

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**MOTION FOR ENTRY OF DEFAULT AGAINST  
DEFENDANTS ALLTEX REFINERY LLC AND AMIDEE A. VERA**

Plaintiff, SJR DEVELOPMENT LLC (hereinafter “Plaintiff”), by and through Plaintiff’s counsel, hereby moves to request the Clerk of the Court to enter default against Defendants Alltex Refinery LLC and Amidee A. Vera (“Defaulting Defendants”), pursuant to Rule 55(a) of the Federal Rules of Civil Procedure on the grounds that Defendants failed to answer the Complaint and have failed to appear or otherwise defend this action. Declaration of Mateo Z. Fowler (“Fowler Decl.”), at ¶7.

Plaintiff served Defaulting Defendants with the Complaint on July 27, 2021, as evidenced by Plaintiff’s Return of Service. Dkt. Nos. 4, 5; Fowler Decl., at ¶ 5. The Court has not been asked for or granted an extension of time to respond to the Complaint by any of said Defaulting

Plaintiff’s Motion For Entry of Default

Defendants. Fowler Decl., ¶ 6. On information and belief, the Defendants are neither infants, incompetent people nor in the military service. *Id.* ¶¶ 8, 9.

For the foregoing reasons, Plaintiff requests the Clerk of the Court enter default against Defendants Alltex Refinery LLC and Amidee A. Vera pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Respectfully Submitted,

/s/ Mateo Z. Fowler

Mateo Z. Fowler  
Texas Bar No. 24062726  
MZF Law Firm, PLLC  
1105 Nueces Street, Suite A  
Austin, Texas 78701  
Tel: 281-546-5172  
Email: [mateofowler@mzflaw.com](mailto:mateofowler@mzflaw.com)

**Attorneys for Plaintiff**

**CERTIFICATE OF SERVICE**

I hereby certify that on the August 30, 2021, I electronically filed the foregoing document with the Court using CM/ECF and served on the same day all counsel of record via the CM/ECF notification system.

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

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**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**DECLARATION OF MATEO Z. FOWLER IN SUPPORT OF PLAINTIFF’S MOTION  
FOR ENTRY OF DEFAULT**

I, Mateo Z. Fowler, am an attorney licensed to practice law in the State of Texas and before this Court. I am lead counsel of record for the Plaintiff, SJR DEVELOPMENT LLC (“Plaintiff”) in this lawsuit and I make this declaration in support of Plaintiff’s Motion for Entry of Default. All of the facts set forth in this declaration are known to me personally, and if called as a witness would and could competently testify as follows:

1. On July 23, 2021, Plaintiff filed the Complaint in this case against Defendants, including Alltex Refinery LLC and Amidee A. Vera, identified in the Complaint. Dkt. No. 1.
2. On July 26, 2021, I filed Plaintiff’s request for issuance of summons for Defendants, including Alltex Refinery LLC and Amidee A. Vera, identified in the Complaint.

3. The Clerk of the Court issued the summons for each Defendant, including Defendant Alltex Refinery LLC and Defendant Amidee A. Vera, on July 26, 2021. Dkt. No. 3.

4. On August 3, 2021, Plaintiff filed two returns of service for executed summons on both Alltex Refinery LLC and Amidee A. Vera. Dkt. Nos. 4, 5.

5. The returns show the private process server personally served a copy of the Complaint on Amidee A. Vera and served Alltex Refinery LLC through Amidee A. Vera, a member of the organization on July 27, 2021.

6. Defendants Alltex Refinery LLC and Amidee A. Vera neither sought nor have they been granted an extension to respond to the Complaint by the Court.

7. Defendants Alltex Refinery LLC and Amidee A. Vera have failed to answer or otherwise respond to the Complaint.

8. Upon information and belief, Defendants are neither an infant nor an incompetent.

9. Upon information and belief, Defendants are not a member of the military.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Los Angeles, California on August 30, 2021

Respectfully,

/s/ Mateo Z. Fowler  
Mateo Z. Fowler

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1105 Nueces Street, Suite A  
Austin, Texas 78701  
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Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**[PROPOSED] ORDER RE: MOTION FOR ENTRY OF DEFAULT**

THAT WHEREAS it has been made to appear to the undersigned Clerk of the Western District Court of Texas, upon affidavit or otherwise, that Defendants ALLTEX REFINERY LLC and AMIDEE A. VERA have failed to plead;

And that Defendants ALLTEX REFINERY LLC and AMIDEE A. VERA are otherwise subject to entry of default as provided by the Rule 55(a) of Federal Rules of Civil Procedure.

NOW, THEREFORE, Default is hereby entered against Defendants ALLTEX REFINERY LLC and AMIDEE A. VERA in this action as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Clerk Of Court

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

CLERK'S ENTRY OF DEFAULT

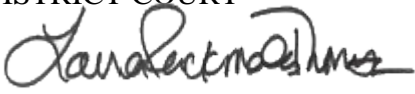
THAT WHEREAS it has been made to appear to the undersigned Clerk of the Western District Court of Texas, upon affidavit or otherwise, that Defendants ALLTEX REFINERY LLC and AMIDEE A. VERA have failed to plead;

And that Defendants ALLTEX REFINERY LLC and AMIDEE A. VERA are otherwise subject to entry of default as provided by the Rule 55(a) of Federal Rules of Civil Procedure.

NOW, THEREFORE, Default is hereby entered against Defendants ALLTEX REFINERY LLC and AMIDEE A. VERA in this action as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

This the 31st day of August, 2021.

JEANNETTE J. CLACK, CLERK  
U.S. DISTRICT COURT

By:   
Deputy Clerk



# The State of Texas

Service of Process  
P.O. Box 12079  
Austin, Texas 78711-2079



Phone: 512-463-5560  
Fax: 512-463-0873  
Dial 7-1-1 For Relay Services  
[www.sos.texas.gov](http://www.sos.texas.gov)

Secretary of State

October 5, 2021

Mateo Z. Fowler  
MZF Law Firm, PLLC  
1105 Nueces Street  
Ste. A  
Austin, TX 78701

2022-331698

Include reference number  
in all correspondence

RE: SJR Development LLC vs AllTex Refinery LLC, et al  
United States District Court For The Western District of Texas, Austin Division  
Cause No. 121CV00647LY

Dear Sir/Madam

Please find enclosed your Certificate(s) of Service for the case styled above.

If this office may be of further assistance to you, please do not hesitate to contact us.

Sincerely,

Service of Process  
Government Filings  
512-463-1662



The State of Texas  
Secretary of State

2022-331698-1

I, the undersigned, as Deputy Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office, a copy of the Summons in a Civil Action; Demand for Jury Trial; Plaintiff's Original Complaint and Jury Demand in the cause styled:

SJR Development LLC vs AllTex Refinery LLC, et al  
United States District Court For The Western District of Texas, Austin Division  
Cause No: 121CV00647LY


was received by this office on September 2, 2021, and that a copy was forwarded on September 10, 2021, by CERTIFIED MAIL, return receipt requested to:

AllTex Operating Company  
402 W. Davis Street  
Ste. A  
Luling, TX 78648

The PROCESS was returned to this office on October 4, 2021, Bearing Notation, Return to Sender, Unable to Forward.



Date issued: October 5, 2021

  
Jose A. Esparza  
Deputy Secretary of State  
GF/wj

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC;  
ALLTEX OPERATING  
COMPANY; RUSSELL L. VERA;  
AMIDEE A. VERA; and ARTHUR  
K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**PLAINTIFF'S *EX PARTE* MOTION FOR  
ALTERNATIVE SERVICE OF PROCESS**

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## I. INTRODUCTION

As part of an elaborate scheme to avoid liability, the Individual Defendants are collaborating through evasion of service. Plaintiff, SJR DEVELOPMENT LLC (“SJR”), has brought suit against Defendants, a family of companies and individuals, Alltex Refinery LLC, Alltex Operating Company, Arthur K. Vera, Russell L. Vera, and Amidee A. Vera, identified in the Complaint (collectively, the “Defendants”), for breach of contract, fraud, securities violations, violation of the Racketeer Influenced and Correct Organization Act, 18 U.S.C. § 1964(c) (“RICO”), breach of fiduciary duty and civil theft. Dkt No. 1.

Plaintiff successfully served Defendants Amidee A. Vera, a relative of Russell Vera and Arthur Vera with a copy of the Complaint (Dkt. No. 6, 7). The answer dates have passed, and the Clerk of the Court entered default as to those defendants on August 31, 2021. Dkt. No. 6, 7. Plaintiff also successfully served Alltex Operating Company with the summons and copy of the Complaint through the Texas Secretary of State on September 2, 2021. Dkt. Nos. 10. Plaintiff has, however, been unsuccessful at serving the individual Defendants, Arthur K. Vera or Russell L. Vera (collectively, “Individual Defendants”) with process through no fault of its own. *See* Exhibit 1 at 1-3. Defendant Russell L. Vera has made profane and harassing statements to and about Plaintiff’s process server as well as deceptive and false statements about his location within this state. The contact information Defendant

Arthur provided to the Secretary of State concerning his membership in Defendants Alltex Operating/Alltex Refinery was incorrect (Dkt. No. 1 at ¶¶2, 3; Exhibit 1 at 2; Exhibit 2 at 2, 3), and the contact information for Defendants Alltex Refinery's and Alltex Operating Company's Registered Agent listed with the Secretary of State was also incorrect. *Id.* Due to the difficulty of locating these defendants and circumstances surrounding these service attempts, the Court should grant Plaintiff's Ex Parte Motion for Alternative Service and enter an order allowing for service of the remaining defendants by electronic mail and/or publication.

