

STATE OF TEXAS,	§	THE DISTRICT COURT OF
Plaintiff,	§	
	§	
V.	§	TRAVIS COUNTY, TEXAS
	§	
ERIC SOLIS,	§	
Defendant.	§	250th JUDICIAL DISTRICT

PLAINTIFF’S MOTION FOR CONTEMPT

TO THE HONORABLE JUDGE OF SAID COURT:

The State of Texas, by and through its Attorney General, Greg Abbott, on behalf of the people of Texas, files this Motion for Contempt against Defendant Eric Solis, and in support thereof would show the following:

I.

Defendant Eric Solis is a resident of Cameron County, and may be served with process in this contempt proceeding at 15431 Summerview Ct., Harlingen, Texas 78552, or wherever he may be found.

II.

On the 18th day of May, 2006, the Court in the above-entitled and numbered cause duly rendered and caused to be entered a Final Judgment containing mandatory and prohibitory injunctive relief directed to and binding upon Defendant Eric Solis. The Defendant was in the courtroom when the Judgment was signed by the Court. Consequently, the Defendant is fully aware of the terms of the injunctive relief contained in the Judgment.

III.

The Judgment, among other things, enjoined the Defendant, Eric Solis, as follows:

It is further ORDERED that the Defendant Eric Solis is enjoined to proceed promptly to correct deficiencies with the Toribio Estates Subdivision plat application that have been identified by the Cameron County Engineering Department. By no later than thirty (30) days from the date of this judgment, Defendant shall submit to the Cameron County Engineering Department the requested information, including financial assurance for unconstructed water and wastewater facilities. If, after submission of the information, the Cameron County Engineering Department informs the Defendant of continued deficiencies, the Defendant shall rectify the deficiencies with due diligence and to the reasonable satisfaction of the Cameron County Engineering Department.

IV.

Defendant Eric Solis is duty-bound to obey the commands of the Court contained in the Judgment. Defendant has failed and continues to fail and refuse to obey the commands of the Court in the following particulars:

1. Defendant, Eric Solis, has not corrected deficiencies with the Torbio Estates Subdivision plat application that have been identified by the Cameron County Engineering Department.
2. In particular, the Defendant has not submitted financial assurance for unconstructed water and wastewater facilities in Toribio Estates Subdivision.

V.

Rule 692 of the Texas Rules of Civil Procedure sets forth the procedure for punishment for contempt of court. The rule provides that a judge may issue a show cause order requiring a person to appear on such date as may be designated and show cause why he should not be adjudged in contempt of court. On return of such show cause order, the judge shall proceed to hear proof, and if satisfied that such person has disobeyed the injunction, either directly or

indirectly, may commit such person to jail without bail until he purges himself of such contempt, in such manner and form as the judge may direct.

VI.

Because Defendant Eric Solis continues to fail and refuse to obey the commands of the Court contained in the injunction, the State of Texas has no alternative but to institute this contempt proceeding seeking to have the Defendant held in contempt of court and punished in accordance with Rule 692 of the Texas Rules of Civil Procedure.

ACCORDINGLY, the State requests the following:

1. That Defendant Eric Solis be ordered to appear before the Court at a designated date and time and show cause why he should not be held in contempt for violations of the injunction contained in the May 18, 2006 Final Judgment.
2. That upon hearing, Defendant Eric Solis be found in contempt of court and be punished in accordance with the requirements of Rule 692 of the Texas Rules of Civil Procedure until such time as he purges himself of his contempt.
3. That upon hearing, the Court issue such additional orders as may be appropriate and necessary to enforce the May 18, 2006 Final Judgment .
4. That the State be granted such further relief to which it may be entitled.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

KENT C. SULLIVAN
First Assistant Attorney General

EDWARD D. BURBACH
Deputy Attorney General for Litigation

KAREN W. KORNELL
Assistant Attorney General
Chief, Natural Resources Division

DAVID PREISTER
State Bar No. 16245800
Assistant Attorney General

Natural Resources Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Tel: (512) 463-2012
Fax: (512) 320-0052

ATTORNEYS FOR PLAINTIFF
STATE OF TEXAS

AFFIDAVIT

STATE OF TEXAS }
 }
COUNTY OF CAMERON }

BEFORE ME, the undersigned authority, on this day personally appeared Paolina Vega, a person whose identity is known to me. After I administered an oath to her, upon her oath, she said:

“My name is Paolina Vega. I am over the age of eighteen years, of sound mind, and capable of making this affidavit. This affidavit is made on my personal knowledge and the statements herein are true and correct.

I am Subdivision Coordinator for the Cameron County Department of Transportation, Engineering Division. My duties include reviewing subdivision plat applications and investigating compliance with state and county residential subdivision requirements.

I have carefully reviewed the factual allegations in Sections II through IV of the attached *Plaintiff’s Motion for Contempt*. The factual allegations contained therein are true and correct.”

PAOLINA VEGA

SWORN TO and SUBSCRIBED before me by Paolina Vega on the _____ day of July, 2006

Notary Public in and for the State of Texas