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### North East Mall owner may hand over documents in lawsuit

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HURST - The company that owns North East Mall will consider handing over documents that might be evidence in a lawsuit challenging the city's condemnation of 10 homes to make way for a mall expansion and a shopping center.

A hearing in the case before state District Judge Fred Davis was canceled yesterday after both sides agreed to discuss whether Simon DeBartolo Group, the Indianapolis company that owns the mall, should produce the documents for the plaintiffs, lawyers said.

"We're hoping that if we can come to an agreement, the case will go much faster," said Glenn Sodd, an lawyer for the homeowners.

The plaintiffs, whose houses have been razed to make way for the \$220 million mall expansion and a shopping center to be built nearby, filed the lawsuit about a year ago, contending that the city's use of eminent domain violated the Texas Constitution.

As part of the discovery process, the homeowners' lawyers had requested any documents that North East Mall manager Diane Myers might have that are relevant to the lawsuit. Attorneys for Simon DeBartolo Group had been expected to argue during the hearing that the homeowners did not follow proper legal procedures.

"If we can work something out, then we'll do our best to cooperate," said Larry Fossi, a Houston attorney for Vinson & Elkins, the law firm that represents Simon DeBartolo Group.

Myers declined to comment. Simon DeBartolo officials did not immediately return telephone calls.

Plaintiffs in the lawsuit said they were relieved that the case appeared to be moving forward, after the city's lawyers got the case temporarily moved to federal court. U.S. District Judge Terry Means later moved the case back to state court.

"Simon DeBartolo was just giving us the runaround," said Phyllis Duvall, one of the plaintiffs. "I'm ready for the train to start moving down the track. "

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