Plaintiff has a pattern of communicating with at least Defendant Vera through electronic mail and through text message. Dkt. No. 1 ¶¶ 15, 17, 18. These electronic means provide a more than reasonably effective means of providing Defendants with notice of this action. What's more, Plaintiff established the following URL: [www.sjrdevelopmentllcvalitexrefineryllcetal.com](http://www.sjrdevelopmentllcvalitexrefineryllcetal.com) (the "website") and uploaded the Complaint and the Summons to the website.

There is a particular need for *ex parte* relief in this Motion. Without alternative service on Individual Defendants, there is little doubt they will continue to hide their ill-gotten gains from the reach of SJR and this Court and disappear under the names of new business aliases without facing liability, as they have done in the past. Dkt. No. 1 ¶12. As such, SJR requests the Court issue an order allowing service of process to Individual Defendants through electronic means.

## II. STATEMENT OF FACTS

### A. Defendants Concealing Whereabouts, Operations and Illegal Activities

Defendants operated a scheme to fraudulently induce Plaintiff into entering into contractual agreements and investing over \$150,000 in Defendant Alltex Operating Company in exchange for equity and profits. Dkt. No. 1. Defendants Russell Vera, Amidee Vera, and Arthur K. Vera have operated multiple oil and gas companies under various names within various regions of the United States, including Defendant Alltex Refinery and Defendant Alltex Operating, *Id.* at ¶12, Defendant Russell Vera carries a history of legal problems concerning unauthorized fundraising while operating oil companies within the states of Alaska, California, Washington, and Wisconsin. *Id.*

Defendant Russell Vera previously communicated with SJR through electronic correspondence, including electronic mail and text messages to perpetrate the fraudulent scheme. Dkt. No. 1 at ¶¶15, 16. As alleged, in February of 2021, Plaintiff visited an office space in which Alltex Refinery LLC and/or Alltex Operating Company employees were working; however, none of the Defendants could be found at this address when Plaintiff attempted service there, and the registered agent of Alltex Operating Company refuses to provide their current location. Dkt. No. 1 at ¶ 52; Exhibit 1; Exhibit 2.

**B. Plaintiff's Attempts to Serve Individual Defendants**

Plaintiff filed its Complaint against all Defendants on July 23, 2021. *See* Dkt. No. 1. On July 27, 2021, Defendant Amidee A. Vera was personally served, both in her individual capacity and as the registered agent of Alltex Refinery LLC at 200 Caracara Drive in Buda, Texas, 78610. Dkt. Nos. 4, 5.

On July 27, 2021, Plaintiff first attempted service on Defendant Arthur K. Vera at 756 Saengerhalle in New Braunfels, Texas 78132. *See* Exhibit 1 at 3. No one answered the door, and a white male sitting in the driveway nearby advised the process server no one by the name of Arthur K. Vera lived there. *Id.* On even date, Plaintiff attempted service on Defendant Russell L. Vera, both in his individual capacity and as the registered agent for Alltex Operating Company, at the registered business address of 402 W. Davis St., Luling, TX 78648. *See* Exhibit 2. None of the Defendants could be found at this address, and the building was occupied by a different company. *Id.*

On July 28, 2021, Defendant Russell L. Vera contacted the process server by phone, using obscene profanities, indicating he would call back to make arrangements to accept service when he returned from out of town the following Wednesday. *See* Exhibit 2 at 1. When Defendant Russell L. Vera spoke with the process server again by phone, he again used extremely offensive and profane

language over the phone and via text message, and inexplicably refused to provide an address for service. *Id.*

Plaintiff also attempted to serve Alltex Operating Company at 756 Saengerhalle, New Braunfels, Texas 78132, the registered business address for Alltex Operating Company. Exhibit 1 at 1. Alltex Operating Company was not found at this address. *Id.* In the alternative, Plaintiff served Defendant Alltex Operating Company through the Secretary of State on September 2, 2021. *See* Exhibit 3 at 2; *see also* Tex. Bus. Org. Code 5.251(1)(B).

The time has come to employ alternative methods of service to counter the Individual Defendants' evasive tactics, including electronic mail and publication.

### **III. ARGUMENT**

The Individual Defendants are using tactics to conceal their whereabouts and operations, making it impossible for SJR to serve remaining defendants at a physical address. *See* Exhibit 2 at 2. Further, because Defendant Amidee A. Vera, has been served, and because Defendant Russell L. Vera has made contact with the process server through electronic and telephonic means it is likely they took the opportunity to advise Defendant Arthur Vera of the pending lawsuit, giving him a chance to strategically reorganize elsewhere and evade service on himself and Alltex Operating Company. Dkt. Nos. 4, 5; *see also* Exhibit 2. The Individual Defendants' intentional and unlawful conduct is causing and will continue to cause immediate

and irreparable harm to SJR, and it is crucial SJR is allowed the opportunity to serve the Individual Defendants electronically to start the clock and obligate them to answer this lawsuit and allow Plaintiff to seek the relief it is entitled to.

**A. Jurisdiction Over Lawsuit And Defendants Is Proper**

**i. Subject Matter Jurisdiction Over Lawsuit Is Proper**

1. The District Court has subject matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1331 because this action arises from violations of 18 U.S.C. § 1964(c); 15 U.S.C. § 78j(b), Section 10(b); and 17 C.F.R. § 240.10b-5. Dkt. No. 1 at ¶¶ 15-27. The District Court has subject matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1332 because Plaintiff resides in a different state than each Defendant and the amount in controversy exceeds the jurisdictional limits of this Court. Dkt. No. 1 at ¶¶ 1-6. This Court also enjoys supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) over Plaintiff's state law claims.

**ii. Personal Jurisdiction Over Individual Defendants Is Proper**

The Court has personal jurisdiction over the Individual Defendants because each Individual Defendant has committed tortious and unlawful conduct in the United States and the state of Texas they knew would cause and which did in fact cause injury to Plaintiff in the state of Texas and this judicial district; and each Individual Defendants engaged in interstate commerce between the state of Texas and New Mexico. Dkt. No. 1 at ¶10. A substantial part of the events giving rise to

the claims and the injury felt by Plaintiff alleged herein occurred in Texas and this judicial district. Dkt. No. 1 at ¶11. Personal jurisdiction over each Defendant is also proper because Defendant Russell Vera is a domiciliary in the State of Texas and this judicial district, Dkt. No. 1 at ¶4, and Defendant Arthur Vera is a domiciliary in the State of Texas and this judicial district. Dkt. No. 1 at ¶6.

Venue is also proper in the Western District of Texas pursuant to 28 U.S.C. § 1391(b)(2) as a substantial part of the events or omissions giving rise to the claims and the actual harm to Plaintiff occurred in this District by reason of the Individual Defendants' conduct as alleged below and in Plaintiff's Original Complaint. Dkt. No. 1 at ¶11. Venue for the RICO claim is also proper in this Court pursuant to 18 U.S.C. § 1965(a) because this is a district in which the RICO entities and RICO individuals transacts their affairs. *Id.* Venue is also proper in any judicial district in which any defendant would be amenable to personal jurisdiction. *Id.*

## **B. Court Should Permit Alternative Service of Process for Remaining Defendants Via Electronic Means or Publication**

### **i. Federal Rules Permit Electronic Service**

Rule 4(e)(1) permits service by “following state law in courts of general jurisdiction in the state where the district court is located or service is made” and the Court looks to Texas law to determine whether service of process on Defendant is proper. Fed. R. Civ. P. 4(e)(1); *BHTT Entertainment, Inc. v. Brickhouse Cafe & Lounge, L.L.C.*, 858 F.3d 310, 315 (5th Cir. 2017). “A defendant who beclouds his

whereabouts should not be entitled to benefit from the process server's consequent confusion." *National Labor Relations Bd. v. Clark*, 468 F.2d 459, 464 (5th Cir. 1972).

Service by email or electronic publication is permissible. The Supreme Court of Texas issued an order amending Rule 106 of the Texas Rules of Civil Procedure so a court "may, in proper circumstances, permit service of citation electronically by social media, email, or other technology" where traditional methods of service have failed. The Supreme Court of Texas, Misc. Docket No. 20- 9103 (Aug. 21, 2020). Texas Rule of Civil Procedure 106 now provides:

**(a)** Unless the citation or court order otherwise directs, the citation must be served by:

- (1)** delivering to the defendant, in person, a copy of the citation, showing the delivery date, and of the petition; or
- (2)** mailing to the defendant by registered or certified mail, return receipt requested, a copy of the citation and of the petition.

**(b)** Upon motion supported by a statement-sworn to before a notary or made under penalty of perjury-listing any location where the defendant can probably be found and stating specifically the facts showing that service has been attempted under (a)(1) or (a)(2) at the location named in the statement but has not been successful, the court may authorize service:

- (1)** by leaving a copy of the citation and of the petition with anyone older than sixteen at the location specified in the statement; or
- (2) in any other manner, including electronically by social media, email, or other technology, that the statement or other evidence shows will be reasonably effective to give the defendant notice of the suit.**

Tex. R. Civ. P. 106. (emphasis added).

