

Cause No. DC-22-02562

COMMISSION FOR LAWYER DISCIPLINE,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
v.	§	DALLAS COUNTY, TEXAS
	§	
SIDNEY POWELL,	§	
	§	
Defendant.	§	116th JUDICIAL DISTRICT

ORDER DENYING MOTION FOR RECONSIDERATION OR NEW TRIAL

Before the Court is “The Commission’s Motion for Reconsideration and/or for New Trial.” Following the hearing held on May 1, 2023, the Court rules as follows:

I. COMMISSION’S MOTION FOR RECONSIDERATION OF CONTINUANCE

The Commission seeks reconsideration of a motion for continuance filed November 21, 2022, which the Commission contends to have been denied. That motion pre-dated one dispositive motion and both of the dispositive settings that led to judgment, and in any event, was never presented to the Court, so no ruling was made on it. Rather, the Commission’s response to Powell’s dispositive motions contained, as alternative relief, a request for continuance. *That* motion was denied.

To the extent, if any, that the Commission’s motion can be construed to request reconsideration of that ruling, the record reflects that: (a) the Commission had no motion for additional discovery pending before the Court until after the Commission’s

summary judgment responses were due;¹ (b) the case had been pending far in excess of 180 days beyond the respondent's answer by which time it (by rule) should have proceeded to trial; and (c) when asked at the May 1st hearing about evidence absent from the summary judgment record, counsel for the Commission argued that such evidence was accessible to all parties online, and had no explanation for its omission from the record. For these and other reasons, including failure to satisfy TRCP 251 and 252, reconsideration of the denial of a continuance is DENIED.

II. SUMMARY JUDGMENT

With the Commission offering no explanation for its failure to respond to Powell's no-evidence motion challenging elements of the Commission's claims under Rules 3.01, 3.02, or 3.04, reconsideration of the no-evidence summary judgment as to those claims is DENIED.

As to summary judgment on the remaining claims on traditional and no-evidence grounds, reconsideration of summary judgment as to those claims is also DENIED.

IT IS THEREFORE ORDERED that the Commission's motion is DENIED in its entirety.

Signed on May 4, 2023.


PRESIDING JUDGE

¹ At the May 1st hearing, the Court clarified that the Commission's joint response was deemed timely, despite being 5 days late for Powell's traditional summary judgment motion. The Commission confirmed its intent that the response was to be considered for both motions.

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