



MEMORANDUM

To: City of Seguin Mayor and Council
From: Andy Quittner, City Attorney *AQ*
Date: June 24, 2019
Re: Engagement Letter – Ryan Henry: 123 Farms/Sutter lawsuit

The Resolution accompanying this Memo is to approve the engagement with Ryan Henry to assist with the lawsuit filed by J. Douglas Sutter on behalf of himself and other property owners in the River Springs and Three Oaks subdivisions.

The relief requested by the Plaintiffs, that the Court enjoin the City to enforce and apply all of the City's development codes, regulations, requirements, policies and ordinances to the two developments located at Cordova Road and Highway 46 (near Plaintiffs' properties). Plaintiffs do not have standing – that is legal capacity – to bring such a lawsuit, nor can a court order the City, under these circumstances, to enforce its codes. In reality, what Mr. Sutter and his co-defendants are actually requesting is that the Court order the City to enforce its codes in a manner acceptable to Mr. Sutter and his co-defendants. Courts cannot do this.

Mr. Henry is well versed in issues concerning standing to sue, justiciability, and other preliminary issues that are central to this case as well as being well versed in complex land development issues.