Here, electronic service is appropriate and necessary because the Individual Defendants have not provided either legitimate and/or correct physical addresses, or otherwise have evaded service, and because the Individual Defendants rely primarily on electronic communications to communicate with customers including SJR, thus making service by electronic means or publication reasonably effective in giving the remaining Defendants notice of suit. *See* Exhibits 1, 2; Dkt. No. 1 at ¶108. *Popular Enters., LLC v. Webcom Media Group, Inc.*, 225 F.R.D. 560, 562 (E.D. Tenn. 2004) (recognizing that, while “communication via e-mail and over the internet is comparatively new, such communication has been zealously embraced within the business community”).

Each of the Individual Defendants are Texas residents. Dkt. No. 1 at ¶10. Plaintiff made multiple attempts to serve Russell Vera and Arthur Vera with the Complaint in accordance with Rule 106(a)(1) at the only known addresses for the individual Defendants. *See* Exhibits 1, 2. SJR has also been unable to determine the exact physical whereabouts of these Defendants due to the lack of and/or false contact information. *See* Exhibit 1 at 1-3; Exhibit 2; *Transamerica Corp. v. TransAmerica Multiservices Inc. et al.*, No. 1:18-cv-22483 (S.D. Fla.) (granting motion for service of process via electronic mail where the plaintiff was unable to make personal service due to evasive conduct by the Defendants).

Service of process on the remaining Defendants through electronic means such as e-mail and/or publication is necessary to ensure the Individual Defendants receive immediate notice of the pendency of this action and to facilitate the just, speedy and inexpensive resolution of this action. Simply put, SJR will be left without the ability to pursue a remedy in this case absent the ability to effect service of process through alternative means. As such, Plaintiff requests an order authorizing service of process through electronic means or publication.

**ii. Electronic Service Comports With Due Process**

“In addition to the requirement that alternate service be permissible under any applicable international agreements and the Federal Rules, it must also comport with constitutional notions of due process.” *James Avery Craftsman, Inc. v. Sam Moon Trading Enterprises, LTD*, 2018 WL 4688778 at \*4 (W.D. Tex. July 5, 2018). To satisfy this requirement, the method of service must be reasonably calculated, under all circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 312 (1950).

Here, the Individual Defendants utilize email so they can communicate with consumers regarding issues related to oil and gas operations at multiple locations, despite not providing reliable physical contact information directly to consumers. Dkt. No. 1 at ¶¶ 46, 47. Plaintiff’s members, Mr. Ryan Jefferson and and Stacey

Bowman, regularly communicated electronically with Defendant Russell Vera at the following email addresses and cellular number for texting purposes: [rlv6013@icloud.com](mailto:rlv6013@icloud.com), 512-878-3513. The Individual Defendants communicate via electronic mail to accept payments from customers and investors, such as SJR. *Id.* at ¶ 108. Thus, serving the Individual Defendants electronically is more reasonably effective at providing the Individual Defendants with notice of this suit than through the other service of process methods. *See Collins v. Doe*, No. CIV.A. H-10-2882, 2010 WL 4954727, at \*1 (S.D. Tex. Nov. 30, 2010) (recognizing “courts have applied provisions of Rule 4 of the Federal Rules of Civil Procedure to authorize e-mail service when the record discloses diligent efforts by the plaintiff to obtain a physical address to effect traditional service, that the defendant does business on-line ..., and that the defendant has recently communicated using the e-mail address the plaintiff proposes to use for service.”); *Liberty Media Holdings, LLC v. Sheng Gan*, No. 11-CV-02754-MSK-KMT, 2012 WL 122862, at \*4 n.1 (D. Colo. Jan. 17, 2012) (recognizing “[m]any courts have also required that the plaintiff make some showing that it is reasonably likely that the defendant will actually receive email communications at the email address in question” and collecting cases); *Rio Props., Inc. v. Rio Int’l Interlink*, 284 F.3d 1007, 1014 and 1017 (9th Cir. 2002) (holding “without hesitation” e-mail service of an online business defendant “was constitutionally acceptable,” in part, because the defendant conducted its business

over the Internet, used e-mail regularly in its business, and encouraged parties to contact it via e-mail); *Transamerica Corp. v. TransAmerica Multiservices Inc. et al.*, No. 1:18-cv-22483 (S.D. Fla.) (granting motion for service of process via electronic mail where the plaintiff was unable to make personal service due to evasive conduct by the Defendants).

As traditional methods of service have failed, the physical whereabouts of the remaining defendants are unknown and they continue to evade service, SJR requests the Court's permission to serve the Individual Defendants via electronic mail and/or publication.

#### **IV. CONCLUSION**

SJR requests an order allowing service of process by electronically sending the Complaint, this Order, and other relevant documents via Individual Defendants' known work electronic mail addresses, or any known or discovered e-mail related to remaining Defendants Russell L. Vera, and Arthur K. Vera. Defendants' actions, failure to make their presence known, and failure to cooperate with process servers makes traditional service impracticable. Without alternative service by e-mail transmission, Defendants may continue to evade traditional service and may abscond with SJR's financial capital without answering this lawsuit and depriving Plaintiff the opportunity to seek the relief it is entitled to. Therefore, entry of an order permitting alternative service by electronic means or publication is necessary to

protect SJR's pecuniary interests and to prevent further irreparable harm to SJR and the consuming public. As such, the Court should enter an order in the form submitted herewith.

DATED: October 25, 2021

Respectfully submitted,

/s/ Mateo Z. Fowler

Mateo Z. Fowler

State Bar No. 24062726

mateofowler@mzflaw.com

**MZF LAW, PLLC**

1105 Nueces Street, Ste. A

Austin, TX 78701

Telephone: +1 281.546.5172

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of October, 2021, I electronically filed the foregoing document with the Court using CM/ECF and served on the same day all counsel of record via the CM/ECF notification system.

/s/ Mateo Z. Fowler

# Exhibit 1

AFFIDAVIT OF NON-SERVICE  
DUE DILIGENCE

United States District Court  
Western District of Texas  
Austin Division

Case No.: 1:21-CV-647

Plaintiff:

SJR Development, LLC,

vs.

Defendants:

ALLTEX Refinery LLC, ALLTEX Operating Company, Russell L. Vera, Amidee A. Vera, and Arthur K. Vera,

For:

Attorney Mateo Z. Fowler

MZF Law Firm, PLLC

1105 Nueces Street, Suite A

Austin, Texas 78701

Received by Gerard Chesney, on the 7<sup>th</sup> day of August, 2021, at 1:59 o'clock a.m., to be served upon Defendant, Russell L. Vera, with delivery address 756 Saengerhalle, New Braunfels, Guadalupe County, Texas, 78132, or wherever the defendant may be found.

I, Gerard Chesney, having been first duly sworn, depose and say that on the 1<sup>st</sup> day of September, 2021, I:

am unable to deliver the Summons in a Civil Action with Plaintiff's Original Complaint and Jury Demand, to Defendant, Russell L. Vera. Additional information below.

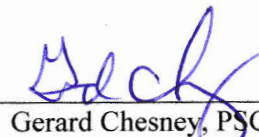
Additional Information pertaining to this Service:

Delivery attempted August 10, 2021, at 8:02 p.m., at the address 756 Saengerhalle, New Braunfels, Texas. No one answered the entry door. I left a call back card at the entry door without a reply call.

Delivery attempted August 12, 2021, at 4:59 p.m. Per white male, sitting in his pickup truck on the driveway, there was no one living at the address by the agent's name.

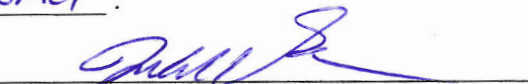
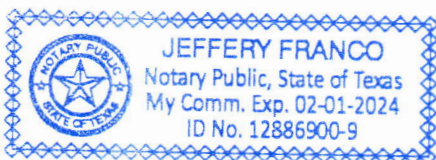
I am over the age of 18, not a party to nor interested in the outcome of the above styled and numbered suit. I have personal knowledge of the facts and statements contained in this affidavit and declare each is true and correct. I am certified to serve civil process and have proper authority in which this service was made, pursuant to Texas Rules of Civil Procedures.

Further Affiant saith not.



Gerard Chesney, PSC # 1509, Exp: 9/30/2021  
For: Special Delivery Service, Inc.

SUBSCRIBED AND SWORN TO BY Gerard Chesney, on this the 2 day of September, 2021, to attest witness my hand and seal of office, for the County of Comal.

  
Notary Public in and for the State of Texas

AFFIDAVIT OF NON-SERVICE  
DUE DILIGENCE

United States District Court  
Western District of Texas  
Austin Division

Case No.: 1:21-CV-647

Plaintiff:

SJR Development, LLC,

vs.

Defendants:

ALLTEX Refinery LLC, ALLTEX Operating Company, Russell L. Vera, Amidee A. Vera, and Arthur K. Vera,

For:

Attorney Mateo Z. Fowler

MZF Law Firm, PLLC

1105 Nueces Street, Suite A

Austin, Texas 78701

Received by Gerard Chesney, on the 7<sup>th</sup> day of August, 2021, at 1:59 o'clock a.m., to be served upon Defendant, ALLTEX Operating Company, by delivery to its Registered Agent, Russell Vera, with delivery address 756 Saengerhalle, New Braunfels, Guadalupe County, Texas, 78132, or wherever the authorized agent may be found.

