richard Verstraeten, Verstraeten Brothers Farms, Inc., Edwin Yanta, Frank Persyn, Jr., Henry Persyn, Dos Ninas, LP, KO Water Land, LCC, Equitable Land Holdings, LLC; Hooda Enterprises, Inc., Thomas Boehme, Helene Boehme, Weiblen Enterprises, Ltd., and Gruene Rock, LLC; Medina County, City of Hondo, City of Castroville, City of LaCoste, City of Lytle, City of Natalia; and H&G Stein, Ltd., Richard Beach Family Limited Partnership, Uberwasser Holdings, LLC, Seco Creek Ranch, LLC, Kathleen D. Carskadden, Bernice Friesenhahn, Individually and as Trustee of the Scheel Revocable Trust, Clarence Dolle, Alice Dolle, Arnold Moos, and Angeline Moos.
Date of Final Disposition in Trial Court:	
Summary of Trial Court Disposition:	
Date Appeal Filed:	
Summary of Issues on Appeal:	
Date of Final Disposition in Appeals Court:	
Summary of Appellate Court Disposition:	
<b>Case Status:</b>	Pending

<b>Style of Case in Trial Court:</b>	<i>Gibson v. Edwards Aquifer Auth.</i> , No. 2018CI17078 (37 <sup>th</sup> Dist. Ct., Bexar County, Tex. transferred Sept. 6, 2018)
<b>Style of Case on Appeal:</b>	
EAA Status in Case:	Party
Nature of Case:	Wrongful discharge action
Date Filed:	June 1, 2018
Summary of Causes of Action:	Shaun Gibson, a former EAA employee, alleges he was discriminated against on the basis of his national origin (English), his religion (Catholic) and his age (48) when he was discharged from his position as Director of Information Technology at the EAA on May 19, 2017, and seeks damages in the form of back pay, front pay, compensatory damages (primarily mental anguish and emotional distress) and attorney's fees.
Date of Final Disposition in Trial Court:	
Summary of Trial Court Disposition:	
Date Appeal Filed:	
Summary of Issues on Appeal:	
Date of Final Disposition in Appeals Court:	
Summary of Appellate Court Disposition:	
<b>Case Status:</b>	Pending

<b>Style of Case in Trial Court:</b>	<i>Gonzales v. Mendez</i> , No. 2018CI18149 (285 <sup>th</sup> Dist. Ct., Bexar County, Tex. filed Sept. 20, 2018)
<b>Style of Case on Appeal:</b>	
EAA Status in Case:	Possible intervenor
Nature of Case:	Partition action
Date Filed:	September 20, 2018
Summary of Causes of Action:	Plaintiffs and defendants are co-tenants who jointly own in fee simple real property located in Bexar County. Petition action seems to divide the real property, which includes EAA permitted rights.
Date of Final Disposition in Trial Court:	
Summary of Trial Court Disposition:	
Date Appeal Filed:	
Summary of Issues on Appeal:	
Date of Final Disposition in Appeals Court:	
Summary of Appellate Court Disposition:	
<b>Case Status:</b>	Pending

<b>Enforcement Action:</b>	Enforcement action against <i>7-Eleven Inc.</i> and Sonnahr Enterprises, Inc.
EAA Status in Case:	Possible party
Nature of Case:	Underground storage tank enforcement action
Date Filed:	
Summary of Issues:	7-Eleven Inc. owns three underground storage tanks located on the Edwards Aquifer Recharge Zone that do not meet the EAA Rules requirements for tertiary containment. Sonnahr Enterprises, Inc. is the operator.
Date of Final Disposition in Trial Court:	
Summary of Trial Court Disposition:	
Date Appeal Filed:	
Summary of Issues on Appeal:	
Date of Final Disposition in Appeals Court:	
Summary of Appellate Court Disposition:	
<b>Case Status:</b>	Pending