

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

THE ROY F & JOANN COLE MITTE
FOUNDATION,
Plaintiff,

v.

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

Defendants.

§
§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

126TH JUDICIAL DISTRICT

ATTORNEY GENERAL'S PETITION IN INTERVENTION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES KEN PAXTON, Attorney General of Texas, on behalf of the public interest in charity, ("Attorney General") and files this Petition in Intervention in the above-referenced cause, and would respectfully show the Court the following:

I.

Pursuant to §123.002 of the Texas Property Code, the Attorney General is a proper party and may intervene in a "proceeding involving a charitable trust." On December 11, 2019, The Attorney General received notice of the above-captioned case pursuant to §123.003 of the Texas Property Code, and subsequently filed the Attorney General's Waiver of Intervention. The Attorney General recently received notice of a new cause of action filed in this matter. For and on behalf of the interest of the general public of this state in charitable trusts, the Attorney General hereby files this Petition in Intervention in this proceeding, pursuant to §123.002 of the Texas Property Code and Rule 60 of the Texas Rules of Civil Procedure.

II.

The Attorney General's presence in this matter is warranted to protect the interests of the public in the event that the public's interest and the parties' interests diverge. In addition, this litigation affects a substantial sum of charitable funds and involves the expenditure of these funds.



The Attorney General specifically asserts his right to amend this Petition in Intervention as necessary to assert additional affirmative relief following his review of the complete pleadings and the development of further information.

III.

The Attorney General has found it necessary to intervene in this proceeding to protect the public interest in charity. He requests that the Court award reasonable and necessary attorney's fees and costs as are equitable and just for services rendered by the Attorney General in accordance with §123.006(b) of the Texas Property Code.

PRAYER

WHEREFORE, the Attorney General prays for such relief to which he may be entitled on behalf of the public interest in charity.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

RYAN L. BANGERT
Deputy First Assistant Attorney General

DARREN L. MCCARTY
Deputy Attorney General for Civil Litigation

/s/ Cathleen M. Day
Joshua R. Godbey, Division Chief
State Bar No. 24049996
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 Phone
(512) 477-2348 Fax
joshua.godbey@oag.texas.gov
cathleen.day@oag.texas.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Attorney General's Petition in Intervention* was served by e-service on June 8, 2020, 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

Terry L. Scarborough
V. Blayre Peña
HANCE SCARBOROUGH, LLP
400 W. 15th St., Ste. 950
Austin, TX 78701
tscarborough@hslawmail.com
bpena@hslawmail.com

Stephen W. Lemmon
Rhonda B. Mates
STREUSAND, LANDON, OZBURN &
LEMMON, LLP
1801 South Mopac, Ste. 320
Austin, Texas 78746
lemmon@slollp.com
mates@slollp.com

/s/ Cathleen M. Day
Cathleen M. Day

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Sharron Lee on behalf of Cathleen Day
Bar No. 24105783
sharron.lee@oag.texas.gov
Envelope ID: 43565120
Status as of 06/11/2020 16:50:18 PM -05:00

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|----------------------|-----------|----------------------------|---------------------|--------|
| Jason Snell | 24013540 | firm@snellfirm.com | 6/8/2020 4:35:03 PM | SENT |
| Katherine Stein | 24083980 | kstein@kslaw.com | 6/8/2020 4:35:03 PM | SENT |
| Ray Chester | 4189065 | rchester@mcginnislaw.com | 6/8/2020 4:35:03 PM | SENT |
| Michael A. Shaunessy | 18134550 | mshaunessy@mcginnislaw.com | 6/8/2020 4:35:03 PM | SENT |
| Angela Mays | | amays@munsch.com | 6/8/2020 4:35:03 PM | SENT |
| Julie Doss | | jdoss@mcginnislaw.com | 6/8/2020 4:35:03 PM | SENT |
| Dennis Roossien | | droossien@munsch.com | 6/8/2020 4:35:03 PM | SENT |
| Maria AmeliaCalaf | | mac@wittliffcutter.com | 6/8/2020 4:35:03 PM | SENT |
| James Ray | | jray@munsch.com | 6/8/2020 4:35:03 PM | SENT |
| Jack Simms | | jack@wittliffcutter.com | 6/8/2020 4:35:03 PM | SENT |
| Jason Augustine | | jason@reeveaugustine.com | 6/8/2020 4:35:03 PM | SENT |
| Annette Bittick | | abittick@mcginnislaw.com | 6/8/2020 4:35:03 PM | SENT |
| Kim McBride | | kmcbride@mcginnislaw.com | 6/8/2020 4:35:03 PM | SENT |
| Lisa Garrett | | lgarrett@munsch.com | 6/8/2020 4:35:03 PM | SENT |
| John Saba | | john@wittliffcutter.com | 6/8/2020 4:35:03 PM | SENT |

