

CAUSE NO. 2026-70357

**622 SOFI LAKES, LP,
GO-M REALTY LLC, and
DAMAC INVESTMENTS
LLC,**

Plaintiffs,

v.

**JONATHAN GARCIA,
Defendant.**

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**IN THE DISTRICT
COURT OF**

**HARRIS COUNTY,
TEXAS**

**515TH JUDICIAL
DISTRICT**

**DEFENDANT JONATHAN GARCIA’S EMERGENCY MOTION FOR CONTINUANCE
OF THE OCTOBER 8, 2026 TEMPORARY-INJUNCTION HEARING, OBJECTION TO
LACK OF NOTICE, AND OPPOSITION TO ANY EXTENSION OF THE TEMPORARY
RESTRAINING ORDER**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Jonathan Garcia (“Garcia”), appearing pro se, moves under Texas Rules of Civil Procedure 21, 251, and 680 for a short continuance of the temporary-injunction hearing that Plaintiffs’ counsel has told the Court is set for today, October 8, 2026, at 12:00 p.m., and shows:

I. FACTS

1. At 10:02 a.m. Eastern (9:02 a.m. Central) today, Plaintiffs’ counsel Connor J. Smith emailed the Court’s coordinator, copying Garcia, stating that “Plaintiff is ready to proceed with today’s hearing at noon, and Defendant has confirmed today’s hearing.” A true copy is attached as Exhibit A.

2. That statement is incorrect. Garcia did not confirm a hearing today. On September 25, 2026, Mr. Smith wrote that the Court had set the temporary-injunction hearing for October 2, 2026 and that he would ask the Court to move it back “to give us additional time to discuss this situation.” On September 29, 2026, he asked whether Garcia would agree to postpone the October 2 hearing. On September 30, 2026, Garcia replied: “Friday’s hearing: Yes, I’m okay moving Friday’s hearing to another date.” (Exhibit B.) That is the only thing Garcia agreed to —

moving the October 2 hearing. Garcia never agreed to October 8, 2026, was never told of an October 8 setting, and was never served with any notice of hearing or order setting October 8 by eFile, email, or otherwise. The only eService Garcia received today was Plaintiffs' Proposed Order on Temporary Injunction, served at 9:19 a.m. Central (Env. 120926603) — after Mr. Smith's email to the Court. Mr. Smith's email this morning — less than three hours before the stated setting — is the first notice Garcia received of it.

3. To the contrary, Mr. Smith had told Garcia that the temporary-injunction hearing would be delayed so that the parties could have a conversation first. Garcia relied on that representation. (Declaration of Jonathan Garcia, below.)

4. Garcia resides in Orlando, Florida. He cannot be physically present in Houston by noon today. Garcia has asked the Court's coordinator for leave to appear by Zoom and will appear by Zoom if permitted.

5. Garcia has filed, and the Court has before it, the following motions that turn on the same facts as Plaintiffs' application: Motion to Dissolve or Modify the TRO (No. 39, Env. 120875639); Supplemental Motion to Dissolve, Opposition to Extension, Motion to Deny Temporary Injunction, and Release of Bond (No. 76, Env. 120867151, accepted October 7, 2026); Motion to Disqualify Plaintiffs' Counsel (No. 38, Env. 120875639) and Supplement designating Mr. Smith as a fact witness (No. 38B, Env. 120910428, accepted October 8, 2026); and Garcia's own applications for temporary relief (Nos. 66 and 68, Env. 120875639).

II. ARGUMENT

6. Notice. Rule 21(b) requires that an application to the court for an order, and notice of any hearing on it, be served on all parties not less than three days before the hearing unless the Court shortens the time. Tex. R. Civ. P. 21(b). No notice of a hearing today was served on Garcia at all. A party's due-process right to be heard on an injunction application is not satisfied by three hours' notice delivered through a copy of opposing counsel's email to the clerk. See Tex. R. Civ. P. 681 (no temporary injunction shall issue without notice to the adverse party).

