

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RICHARD MEYER,

Plaintiff,

v.

MARK WAID,

Defendant.

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CASE NO. 1:18-CV-00800-LY

**UNOPPOSED MOTION FOR FURTHER EXTENSION
OF DEADLINE TO FILE TCPA MOTION**

Defendant Mark Waid files this unopposed motion for further extension of the deadline to file a motion under the Texas Citizens Participation Act (“TCPA”), and in support thereof shows as follows:

1. Defendant filed an unopposed motion to extend the deadline to file a TCPA motion to 14 days after an order by the Court deciding the Defendant’s jurisdictional motion (i.e., denying in whole or in part the motion). The Court entered an order granting the extension on November 27, 2018 (Dkt. 15), and further entered an order confirming that deadline on August 2, 2019 (Dkt. 42).

2. The Court entered an order denying in part and granting in part Defendant’s jurisdictional motion on January 29, 2020 (Dkt. 54), making February 12, 2020 the deadline for Defendant to file a TCPA motion.

3. The Fifth Circuit recently held that the TCPA does not apply to federal court actions. See *Klocke v. Watson*, 936 F.3d 240 (5th Cir. 2019). That decision creates a circuit split, as indicated in the *Klocke* case, such that the Supreme Court could take up the issue of whether

state Anti-SLAPP statutes apply in federal court. However, in light of the current state of the law, Defendant does not want to take up the Court's time with a TCPA motion at this time and therefore asks the Court to extend the deadline to file any TCPA motion to be the same deadline to file dispositive motions, which would allow more time for the law to potentially develop. By agreement of the parties, the deadline to file dispositive motions is November 27, 2020.

4. The TCPA permits the Court and the parties, upon agreement, to extend the deadline to file a TCPA motion. *See* Tex. Civ. Prac. & Rem. Code § 27.003(b).

CERTIFICATE OF CONFERENCE

Undersigned counsel for Defendant has conferred with Plaintiff's counsel, and Plaintiff does not oppose the requested extension of time to file any TCPA motion, such that the deadline for any TCPA motion would be extended to be the same deadline as that for dispositive motions. Plaintiff, however, preserves all other defenses and arguments in response to any TCPA motion.

PRAYER

Defendant requests that the Court extend the deadline to file any motion to dismiss under the TCPA to the same deadline to file dispositive motions, or November 27, 2020.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that the Court sign the attached order granting the extension requested herein.

Respectfully submitted,

REEVES & BRIGHTWELL LLP

/s/ Ryan Pierce

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**ATTORNEYS FOR DEFENDANT
MARK WAID**

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2020, a true and correct copy of the foregoing document was sent via CM/ECF electronic filing to the following:

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