



INSTITUTE FOR JUSTICE

March 18, 2022

Gunnar Seaquist
Cobby A. Caputo
Joshua D. Katz
BICKERSTAFF HEATH DELGADO ACOSTA LLP
3711 S. MoPac Expressway
Building 1, Suite 300
Austin, Texas 78746

Re: *Bianca King v. City of Lakeway, Texas*, et al., Cause No. D-1-GN-22-000793

Dear counsel,

This letter memorializes the parties' agreement relating to the City of Lakeway's enforcement of its home-occupation ordinance, § 30.05.004, against Bianca King and Ms. King's lawsuit against the City. Pursuant to Rule 11 of the Texas Rules of Civil Procedure, the parties agree to the following:

- Defendants agree not to enforce their home-occupation ordinance against Plaintiff for the pendency of this lawsuit, making it unnecessary for the parties to proceed with the Temporary Injunction hearing scheduled for **April 4, 2022**;
- Defendants will email Plaintiff's counsel any proposed amendments to the ordinance at least 5 days prior to the amendments' submission to the Zoning and Planning Commission for the Commission's report and recommendation to the City Council;



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- Defendants will email Plaintiff's counsel any proposed amendments to the ordinance and/or the Commission's report and recommendation on those amendments at least 6 days prior to any City Council meeting at which the City Council will consider those items;
- Defendants' counsel agrees to forward to their clients any written comments from Plaintiff or her counsel about any proposed amendments to the ordinance;
- Defendants agree that the Zoning and Planning Commission will hold an open meeting with an opportunity for public comments, including by Plaintiff and her counsel, when considering any proposed amendments to the ordinance;
- If the City has not yet amended its home-occupation ordinance by July 1, 2022, or if the City has amended the ordinance by then but Plaintiff maintains that the ordinance still violates her constitutional rights, the parties agree to meet and confer about the status of this lawsuit by **July 18, 2022**;
- Depositions will begin after **August 17, 2022**, and at least 14 days' notice to opposing counsel, if the City has not yet amended the ordinance or if Plaintiff maintains that the ordinance still violates her constitutional rights;
- The parties will conduct non-deposition discovery on a non-expedited basis under the normal timeframe provided in the Texas Rules of Civil Procedure;
- Neither party will file any dispositive motions or briefs prior to **September 19, 2022**, excluding a plea to the jurisdiction on mootness grounds after the City has amended the ordinance;



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- Defendants will consent to allow Plaintiff to amend her petition, should she need to, after **September 19, 2022.**

If this letter accurately states our agreement, please indicate so by signing above your signature below and returning the executed copy to me for filing.

Sincerely,

Gunnar Seaquist
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