

CAUSE NO. 2018-06480

FREE AND SOVERIGH STATE OF	§	IN THE 333 rd DISTRICT COURT
VERACRUZ DE IGNACIO DE LA LLAVE	§	
	§	333rd JUDICIAL DISTRICT
V.	§	
	§	
JAIMIE REVERTE, JMA REVERTE	§	
PROPERTIES LLC, AZULGRANA	§	
MANAGEMENT LLCC, GIMAL REVERTE	§	
PROPERTIES LLC, AND REVERTE	§	
FAMILY LIVING TRUST AND JAVIER	§	
DUARTE DE OCHOA	§	HARRIS COUNTY, TEXAS

**PLAINTIFF'S MOTION TO STRIKE AND
RESPONSE TO DEFENDANTS' MOTION TO SHOW AUTHORITY**

Plaintiff now responds to the Rule 12 Motion to Show Authority filed by Defendants Jamie Reverte, JMA Reverte Properties LLC, Azulgrana Management LLC, Gimal Reverte Properties LLC, the Reverte Family Living Trust, Julio Antimo, Denmark Properties LLC, Lequatri Properties LLC, JR&GA Management Company LLC, St. Antimo LLC, and the Antimo Family Living Trust on July 3, 2019 and which Defendant Terraventura Developments, LLC joined on July 5, 2019.

BACKGROUND

On January 24, 2018, Plaintiff, The Free and Sovereign State of Veracruz de Ignacio de la Llave retained The Buzbee Law Firm as counsel in connection with a variety of legal matters arising from illicit activities undertaken by Javier Duarte de Ochoa and his associates, including the aforementioned Defendants to which Plaintiff now responds. While the causes of action brought against Defendants are many- ranging from conversion to conspiracy, amongst others, an agreement signed by representatives of Plaintiff and The Buzbee Law Firm memorialized The Buzbee Law Firm's authority to act on behalf of Plaintiff in all legal matters originating from Defendants' conduct in connection with Javier Duarte and his administration. The

aforementioned Defendants now represent to this Court, pursuant to Rule 12 of the Texas Rules of Civil Procedure that The Buzbee Law Firm no longer has authority to represent Plaintiff on the basis of a single new article published on May 31, 2019.

ARGUMENT AND AUTHORITIES

TRCP 12 states, “A party in a suit or proceeding pending in a court of this state may, by sworn written motion stating that he believes the suit or proceeding is being prosecuted or defended without authority, cause the attorney to be cited to appear before the court and show his authority to act.... At the hearing on the motion, the burden of proof shall be upon the challenged attorney to show sufficient authority to prosecute or defend the suit on behalf of the other party. Upon his failure to show such authority, the court shall refuse to permit the attorney to appear in the cause, and shall strike the pleadings if no person who is authorized to prosecute or defend appears.”

“When resolving the motion, the trial court considers and weighs the evidence presented at the hearing. *In re Guardianship of Benavides*, 403 S.W.3d 370, 376 (Tex. App.--San Antonio 2013, pet. denied); *R.H. v. Smith*, 339 S.W.3d 756, 762 (Tex.App.--Dallas 2011, no pet.). Typically, a challenged attorney satisfies his burden if he produces an affidavit or testimony from his client indicating the attorney was retained to provide representation in the case. See *Patton Children's Trust v. Hamlin*, No. 07-07-0488-CV, 2008 Tex. App. LEXIS 6396, 2008 WL 3863475, *4 (Tex.App.--Amarillo Aug. 20, 2008, no pet.); *Boudreau v. Fed. Trust Bank*, 115 S.W.3d 740, 741 (Tex.App.--Dallas 2003, pet. denied); *Spigener v. Wallis*, 80 S.W.3d 174, 184 (Tex.App.--Waco 2002, no pet.). *In re Sassin*, 511 S.W.3d 121 (Tex. App.—El Paso 2014).” In its Motion to Show Authority, Defendants only point to a single news article as their basis for The Buzbee Law Firm lacking the authority to prosecute this case. As Defendants’ Motions

acknowledge the current governor of the State of Veracruz de Ignacio de la Llave is Cuitláhuac García Jiménez.

Hearsay is a statement, not made by the declarant while testifying at trial, offered to prove the truth of the matter asserted. TEX . R. EVID. 801(d). Hearsay is inadmissible except where provided by statute or the rules of evidence. TEX . R. EVID. 802. Defendants offer the newspaper article as an exhibit for one reason only- to prove that “Veracruz instructed Tony Buzbee to terminate all proceedings initiated against Defendants,” as Defendants’ Motion states verbatim. Notwithstanding the fact that Defendants’ exhibit is textbook hearsay, even if it were somehow deemed to be admissible, which it clearly is not, it would still not rise to the level of putting The Buzbee Law Firm’s authority to prosecute this suit into doubt.

Notwithstanding the fact that Defendants’ proffered exhibit is clearly inadmissible hearsay, Plaintiff can easily meet its requisite burden of proof by way of the attached declaration from the current governor of Veracruz, Cuitláhuac García Jiménez.¹ The article included as Defendants’ exhibit was published on May 31, 2019. It is now July 25, 2019 and there is nothing in the Court’s record such as a motion to withdraw or letter to the judge indicating that The Buzbee Law Firm does not have authority to prosecute this lawsuit while The Buzbee Law Firm has provided a declaration from the current governor. The Buzbee Law Firm has clearly met its burden as the statements in the declaration demonstrate that The Buzbee Law Firm is the State of Veracruz de Ignacio de la Llave’s current representative in these cases and that the government wishes to continue with the prosecution of its claims against Defendants.²

¹ Ex. 1, Governor’s Declaration

² *Id.*

CONCLUSION & PRAYER

For these reasons, Plaintiff respectfully requests that this Court deny Defendants' Rule 12 Motion to Show Authority, strike the evidence in said motion, and grant Plaintiff all other relief to which it is entitled.

Respectfully submitted,

THE BUZBEE LAW FIRM

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Unofficial Copy Office of North Harris County District Clerk

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been duly served upon all known counsel of record and/or pro se parties in accordance with the Texas Rules of Civil Procedure on, July 26, 2019.

Via E-filing

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/s/ Anthony G. Buzbee

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