

- b) Defendant admits awareness of the rights granted Republic under the contract, specifically the exclusive right to collect construction and demolition waste in the City of San Angelo;
- c) Defendant admits that it has and will continue to intentionally interfere with the rights granted to Republic under the contract, specifically by providing construction waste collection services to Republic's customers in the City of San Angelo and actively soliciting Republic's customers causing Republic damages.
- d) Accordingly, the only disputed issue regarding Defendant's liability is a legal issue—Defendant's contention that Republic's contract is unenforceable—and that issue should be resolved in Republic's favor.

1.2. Republic is entitled to summary judgment on its declaratory judgment cause of action because there is no disputed issue of material fact:

- a) Republic is a party to a contract, the Special Exclusive Contract for Solid Waste Collection and Disposal Services;
- b) the contract provides Republic the exclusive right to collect residential and non-residential waste, including temporary construction and demolition waste;
- c) Republic seeks a declaration that the rights to collect and haul construction and demolition waste granted to Republic by the City of San Angelo under the contract are enforceable.

WHEREFORE Plaintiff Republic Waste Services of Texas, Ltd. requests that it be granted partial summary judgment holding Defendant liable for tortious interference with Republic's right under its contract with the City of San Angelo, declaratory judgment that the contract between Republic and the City of San Angelo is enforceable as to the rights granted Republic regarding construction and demolition waste, providing for further proceedings to determine the appropriate remedies under Republic's tortious interference claim.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on this 12th day of December, 2014, this document was served electronically via the Court's ECF system upon the persons on the service list below:

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