#### CAUSE NO. 2018-06745

FREE AND SOVEREIGN STATE OF	Ś
VERACRUZ DE IGNACIO DE LA LLAVE	ş
Plaintiff,	§
	§
vs.	§
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	Ş
18 SHALLOWFORD PL., LLC	Ş
JAVIER DUARTE DE OCHOA, JOSE A.	Ş
BANDIN, and MONICA BABAYAN	§
	§

Defendants.

IN THE DISTRICT COURT OF 334TH JUDICIAL DISTRICT HARRIS COUNTY, TEXAS

JURY TRIAL DEMANDED

### PLAINTIFF'S EMERGENCY MOTION FOR DISCOVERY PURSUANT FO THE TCPA

§

The parties recently held a hearing on Defendant's motion to dismiss pursuant to CPRC Chpt. 27 – the Anti-SLAPP statute. The Anti-SLAPP statute provides that upon a showing of good cause the Court may allow specified and imited discovery relevant to the motion. CPRC § 27.006(b). As this Court is well aware, at the hearing Defendants complained that Plaintiff had not produced enough evidence to meet its burden to demonstrate a prima facie case of theft. However, as this Court is also aware, discovery is automatically stayed after the filing of an Anti-SLAPP motion. In this situation, Defendants used Plaintiff's inability to engage in discovery as both a sword and shield. As such, and because of the specific arguments made by Defendants, specificatly that Plaintiff had not produced enough evidence, or 'tracing' of funds that had been stolen, Plaintiff now seeks leave to do discovery on these issues. Plaintiff would like to depose both Jose Bandin and Monica Babayan, and send a limited amount of paper discovery related to the funds used to buy the real estate in question.

Respectfully submitted,

# THE BUZBEE LAW FIRM

By: <u>/s/ Anthony G.Buzbee</u> Anthony G. Buzbee State Bar No. 24001820 Christopher J. Leavitt State Bar No. 240533 tbuzbee@txattorneys.com JP Morgan Chase Tower 600 Travis, Suite 6850 Houston, Texas 77002 Telephone: (713) 223-5393 Facsimile? (713) 223-5909 

# **ATTORNEYS FOR PLAINTIFF**

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document has been duly served on all known counsel of record and pro se parties in accordance with the Texas Rules of Civil Procedure on July 13, 2018.

<u>Via Facsimile: (713) 574-3224</u>	
Murray Fogler	
Jas Brar	
FOGLER, BRAR, FORD, O'NEIL & GRAY, LLP	
909 Fannin Street, Suite 1640	
2 Houston Center	
Houston, TX 77010	
Counsel for the Bandin Defendants	
_	/c/ Christonhor L gazzitt
	Christopher J. Leavitt
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