

PR
DISMISS
CPRD

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.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

295th JUDICIAL DISTRICT

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

**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