7. Sufficient cause. Rule 251 permits a continuance for sufficient cause supported by affidavit. Garcia's declaration below establishes that he agreed only to move the October 2

setting, had no notice of an October 8 setting, was told the hearing would be delayed for a conversation, and that he is physically unable to attend on the notice given. Those facts are sufficient cause. A first request for a short continuance by an unrepresented party who was told by opposing counsel that the hearing would not go forward should be granted.

8. Prejudice. If the hearing proceeds in Garcia's absence, Plaintiffs will obtain a temporary injunction on a one-sided record, and Garcia's filed motions to dissolve, to deny the injunction, and to disqualify counsel will be decided without him. The prejudice to Plaintiffs from a brief delay is nil: their one witness can testify next week as easily as today.

9. No extension of the TRO. The TRO was signed September 24, 2026 and expires today, October 8, 2026, by operation of Rule 680. Garcia does not agree to any extension and objects to one. Rule 680 permits a single extension of up to fourteen days only "for good cause shown" or by agreement. Plaintiffs' own failure to give notice of their hearing is not good cause to extend an order against the party they failed to notify. If the Court nonetheless extends the TRO, Garcia asks that the extension be limited to the minimum time needed to reset the hearing, that the Court set the temporary-injunction hearing within that period, that the Court require proof that the \$1,000 bond was in fact posted (Tex. R. Civ. P. 684), and that the Court hear Garcia's Motions Nos. 39 and 76 at the same time.

10. Rule 3.08. Garcia has designated Mr. Smith as a fact witness (No. 38B). Garcia asks that the Court take up the disqualification motion before, or at the outset of, any evidentiary hearing so that no part of the injunction record is made by an advocate who is also a necessary witness.

III. PRAYER

Garcia asks the Court to (a) continue the October 8, 2026 temporary-injunction hearing and reset it on not less than three days' written notice, at a date when Garcia can appear in person or by Zoom; (b) permit Garcia to appear by Zoom at the reset hearing; (c) decline to extend the Temporary Restraining Order, which expires today; (d) in the alternative, limit any extension to the minimum time needed, set the temporary-injunction hearing within that period, and require proof that the bond has been posted; (e) set Garcia's Motions Nos. 38, 38B, 39, and 76 for hearing at the same setting; and (f) grant Garcia all other relief to which he is entitled.

Respectfully submitted,

/s/ Jonathan Garcia

JONATHAN GARCIA, pro se

[REDACTED]

Tel. [REDACTED]

Jon.garcia.a@gmail.com

DEFENDANT, COUNTER-PLAINTIFF, AND
THIRD-PARTY PLAINTIFF

CERTIFICATE OF CONFERENCE

I certify that on October 8, 2026, at approximately 11:00 a.m. Eastern, I notified Connor J. Smith, counsel for Plaintiffs, by email (copying the Court's coordinator) that I had not confirmed today's hearing, that I had been told it would be delayed, and that I asked to appear by Zoom. Given the time, I was unable to obtain counsel's agreement before filing. The motion is presented to the Court for determination.

/s/ Jonathan Garcia

Jonathan Garcia

UNSWORN DECLARATION

My name is Jonathan Garcia, my [REDACTED]

[REDACTED]

paragraphs 1 through 5 of this motion. The facts stated there are within my personal knowledge and are true and correct. I did not confirm a hearing for October 8, 2026. The only thing I agreed to, on September 30, 2026, was that the October 2 hearing could be moved to another date; I was never told the new date and was not served with a notice of hearing or order setting October 8. Exhibit B is a true copy of that September 29–30 email exchange. Mr. Smith told me the temporary-injunction hearing would be delayed so that we could have a conversation first. I first learned of a noon setting today from Mr. Smith's 10:02 a.m. Eastern email to the Court, a true copy of which is Exhibit A. I am in Orlando, Florida and cannot be physically present in Houston today. I declare under penalty of perjury that the foregoing is true and correct. Tex. Civ. Prac. & Rem. Code § 132.001.

