



CHRIS DANIEL HARRIS COUNTY DISTRICT CLERK

DATE 9/28/2018
ACCELERATED

NOTICE OF APPEALS ASSIGNMENT OF COURT THE COURT OF APPEALS

FILED IN
14th COURT OF APPEALS
HOUSTON, TEXAS
9/28/2018 2:32:14 PM
CHRISTOPHER A. PRINE
Clerk

TO: 14TH COURT OF APPEALS

From: Deputy Clerk: SHEMEKA LEE
Chris Daniel, District Clerk
Harris County, T E X A S

CAUSE: 2018-06480

RELATED CASE 14-18-00752-CV

VOLUME _____ PAGE _____ OR IMAGE # 81675589

DUE 10/7/2018

ATTORNEY 07207300

NOTICE OF APPEAL HAS BEEN ASSIGNED TO THE 14TH COURT OF APPEALS

DATE JUDGMENT SIGNED: 9/12/2018

MOTION FOR NEW TRIAL DATE FILED NONE

FINDINGS OF FACT & CONCLUSIONS OF LAW FILED NONE

REQUEST TRANSCRIPT DATE FILED NONE

NOTICE OF APPEAL DATE FILED 9/27/2018

NUMBER OF DAYS: (CLERKS RECORD) 10 DAYS

FILE ORDERED: YES NO IMAGED FILED: YES NO

CODES FOR NOTICE OF APPEAL: D,OA

COURT REPORTER: Kimberly Kidd

CHRIS DANIEL
Harris County, District Clerk

By: /s/ Shemeka Lee
SHEMEKA LEE, Deputy

- BC NOTICE OF APPEAL FILED
- BG NOTICE OF APPEAL FILED – GOVERNMENT
- C JUDGMENT BEING APPEALED
- D ACCELERATED APPEAL
- OA NO CLERK’S RECORD REQUEST FILED
- O CLERK’S RECORD REQUEST FILED (W/ NOTICE OF APPEAL)
- NA AMENDED NOTICE OF APPEAL

CAUSE NO. 2018-06480

FREE AND SOVERIEGN STATE OF	§	IN THE DISTRICT COURT OF
VERACRUZ DE IGNACIO DE LA	§	
LLAVE	§	
	§	
Plaintiff,	§	
	§	HARRIS COUNTY, TEXAS
v.	§	
	§	
83 WEST JAGGED RIDGE, LLC, <i>ET AL.</i>	§	
	§	
Defendants.	§	295 th JUDICIAL DISTRICT

CONSOLIDATED WITH

CAUSE NO. 2018-06745

FREE AND SOVERIEGN STATE OF	§	IN THE DISTRICT COURT OF
VERACRUZ DE IGNACIO DE LA	§	
LLAVE	§	
	§	
Plaintiff,	§	
	§	HARRIS COUNTY, TEXAS
v.	§	
	§	
18 SHALLOWFORD PL., LLC, <i>ET AL.</i>	§	
	§	
Defendants.	§	334 th JUDICIAL DISTRICT

CAUSE NO. 2018-06752

FREE AND SOVERIEGN STATE OF	§	IN THE DISTRICT COURT OF
VERACRUZ DE IGNACIO DE LA	§	
LLAVE	§	
	§	
Plaintiff,	§	
	§	HARRIS COUNTY, TEXAS
v.	§	
	§	
JAIME REVERTE, <i>ET AL.</i>	§	
	§	
Defendants.	§	127 th JUDICIAL DISTRICT

CAUSE NO. 2018-08341

FREE AND SOVERIEGN STATE OF	§	IN THE DISTRICT COURT OF
VERACRUZ DE IGNACIO DE LA	§	
LLAVE	§	
	§	
Plaintiff,	§	
	§	HARRIS COUNTY, TEXAS
v.	§	
	§	
CW OPERATING COMPANY, INC.,	§	
<i>ET AL.</i>	§	
	§	
Defendants.	§	127 th JUDICIAL DISTRICT

CERTAIN DEFENDANTS’ NOTICE OF APPEAL

Defendants Jose Bandin, Monica Babayan, Banba Offices, LLC, 83 West Jagged Ridge, LLC, 87 West Jagged Ridge, LLC, 175 W New Harmony, LLC, 18 Griffin Hill, LLC, 138 Bryce Branch, LLC, and 43 Spinning Wheel, LLC (the “Bandin Defendants”) in Cause No. 2018-06480 hereby file this notice of appeal from the Court’s Order Denying Defendants’ Motion to Dismiss Pursuant to CPRC 27.003, dated September 12, 2018, pursuant to Sections 27.008 and 51.014(a)(12) of the Texas Civil Practices and Remedies Code and Texas Rules of Appellate Procedure 25.1(a) and 26.1(b).

Defendants Jose Ruiz and Monica B. Canal in Cause No. 2018-06752 (now consolidated with Cause No. 2018-06480) hereby file this notice of appeal from the Court’s Order Denying Defendants’ Motion to Dismiss Pursuant to CPRC 27.003, dated September 12, 2018, pursuant to Sections 27.008 and 51.014(a)(12) of the Texas Civil Practices and Remedies Code and Texas Rules of Appellate Procedure 25.1(a) and 26.1(b).

