Case Summaries: June 2019 Board Meeting Closed Session Agenda

Style of Case on Appeal:	***League of United Latin Am. Citizens v. Edwards Aquifer Auth.***, No. 18-50655 (5th Cir. Aug. 9, 2018)
Style of Case in Trial Court:	*League of United Latin Am. Citizens v. Edwards Aquifer Auth.*, 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:	
Case Status:	Pending

Style of Case in Trial Court:	***Uvalde Cty. Underground Water Conservation Dist. v. Edwards Aquifer Auth.***, No. 2018-01-31972-CV (38th Dist. Ct., Uvalde County, Tex. Jan. 16, 2018)
Style of Case on Appeal:	
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:	
Case Status:	Pending

Style of Case in Trial Court:	***Gibson v. Edwards Aquifer Auth.***, No. 2018CI17078 (37th Dist. Ct., Bexar County, Tex. transferred Sept. 6, 2018)
Style of Case on Appeal:	
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:	
Case Status:	Pending

Style of Case in Trial Court:	***Gonzales v. Mendez***, No. 2018CI18149 (285th Dist. Ct., Bexar County, Tex. filed Sept. 20, 2018; EAA intervention May 8, 2019)
Style of Case on Appeal:	
EAA Status in Case:	Party
Nature of Case:	Partition lawsuit
Date Filed:	September 20, 2018
Summary of Causes of Action:	Suit brought by one alleged heir against other alleged heirs to partition a 191.86-acre tract of land in Bexar County, Texas and associated EAA permitted rights, including rights subject to a VISPO agreement with the EAA. The EAA has intervened in the lawsuit to have the court determine ownership of the interests in the lawsuit, which impact the EAA's VISPO contracts.
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:	
Case Status:	Pending

Style of Case on Appeal:	***End Op, L.P. v. Meyer***, No. 03-18-49-CV (Tex. App.—Austin Aug. 29, 2018, no pet.)
Style of Case in Trial Court:	*Meyer v. Lost Pines Groundwater Conservation Dist.*, No. 29,696 (21st Dist. Ct., Bastrop County, Tex. Jan. 4, 2018)
EAA Status in Case:	Monitoring
Nature of Case:	Challenge to contested case hearing on permit application
Date Filed:	Nov. 7, 2014
Summary of Causes of Action:	Four plaintiff landowners' and Environmental Stewardship appeal their denial of party status in a contested case hearing on End Op's permit granted in 2016, and, if so, whether the district needs to allow a new CCH to go forward which would include these plaintiff landowners and Environmental Stewardship.
Date of Final Disposition in Trial Court:	Jan. 4, 2018
Summary of Trial Court Disposition:	Court reversed the District's denial of request for party status and the District's order issuing permits to End Op, L.P. as a result, and remanded the matter to the District.
Date Appeal Filed:	Jan. 24, 2018
Summary of Issues on Appeal:	End Op and the District appealed the trial court's ruling on the denial of party status and remand of the matter to the District.
Date of Final Disposition in Appeals Court:	Aug. 29, 2018
Summary of Appellate Court Disposition:	The appeals court reversed the district court's finding that it had jurisdiction as plaintiff landowners and Environmental Stewardship failed to wait for a final agency decision on their motion for rehearing of the district's permitting decision and, therefore, failed to exhaust administrative remedies, and dismissed the case.
Case Status:	Closed

Style of Case at Trial Court:	***In re Estate of Eva May Sanderlin***, No. 6831-15 (County Ct. at Law, Uvalde County, Tex. Jan. 8, 2015)
Style of Case on Appeal:	
EAA Status in Case:	Monitoring
Nature of Case:	Probate
Date Filed:	Jan. 8, 2015
Summary of Causes of Action:	Ted Sanderlin, son of EAA permittees who are now deceased, applied to probate his mother's will. Prior to his mother's death, the EAA had approved a transfer of the permit to Ted, however, it appears that at the time, at least some of the mother's interest in the permitted rights was only a life estate.
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:	
Date Petition Filed with Supreme Court:	
Summary of Issues on Appeal:	
Date of Final Disposition in Supreme Court:	
Summary of Supreme Court Disposition:	
Case Status:	Pending

Style of Case in Trial Court:	***In re Estate of Watts***, No. 2016PC0277 (Prob. Ct. No. 1, Bexar County, Tex. Jan. 27, 2016)
Style of Case on Appeal:	
EAA Status in Case:	Monitoring
Nature of Case:	Probate action
Date Filed:	Jan. 27, 2016
Summary of Causes of Action:	Edwards permitted rights are sought to be partitioned in probate matter.
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:	
Case Status:	Pending

Style of Case at SOAH/District:	***Flying "L" Guest Ranch, Ltd. v. Bandera Cty. River Auth. & Groundwater Dist.***, No. CVOC-18-0000015 (198th Dist. Ct., Bandera County, Tex. Jan. 12, 2018)
Style of Case in Trial Court:	
EAA Status in Case:	Monitoring
Nature of Case:	Appeal of district permitting decision and takings case
Date Filed:	Jan. 12, 2018
Summary of Causes of Action:	FLGR Guest Ranch, Ltd. appeals the District's administrative amendment of seven groundwater production permits and seeks compensation for an alleged unconstitutional taking of its property.
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:	
Case Status:	Pending

Style of Case on Appeal:	***Stratta v. Harris***, No. 18-50994 (5th Cir. appeal filed Nov. 29, 2018)
Style of Case in Trial Court:	*Stratta v. Roe*, No. 6:18-CV-00114 (W.D. Tex. Dec. 4, 2018)
EAA Status in Case:	Monitoring
Nature of Case:	Section 1983 civil rights claims against district and directors based on violation of equal protection and freedom of speech and takings claim
Date Filed:	Apr. 13, 2018
Summary of Causes of Action:	Board member and landowner plaintiff and another landowner plaintiff sued district directors and district in federal court under 42 U.S.C. sec. 1983 for a violation of the First Amendment for not allowing the board member to speak during public comment period, equal protection for treating water purveyors differently than other landowners, and alleging a taking for not allowing landowner to offset draining to his well or allowing him to obtain a permit for his fair share.
Date of Final Disposition in Trial Court:	Dec. 4, 2018
Summary of Trial Court Disposition:	District court dismissed Plaintiffs' Section 1983 claims against district and directors as barred by 11th Amendment immunity barring suits against states and "arms of the state," and dismissed Plaintiff Fazzino's takings claim as not ripe. The Court also dismissed the 1st Amendment and Equal Protection claims against the directors in their individual capacity for failure to state a claim upon which relief could be granted on the basis of qualified immunity and ruled other pending motions moot.
Date Appeal Filed:	Nov. 29, 2018
Summary of Issues on Appeal:	Plaintiffs appeal holdings that the district is an arm of the state entitled to 11th Amendment immunity, the takings claim is not ripe, landowners' rights to groundwater are sufficiently well settled such that *Burford* abstention should not apply, and board member has a right to address board during public comment.
Date of Final Disposition in Appeals Court:	
Summary of Appellate Court Disposition:	
Case Status:	Pending