

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

RAJIN PATEL,	§	
	§	
Plaintiff,	§	
v.	§	
	§	
TEXAS TECH UNIVERSITY; DUANE	§	
JONES, individually and in his official	§	
capacity as adjunct professor;	§	
WILLIAM PASEWARK, INDIVIDUALLY	§	
and in his official capacity as TTU	§	CIVIL ACTION NO. 5:17-cv-174-C
Rawls College of Business Associate	§	
Dean of Graduate Programs and	§	
Research; ROBERT RICKETTS,	§	
individually and in his official capacity	§	
as Area Coordinator in Accounting;	§	
and BRITTANY TODD, individually	§	
and in her individual capacity as	§	
Associate Director of the Office of	§	
Student Conduct;	§	
Defendants.		

JOINT MOTION FOR CONTINUANCE OF INJUNCTION HEARING

TO THE HONORABLE JUDGE SAMUEL RAY CUMMINGS:

Plaintiff Rajin Patel (“Plaintiff”) and Defendants Texas Tech University, Duane Jones, William Pasewark, Robert Ricketts, and Brittany Todd (*collectively*, the “Defendants”), file this Joint Motion for Continuance of Injunction Hearing, asking that the Court postpone the injunction hearing currently scheduled for November 2, 2017. Good cause exists for continuance of the hearing and Plaintiff has indicated that he is amenable to the hearing’s postponement; accordingly, a continuance will not prejudice the Plaintiff. The Parties are currently conferring in good faith to establish an alternative

hearing date.¹

I. Procedural facts relevant to this Motion for Continuance.

Plaintiff filed the instant litigation alleging violations of his constitutional rights to substantive due process and equal protection and breach of contract after the University imposed sanctions following completion of the University's administrative investigation and hearings involving allegations that Plaintiff cheated on a final exam in his business law class. *See* Dkt. No. 1. In addition, Plaintiff filed a Motion for Preliminary Injunction asking the Court to enter an order requiring Defendants to reinstate him as a student in good standing. *See* Dkt. No. 3. The Court set Plaintiff's Motion for Preliminary Injunction for a hearing on November 2, 2017. Dkt. No. 27.

II. Good cause exists for continuance of the hearing.

The Parties respectfully request that the Court grant them a continuance of the November 2, 2017 hearing. Witnesses for the Defendants that are essential for the hearing, including Defendant Dr. William Pasewark, will be representing the University and Rawls College of Business at the annual Texas Business Hall of Fame program and dinner, which will take place in Dallas the evening of November 1, 2017. This is a prestigious annual event that recognizes business leaders across the State of Texas and is a highly important function for the University. There are no flights that will enable Defendants' witnesses to attend the event in Dallas and be present to testify the morning of the hearing in Lubbock. Further, Plaintiff's counsel requested discovery from Defendants on October 18, 2017, and indicated that Plaintiff does not yet have all of the discovery necessary to proceed with the hearing. Plaintiff is unopposed to a continuation

¹ This Motion is subject to the Court's ruling on Defendants' Notice of Partial Automatic Stay and Motion to Stay Further Proceedings, which Defendants will be filing with the Court shortly.

of the hearing with the stipulation that the continuance be less than fourteen days and the Parties are currently conferencing in good faith to establish an alternative hearing date.

The Parties respectfully request that the Court grant a continuance of the November 2, 2017 Preliminary Injunction hearing.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

BRANTLEY STARR
Deputy First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil Litigation

ANGELA V. COLMENERO
Chief - General Litigation Division

/s/ Rola Daaboul-----
ROLA DAABOUL

Attorney-in-Charge

Texas Bar No. 24068473

ERIC A. HUDSON

Texas Bar No. 24059977

Assistant Attorneys General

General Litigation Division

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

(512) 936-1322

FAX: (512) 320-0667

rola.daaboul@oag.texas.gov

eric.hudson@oag.texas.gov

Counsel for Defendants

THE BACH LAW GROUP, LLC

/s/ Jason J. Bach
JASON J. BACH

Texas Bar. No. 24071556
2802 Flintrock Trace, Suite 255
Austin, Texas 78738
(512) 879-3901
FAX: (702) 925-8788

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served electronically through the electronic-filing manager on this the 18th day of October, 2017, to:

Jason J. Bach
The Bach Law Group, LLC
2802 Flintrock Trace, Suite 255
Austin, Texas 78738

/s/ Rola Daaboul-----
Rola Daaboul
Assistant Attorney General