I, Gerard Chesney, having been first duly sworn, depose and say that on the 1<sup>st</sup> day of September, 2021, I:

am unable to deliver the Summons in a Civil Action with Plaintiff's Original Complaint and Jury Demand, to Defendant, ALLTEX Operating Company. Additional information below.

Additional Information pertaining to this Service:

Delivery attempted August 10, 2021, at 8:02 p.m., at the address 756 Saengerhalle, New Braunfels, Texas. No one answered the entry door. I left a call back card at the entry door without a reply call.

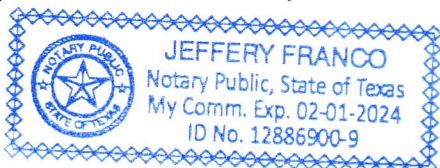
Delivery attempted August 12, 2021, at 4:59 p.m. Per white male, sitting in his pickup truck on the driveway, there was no one living at the address by the agent's name.

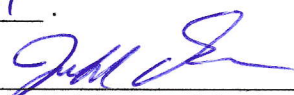
I am over the age of 18, not a party to nor interested in the outcome of the above styled and numbered suit. I have personal knowledge of the facts and statements contained in this affidavit and declare each is true and correct. I am certified to serve civil process and have proper authority in which this service was made, pursuant to Texas Rules of Civil Procedures.

Further Affiant saith not.

  
Gerard Chesney, PSC # 1509, Exp: 9/30/2021  
For: Special Delivery Service, Inc.

SUBSCRIBED AND SWORN TO BY Gerard Chesney, on this the 2 day of September, 2021, to attest witness my hand and seal of office, for the County of Cornwall.



  
Notary Public in and for the State of Texas

AFFIDAVIT OF NON-SERVICE  
DUE DILIGENCE

United States District Court  
Western District of Texas  
Austin Division

Case No.: 1:21-CV-647

Plaintiff:

SJR Development, LLC,

vs.

Defendants:

ALLTEX Refinery LLC, ALLTEX Operating Company, Russell L. Vera, Amidee A. Vera, and Arthur K. Vera,

For:

Attorney Mateo Z. Fowler

MZF Law Firm, PLLC

1105 Nueces Street, Suite A

Austin, , Texas 78701

Received by Gerard Chesney, on the 7<sup>th</sup> day of August, 2021, at 1:59 o'clock a.m., to be served upon Defendant, Arthur K. Vera, with delivery address 756 Saengerhalle, New Braunfels, Guadalupe County, Texas, 78132, or wherever the defendant may be found.

I, Gerard Chesney, having been first duly sworn, depose and say that on the 1<sup>st</sup> day of September, 2021, I:

am unable to deliver the Summons in a Civil Action with Plaintiff's Original Complaint and Jury Demand, to Defendant, Arthur K. Vera. Additional information below.

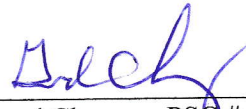
Additional Information pertaining to this Service:

Delivery attempted August 10, 2021, at 8:02 p.m., at the address 756 Saengerhalle, New Braunfels, Texas. No one answered the entry door. I left a call back card at the entry door without a reply call.

Delivery attempted August 12, 2021, at 4:59 p.m. Per white male, sitting in his pickup truck on the driveway, there was no one living at the address by the agent's name.

I am over the age of 18, not a party to nor interested in the outcome of the above styled and numbered suit. I have personal knowledge of the facts and statements contained in this affidavit and declare each is true and correct. I am certified to serve civil process and have proper authority in which this service was made, pursuant to Texas Rules of Civil Procedures.


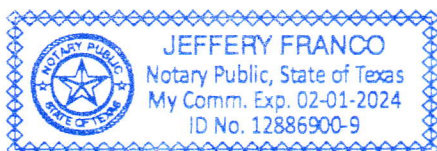
Further Affiant saith not.



Gerard Chesney, PSO # 1509, Exp: 9/30/2021

For: Special Delivery Service, Inc.

SUBSCRIBED AND SWORN TO BY Gerard Chesney, on this the 2 day of September, 2021, to attest witness my hand and seal of office, for the County of Comal.

  
Notary Public in and for the State of Texas

# **Exhibit 2**

September 02, 2021

**AFFIDAVIT OF DUE DILIGENCE**

Before me, the undersigned notary, on this day personally appeared Debra Clendennen, the Affiant, whose identity is known to me. After I administered the oath, Affiant testified as follows:

My name is Debra Clendennen. I am over 18 years of age, of sound mind, and capable of making this Affidavit. I am not a party to nor interested in the outcome of the above numbered suit and that I am certified to serve civil process. The facts stated in this Affidavit are within my personal knowledge and the statements therein contained are true and correct. I am familiar with the Rules of Civil Procedure. I have never been convicted of a Felony or Misdemeanor of Moral Turpitude.

On July 27, 2021 at 11:58 AM, I was appointed to deliver service on the cause listed below:

**SUMMONS IN A CIVIL ACTION AND PLAINTIFF'S ORIGINAL COMPLAINT AND JURY DEMAND, CIVIL ACTION NO., 1:21-CV-00647-LY, IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF TEXAS. AUSTIN DIVISION.**

I was directed to deliver the notice to **RUSSELL L. VERA**, at 402 West Davis, Suite A, Luling, Texas 78648, the defendant's usual place of business.

July 27, 2021 at 2:15 PM, I arrived at the office. The office was closed and there was no one there. I left a door hanger with my contact information. I then went to another office (Suite C) at the same complex and spoke with a secretary there, (no name provided) She said she thought they had moved out. I also left a message on the company answering machine. (830)351-7117.

July 28, 2021, Mr. Vera returned my call (512)878-3513, and stated he was out of town and would return the following Wednesday (Aug, 4<sup>th</sup>) and would contact me then. He was rude, cursing, and telling me I had no business going to his son's house. (I was there to serve papers to Amidee Vera).

August 4, 2021, I called Mr. Vera to follow up as directed in our previous conversation. Again, he was cursing and rude and refuses to be cooperative in arranging a time or place for service.

On August 23, 2021 at 2:26 PM, Because I have made numerous previous attempts to serve Mr. Vera at this address with continued failure, due to him never being there, I called Mr. Vera at (512) 878-3515, on his mobile phone number, and told him I had another set of documents to deliver to him, and asked if he was willing to meet me. His response was "No way in hell am I going to be meeting with you, you fat fucking bitch." And he hung up. At 2:39 PM, he then sent this text to my cell phone. "I would help you for nothing in the world I was willing to work with you but after finding that your child stocker which I have an FBI agent that will testify to that you can go to hell"

August 24, 2021 at 6:25 PM, I arrived at 402 West Davis, Suite A, Luling, Tx. The company name (ALLTEX OPERATING COMPANY) had been removed from the front window glass. It appeared to be vacant. I left a door hanger with my contact information on the outside hook of the mailbox.

August 26, 2021 at 11:21 AM, I received a phone call from Mr. Lym Allen, President of the Industrial Corporation of Luling, (830) 305-5081, owner of the office complex at 402 West Davis. He stated "Mr. Vera and company had been evicted and he had no knowledge of his forwarding address or how to contact him,"

I have attempted multiple times to contact him by phone and he is always verbally abusive, degrading, and is very descriptive with what I can do with my papers. I usually hang up on him during his vulgar tirades. Every time I have spoken with Mr. Vera on the phone, he is rude, vulgar, unprofessional and uses a lot of profanity and degrading name calling. He has never been willing to be cooperative in my numerous attempts to serve him and has made it completely clear he has no intentions of doing so.

I Debra Clendennen, do hereby affirm that on the 2nd day of September 2021 at 10:00 AM, I NON-SERVED the Defendant, RUSSELL L. VERA because I failed to locate him and he has been evicted from the above address.

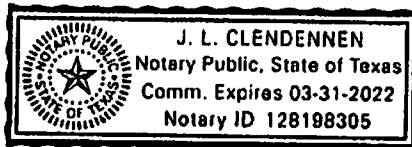
Further the Affiant sayeth naught.



Debra Clendennen

PSC #11535

Exp. 06/30/2022

  
Notary Public

1:50



Russell >

Read 6/2/21

Mon, Aug 23, 2:39 PM

I would help you for  
nothing in the world I  
was willing to work with  
you but after finding  
that your child stocker  
which I have an FBI  
agent that will testify to  
that you can go to hell



iPhone 11 Pro



# **Exhibit 3**

# The State of Texas

Service of Process  
P.O. Box 12079  
Austin, Texas 78711-2079



Phone: 512-463-5560  
Fax: 512-463-0873  
Dial 7-1-1 For Relay Services  
[www.sos.texas.gov](http://www.sos.texas.gov)

Secretary of State

October 5, 2021

Mateo Z. Fowler  
MZP Law Firm, PLLC  
1105 Nueces Street  
Ste. A  
Austin, TX 78701

2022-331698

Include reference number  
in all correspondence

RE: SJR Development LLC vs AllTex Refinery LLC, et al  
United States District Court For The Western District of Texas, Austin Division  
Cause No. 121CV00647LY

Dear Sir/Madam

Please find enclosed your Certificate(s) of Service for the case styled above.

If this office may be of further assistance to you, please do not hesitate to contact us.

Sincerely,

Service of Process  
Government Filings  
512-463-1662



The State of Texas  
Secretary of State

2022-331698-1

I, the undersigned, as Deputy Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office, a copy of the Summons in a Civil Action; Demand for Jury Trial; Plaintiff's Original Complaint and Jury Demand in the cause styled:

SJR Development LLC vs AllTex Refinery LLC, et al  
United States District Court For The Western District of Texas, Austin Division  
Cause No: 121CV00647LY


was received by this office on September 2, 2021, and that a copy was forwarded on September 10, 2021, by CERTIFIED MAIL, return receipt requested to:

AllTex Operating Company  
402 W. Davis Street  
Ste. A  
Luling, TX 78648

The PROCESS was returned to this office on October 4, 2021, Bearing Notation, Return to Sender, Unable to Forward.



Date issued: October 5, 2021

  
Jose A. Esparza  
Deputy Secretary of State  
GF/wj

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**[PROPOSED] ORDER RE: *EX PARTE* MOTION FOR  
ALTERNATIVE SERVICE VIA ELECTRONIC MEANS OR PUBLICATION**

COMES NOW SJR Development LLC, Plaintiff in the above-captioned cause, and moves to serve Defendants Russell L. Vera and Arthur K. Vera (together “Individual Defendants”) by electronic means, including electronic mail or publication through the website [www.sjrdevelopmentllcvaltrefineryllcetal.com](http://www.sjrdevelopmentllcvaltrefineryllcetal.com). The Court finds Plaintiff has made reasonable attempts to personally serve these Individual Defendants, and Plaintiff shall be permitted to serve Defendants using alternative methods pursuant to Federal Rule of Civil Procedure 4(e)(1).

NOW, THEREFORE, the Motion is hereby GRANTED.

This the \_\_\_\_\_ day of October, 2021.

\_\_\_\_\_  
The Honorable Lee Yeakel

FILED

21 OCT 26 PM 4:09

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

SJR DEVELOPMENT LLC,

Plaintiff,

v.

ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA

Defendants.

CASE NO.: 1:21-CV-00647-LY

DEMAND FOR JURY TRIAL

**ORDER RE: EX PARTE MOTION FOR  
ALTERNATIVE SERVICE VIA ELECTRONIC MEANS OR PUBLICATION**

COMES NOW SJR Development LLC, Plaintiff in the above-captioned cause, and moves to serve Defendants Russell L. Vera and Arthur K. Vera (together "Individual Defendants") by electronic means, including electronic mail or publication through the website [www.sjrdevelopmentllcvaltalexrefineryllcetal.com](http://www.sjrdevelopmentllcvaltalexrefineryllcetal.com). The Court finds Plaintiff has made reasonable attempts to personally serve these Individual Defendants, and Plaintiff shall be permitted to serve Defendants using alternative methods pursuant to Federal Rule of Civil Procedure 4(e)(1).

NOW, THEREFORE, the Motion is hereby GRANTED.

This the 26th day of October, 2021.

[Signature]  
The Honorable Lee Yeakel

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**MOTION FOR ENTRY OF DEFAULT AGAINST  
DEFENDANTS ALLTEX OPERATING COMPANY**

Plaintiff, SJR DEVELOPMENT LLC (“Plaintiff”), by and through Plaintiff’s counsel, hereby moves to request the Clerk of the Court to enter default against Defendants Alltex Operating Company (“Defaulting Defendant”), pursuant to Rule 55(a) of the Federal Rules of Civil Procedure on the grounds Defaulting Defendant failed to answer the Complaint and has failed to appear or otherwise defend this action. Declaration of Mateo Z. Fowler (“Fowler Decl.”), at ¶ 8.

Plaintiff served Defaulting Defendant with the Complaint on September 2, 2021, through the Texas Secretary of State, as evidenced by Plaintiff’s Certificate of Service. Dkt. No. 10; Fowler Decl., at ¶¶ 4-6. The Court has not been asked for or granted an extension of time to respond to the Complaint by said Defaulting Defendant. Fowler Decl., ¶ 7. On information and belief, the

Plaintiff’s Motion For Entry of Default  
As to Alltex Operating Company

Defendants are neither infants, incompetent people nor in the military service. *Id.* ¶¶ 9-10. The Defaulting Defendant, Alltex Operating Company, failed to answer or otherwise respond to the Complaint. *Id.* ¶ 8.

For the foregoing reasons, Plaintiff requests the Clerk of the Court enter default against Defendant Alltex Operating Company pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Respectfully Submitted,

/s/ Mateo Z. Fowler

Mateo Z. Fowler  
Texas Bar No. 24062726  
MZF Law Firm, PLLC  
1211 W. 6<sup>th</sup> Street, Suite 600-143  
Austin, Texas 78703  
Tel: 281-546-5172  
Email: [mateofowler@mzflaw.com](mailto:mateofowler@mzflaw.com)

**Attorneys for Plaintiff**

### **CERTIFICATE OF SERVICE**

I hereby certify that on the November 4, 2021, I electronically filed the foregoing document with the Court using CM/ECF and served on the same day all counsel of record via the CM/ECF notification system. I further certify Defendants will be provided notice on even date via e-mail and/or publication at the following uniform resource locator (“URL”): [www.sjrdevelopmentllcvalltexrefineryllcetal.com](http://www.sjrdevelopmentllcvalltexrefineryllcetal.com) as permitted by the Court’s Order on Plaintiff’s *Ex Parte* Motion for Alternative Service.

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**DECLARATION OF MATEO Z. FOWLER IN SUPPORT OF PLAINTIFF'S MOTION  
FOR ENTRY OF DEFAULT AS TO ALLTEX OPERATING COMPANY, LLC**

I, Mateo Z. Fowler, am an attorney licensed to practice law in the State of Texas and before this Court. I am lead counsel of record for the Plaintiff, SJR DEVELOPMENT LLC ("Plaintiff") in this lawsuit and I make this declaration in support of Plaintiff's Motion for Entry of Default. All of the facts set forth in this declaration are known to me personally, and if called as a witness would and could competently testify as follows:

1. On July 23, 2021, Plaintiff filed the Complaint in this case against Defendants, including Alltex Operating Company, identified in the Complaint. Dkt. No. 1.
2. On July 26, 2021, I filed Plaintiff's request for issuance of summons for Defendants, including Alltex Operating Company, identified in the Complaint.
3. The Clerk of the Court issued the summons for each Defendant, including Defendant Alltex Operating Company, on July 26, 2021. Dkt. No. 3.

4. On September 3, 2021, I served the served Defendant Alltex Operating Company with the Complaint on September 2, 2021, through the Texas Secretary of State.

5. On October 22, 2021, I filed the Certificate of Service, Dkt. No. 10, that I received from the Texas Secretary of State on or around October 5, 2021 for serving Defendant Alltex Operating Company with process.

6. The Certificate of Service shows the Summons and Complaint were forwarded to Defendant Alltex Operating Company's registered address, but process was returned bearing the notation to sender that it was unable to forward.

7. Defendant Alltex Operating Company neither sought nor has it been granted an extension to respond to the Complaint by the Court.

8. Defendant Alltex Operating Company failed to answer or otherwise respond to the Complaint.

9. Upon information and belief, Defendant Alltex Operating Company is neither an infant nor an incompetent.

10. Upon information and belief, Defendant Alltex Operating Company is not a member of the military.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Austin, Texas on November 4, 2021

Respectfully,

/s/ Mateo Z. Fowler  
Mateo Z. Fowler  
Texas Bar No. 24062726  
MZF Law Firm, PLLC  
1211 W. 6<sup>th</sup> Street, Suite 600-143

Austin, Texas 78703  
Tel: 281-546-5172  
Email: [mateofowler@mzflaw.com](mailto:mateofowler@mzflaw.com)

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**[PROPOSED] ORDER RE: MOTION FOR ENTRY OF DEFAULT**

THAT WHEREAS it has been made to appear to the undersigned Clerk of the Western District Court of Texas, upon affidavit or otherwise, that Defendant ALLTEX OPERATING COMPANY has failed to plead;

And that Defendant ALLTEX OPERATING COMPANY is otherwise subject to entry of default as provided by the Rule 55(a) of Federal Rules of Civil Procedure.

NOW, THEREFORE, Default is hereby entered against Defendant ALLTEX OPERATING COMPANY in this action as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

This the \_\_\_\_\_ day of November, 2021.

\_\_\_\_\_  
Clerk Of Court

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**CLERK'S ENTRY OF DEFAULT**

THAT WHEREAS it has been made to appear to the undersigned Clerk of the Western District Court of Texas, upon affidavit or otherwise, that Defendant ALLTEX OPERATING COMPANY has failed to plead;

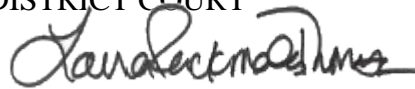
And that Defendant ALLTEX OPERATING COMPANY is otherwise subject to entry of default as provided by the Rule 55(a) of Federal Rules of Civil Procedure.

NOW, THEREFORE, Default is hereby entered against Defendant ALLTEX OPERATING COMPANY in this action as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

This the 5th day of November, 2021.

JEANNETTE J. CLACK, CLERK  
U.S. DISTRICT COURT

By: \_\_\_\_\_



Deputy Clerk



IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**CERTIFICATE OF SERVICE OF COMPLAINT  
ON DEFENDANTS RUSSELL L. VERA & ARTHUR K. VERA**

TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
TEXAS:

PLEASE TAKE NOTICE that pursuant to the Court's Order, dated October 26, 2021 (Dkt. No. 12), on November 4, 2021 at or around 10:19 AM Central Daylight Time, the undersigned counsel for Plaintiff **certifies** that he served via electronic mail Defendant Russell L. Vera with the Complaint (ECF No. 1), Plaintiff's *Ex Parte* Motion for Alternative Service (Dkt. No. 11), and the Court's Order Granting Plaintiff's Motion for Alternative Service (Dkt. No. 12), at the following electronic mail addresses and served both Defendant Russell L. Vera and Arthur K. Vera with the Complaint (Dkt. No. 1), Plaintiff's *Ex Parte* Motion for Alternative Service (Dkt. No. 11), and the Court's Order Granting Plaintiff's Motion for Alternative Service (Dkt. No. 12) by

publishing the Complaint to the website bearing the Uniform Resource Locator (“URL”) [www.sjrdevelopmentllcvalletxrefineryllcetal.com](http://www.sjrdevelopmentllcvalletxrefineryllcetal.com) on November 4, 2021.

DATED: November 18, 2021

Respectfully submitted,

/s/ Mateo Z. Fowler  
Mateo Z. Fowler  
State Bar No. 24062726  
**MZF LAW, PLLC**  
1211 W. 6th Street, Ste. 600-143  
Austin, TX 78703  
Telephone: +1 281.546.5172  
[mateofowler@mzflaw.com](mailto:mateofowler@mzflaw.com)

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of November, 2021, I electronically filed the foregoing document with the Court using CM/ECF and served on the same day all counsel of record via the CM/ECF notification system and published said document to the website located at: [www.sjrdevelopmentllcvalletxrefineryllcetal.com](http://www.sjrdevelopmentllcvalletxrefineryllcetal.com) on even date.

/s/ Mateo Z. Fowler

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**MOTION FOR ENTRY OF DEFAULT AGAINST  
DEFENDANTS RUSSELL L. VERA AND ARTHUR K. VERA**

Plaintiff, SJR DEVELOPMENT LLC (hereinafter “Plaintiff”), by and through Plaintiff’s counsel, hereby moves to request the Clerk of the Court to enter default against Defendants Russell L. Vera and Arthur K. Vera (“Defaulting Defendants”), pursuant to Rule 55(a) of the Federal Rules of Civil Procedure on the grounds that Defendants failed to answer the Complaint and have failed to appear or otherwise defend this action. Declaration of Mateo Z. Fowler (“Fowler Decl.”), at ¶9.

Plaintiff served Defaulting Defendants with the Complaint on November 4, 2021, as evidenced by Plaintiff’s Certificate of Service. Dkt. No. 15; Fowler Decl., at ¶ 6, 7. The Court has not been asked for or granted an extension of time to respond to the Complaint by any of said Defaulting Defendants. Fowler Decl., ¶ 8. On information and belief, the Defendants are neither infants, incompetent people nor in the military service. *Id.* ¶¶ 10, 11.

Plaintiff’s Motion For Entry of Default

For the foregoing reasons, Plaintiff requests the Clerk of the Court enter default against Defendants Russell L. Vera and Arthur K. Vera pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

DATE: December 7, 2021

Respectfully Submitted,

/s/ Mateo Z. Fowler

Mateo Z. Fowler  
Texas Bar No. 24062726  
MZF Law Firm, PLLC  
1105 Nueces Street, Suite A  
Austin, Texas 78701  
Tel: 281-546-5172  
Email: [mateofowler@mzflaw.com](mailto:mateofowler@mzflaw.com)

**Attorneys for Plaintiff**

**CERTIFICATE OF SERVICE**

I hereby certify that on the December 7, 2021, I electronically filed the foregoing document with the Court using CM/ECF and served on the same day all counsel of record via the CM/ECF notification system.

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**DECLARATION OF MATEO Z. FOWLER IN SUPPORT OF PLAINTIFF’S MOTION  
FOR ENTRY OF DEFAULT AS TO RUSSELL L. VERA AND ARTHUR K. VERA**

I, Mateo Z. Fowler, am an attorney licensed to practice law in the State of Texas and before this Court. I am lead counsel of record for the Plaintiff, SJR DEVELOPMENT LLC (“Plaintiff”) in this lawsuit and I make this declaration in support of Plaintiff’s Motion for Entry of Default. All of the facts set forth in this declaration are known to me personally, and if called as a witness would and could competently testify as follows:

1. On July 23, 2021, Plaintiff filed the Complaint in this case against Defendants, including Russell L. Vera and Arthur K. Vera, identified in the Complaint. Dkt. No. 1.
2. On July 26, 2021, I filed Plaintiff’s request for issuance of summons for Defendants, including Russell L. Vera and Arthur K. Vera, identified in the Complaint.
3. The Clerk of the Court issued the summons for each Defendant, including Defendants Russell L. Vera and Arthur K. Vera, on July 26, 2021. Dkt. No. 3.

Declaration ISO Plaintiff’s Motion  
For Entry of Default as to Russell L.  
Vera and Arthur K. Vera

4. On October 25, 2021, I filed on behalf of Plaintiff an *Ex Parte* Motion for Alternative Service against Russell L. Vera and Arthur K. Vera whereby service could be affected through electronic mail and publication. Dkt. No. 11.

5. On October 26, 2021, the Court entered an Order granting Plaintiff's *Ex Parte* Motion for Alternative Service and authorizing service of process through electronic mail and publication on the website: [www.sjrdevelopmentllcvalletxrefineryllcetal.com](http://www.sjrdevelopmentllcvalletxrefineryllcetal.com). Dkt. No. 12.

6. On November 4, 2021, at or around 10:19 AM Central Daylight Time, I served via electronic mail Defendant Russell L. Vera with the Complaint (ECF No. 1), Plaintiff's *Ex Parte* Motion for Alternative Service (Dkt. No. 11), and the Court's Order Granting Plaintiff's Motion for Alternative Service (Dkt. No. 12), at the following electronic mail addresses and served both Defendant Russell L. Vera and Arthur K. Vera with the Complaint (Dkt. No. 1), Plaintiff's *Ex Parte* Motion for Alternative Service (Dkt. No. 11), and the Court's Order Granting Plaintiff's Motion for Alternative Service (Dkt. No. 12) by publishing the Complaint to the website bearing the Uniform Resource Locator ("URL") [www.sjrdevelopmentllcvalletxrefineryllcetal.com](http://www.sjrdevelopmentllcvalletxrefineryllcetal.com).

7. On November 18, 2021 I filed the Certificate of Service for Russell L. Vera and Arthur K. Vera. Dkt. No. 15.

8. Defendants Russell L. Vera and Arthur K. Vera neither sought nor have they been granted an extension to respond to the Complaint by the Court.

9. Defendants Russell L. Vera and Arthur K. Vera failed to answer or otherwise respond to the Complaint.

10. Upon information and belief, Defendants Russell L. Vera and Arthur K. Vera are neither infants nor incompetents.

11. Upon information and belief, Defendants Russell L. Vera and Arthur K. Vera are not active members of the military.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Austin, Texas on December 7, 2021

Respectfully,

/s/ Mateo Z. Fowler

Mateo Z. Fowler

Texas Bar No. 24062726

MZF Law Firm, PLLC

1211 W. 6<sup>th</sup> Street, Suite 600-143

Austin, Texas 78703

Tel: 281-546-5172

Email: [mateofowler@mzflaw.com](mailto:mateofowler@mzflaw.com)

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**[PROPOSED] ORDER RE: MOTION FOR ENTRY OF DEFAULT**

THAT WHEREAS it has been made to appear to the undersigned Clerk of the Western District Court of Texas, upon affidavit or otherwise, that Defendants RUSSELL L. VERA and ARTHUR K. VERA have failed to plead;

And that Defendants RUSSELL L. VERA and ARTHUR K. VERA are otherwise subject to entry of default as provided by the Rule 55(a) of Federal Rules of Civil Procedure.

NOW, THEREFORE, Default is hereby entered against Defendants RUSSELL L. VERA and ARTHUR K. VERA in this action as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

This the \_\_\_\_\_ day of December, 2021.

\_\_\_\_\_  
Clerk Of Court

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**CLERK'S ENTRY OF DEFAULT**

THAT WHEREAS it has been made to appear to the undersigned Clerk of the Western District Court of Texas, upon affidavit or otherwise, that Defendants RUSSELL L. VERA and ARTHUR K. VERA have failed to plead;

And that Defendants RUSSELL L. VERA and ARTHUR K. VERA are otherwise subject to entry of default as provided by the Rule 55(a) of Federal Rules of Civil Procedure.

NOW, THEREFORE, Default is hereby entered against Defendants RUSSELL L. VERA and ARTHUR K. VERA in this action as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

This the 7th day of December, 2021.

