

CITY OF IRVING

Plaintiff,

v.

VILLAS OF IRVING, LTD,

Defendant.

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IN THE MUNICIPAL COURT

CITY OF IRVING, TEXAS

EMERGENCY MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES VILLAS OF IRVING, LTD and asks this Court for a continuance of the Pretrial Conference currently scheduled for Wednesday, October 27, 2010 at 1:00 PM and in support of same would show the court the following:

I.

FACTUAL BACKGROUND

1. The lawyer in charge of this matter for the defendant is Darrell W. Cook (hereinafter referred to as Darrell).
2. Since 1972, when Darrell was but a lad of thirteen, he has been a fan of the Texas Rangers Baseball Club (hereinafter referred to as "Rangers")¹.
3. As such he has developed a love of the Rangers that has gone generally unrequited for thirty-eight (38) years.
4. Darrell has been to more games than he can possibly recall, has been a season ticket holder in one form or another for over ten (10) years and has either listened to or watched all or parts of thousands of baseball games played by the Rangers.

¹ Darrell's love of baseball comes honestly as his late and great father introduced him to the game as a very young boy. At the time the only major league team within 500 miles was the Houston Astros. So Darrell was a fan of the Astros until 1972 when the Rangers came to town.

5. Everything between Darrell and the Rangers was business as usual this year:
 - a. Josh Hamilton was discovered drunken and covered in whip cream;
 - b. Ron Washington was discovered to have ingested a “controlled substance” during the 2009 All-Star break²;
 - c. The top two starters for the Rangers at the beginning of the season, Rich Harden and Scott Feldman, looked like they were completely unfamiliar with the tasks assigned to them and made a mockery of their roles as leaders of the pitching staff; and
 - d. The team declared bankruptcy and was sold via an auction more befitting a used Buick than a major league baseball team.
6. So, when this setting was received Darrell was convinced he would be in attendance as it was unimaginable that anything the Rangers could do would interfere with such setting.
7. Then suddenly and without warning the Rangers began a steady march toward credibility. They acquired the greatest post-season pitcher in baseball today in the person of Cliff Lee³. They acquired Bengie Molina for the equivalent of a thimble and a skate key⁴.
8. Thereafter the unthinkable occurred. The Rangers not only won their division and made the playoffs but they won a playoff series by defeating the Tampa Bay Rays f/k/a Tampa Bay Devil Rays. The Rays were a formidable opponent and

² Ron Washington apparently convinced everyone that his usage of a “controlled substance” at an advanced age was his first go-round with the highly addicting substance. Darrell finds this very dubious, but that’s how baseball go.

³ The consideration exchanged for Mr. Lee was significant in that it included Justin Smoak. However, an analysis of that transaction and the future perils created by such transaction are beyond the scope of this motion and the jurisdiction of this Court.

⁴ In the interest of optional completeness and absolute candor with the Court, the Movant would also inform the Court that lesser players were also acquired. *See* Jorge Cantu, Alex Cora and Christian Guzman. Further, the emergence of Mitch Moreland, a relation of local radio and TV personality Gordon Keith, was of some import.

possessed the best record in the American League. The Rangers had never won a playoff series and the October 27, 2010 setting seemed safe.

9. After vanquishing the Rays the Rangers then competed in the American League Championship Series. The opponent was the New York Yankees. As this Court knows very well the Rangers have only participated in ten playoff games in the history of the franchise prior to this season and all such games were played against the New York Yankees. The record in these ten games was one win and nine losses. It was hard to imagine that the October 27, 2010 setting would be a problem for Darrell, given the franchise's history with the Yankees.
10. Darrell went to all three games played in Arlington against the Yankees⁵ and cried⁶ in the stands as the Rangers defeated the Evil Empire known as the New York Yankees⁷.
11. So the facts of this matter are very straightforward. Darrell is planning to fly to San Francisco to watch his beloved Rangers play the Giants. When he communicated that fact to Kelly Bryan, the other lawyer that has made an appearance on behalf of Darrell W. Cook & Associates in this matter, she informed him that she must be at home dealing with Contractors to whom she has a previous economic and time commitment⁸.
12. To put it bluntly, Darrell must be in San Francisco to attend to Very Important

⁵ The series was not close. However you dissect it, the Rangers annihilated the Yankees in October like no team had before. The Rangers hit .304, the Yankees .201. The Rangers had a 3.06 earned run average, the Yankees 6.58. If that seems like an unprecedented split, it is.