Defendants Jose A. Bandin and Monica Babayan in Cause No. 2018-08341 (now consolidated with Cause No. 2018-06480) hereby file this notice of appeal from the Court’s Order Denying Defendants’ Motion to Dismiss Pursuant to CPRC 27.003, dated September 12, 2018,

pursuant to Sections 27.008 and 51.014(a)(12) of the Texas Civil Practices and Remedies Code and Texas Rules of Appellate Procedure 25.1(a) and 26.1(b).

This Notice of Appeal is related to the Notice of Appeal filed in Cause No. 2018-06745 (now consolidated with Cause No. 2018-06480), which has been docketed in the Fourteenth Court of Appeals as No. 14-18-00752-CV. We hereby provide notice that once the appeal from this notice is docketed, we will seek to consolidate this appeal with No. 14-18-00752-CV.

Respectfully submitted,

FOGLER, BRAR, FORD, O'NEIL & GRAY, LLP

/s/ Murray Fogler

Murray Fogler

State Bar No. 07207300

mfogler@fbfog.com

Jas Brar

State Bar No. 24059483

jbrar@fbfog.com

909 Fannin Street, Suite 1640

2 Houston Center

Houston, Texas 77010

Tel: 713.481-1010

Fax: 713.574-3224

COUNSEL FOR THE BANDIN DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2018, a true and correct copy of the forgoing document has been served on all counsel of record, by the Electronic Service Provider, if registered, otherwise by email and/or fax.

Anthony G. Buzbee (tbuzbee@txattorneys.com)
Christopher J. Leavitt (cleavitt@txattorneys.com)
Jessica Salto (jsalto@txattorneys.com)
THE BUZBEE LAW FIRM
JP Morgan Chase Tower
600 Travis, Suite 6850
Houston, Texas 77002

Bret L. Strong (bstrong@thestrongfirm.com)
Laura F. Dumas (ldumas@thestrongfirm.com)
Kristin Bates (kbates@thestrongfirm.com)
April Walter (awalter@thestrongfirm.com)
THE STRONG FIRM, P.C.
1790 Highes Landing Blvd., Suite 200
The Woodland, Texas 77380

James H. Stilwell (james@meslawfirm.com)
MARTIN, EARL & STILWELL, LLP
1400 Woodloch Forrest Drive, Suite 590
The Woodlands, Texas 77380

Charles B. Hampton (champton@mcguirewoods.com)
Sioghan K. Ray (sray@mcguirewoods.com)
MCGUIRE WOODS LLP
600 Travis Street, 75th Floor
Houston, Texas 77010

Stephen Edmundson (sedmundson@cozen.com)
COZEN O'CONNOR
1221 McKinney, Suite 2900
Houston, Texas 77010

William P. Huttenbach (phuttenbach@hirschwest.com)
Kristina L. Cunningham (kcunningham@hirschwest.com)
HIRSCH & WESTHEIMER, P.C.
1415 Louisiana, 36th Floor
Houston, Texas 77002

/s/ Murray Fogler

MURRAY FOGLER

CAUSE NO. 2018-06480

FREE AND SOVEREIGN STATE OF
VERACRUZ DE IGNACIO DE LA
LLAVE

Plaintiff,

v.

83 WEST JAGGED RIDGE, LLC, *ET AL.*

Defendants.

§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

295th JUDICIAL DISTRICT

FILED
Chris Daniel
District Clerk
SEP 12 2018
By _____
Deputy
Harris County, Texas

**ORDER DENYING DEFENDANTS' MOTION
TO DISMISS PURSUANT TO CPRC 27.003**

The motion to dismiss pursuant to the Texas Citizens Participation Act filed by Defendants Jose Bandin, Monica Babayan, Banba Offices, LLC, 83 West Jagged Ridge, LLC, 87 West Jagged Ridge, LLC, 175 W New Harmony, LLC, 18 Griffin Hill, LLC, 138 Bryce Branch, LLC, and 43 Spinning Wheel, LLC (the "Bandin Defendants") is before the Court.

The Court has been advised that a similar motion to dismiss pursuant to the Texas Citizens Participation Act was filed and heard in Cause No. 2018-06745, *Free and Sovereign State of Veracruz v. 18 Shallowford Place, et al*, in the 334th District Court of Harris County, Texas, and that motion was denied by operation of law. The parties have agreed, without waiver of any rights by either side, that the ruling in the 334th District Court operates as the "law of the case."

The Court has previously consolidated into this cause the case from the 334th District Court, along with Cause No. 2018-06752, *Free and Sovereign State of Veracruz v. Jaime*

Reverte, et al, in the 127th District Court of Harris County, Texas, and Cause No. 2018-08341, *Free and Sovereign State of Veracruz v. CW Operating Company, Inc. et al*, in the 113th District Court of Harris County, Texas. The Bandin Defendants have filed similar motions to dismiss pursuant to the Texas Citizens Participation Act in those two cases. Plaintiff filed a motion in the 295th District Court to compel Defendants Jose Bandin and Monica Babayan to answer questions at their depositions in which they asserted their 5th Amendment Rights. Upon consideration the Court **DENIES** Plaintiff's Motion to Compel.

