

2008 JUL 21 AM 11:07

Peggy Williams

CAUSE NO. 2902

IN THE INTEREST OF	§	IN THE DISTRICT COURT OF
	§	
330 CHILDREN,	§	SCHLEICHER COUNTY, TEXAS
	§	
FROM THE YFZ RANCH	§	51 ST JUDICIAL DISTRICT

REQUEST TO STAY DISCOVERY AND FOR ISSUANCE OF DISCOVERY CONTROL PLAN ORDER UNDER TRCP 190.4 AND MOTION FOR SEVERANCE

This Request to Stay Discovery and for Issuance of Discovery Control Plan Order under TRCP 190.4 and Motion for Severance is filed by the Texas Department of Family and Protective Services (the "Department"), pursuant to Rules 190.4 and 41 of the Texas Rules of Civil Procedure. In support of this request and motion, the Department would respectfully show the Court the following:

1. In its Original Petition, filed on April 7th, 2008, the Department requested that the Court enter a discovery control order as required by Rule 190.4, Texas Rules of the Civil Procedure. However, no discovery control order has been entered. Although the investigations have not been completed, and the Department has not yet reached a conclusion with respect to all the alleged abuse and neglect of the more than 400 children involved in these cases, numerous parties have propounded interrogatories and other discovery requests. Efforts to reach agreements on the timing and content of discovery have been unsuccessful, and resources that would otherwise be available to resolve legal issues relating to the children have been devoted to dealing with discovery requests and resulting disputes.

The Department hereby requests that all discovery be immediately suspended until: (1) the cases have been severed and consolidated into Suits Affecting the Parent Child Relationship of the children associated with

mothers and fathers identified by affidavit and parentage testing, (2) investigative results can be obtained and reviewed, and cases that do not require further court intervention can be dismissed, and (3) this Court can consider and adopt a discovery control plan order appropriate to the remaining cases.

Attached as Exhibit A to this request is an example of a Discovery Control Plan Order which has been used for Child Protective Services cases in Travis County, and which the Department believes would be an appropriate order for all pending cases resulting from the April intervention at the Yearning For Zion Ranch.

2. Pursuant to Rule 41 of the Texas Rules of Civil Procedure, actions which have been improperly joined may be severed by order of the Court on motion of any party or on its own initiative. There are currently over three hundred children subject to this cause of action. Further, DNA test results and other documentation have confirmed the identities of the children's biological mothers and this information is being provided to the District Clerk. It would serve judicial economy and be in the best interest of the parties and the subject children of this suit for the Court to sever and docket suits affecting the parent-child relationship as suits grouped by biological mother, under their own cause numbers.

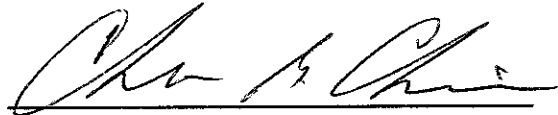
Wherefore, Premises Considered, Movant prays that the court on its own initiative, enter orders: (1) granting this motion, (2) severing the cause of action titled "In the Interest of 330 Children, from the YFZ Ranch" into separate suits grouped by biological mother, and assigned their own cause numbers on the docket of the Court, and (3) granting such other and further relief to which the parties may be justly entitled.

NOTICE OF SUBSTITUTION OF ATTORNEY IN CHARGE

The Texas Department of Family and Protective Services ("the Department") files this notice to substitute CHARLES G. CHILDRESS as attorney in charge for the above-captioned and numbered causes, pursuant to Rule 8, Texas Rules of Civil Procedure.

The undersigned attorney shall be responsible for this suit as lead attorney for the Department. All communications from the Court or other counsel with respect to the above-captioned and numbered suits should be directed to the undersigned attorney at the address shown below.

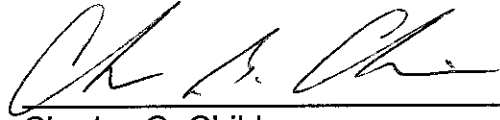
Respectfully submitted,



Charles G. Childress
SBN: 04199300
Attorney for Petitioner
Texas Department of Family
and Protective Services
622 South Oakes, Suite L
San Angelo, Texas 76903-7035
TEL: 325/657-8992
FAX: 432/684-2909

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of July, 2008, a true and correct copy of the foregoing Request to Stay Discovery and for Issuance of Discovery Control Plan Order under TRCP 190.4 and Motion for Severance, and Notice of Substitution of Attorney in Charge was delivered to relevant individuals and attorneys.



Charles G. Childress