

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

RICK SIMS	§	
	§	
VS.	§	CIVIL ACTION NO. H-07-4511
	§	
TEXAS DEPARTMENT OF HOUSING	§	
AND COMMUNITY AFFAIRS, ET AL.	§	

ORDER

On July 24, 2009, this Court conducted a Hearing with the Parties in regard to Plaintiff's "Motion for Preliminary Injunction" and other pretrial matters. The Court, having conferred with the Parties and considered all relevant arguments is of the opinion that the following Orders are appropriate.

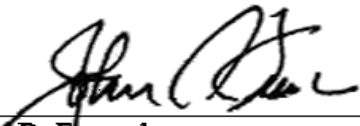
It is **ORDERED** that the deposition of Plaintiff, Rick Sims, **WILL** reconvene on Thursday, July 29, 2009, at 10:00 a.m. in Room 505 of the Federal Courthouse in Galveston, Texas, and **WILL** be completed at or before 4:30 p.m. that same day. Before the deposition commences, Sims **SHALL** produce all invoices and other documents which he claims are evidence of his expenditures related to his consulting contract with Zion.

It is further **ORDERED** that prior to the commencement of Sims' deposition, Zion **SHALL** produce a copy of its application to the City of Houston related to the Zion Village Apartments project or an affidavit from an appropriate representative that it has made a diligent search for a copy of the application and that none exists in its possession or subject to its control.

It is further **ORDERED** that for the reasons stated by this Court during the Hearing Sims' Motion for a Preliminary Injunction (Instrument no. 48) is **DENIED**: Sims has the adequate legal

remedy of damages. See Grupo Mexicano v. Alliance Bond, 527 U.S. 308, 319-20 (1999) (Even though damages have already been suffered by plaintiff, the court cannot issue a preliminary injunction to prevent defendant from transferring its assets until an enforceable judgment has been entered in favor of plaintiff.) Defendant's request for an award of attorneys' fees and costs related to its response to the Motion for Preliminary Injunction is **DENIED**.

DONE at Galveston, Texas, this _____ 27th _____ day of July, 2009.



John R. Froeschner
United States Magistrate Judge