

CAUSE NO. DC-23-04594

RITO DURAN TORRES
Plaintiff,

v.

JGLUNA CONSTRUCTION, LLC,
ICB CONSTRUCTION, LLC,
ECM DEVELOPMENT, LLC,
ECHELON SFR OWNER, LLC AND
ECHELON SFR INVESTOR
HOLDINGS, LLC,
Defendants

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IN THE DISTRICT COURT

101ST JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

AMENDED AGREED MOTION FOR CONTINUANCE

Plaintiff, Rito Duran Torres and Defendants, JGLuna Construction, LLC, ICB Construction, LLC, ECM Development, LLC, Echelon SFR Owner, LLC and Echelon SFR Investor Holdings, LLC, file this *Amended Agreed Motion for Continuance*, and would respectfully show the Court as follows:

SIGNIFICANT DEVELOPMENT

This amended motion is being filed to further inform the Court of the need for a continuance of trial due to the recent significant development regarding the applicability of certain insurance coverage for Defendant JGLuna Construction which significantly impacts the viability of a meaningful mediation.

INTRODUCTION & BACKGROUND

1. This is a personal injury case in which Plaintiff is seeking the recovery of damages against multiple Defendants arising out of an incident that took place at a construction site.
2. This case is currently set for trial on October 14, 2024.
3. The Parties are seeking a continuance of the current trial date and extension of all case

deadlines to allow time for the Parties to conduct additional necessary discovery, including the taking of expert depositions and medical provider depositions, and to participate in a meaningful mediation.

4. Within the last couple of weeks there have been extensive developments concerning the applicability of certain insurance coverage for Defendant JG Luna Construction. Those developments now make it possible for the parties to participate in a meaningful mediation. Prior to these developments taking place, concerning the applicability of certain insurance coverage for Defendant JG Luna Construction, the parties believed mediation would not have been productive. The parties now believe mediation would have a substantial likelihood of success.
5. The Parties also believe that additional discovery is necessary, not only for trial, but also for a successful mediation. The additional discovery will allow for the best opportunity for the Parties to mediate and attempt to settle this matter before incurring the time, cost, and risk of trial.
6. This is the Parties first Motion for Continuance in this matter.
7. For the reasons set forth above, the Plaintiff and Defendants respectfully seek continuance not for the purpose of delay, but so that justice may be done for all Parties.

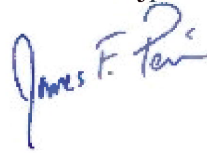
PRAYER

For the foregoing reasons, Plaintiff, Rito Duran Torres, and Defendants, JGLuna Construction, LLC, ICB Construction, LLC, ECM Development, LLC, Echelon SFR Owner, LLC and Echelon SFR Investor Holdings, LLC, request that the Court continue this case from its October 14, 2024, trial docket, and enter a Level Three Scheduling Order associated with a new

trial date. The Parties seek all other and further relief, both special and general, at law and in equity, to which they may be justly entitled.

Respectfully submitted,

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Automated Certificate of eService

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Filing Code Description: Motion - Continuance
Filing Description: AMENDED AGREED
Status as of 10/9/2024 4:30 PM CST

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Associated Case Party: ECHELON SFR INVESTOR HOLDINGS, LLC

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James Perrin on behalf of James Perrin
Bar No. 24027611
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