JEANNETTE J. CLACK, CLERK  
U.S. DISTRICT COURT



By:

Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**NOTICE OF BANKRUPTCY FILING AS TO DEFAULTING DEFENDANT  
ALLTEX REFINERY LLC**

**TO THE COURT, THE PARTIES AND COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that on November 5, 2021 in the United States Bankruptcy Court for the Western District of Texas, Case No. 21-51199-cag, the Bankruptcy Court entered an Order for Relief under Involuntary Chapter 11 of the United States Bankruptcy Code against Defaulting Defendant Alltex Refinery, LLC. The filed Order is attached hereto as Exhibit A.

DATED: December 14, 2021

Respectfully submitted,

/s/ Mateo Z. Fowler  
Mateo Z. Fowler  
State Bar No. 24062726  
**MZF LAW, PLLC**  
1211 W. 6th Street, Ste. 600-143  
Austin, TX 78703  
Telephone: +1 281.546.5172  
mateofowler@mzflaw.com

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of December, 2021, I electronically filed the foregoing document with the Court using CM/ECF and served on the same day all counsel of record via the CM/ECF notification system and published said document to the website located at: [www.sjrdevelopmentllcvalltexrefineryllcetal.com](http://www.sjrdevelopmentllcvalltexrefineryllcetal.com) on even date.

/s/ Mateo Z. Fowler

# Exhibit A



**IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.**

**Dated: November 05, 2021.**

A handwritten signature in black ink that reads "Craig A. Gargotta".

**CRAIG A. GARGOTTA  
CHIEF UNITED STATES BANKRUPTCY JUDGE**

---

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

IN RE:	§	CASE NO. 21-51199-cag
	§	
ALLTEX REFINERY LLC,	§	
	§	INVOLUNTARY CHAPTER 11
Debtor.	§	

**ORDER FOR RELIEF UNDER CHAPTER 11  
AGAINST ALLTEX REFINERY LLC**

On October 1, 2021, Notre Dame Investors, Inc., Lessley Services LLC, and CTO Investments, Inc. (“Petitioning Creditors”) filed an Involuntary Petition Under Chapter 11 against Alltex Refinery LLC (“Alleged Debtor”) (ECF No. 1). A summons was served with the Involuntary Petition upon the Alleged Debtor on October 14, 2021 (ECF No. 4). Under Federal Rule of Bankruptcy Procedure<sup>1</sup> 1011(b), defenses and objections to an involuntary petition “shall be filed and served within 21 days after service of the summons . . . .” Rule 1013(b) further provides, “[i]f no pleading or other defense to a petition is filed within the time provided by Rule

---

<sup>1</sup> Hereinafter, any reference to a Rule shall be to the Federal Rules of Bankruptcy Procedure.

1011, the court, on the next day, or as soon thereafter as practicable, shall enter an order for the relief requested in the petition.”

To date, Alleged Debtor has not filed an answer, response, or motion regarding the Involuntary Petition within the time period required by the Summons and Rule 1011(b). Accordingly, the Court finds that the Involuntary Petition has not been timely contested, and an Order for Relief under Chapter 11 should be entered.

IT IS THEREFORE ORDERED that an Order for Relief under Chapter 11 of the United States Bankruptcy Code is hereby entered against Alltex Refinery LLC.

IT IS FURTHER ORDERED that within 7 days of the entry of this Order for Relief, Alltex Refinery LLC shall file a matrix containing the names and addresses of all creditors in accordance with Rule 1007(a)(2).

IT IS FURTHER ORDERED that within 14 days of the entry of this Order for Relief, Alltex Refinery LLC shall file Bankruptcy Schedules and Statements required by Rule 1007(b).

IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of this Order to counsel of record for the Petitioning Creditors, and to Alltex Refinery LLC at the following address: 301 North Main Plaza, No. 334, New Braunfels, Texas 78130.

# # #



**IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.**

**Dated: November 05, 2021.**

  
CRAIG A. GARGOTTA  
CHIEF UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

IN RE: § CASE NO. 21-51199-cag  
§  
ALLTEX REFINERY LLC, §  
§  
Debtor. § INVOLUNTARY CHAPTER 11  
§

**ORDER FOR RELIEF UNDER CHAPTER 11  
AGAINST ALLTEX REFINERY LLC**

On October 1, 2021, Notre Dame Investors, Inc., Lessley Services LLC, and CTO Investments, Inc. (“Petitioning Creditors”) filed an Involuntary Petition Under Chapter 11 against Alltex Refinery LLC (“Alleged Debtor”) (ECF No. 1). A summons was served with the Involuntary Petition upon the Alleged Debtor on October 14, 2021 (ECF No. 4). Under Federal Rule of Bankruptcy Procedure<sup>1</sup> 1011(b), defenses and objections to an involuntary petition “shall be filed and served within 21 days after service of the summons . . . .” Rule 1013(b) further provides, “[i]f no pleading or other defense to a petition is filed within the time provided by Rule

<sup>1</sup> Hereinafter, any reference to a Rule shall be to the Federal Rules of Bankruptcy Procedure.

1011, the court, on the next day, or as soon thereafter as practicable, shall enter an order for the relief requested in the petition.”

To date, Alleged Debtor has not filed an answer, response, or motion regarding the Involuntary Petition within the time period required by the Summons and Rule 1011(b). Accordingly, the Court finds that the Involuntary Petition has not been timely contested, and an Order for Relief under Chapter 11 should be entered.

IT IS THEREFORE ORDERED that an Order for Relief under Chapter 11 of the United States Bankruptcy Code is hereby entered against Alltex Refinery LLC.

IT IS FURTHER ORDERED that within 7 days of the entry of this Order for Relief, Alltex Refinery LLC shall file a matrix containing the names and addresses of all creditors in accordance with Rule 1007(a)(2).

IT IS FURTHER ORDERED that within 14 days of the entry of this Order for Relief, Alltex Refinery LLC shall file Bankruptcy Schedules and Statements required by Rule 1007(b).

IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of this Order to counsel of record for the Petitioning Creditors, and to Alltex Refinery LLC at the following address: 301 North Main Plaza, No. 334, New Braunfels, Texas 78130.

# # #

In re:  
Alltex Refinery LLC  
Debtor

Case No. 21-51199-cag  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0542-5  
Date Rcvd: Nov 08, 2021

User: admin  
Form ID: pdfintp

Page 1 of 1  
Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 10, 2021:

Recip ID	Recipient Name and Address
db	+ Alltex Refinery LLC, 301 North Main Plaza, No. 334, New Braunfels, TX 78130-5136
ptcrd	+ CTO Investments, Inc., 5404 Holly, Bellaire, TX 77401-4704
ptcrd	Lessley Services LLC, 2805 S Hwy 42 North, Kilgore, TX 75662
ptcrd	+ Notre Dame Investors, Inc., 5404 Holly Street, Bellaire, TX 77401-4704

TOTAL: 4

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 10, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 8, 2021 at the address(es) listed below:

Name	Email Address
James B. Jameson	on behalf of Petitioning Creditor Notre Dame Investors Inc. jbjameson@jamesonlaw.net, jbjameson04@gmail.com
United States Trustee - SA12	USTPRegion07.SN.ECF@usdoj.gov

TOTAL: 2

FILED

22 SEP 16 PM 2:16

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY PN DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

SJR DEVELOPMENT LLC,  
PLAINTIFF,

V.

ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPNAY, RUSSELL L.  
VERA, AMIDEE A. VERA, AND  
ARTHUR K. VERA,  
DEFENDANTS.

§  
§  
§  
§  
§  
§  
§  
§

CAUSE NO. 1:21-CV-647-LY

**SHOW CAUSE ORDER**

Before the court is the above-styled cause of action, which was filed in this court on July 23, 2021. The record reflects that no action has taken place in the case since December 14, 2021. In addition, no proposed scheduling order has been filed by the parties pursuant to Federal Rule of Civil Procedure 26 and Rule CV-16(c) of the Local Rules of the Western District of Texas. Accordingly,

**IT IS ORDERED** that Plaintiff shall show cause **in writing** why this cause should not be dismissed for want of prosecution **on or before October 14, 2022**.

SIGNED this 16th day of September, 2022.

  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**RESPONSE TO ORDER TO SHOW CAUSE**

Plaintiff SJR Development LLC (“Plaintiff”) respectfully submits this Response to the Court’s September 16, 2022 Order to Show Cause why the matter should not be dismissed for want of prosecution, Dkt. No. 19, and in support states as follows:

The Complaint in this lawsuit was filed on July 23, 2021. Dkt. No. 1. Summons were issued for each Defendant on July 26, 2021. Dkt. Nos. 2, 3. An amended summons for Alltex Operating Company was issued on August 31, 2021. Dkt. Nos. 8, 9.

Alltex Refinery LLC was served on July 28, 2021, with an answer date of August 18, 2021. Dkt. No. 5. Amidee A. Vera was served on July 28, 2021, setting an answer or response date of August 18, 2021. Dkt. No. 4. The Clerk entered default on August 31, 2021 against Defendants Alltex Refinery LLC and Amidee A. Vera on Plaintiff’s motion once the deadline for

Defendants Alltex Refinery and Amidee A. Vera to respond had passed. Dkt. Nos. 6, and 7.

