

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION

|                               |   |                                |
|-------------------------------|---|--------------------------------|
| REPUBLIC WASTE SERVICES OF    | ) |                                |
| TEXAS, LTD.,                  | ) |                                |
|                               | ) |                                |
| Plaintiff,                    | ) |                                |
|                               | ) |                                |
| v.                            | ) |                                |
|                               | ) |                                |
| TEXAS DISPOSAL SYSTEMS, INC., | ) |                                |
|                               | ) |                                |
| Defendant.                    | ) | Civil Action No. 6:14-CV-067-C |

**ORDER**

On this date, the Court considered Republic’s Motion for Entry of Summary Judgment Following Remand, Request for Status Conference, and Brief In Support filed on January 18, 2017. The Court further considered Defendant Texas Disposal Systems, Inc.’s Answer and Affirmative Defenses, Matters in Avoidance, and Other Matters filed on January 20, 2017.

In the Motion for Summary Judgment, Republic seeks the entry of a judgment granting declaratory relief in Republic’s favor. Republic also requests a status conference following the entry of said requested judgment in order to determine an efficient course toward trial. Within its arguments, Republic argues that the entry of a judgment at this time is necessary because “[Texas Disposal Systems] cannot be allowed to continue impinging on Republic’s rights under the exclusive contract with the City.” (Pl.’s Mot. Summ. J. at 3.) However, in Defendant Texas Disposal System’s Answer, Affirmative Defenses, Matters in Avoidance, and Other Matters, it addresses Republic’s request for an expedited summary judgment. Specifically, Texas Disposal Systems states: “Pursuant to [the appellate court] ruling, Texas Disposal has ceased soliciting

construction and demolition customers within the City, and has informed its existing customers that they must transfer the services to Republic.” (Def.’s Answer at 7.) Thus, Republic’s request for expedited entry of summary judgment appears to be moot at this time with Texas Disposal’s representation of having ceased the impingement of Republic’s rights under the exclusivity contract with the City of San Angelo. Should Republic determine that further impingement is occurring in the future before trial and a final judgment is entered in this case, it may re-urge its motion for expedited entry of a judgment.

The Court will enter a Scheduling Order in conjunction with this Order that will also moot Republic’s request for a status conference.

Therefore, the Court finds that Republic’s motion for expedited entry of summary judgment and for a status conference is **DENIED AS MOOT** at this time.

SO ORDERED

Dated this 23<sup>rd</sup> day of January, 2017.



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SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE