

IN THE 384TH JUDICIAL DISTRICT COURT
OF EL PASO COUNTY, TEXAS

MAX GROSSMAN,
Plaintiff,

v.

CITY OF EL PASO,
Defendant,

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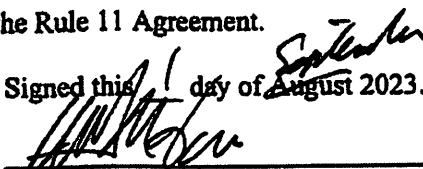
Cause No. 2017-DCV2528

ORDER

On this day, Plaintiff and Defendant presented the Court with an Agreement under TRCP 11, a copy of which is attached to this Order. After having reviewed the Agreement, the Court finds that Defendant has agreed to withdraw its archeological permit issued by the Texas Historical Commission under Permit No. 85258525 and that, in exchange for withdrawing the Permit, Plaintiff has agreed to dismiss his claims in this lawsuit, without prejudice.

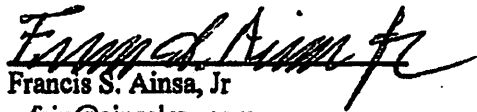
It is, therefore, ORDERED that the above entitled and numbered lawsuit is hereby dismissed, without prejudice, each party to pay its attorneys' fees and costs. The filing of this Order will also constitute a filing of the Rule 11 Agreement.

Signed this 1st day of September 2023.



The Honorable Patrick M Garcia
384th Judicial District Court
Presiding Judge

Approved as to Form:



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Counsel for the Defendant City of El Paso

This letter shall constitute a Rule 11 Agreement under the Texas Rules of Civil Procedure.

On February 17, 2023, the Eighth Court of Appeals has issued its mandate to the 384th District Court.

On January 3, 2023, the City Council of the City of El Paso adopted the following motion:

Motion made by Mayor Pro Tempore Anello, seconded by Representative Molinar, and carried that the City of El Paso Re-Evaluate And Repurpose as appropriate the now-insufficient funds for constructing a new Multipurpose Performing Arts and Entertainment Center, any sports facility or other building within the area bounded by West Overland Avenue to the north, South Santa Fe Street to the east, West Paisano Drive to the south, and Leon Street to the west and that no buildings within this area be condemned or demolished; and to begin examining the use of these funds specific to what the voters approved within existing City facilities that may be renovated or upgraded to honor the will of the voters.

The above described Motion has not been amended or rescinded and remains effective as of the date hereof.

The area described in the Motion is the area that is the subject of Texas Historical Commission ("THC") archeological permit number 8525 (the "Permit") at issue in the pending litigation in the 384th District Court.

In exchange for the City of El Paso's agreement to withdraw the Permit with the THC, Plaintiff will file a Motion to Dismiss his claims without prejudice in the pending litigation, with each party to pay its attorneys' fees and costs.


Frank Ainsa
Attorney for Max Grossman


Mark N. Osborn
Attorney for City of El Paso