

**IN THE 53rd JUDICIAL DISTRICT COURT OF TRAVIS COUNTY
STATE OF TEXAS**

THE STATE OF TEXAS §
§
v. § **CAUSE NO. D-1-GV-12-001713**
§
GRAMERCY INSURANCE COMPANY §

MOTION TO WITHDRAW AND DISMISS MOTION TO LIFT OR MODIFY STAY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, E.T.C., INC D/B/A ELAM TRUCKING COMPANY, PATRICK A. THOMPSON AND NATIONAL TRANSPORTATION ADJUSTERS, INC. ("Movants"), and file this Motion to Withdraw and Dismiss the Motion to Lift Stay filed in the above numbered and entitled cause and in support thereof would respectfully show the court as follows:

The motion is no longer necessary and no further action is requested. Movants respectfully withdraw the Motion to Lift or Modify Stay and request the Court to Dismiss the Motion.

WHEREFORE, PREMISES CONSIDERED, Movants, E.T.C., INC. D/B/A ELAM TRUCKING COMPANY, PATRICK A. THOMPSON AND NATIONAL TRANSPORTATION ADJUSTERS, INC., respectfully withdraw and request the Court to Dismiss the Motion to Lift or Modify Stay as set forth herein, and for such other and further relief, at law or in equity, to which Movants may show themselves to be justly entitled.

Respectfully submitted,

Original Signed by

CURTIS (CURT) W. FENLEY, III
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ATTORNEY FOR THE MOVANTS

CERTIFICATE OF SERVICE

I, the undersigned attorney of record in the above-numbered and styled cause, do hereby certify that on December 20, 2012, I served a true and correct copy of the foregoing Motion to Lift or Modify Stay to:

Ms. Melissa Mather
Assistant attorney General
Financial Litigation Division
P.O. Box 12548
Austin, Tx 78711-2548
VIA FAX: 512-477-2348

- By certified mail
- By regular mail
- By overnight mail
- By hand delivery
- By Facsimile

Mr. Alexander J. Gonzales
Winstead, P.C.
401 Congress Avenue
Suite 2100
Austin, Tx 78701
VIA FAX: 512-370-2850

- By certified mail
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Ms. Mary S. Marrero
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Suite 200
Austin, Tx 78759
VIA FAX: 512-482-9211

- By certified mail
- By regular mail
- By overnight mail
- By hand delivery
- By Facsimile

Original Signed by

CURTIS (CURT) W. FENLEY, III

IN THE 53rd JUDICIAL DISTRICT COURT OF TRAVIS COUNTY

STATE OF TEXAS

THE STATE OF TEXAS

v.

GRAMERCY INSURANCE COMPANY

§
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§
§

CAUSE NO. D-1-GV-12-001713

**ORDER ON MOTION TO WITHDRAW AND
DISMISS MOTION TO LIFT OR MODIFY STAY**

CAME ON TO BE HEARD, the Motion to Withdraw and Dismiss the Motion to Lift or Modify Stay of **E.T.C., INC D/B/A ELAM TRUCKING COMPANY, PATRICK A. THOMPSON AND NATIONAL TRANSPORTATION ADJUSTERS, INC.** The Court is of the opinion the Motion should be granted, therefore, it is,

ORDERED, that the Motion to Lift or Modify Stay is withdrawn and in all things dismissed.

Signed this the ____ day of December, 2012.

JUDGE PRESIDING

Fenley & Bate, LLP

Curtis (Curt) W. Fenley, III +
Warren T. McCollum

Curtis W. (Bill) Fenley, Jr. Of Counsel +
Herman E. Bate Of Counsel + +
Constance T. Slocomb Of Counsel +

FACSIMILE TRANSMITTAL SHEET

SENT TO: FROM: Curtis (Curt) Fenley, III/tjm

Ms. Melissa Mather (512) 477-2348
Asst. Attorney General

Mr. Alexander J. Gonzales (512) 370-2850
Winstead, P.C.

Ms. Mary S. Marrero (512) 482-9211
Stroud & Welch, PLLC

RE: The State of Texas v. Gramercy Insurance Co.; Cause
No. D-1-GV-12-001713; In the 53rd District Court of
Travis County, Texas

SENDER'S REFERENCE NUMBER:
Matter No. 5861.001

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No Yes Certified

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December 20, 2012

*Fellow of the American
College of Trust and
Estate Counsel

*Board Certified Civil
Trial Law Texas Board of
Legal Specialization

+Board Certified Personal
Injury, Trial Law, Texas
Board of Legal
Specialization

~Certified Public
Accountant

Curtis W. Fenley, Sr.
(1900-1980)

Ms. Amalia Rodriguez,
Travis County District Clerk
P. O. Box 679003
Austin, Texas 78767-9003

Re: The State of Texas v. Gramercy Insurance Company, Cause No. D-1-GV-12-001713; In the 53rd Judicial District Court of Travis County, Texas

Dear Ms. Rodriguez:

Enclosed please find for filing the original and a copy of Defendants' Motion to Withdraw and Dismiss Motion Lift or Modify Stay in the above-referenced matter. Please file in your usual manner and return the file-stamped copies in the enclosed, self-addressed stamped envelope.

Please contact me if you have questions. By copy of this letter, we are notifying all Counsel of record of this filing.

Very truly yours,

FENLEY & BATE, L.L.P.

Original Signed by

CURTIS (CURT) W. FENLEY, III
Email – cfenley@fenley-bate.com
CWFIII/tjm

Encls:

cc: Ms. Melissa Mather
Assistant Attorney General

VIA FACSIMILE: (512) 477-2348

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