

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

FISHER INDUSTRIES, FISHER SAND  
AND GRAVEL CO. AND TGR  
CONSTRUCTION, INC.,

*Defendants.*

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CASE NO. 7:19-CV-403

**JOINT MOTION FOR CONTINUANCE**

Plaintiff United States of America and Defendants Fisher Industries, Fisher Sand and Gravel Co., and TGR Construction, Inc. (collectively “Fisher Defendants”) file this joint motion to continue the status conference currently set for Friday, May 13, 2022, at 9:30 a.m. and would show the Court the following:

1. On March 11, 2022, the Court held a status conference in which the parties announced they were very close to a settlement in this case.
2. Since the last status conference, the parties have resolved the remaining issues and have agreed to a settlement of this case. Additionally, approvals from the appropriate federal officials have been obtained. The Fisher Defendants and the United States are in the process of finalizing the settlement documents and obtaining necessary signatures subject to the finalization of documents. The parties anticipate filing a joint motion to dismiss pursuant to Rule 40 F.R.C.P. no later than May 27, 2022.

WHEREFORE, the United States and the Fisher Defendants request that the Court continue the status hearing set for May 13, 2022.

**CERTIFICATE OF CONFERENCE**

Undersigned counsel for the United States has conferred with Mark Courtois, counsel for the Fisher Defendants and the Fisher Defendants join in this this motion with the United States.

Respectfully submitted,

**JENNIFER B. LOWERY**

United States Attorney  
Southern District of Texas

**DANIEL DAVID HU**

Chief, Civil Division

BY: *s/ E. Paxton Warner*

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Attorney in Charge for the United States  
of America

AND

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*s/ Mark J. Courtois by permission*  
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Attorneys for FISHER INDUSTRIES,  
FISHER SAND AND GRAVEL Co, and  
TGR CONSTRUCTION, INC.

**CERTIFICATE OF SERVICE**

I, E. Paxton Warner, do hereby certify that on May 11, 2022, a copy of the foregoing was served via email to the following:

Mark Courtois  
[mjcourtois@fflp.com](mailto:mjcourtois@fflp.com)  
Attorney for the Fisher Defendants

By: *s/ E. Paxton Warner*  
**E. PAXTON WARNER**  
Assistant United States Attorney