Alltex Operating was served with Process on September 2, 2021, setting a responsive pleading date of September 22, 2021. Dkt. No. 10. On Plaintiff's motion, the Clerk entered default against Alltex Operating Company on November 5, 2021. Dkt. Nos. 13, and 14.

The Court granted Plaintiff's *ex parte* motion to permit alternate service of process on Russel L. Vera and Arthur K. Vera. Dkt. Nos. 11, 12. Defendants Russel L. Vera and Arthur K. Vera were served with process pursuant to the Court's Order permitting alternate service of process through electronic mail on November 4, 2021, setting a responsive pleading date of November 25, 2021. Dkt. No. 15. On Plaintiff's motion, the Clerk entered default against Russel L. Vera and Arthur K. Vera on December 7, 2021. Dkt. Nos. 16, 17.

An Involuntary Petition Under Chapter 11 was filed against Alltex Refinery LLC on October 1, 2021 in the United States Bankruptcy Court for the Western District of Texas by petitioning creditors Notre Dame Investors, Inc., Lesley Services LLC, and CTO Investments, Inc. Dkt. No. 18, Ex. 1. On November 8, 2021, Chief Judge Craig A. Gargotta of United States Bankruptcy Court for the Western District of Texas, San Antonio Division, entered an Order for Relief on the Involuntary Petition Under Chapter 11 of the United States Bankruptcy Code against Defendant Alltex Refinery LLC. See Dkt. No. 18; see also Case No. 21-51199-cag, Dkt. No. 5.

Pursuant to the U.S. Bankruptcy Code, 11 U.S.C.A. § 362(a), this case is administratively stayed as to all parties, including the non-debtor Defendants due to the Involuntary Petition Under Chapter 11 against Alltex Refinery LLC in the United States Bankruptcy Court for the Western District of Texas. 11 U.S.C.A. § 362(a).

An Order approving the appointment of a Trustee was entered on December 22, 2021. *See* Case No. 21-51199-cag, Dkt. No. 30. On February 8, 2022, the Bankruptcy Court entered an Order converting the case to Chapter 7 from Chapter 11. *See* Case No. 21-51199-cag, Dkt. No. 44. Meetings of the creditors occurred on March 22, 2022, and again on July 21, 2022. *See* Case No. 21-51199-cag, Dkt. Nos. 51 and 68. An Order setting the Proof of Claims Bar Date for August 2, 2022. *See* Case No. 21-51199-cag, Dkt. No. 58. The Trustee filed his Notice of Final Report Before Distribution on September 14, 2022. *See* Case No. 21-51199-cag, Dkt. No. 77.

On September 16, 2022, the Court issued an Order to Show Cause why the matter should not be dismissed for want of prosecution. Dkt. No. 19.

Although there has been a brief delay in this case while the involuntary bankruptcy petition has run its course, this case is not ripe for dismissal for want of prosecution. Now that the Final Report Before Distribution has been entered (September 14, 2022, *See* Case No. 21-51199-cag, Dkt. No. 77), Plaintiff will move for relief from the administrative stay as to each of the non-debtor Defendants, including Defendants Alltex Operating Company, Russell L. Vera, Arthur K. Vera and Amidee A. Vera, within the next thirty (30) days. Once the administrative stay is lifted, Plaintiff will move against the non-debtor defendants for default judgment within thirty (30) days of the administrative stay being lifted.

DATED: September 30, 2022

Respectfully submitted,

/s/ Mateo Z. Fowler  
Mateo Z. Fowler  
State Bar No. 24062726

**MZF LAW, PLLC**  
1211 W. 6th Street, Ste. 600-143  
Austin, TX 78703  
Telephone: +1 281.546.5172  
mateofowler@mzflaw.com

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30th day of September, 2022, I electronically filed the foregoing document with the Court using CM/ECF and served on the same day all counsel of record via the CM/ECF notification system and published said document to the website located at: [www.sjrdevelopmentllcvalltexrefineryllcetal.com](http://www.sjrdevelopmentllcvalltexrefineryllcetal.com) on even date.

/s/ Mateo Z. Fowler

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SJR DEVELOPMENT LLC,**

Plaintiff,

v.

**ALLTEX REFINERY LLC, ALLTEX  
OPERATING COMPANY,  
RUSSELL L. VERA, AMIDEE A. VERA,  
AND ARTHUR K. VERA**

Defendants.

**CASE NO.: 1:21-CV-00647-LY**

**DEMAND FOR JURY TRIAL**

**NOTICE OF ORDER LIFTING BANKRUPTCY STAY  
AS TO NON-DEBTOR DEFENDANTS**

**TO THE COURT, THE PARTIES AND COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that on November 8, 2022, in the United States Bankruptcy Court for the Western District of Texas, Case No. 21-51199-cag, the Bankruptcy Court entered an Order lifting the automatic stay to allow SJR Development, LLC proceed with the civil litigation suit, Case No. 1:21-cv-00647-LY, in this Court against the non-debtor Defendants Alltex Operating Compan, Russell K Vera, Arthur L Vera, and Amidee Vera. The filed Order is attached hereto as Exhibit A.

**DATED:** November 15, 2022

**NOTICE OF ORDER LIFTING BANKRUPTCY STAY  
AS TO NON-DEBTOR DEFENDANTS**

Respectfully submitted,

/s/ Mateo Z. Fowler  
Mateo Z. Fowler  
State Bar No. 24062726  
**MZF LAW, PLLC**  
1211 W. 6th Street, Ste. 600-143  
Austin, TX 78703  
Telephone: +1 281.546.5172  
mateofowler@mzflaw.com

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of November, 2022, I electronically filed the foregoing document with the Court using CM/ECF and served on the same day all counsel of record via the CM/ECF notification system and published said document to the website located at: [www.sjrdevelopmentllcvalltexrefineryllcetal.com](http://www.sjrdevelopmentllcvalltexrefineryllcetal.com) on even date.

/s/ Mateo Z. Fowler

# EXHIBIT A



**IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.**

**Dated: November 08, 2022.**

IN THE UNITED STATES BANKR  
FOR THE WESTERN DISTRICT  
SAN ANTONIO DIVISION

*Craig A. Gargotta*

CRAIG A. GARGOTTA

CHIEF UNITED STATES BANKRUPTCY JUDGE

IN RE

ALLTEX REFINERY LLC,

CASE NO. 21-51199  
CHAPTER 11

**ORDER GRANTING MOTION FOR RELIEF FROM AUTOMATIC STAY**

CAME ON THIS DAY for consideration of the *Motion for Relief from Stay* filed by SJR Development, LLC. The Court having considered the Motion finds good cause to be shown and that the Motion should be granted. It is therefore:

ORDERED, ADJUDGED and DECREED that the automatic stay be lifted to permit the SJR Development LLC to proceed with the civil litigation suit, Cause No. 1:21-cv-00647-LY in the United States District for Court Western District of Texas, Austin Division against non-debtor Defendants.

### END OF ORDER ###

Dorothy K. Lawrence  
Attorney for SJR Development LLC  
151 E. Mercer Street, Suite E, Dripping Springs, TX 78620  
Phone: 512-699-5632 Fax: 512-369-3535  
dorothy@dorothybutlerlawfirm.com

Notice Pg 2 of 3  
United States Bankruptcy Court  
Western District of Texas

In re:  
Alltex Refinery LLC  
Debtor

Case No. 21-51199-cag  
Chapter 7

## CERTIFICATE OF NOTICE

District/off: 0542-5  
Date Rcvd: Nov 08, 2022

User: admin  
Form ID: pdfintp

Page 1 of 2  
Total Noticed: 5

The following symbols are used throughout this certificate:

Symbol	Definition
--------	------------

+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
---	--

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 10, 2022:**

Recip ID	Recipient Name and Address
db	+ Alltex Refinery LLC, 301 North Main Plaza, No. 334, New Braunfels, TX 78130-5136
ptcrd	+ CTO Investments, Inc., 5404 Holly, Bellaire, TX 77401-4704
ptcrd	+ Capital Funding Solutions, Inc., 310 Comal Street, Floor 2, Suite 240, Austin, TX 78702 UNITED STATES 78702-4597
ptcrd	Lessley Services LLC, 2805 S Hwy 42 North, Kilgore, TX 75662
ptcrd	+ Notre Dame Investors, Inc., 5404 Holly Street, Bellaire, TX 77401-4704

TOTAL: 5

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

**The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.**

NONE

## NOTICE CERTIFICATION

**I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 10, 2022

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 8, 2022 at the address(es) listed below:**

Name	Email Address
Alan S. Gerger	on behalf of Petitioning Creditor CTO Investments Inc. asgerger@gerglaw.com, dngbkpfilings@gmail.com
Alan S. Gerger	on behalf of Petitioning Creditor Notre Dame Investors Inc. asgerger@gerglaw.com, dngbkpfilings@gmail.com
Diane W. Sanders	on behalf of Creditor Caldwell CAD austin.bankruptcy@publicans.com
Dorothy K Lawrence	on behalf of Creditor SJR Development LLC dorothy@dorothybutlerlawfirm.com

Page 2 of 2

Total Noticed: 5

USTPRegion07.SN.ECF@usdoj.gov

TOTAL: 15