

**TCEQ DOCKET NO. 2024-1260-MWD  
TPDES PERMIT WQ0015850001**

**APPLICATION BY  
PRAIRIE CROSSING  
WASTEWATER LLC  
FOR TPDES PERMIT  
NO. WQ0015850001**

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**BEFORE THE TEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY**

**MOTION FOR LEAVE TO FILE  
FIRST AMENDED REQUEST FOR HEARING AND  
REQUEST FOR RECONSIDERATION**

TO THE HONORABLE COMMISSIONERS:

COMES NOW, the Taylor Meadows 712, LP (“Landowner”) and files this Motion for Leave to File First Amended Request for Hearing and Request for Reconsideration in the above-referenced matter, and would respectfully show as follows:

1. On March 1, 2024, the undersigned submitted a Request for Hearing and Request for Reconsideration and named as the requester 05 Ranch Investments LLC. This was clearly an error that the undersigned can only ascribe to a computer typographical error that was not caught before the Request was submitted. The requester should have been identified as Taylor Meadows 712, LP. The undersigned apologizes to both the Commission and to 05 Ranch Investments LLC as it was unintentional.
2. On July 29, 2024, Landowner filed a First Amended Request for Hearing and Request for Reconsideration to correct this mistake.
3. It is well established that the parties’ pleadings speak for themselves and amended pleadings wholly replace the assertions made in prior pleadings. *Elliott v. Methodist Hosp.*, 54 S.W.3d 789, 793 (Tex. App.—Houston [1st Dist.] 2001, pet. denied) (Generally, “[a] plaintiff’s timely filed amended pleading supersedes all previous pleadings and becomes

the controlling petition in the case regarding theories of recovery”); see also *Bos v. Smith*, 556 S.W.3d 293, 306 (Tex. 2018) (Amended pleadings supersede prior pleadings).

4. By amending its Request, Landowner, effectively replaced the original pleading, but the original pleading date is not disregarded. See *Tex. Disposal Sys. Landfill, Inc. v. Waste Mgmt. Holdings, Inc.*, 219 S.W.3d 563, 587 (Tex. App.—Austin 2007, pet. denied) (“Under the relation-back doctrine, an original pleading tolls the statute of limitations for claims asserted in subsequent, amended pleadings as long as the amendments are not based on new, distinct, or different transactions or occurrences”).
5. The attorney for Landowner made an error and corrected that error by amending the pleading. Fairness, equity, and due process dictate that the Commission should allow the filing of the First Amended Request.

**Prayer**

Landowner requests that the Commission grant its Motion for Leave to File First Amended Request for Hearing and Request for Reconsideration, that the Commission accept and consider the First Amended Request for Hearing and Request for Reconsideration, that the Commission grant the Hearing and reconsider its decision, and for all other such relief to which Landowner may be entitled.

Respectfully submitted,

THE AL LAW GROUP, PLLC

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## CERTIFICATE OF SERVICE

I hereby certify that on this 15<sup>th</sup> day of August 2024 a true and correct copy of the foregoing document was filed electronically with the Office of the Chief Clerk and was served on the following by email (where indicated) and first-class mail (where indicated) as follows:

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