Executed in Orange County, State of Florida, on the 8th day of October, 2026.

/s/ Jonathan Garcia
Jonathan Garcia, Declarant

CERTIFICATE OF SERVICE

I certify that on the 8th day of October, 2026, a true and correct copy of this motion was served on all counsel of record through the electronic filing manager under Texas Rule of Civil Procedure 21a and by email, including Connor J. Smith, Doré Rothberg Law, P.C., 16225 Park Ten Place, Suite 700, [REDACTED], csmith@dorelaw.com.

/s/ Jonathan Garcia
Jonathan Garcia

INDEX OF EXHIBITS

Exhibit A — Email from Connor J. Smith to the Court’s coordinator, October 8, 2026, 10:02 a.m. Eastern, copying Defendant.

Exhibit B — Email exchange, September 29–30, 2026: Mr. Smith’s request to postpone the October 2 hearing and Defendant’s reply agreeing only to move it to another date.

EXHIBIT A

Email, Connor J. Smith to Court Coordinator Kwanteria Prince
October 8, 2026, 10:02 a.m. Eastern (9:02 a.m. Central) — cc: Jonathan Garcia

From: Connor Smith <CSmith@dorelaw.com>

Sent: Thursday, October 8, 2026 10:02 AM (Eastern) / 9:02 AM (Central)

To: kwanteria.prince@hcdistrictclerk.com

Cc: cschade@dorelaw.com; LCrabtree@dorelaw.com; jon.garcia.a@gmail.com

Subject: 622 SOFI LAKES, LP VS. GARCIA, JONATHAN

Good morning,

Regarding today's Temporary Injunction hearing, Plaintiff is ready to proceed with today's hearing at noon, and Defendant has confirmed today's hearing. Plaintiff has one witness and we expect to take an hour and a half for the witness's testimony. Please let me know if the Court has any questions.

Sincerely,

Connor J. Smith | Senior Associate | Doré Rothberg Law, P.C.

Houston address | [REDACTED], Suite 700 | Houston, Texas | 77084

Main: [REDACTED] | Direct: [REDACTED] | Fax: [REDACTED]

csmith@dorelaw.com | www.dorelaw.com

[Reproduced verbatim from the email as received in Defendant's Gmail account; firm logo image omitted.]

EXHIBIT B

Email exchange, September 29–30, 2026

Connor J. Smith request to postpone Oct. 2 hearing — Jonathan Garcia reply

From: Jon Garcia <jon.garcia.a@gmail.com>
Sent: Tuesday, September 29, 2026 8:33 PM (Eastern) [Sept. 30, 2026 00:33 UTC]
To: Connor Smith <CSmith@dorelaw.com>
Cc: Chymel@dorelaw.com; mvasquez@dorelaw.com
Subject: RE: Motion to Transfer Venue

Connor,

Thanks for sending these.

Friday's hearing: Yes, I'm okay moving Friday's hearing to another date.

Moving the case to Harris County: I haven't decided yet. I'll get back to you on that separately.

Jon Garcia

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From: Connor Smith <CSmith@dorelaw.com>
Sent: Tuesday, September 29, 2026 6:18 PM (Eastern)
To: Jon Garcia
Subject: Motion to Transfer Venue

Jon,

Thank you for calling me back. Please see the attached Motion to Transfer Venue that we filed today in Chambers County. Please let me know if you are agreeable to this Motion and if we can file an Agreed Order to merge the two lawsuits into Harris County/Downtown Houston.

I have also attached a proposed Motion to Continue our trial this Friday in Harris County. Would you agree to post-pone Friday's trial? I have highlighted the sentence providing that both parties agree to this motion; please let me know if you have any questions.

Sincerely,
Connor J. Smith | Senior Associate | Doré Rothberg Law, P.C.

[Reproduced verbatim from Defendant's Gmail account; signature-block images omitted.]