

CAUSE NO. D-1-GN-18-007636

THE ROY F & JOANN COLE MITTE  
FOUNDATION,  
Plaintiff,

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IN THE DISTRICT COURT OF

V.

TRAVIS COUNTY, TEXAS

WC 1st AND TRINITY, LP, WC 1st AND  
TRINITY GP, LLC, WC 3rd AND  
CONGRESS, LP AND WORLD CLASS  
CAPITAL GROUP, LLC

126<sup>TH</sup> JUDICIAL DISTRICT

ATTORNEY GENERAL’S WAIVER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Ken Paxton, Attorney General for the State of Texas (referred to herein as the “Attorney General”), and files this Waiver in the above-referenced cause of action and respectfully shows the Court as follows:

I.

Pursuant to §123.002 of the Texas Property Code and the common law, the Attorney General is a proper party and may intervene in a proceeding involving a charitable trust on behalf of the interest of the general public.

II.

Based upon the pleadings that have been provided to him to date, the Attorney General has determined not to intervene and by this Waiver declines in writing to be a party to the proceeding in its current state, pursuant to §123.004(b)(1) of the Property Code. Accordingly, the Attorney General waives further notice of the proceedings in this case as it is currently constituted.

III.

If any pleading is filed herein that adds additional parties or causes of action, such pleading would constitute a new or additional proceeding involving a charitable trust, which will require additional notice to the Attorney General pursuant to §123.003 of the Property Code. This Waiver



is not intended to constitute a declination in writing to be a party to any such new proceeding.

Respectfully submitted,

KEN PAXTON  
Attorney General of Texas

JEFFREY C. MATEER  
First Assistant Attorney General

DARREN L. McCARTY  
Deputy Attorney General for Civil Litigation

JOSHUA R. GODBEY  
Division Chief  
Financial Litigation and Charitable Trusts Division

/s/ Cathleen M. Day  
Cathleen M. Day  
Assistant Attorney General  
State Bar No. 24105783  
Financial Litigation and Charitable Trusts Division  
P.O. Box 12548  
Austin, Texas 78711-2548  
(512) 463-9507 - Direct Line  
(512) 477-2348 - Fax  
cathleen.day@oag.texas.gov

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *Attorney General's Waiver* was served on January 31, 2020, via e-service to the following:

Ray C. Chester  
Michael A. Shaunessy  
MCGINNIS LOCHRIDGE, LLP  
600 Congress Ave., Ste. 2100  
Austin, TX 78701  
rchester@mcginnislaw.com  
mshaunessy@mcginnislaw.com

Edward F. Fernandes  
Katherine Stein  
KING & SPALDING, LLP  
500 W. 2<sup>nd</sup> St., Ste. 1800  
Austin, TX 78701  
efernandes@kslaw.com  
kstein@kslaw.com

/s/ Cathleen M. Day  
Cathleen M. Day



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

January 31, 2020

Velva L. Price  
Travis County District Clerk  
P.O. Box 1748  
Austin, TX 78767

Re: Cause No. D-1-GN-18-007636; *The Roy F. & Joann Cole Mitte Foundation v. WC 1st and Trinity, LP, WC 1st and Trinity GP, LLC, WC 3rd and Congress, LP and World Class Capital Group, LLC*; In the 126<sup>th</sup> Judicial District Court of Travis County, Texas; ***Attorney General's Waiver***

Dear Ms. Price:

The following pleadings have been received by this office relating to the above-referenced cause:

- *Plaintiff's Original Petition*;
- *Plaintiff's Third Amended Original Petition*;
- *Defendants' Memorandum on Remand for Determination of Adequacy of Supersedeas or Other Order under Tex. R. App. P.24*;
- *Order Appointing Receiver*;
- *Applicant's Notice of Filing of Applicant's Bond*;
- *Bond Securing Appointment of Receiver*;
- *Receiver's Interim Report*; and
- *Receiver's Quarterly Report for the Period December 10, 2019 to December 31, 2019*.

This *Waiver* is a waiver of the right to intervene in this case only as it is currently constituted. If any pleading is filed herein that adds additional parties or causes of action, such pleading will constitute a new or additional proceeding involving a charitable trust, which will require additional notice to the Attorney General pursuant to §123.003 of the Property Code. This Waiver is not intended to constitute a declination in writing to be a party to any such new proceeding.

Sincerely,

/s/ Cathleen M. Day

Cathleen M. Day  
Assistant Attorney General  
State Bar No. 24105783  
Financial Litigation and Charitable Trusts Division  
P.O. Box 12548

Post Office Box 12548, Austin, Texas 78711-2548 • (512) 463-2100 • [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov)

Velva L. Price  
Cause No. D-1-GN-18-007636  
January 31, 2020  
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Austin, Texas 78711-2548  
(512) 463-9507 - Direct Line  
cathleen.day@oag.texas.gov

CMD/did  
Enclosure

cc: Ray C. Chester  
Michael A. Shaunessy  
MCGINNIS LOCHRIDGE, LLP  
600 Congress Ave., Ste. 2100  
Austin, TX 78701  
rchester@mcginnislaw.com  
mshaunessy@mcginnislaw.com

Edward F. Fernandes  
Katherine Stein  
KING & SPALDING, LLP  
500 W. 2<sup>nd</sup> St., Ste. 1800  
Austin, TX 78701  
efernandes@kslaw.com  
kstein@kslaw.com