

CAUSE NO. C10369

FILED
CANDACE GARRETT
COUNTY/DISTRICT CLERK
SOMERVELL CO., TEXAS

THE STATE OF TEXAS
on the Relation of
GEORGE DARRELL BEST,
Plaintiff

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IN THE DISTRICT COURT

2014 SEP 29 PM 4:39

DEPUTY

BY 

SOMERVELL COUNTY, TEXAS

v.
PAUL REED HARPER,
In His Official Capacity as Director
for the Somervell County Hospital District,
Defendant

249TH JUDICIAL DISTRICT


NOTICE OF APPEARANCE BY THE STATE OF TEXAS AND REQUEST FOR HEARING TO SUSPEND OFFICER FROM OFFICE

COMES NOW, The State of Texas, by and through Andrew Lucas, Somervell County Attorney, and on the relation of George Darrell Best, Plaintiff, and enters its appearance pursuant to Section 87.018(d) of the Texas Local Government Code. The State of Texas joins Plaintiff in seeking the removal of Paul Reed Harper, Defendant, as director for the Somervell County Hospital District pursuant to Chapter 87 of the Local Government Code. This cause shall hereinafter be styled "The State of Texas on the Relation of George Darrell Best, Plaintiff, v. Paul Reed Harper, In His Official Capacity as Director for the Somervell County Hospital District, Defendant." In support thereof, The State shows as follows:

1. Discovery in this case will be conducted pursuant to Level 2, as set out in Texas Rule of Civil Procedure 190.3.
2. The State hereby adopts and herein incorporates by reference for all purposes the assertions and allegations contained within Plaintiff's Petition for Removal of Officer filed of record in this cause on August 27, 2014.
3. The State petitions the Court for removal of Defendant from office on the grounds of incompetency as defined by Section 87.011(2)(A) and (B), Local Government Code.
4. The State petitions the Court to immediately suspend Defendant from his position as director for the Somervell County Hospital District pursuant to Section 87.017, Local Government Code, pending the trial of this case for removal.
5. The State makes demand for jury trial as required by Section 87.018, Local Government Code.


WHEREFORE, PREMISES CONSIDERED, The State respectfully requests that, following hearing as herein requested, the Court temporarily suspend Defendant from office and appoint another person to perform the duties of his office pursuant to Section 87.017, Local Government Code, and waive the requirement of bond as Defendant's position as director is not one which receives compensation. After trial on the merits, the State requests that the Court remove Defendant from his elected office as director for the Somervell County Hospital District. The State prays for such other and further relief to which it may show itself justly entitled.

Respectfully submitted,


Andrew Lucas, Somervell County Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of September, 2014, a true and correct copy of the above and foregoing document was served on David B. Dowell, Attorney for Defendant, by facsimile to 817-877-2807, and by CM/RRR in accordance with Rule 21a of the Texas Rules of Civil Procedure.


Andrew Lucas

CAUSE NO. C10369

THE STATE OF TEXAS
on the Relation of
GEORGE DARRELL BEST,
Plaintiff

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IN THE DISTRICT COURT

v.
PAUL REED HARPER,
In His Official Capacity as Director
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Defendant

SOMERVELL COUNTY, TEXAS

249TH JUDICIAL DISTRICT

ORDER SETTING HEARING
ON STATE'S MOTION TO SUSPEND OFFICER FROM OFFICE PENDING TRIAL

On this day came on to be heard the motion of The State of Texas for a hearing in order to determine whether or not to temporarily suspend Paul Reed Harper from his office as director for the Somervell County Hospital District, pending trial. Having considered same, the Court is of the opinion that the motion should be and is hereby GRANTED.

THEREFORE, this matter is set for hearing on the _____ day of _____, 2014 at _____ o'clock ____ M. in the District Courtroom of the Glen Rose Courthouse Annex.

SIGNED on _____, 2014.

PRESIDING JUDGE