⁶ Not really sobbing, more like a good "Sports Cry". Still, it was enjoyed with his son, so the beat goes on, father to son.

⁷ It should be pointed out that ARod a/k/a AFraud took a called third strike to end the series and secure the Pennant for the Rangers. It has no significance to this Motion other than the fact that Darrell likes to point it out as much as possible.

⁸ It should be noted here that Ms. Bryan made Darrell aware of this commitment quite some time ago, but the playoff scenario now facing Darrell seemed so remote at the time...

Baseball matters and really, really needs to not be obligated to attend the hearing scheduled for October 27, 2010 as he has no one to cover for him so that he can see to his business in San Francisco.

13. The continuance is not sought merely for delay alone, but so that justice may be done⁹.

II.

PRAYER

WHEREFORE, Defendant VILLAS OF IRVING, LTD, respectfully requests that the above-entitled and numbered cause be removed from its present pretrial setting of October 27, 2010¹⁰.

Respectfully submitted,

DARRELL W. COOK & ASSOCIATES, A
PROFESSIONAL CORPORATION



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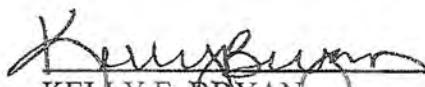
**ATTORNEYS FOR DEFENDANT
VILLAS OF IRVING, LTD.**

⁹ In particular, so that Darrell can be present in San Francisco for Game 1 of the World Series while Cliff Lee wields his usual style of Post-Season justice to the hapless souls that are otherwise known as the Giants lineup.

¹⁰ And, because he was raised in a good, Christian home, Darrell would like to say, "Please."

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served on all counsel of record on the 25th day of October, 2010 in accordance with the Texas Rules of Civil Procedure.


KELLY E. BRYAN

CERTIFICATE OF CONFERENCE

I conferred with counsel for the City of Irving who expressed no opinion regarding this matter but agreed to present it to the Court for determination.


KELLY E. BRYAN

VERIFICATION

STATE OF TEXAS §
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COUNTY OF DALLAS §


BEFORE ME, the undersigned Notary Public, on this day personally appeared DARRELL W. COOK, who being by me duly sworn deposed and said that he is the an attorney with Darrell W. Cook & Associates; the attorney for Defendant VILLAS OF IRVING, LTD in the above entitled and numbered cause, that he has read the above and foregoing motion, and that every statement therein is within her personal knowledge and is true and correct



DARRELL W. COOK

SUBSCRIBED AND SWORN TO BEFORE ME ON October 25, 2010, to certify which witness my hand and official seal.





Notary Public, in and for the State of Texas

VERIFICATION

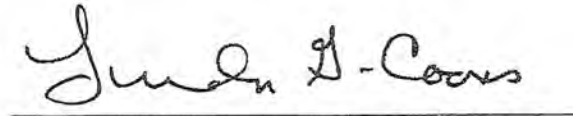
STATE OF TEXAS §
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COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared KELLY E. BRYAN, who being by me duly sworn deposed and said that she is the an attorney with The Darrell W. Cook & Associates, the attorney for Defendant VILLAS OF IRVING, LTD in the above entitled and numbered cause, that she has read the above and foregoing motion, and that every statement therein is within her personal knowledge and is true and correct


KELLY E. BRYAN

SUBSCRIBED AND SWORN TO BEFORE ME ON October 25, 2010, to certify which witness my hand and official seal.





Notary Public, in and for the State of Texas