Associated Case Party: GregoryS.Milligan

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------|-----------|-------------------|---------------------|--------|
| Rhonda Bear Mates | 24040491 | Mates@slollp.com | 6/8/2020 4:35:03 PM | SENT |
| Stephen W. Lemmon | | lemmon@slollp.com | 6/8/2020 4:35:03 PM | SENT |

Associated Case Party: WC 1st and Trinity, LP

| |
|------|
| Name |
|------|

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Sharron Lee on behalf of Cathleen Day
Bar No. 24105783
sharron.lee@oag.texas.gov
Envelope ID: 43565120
Status as of 06/11/2020 16:50:18 PM -05:00

Associated Case Party: WC 1st and Trinity, LP

| | | | | |
|------------------------|----------|----------------------------|---------------------|------|
| Viola Pena | 24050372 | bpena@hslawmail.com | 6/8/2020 4:35:03 PM | SENT |
| Nicholas Bacarisse | 24073872 | nbacarisse@adjtlaw.com | 6/8/2020 4:35:03 PM | SENT |
| Adam Gray | 24087616 | agray@kslaw.com | 6/8/2020 4:35:03 PM | SENT |
| Wallace Jefferson | 19 | wjefferson@adjtlaw.com | 6/8/2020 4:35:03 PM | SENT |
| Terry Lane Scarborough | 17716000 | tscarborough@hslawmail.com | 6/8/2020 4:35:03 PM | SENT |
| Edward FFernandes | | efernandes@kslaw.com | 6/8/2020 4:35:03 PM | SENT |
| Kate Stein | | kstein@kslaw.com | 6/8/2020 4:35:03 PM | SENT |
| Kevin Orellana | | paralegal@hslawmail.com | 6/8/2020 4:35:03 PM | SENT |

Associated Case Party: Ken Paxton on Behalf of the Public Interest in Charity

| Name | BarNumber | Email | TimestampSubmitted | Status |
|--------------|-----------|----------------------------|---------------------|--------|
| Cathleen Day | 24105783 | cathleen.day@oag.texas.gov | 6/8/2020 4:35:03 PM | SENT |

Associated Case Party: WC 1st and Trinity GP, LLC

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------|-----------|----------------------|---------------------|--------|
| Edward FFernandes | | efernandes@kslaw.com | 6/8/2020 4:35:03 PM | SENT |
| Kate Stein | | kstein@kslaw.com | 6/8/2020 4:35:03 PM | SENT |

Associated Case Party: WC 3rd and Congress, LP

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------|-----------|----------------------|---------------------|--------|
| Edward FFernandes | | efernandes@kslaw.com | 6/8/2020 4:35:03 PM | SENT |
| Kate Stein | | kstein@kslaw.com | 6/8/2020 4:35:03 PM | SENT |

Associated Case Party: World Class Capital Group, LLC

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Sharron Lee on behalf of Cathleen Day
Bar No. 24105783
sharron.lee@oag.texas.gov
Envelope ID: 43565120
Status as of 06/11/2020 16:50:18 PM -05:00

Associated Case Party: World Class Capital Group, LLC

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------|-----------|----------------------|---------------------|--------|
| Edward FFernandes | | efernandes@kslaw.com | 6/8/2020 4:35:03 PM | SENT |
| Kate Stein | | kstein@kslaw.com | 6/8/2020 4:35:03 PM | SENT |