

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

PROPERTY OWNERS WITHSTANDING
ETJ RETRACTIONS; and THE
SCHOENSTATT MOVEMENT OF
AUSTIN,

Plaintiffs,

v.

CITY OF AUSTIN; T.C. BROADNAX, *in his
official capacity* as City Manager; and KEITH
MARS, *in his official capacity* as Director of
Development Services Department,

Defendants.

Civil Action No. 1:26-cv-01518-RP

JOINT MOTION TO STAY PROCEEDINGS

Plaintiffs Property Owners Withstanding ETJ Retractions (“POWER”) and The Schoenstatt Movement of Austin (“Schoenstatt”) (collectively, the “Property Owners”), and Defendants the City of Austin, T.C. Broadnax, and Keith Mars (collectively, the “City”), jointly move to stay all proceedings and deadlines in this action for ninety (90) days.

1. The Property Owners filed this suit on June 5, 2026, challenging the City’s March 2026 letters purporting to void the release of approximately 170 properties from the City’s extraterritorial jurisdiction. *See* ECF No. 1.

2. On June 11, 2026, the Property Owners moved for a preliminary injunction. *See* ECF No. 6. The City responded, *see* ECF No. 10, the Property Owners replied, *see* ECF No. 11, and the Court heard argument on July 14, 2026, *see* ECF No. 12.

3. On August 4, 2026, the Court granted the motion and enjoined the City from enforcing its March 2026 retraction of the prior releases during the pendency of these proceedings. *See* ECF No. 16. That injunction remains in force.

4. On August 10, 2026, the Court set an initial pretrial conference for August 31, 2026. *See* ECF No. 17.

5. Following the Court's ruling, the parties entered good-faith settlement discussions and, to facilitate further discussions, requested that the initial pretrial conference be reset. The conference was reset for September 29, 2026. *See* ECF No. 18. No scheduling order has issued.

6. The parties have since continued their negotiations and have reached a preliminary settlement agreement that, if finalized, will resolve this case in its entirety.

7. Finalizing that agreement, however, requires steps that neither party can complete on the current schedule. The proposed settlement agreement must go through the required processes for final City approval. And, under the terms of POWER's operating documents, each member of POWER must be afforded thirty days to review and consider the proposed agreement.

8. A short stay will serve the interests of judicial economy by allowing the parties to complete those steps without unnecessarily expending the parties' or the Court's resources litigating claims they expect to resolve by agreement.

9. This Court has broad discretion to enter a stay. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”).

8. No party will be prejudiced. The preliminary injunction remains in effect throughout the stay, and the relief is sought jointly, in good faith, and not for purposes of delay.

9. The parties will file a joint status report within forty-five (45) days of entry of an order granting this motion, and will promptly notify the Court if the settlement is finalized or if there is a change in circumstances preventing finalization of the preliminary agreement.

PRAYER

The parties respectfully request that the Court stay all proceedings in this action for ninety (90) days; vacate the initial pretrial conference presently set for September 29, 2026; hold in abeyance the case-management deadlines proposed in the parties' Joint Report of the Rule 26(f) Conference (*see* ECF No. 15); and grant such other relief to which the parties may be entitled.

Dated: August 27, 2026.

Respectfully submitted,

/s/ Alexa L. Gervasi

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CERTIFICATE OF SERVICE

I certify that on August 27, 2026, a true and correct copy of the foregoing was served on all counsel of record in accordance with the Federal Rules of Civil Procedure via the Court's electronic filing system.

/s/ Alexa L. Gervasi
Alexa L. Gervasi