

## Chris Leavitt

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**From:** Chris Leavitt  
**Sent:** Friday, April 20, 2018 10:37 PM  
**To:** 'Murray Fogler'; Anthony Buzbee  
**Cc:** Chris Leavitt (Cleavitt@txattorneys.com)  
**Subject:** RE: Veracruz cases

Yes; that is agreeable assuming you do not oppose our motion to remand that is filed in the removed case. Ok?

Also, please start getting together some deposition dates for Mr. Bandin and Mrs. Babayan. We would like to depose them as soon as possible after you answer on their behalf.

Thanks,  
Chris Leavitt

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**From:** Murray Fogler [mailto:mfogler@fbfog.com]  
**Sent:** Thursday, April 12, 2018 4:54 PM  
**To:** Anthony Buzbee; Chris Leavitt  
**Subject:** RE: Veracruz cases

Chris,

Thanks for your call today. I agree that I will not attempt to remove to federal court the two cases referenced below that are still pending in state court. With that additional stipulation, will you confirm by return email our agreement that I will accept service for the defendants listed below and that our date to appear will be June 11, 2018?

Murray

**From:** Murray Fogler  
**Sent:** Tuesday, April 10, 2018 11:43 AM  
**To:** Anthony Buzbee <tbuzbee@txattorneys.com>; Chris Leavitt <Cleavitt@txattorneys.com>  
**Subject:** Veracruz cases

Tony and Chris,

I've been following your Veracruz cases because I will be representing Jose Antonio Bandin, his wife Monica Babayan, and several of his entities. (Below I will refer to the specific cases and the entities in each case that I will represent.) I am writing because I see you have filed motions for substituted service as to some or all of these parties, and I have a proposal to make.

Jose Antonio Bandin and Monica Babayan are no longer residents of Texas. They live in Spain. Your motions for substituted service as to them will not provide effective service of process. Their companies are Texas entities, and they have registered agents, so your motions

for substituted service as to those entities might work, but I can't understand why you've had so much trouble figuring out how to get them served.

In any event, I am proposing to accept service for Bandin, Babayan, and the entities listed below in the cases listed below. That will moot your motions and solve your issues with improper service. In exchange, I want you to agree that our date to appear on behalf of these defendants will be 60 days from the date of our agreement.

If this is acceptable, send me a return email or, if you prefer a more formal Rule 11, we can do it that way, too.

Murray

<u>Cases</u>	<u>Defendants I will represent</u>
2018-06480	83 West Jagged Ridge, LLC, 175 New Harmony LLC, 18 Griffin Hill, LLC, 138 Bryce Branch, LLC, 43 Spinning Wheel LLC, Jose A. Bandin, Monica Babayan, and Banba Offices, LLC
2018-06745	18 Shallowford Place, LLC, Jose A. Bandin, and Monica Babayan
2018-08341	Jose A. Bandin and Monica Babayan [I believe this case has been removed to federal court]



Murray Fogler

2 Houston Center  
909 Fannin, Suite 1640  
Houston, Texas 77010  
713-481-1010 (Main)  
713-325-8239 (Direct)  
713-574-3224 (Fax)  
[mfogler@fbfog](mailto:mfogler@fbfog)  
[www.fbfog.com](http://www.fbfog.com)