Further, without making any substantive review of the pending motions to dismiss, the Court accepts the ruling from the 334th District Court as the law of the case and therefore **DENIES** each of the remaining motions to dismiss—that is, the motions filed in the 127th District Court, the 113th District Court, and this court.

It is the intent of this order to dispose of all remaining TCPA motions to dismiss in this now-consolidated matter so that the Bandin Defendants, if they wish, may take a consolidated appeal of this ruling.

Signed on this 12th day of September, 2018.

Caroline Baker

HON. JUDGE BAKER
District Judge, 295th Judicial District

CWNY

CAUSE NO. 2018-06480

FILED
Chris Daniel
District Clerk
SEP 25 2018
Harris County, Texas
Deputy
Time: _____
By: _____

FREE AND SOVEREIGN STATE OF
VERACRUZ DE IGNACIO DE LA
LLAVE

Plaintiff,

v.

83 WEST JAGGED RIDGE, LLC, *ET AL.*

Defendants.

§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

295th JUDICIAL DISTRICT

ORDER GRANTING MOTION TO CONSOLIDATE

The Court grants the Bandin Defendants' Motion to Consolidate. It is therefore **ORDERED** that the following cases will be consolidated into this case:

1. No. 2018-06745, *Free and Sovereign State of Veracruz v. Javier Duarte, et al.*, in the 334th District Court of Harris County, Texas.
2. No. 2018-06752, *Free and Sovereign State of Veracruz v. Jaime Reverte, et al.*, in the 127th District Court of Harris County, Texas.
3. No. 2018-08341, *Free and Sovereign State of Veracruz v. CW Operating Company, Inc., et al.*, in the 113th District Court of Harris County, Texas.

The District Clerk is further **ORDERED** to move all the pleadings in the cases set forth above to reflect the consolidated under this cause number

Signed on this 25th day of September, 2018.

Caroline Baker

HON. JUDGE BAKER
District Judge, 295th Judicial District

(19) CONNECTION(S) FOUND.

CASE NUM: PJN: TRANS NUM: CURRENT COURT: PUB:

CASE TYPE: CASE STATUS:

STYLE: VS

**** INACTIVE PARTIES ****

PJN	PER/CONN	COC	BAR	PERSON NAME	PTY STAT	ASSOC ATTY
<input type="checkbox"/>	00019 - 0001	DEF	07207300	BANBA OFFICES LLC		FOGLER, MURRAY J.
<input type="checkbox"/>	00018 - 0001	AGT		BANBA OFFICES LLC CAN BE SERVED VIA ITS REC		
<input type="checkbox"/>	00017 - 0001	AGT		43 SPINNING WHEEL LLC CAN BE SERVED VIA ITS		
<input type="checkbox"/>	00016 - 0001	AGT		138 BRYCE BRANCH LLC CAN BE SERVED VIA ITS		
<input type="checkbox"/>	00015 - 0001	AGT		18 GRIFFIN HILL LLC CAN BE SERVED VIA ITS REC		
<input type="checkbox"/>	00014 - 0001	AGT		175 W NEW HARMONY LLC CAN BE SERVED VIA IT		
<input type="checkbox"/>	00013 - 0001	AGT		87 WEST JAGGED RIDGE LLC CAN BE SERVED VIA		
<input type="checkbox"/>	00012 - 0001	AGT		83 WEST JAGGED RIDGE LLC CAN BE SERVED VIA		
<input type="checkbox"/>	00011 - 0001	DEF	07207300	BABAYAN, MONICA		FOGLER, MURRAY J.
<input type="checkbox"/>	00010 - 0001	DEF	07207300	BANDIN, JOSE A		FOGLER, MURRAY J.
<input type="checkbox"/>	00009 - 0001	DEF		DUARTE, JAVIER		
<input type="checkbox"/>	00008 - 0001	DEF	07207300	43 SPINNING WHEEL LLC		FOGLER, MURRAY J.
<input type="checkbox"/>	00007 - 0001	DEF		TUBILLA, MONICA M		
<input type="checkbox"/>	00006 - 0001	DEF	07207300	138 BRYCE BRANCH LLC		FOGLER, MURRAY J.
<input type="checkbox"/>	00005 - 0001	DEF	07207300	18 GRIFFIN HILL LLC		FOGLER, MURRAY J.
<input type="checkbox"/>	00004 - 0001	DEF	07207300	175 W NEW HARMONY LLC		FOGLER, MURRAY J.
<input type="checkbox"/>	00003 - 0001	DEF	07207300	87 WEST JAGGED RIDGE LLC		FOGLER, MURRAY J.
<input type="checkbox"/>	00002 - 0001	DEF	07207300	83 WEST JAGGED RIDGE LLC		FOGLER, MURRAY J.
<input type="checkbox"/>	00001 - 0001	PLT	24001820	FREE AND SOVEREIGN STATE OF VERACRUZ DE I		BUZBEE, ANTHONY GLENN