Erica Espinosa <erica.espinosa@co.hidalgo.tx.us>

# Fwd: Requirement for Commissioners' Court Action Before Filing Lulu Road Lawsuit

1 message

**David Suarez** <david.suarez@co.hidalgo.tx.us> Mon, Dec 1, 2025 at 1:40 PM
To: Erica Espinosa <erica.espinosa@co.hidalgo.tx.us>

We need this on the agenda

**DAVID SUAREZ**
Chief Administrator

Office of Commissioner **DAVID L FUENTES**
Hidalgo County Precinct 1
1902 Joe Stephens Ave., Ste. 101
Weslaco, TX 78599
Office: 956-968-8733 Ext. 1013

---------- Forwarded message ---------
From: **Michelle Lopez** <michelle.lopez@da.co.hidalgo.tx.us>
Date: Mon, Dec 1, 2025 at 10:15 AM
Subject: Re: Requirement for Commissioners' Court Action Before Filing Lulu Road Lawsuit
To: David Suarez <david.suarez@co.hidalgo.tx.us>
CC: garza, victor <victor.garza@da.co.hidalgo.tx.us>, Robert Vina <robert.vina@da.co.hidalgo.tx.us>, guzman, daniel <daniel.guzman@co.hidalgo.tx.us>

Good Morning Mr. Suarez,

This office has reviewed the proposed agenda language and we have no questions or concerns.

Thank you,

On Mon, Dec 1, 2025 at 8:53 AM David Suarez <david.suarez@co.hidalgo.tx.us> wrote:

> Good morning, Mr. Garza,
>
> Please see email below from Pepe Caso, legal counsel for the Precinct on this road issue. Please let me know if you agree with the agenda item language so we can place it on the next agenda.
>
> Thanks.
>
> **DAVID SUAREZ**
> Chief Administrator
>
> Office of Commissioner **DAVID L FUENTES**
> Hidalgo County Precinct 1

1902 Joe Stephens Ave., Ste. 101
Weslaco, TX 78599
Office: 956-968-8733 Ext. 1013

---------- Forwarded message ---------
From: **Jose Caso** <jcaso@caso.law>
Date: Tue, Nov 25, 2025 at 12:01 PM
Subject: Requirement for Commissioners' Court Action Before Filing Lulu Road Lawsuit
To: Daniel Guzman <daniel.guzman@co.hidalgo.tx.us>
CC: David Suarez <david.suarez@co.hidalgo.tx.us>

Mr. Suarez and Mr. Guzman,

I wanted to follow up regarding the Lulu Road obstruction matter.

We have completed our research on the issue, and based on the applicable case law, we will need Commissioners Court action before we can file the lawsuit. As we were completing our research, we found case law stating that counties can only initiate a lawsuit by obtaining authority through Commissioners' Court action.

To avoid the risk of a Rule 5 “Show Authority” challenge, which could derail the case at the outset, we recommend placing an item on the next Commissioners Court agenda to formally authorize the litigation. This will allow us to move forward with the lawsuit without procedural vulnerabilities.

**Proposed Agenda Language:**
Authorize filing a lawsuit to enforce public access to Lulu Road.

We can include the survey and the county inventory of roads as backup documentation in the agenda packet. We will have the lawsuit fully prepared and ready to file immediately upon approval by the Commissioners' Court.

Best, Pepe Caso

--

Michelle Lopez
Assistant District Attorney
County Affairs Division
(956) 292-7609 Ext. 8189
Michelle.Lopez@da.co.hidalgo.tx.us