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NO. 07-1050

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IN THE  
SUPREME COURT OF TEXAS

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ZACHRY CONSTRUCTION CORPORATION, ET AL.,

Petitioners,

V.

TEXAS A&M UNIVERSITY,

Respondent.

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On Petition for Review From the Court of Appeals  
For the Tenth District of Texas, Waco  
No. 10-05-00139-CV

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PETITIONER SCOTT-MACON, LTD.'S RESPONSE TO  
THE MOTION OF TEXAS A&M UNIVERSITY TO DISMISS PETITIONERS'  
CASES AS MOOT PURSUANT TO TEX.R.APP.P. 56.2

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Oral Argument September 8, 2009

**TO THE HONORABLE SUPREME COURT OF TEXAS:**

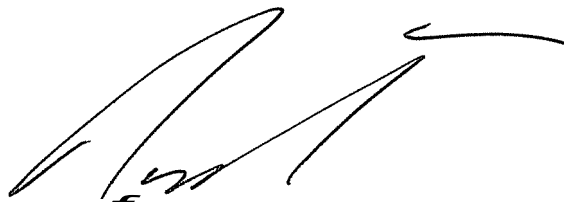
Pursuant to the request of the Supreme Court of Texas dated August 27, 2009, Petitioner Scott-Macon, Ltd. files this Response to the Motion of Texas A&M University to Dismiss Petitioners' Cases as Moot Pursuant to Tex.R.App.P. 56.2:

I.

Pursuant to Tex.R.App.P. 9.7, Petitioner Scott-Macon, Ltd. hereby adopts and incorporates herein by reference Petitioners' Response and Opposition to Motion of Texas A&M University to Dismiss Petitioners' Cases as Moot Pursuant to Tex.R.App.P. 56.2 filed in this Court by the Zachry Defendants on September 1, 2009.

WHEREFORE, Petitioner Scott-Macon, Ltd. prays that the Motion of Texas A&M University to Dismiss Petitioners' Cases as Moot Pursuant to Tex.R.App.P. 56.2 be denied, and Petitioner prays for such other relief to which it may be entitled.

**THOMPSON, COE, COUSINS, & IRONS, L.L.P.**

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

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**CERTIFICATE OF SERVICE**

I, Randy Nelson, do hereby certify that this response has been transmitted by e-mail to [blake.hawthome@courts.state.tx.us](mailto:blake.hawthome@courts.state.tx.us) and to [Claudia.jenks@courts.state.tx.us](mailto:Claudia.jenks@courts.state.tx.us) before 5:00 p.m. on September 1, 2009, with copies by email to counsel for Zachry and Texas A&M University, and the original and thirteen (13) copies sent by overnight messenger to Blake Hawthome, Clerk of the Supreme Court of Texas, P.O. Box 12248, Austin, Texas 78711-2248, and identical copies were forwarded to the following attorneys of record and interested persons by mailing same by regular U.S. mail, on this the 1st day of September, 2009:

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