

CAUSE NO. 2018-06526

FREE AND SOVEREIGN STATE	§	IN THE DISTRICT COURT OF
OF VERACRUZ DE IGNACIO DE	§	
LA LLAVE,	§	
Plaintiff,	§	
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
JOSE A. MANSUR, JR.; M1	§	
WOODLANDS, LLC; M1 VILLAGE,	§	
LLC; TEXAS SOUTHMAN, INC.;	§	
AND JAVIER DUARTE DE	§	
OCHOA,	§	
Defendants	§	190TH JUDICIAL DISTRICT

Defendants M1 Woodlands, LLC's, M1 Village, LLC's, and Texas Southman, Inc.'s Motion to Compel Depositions

COME NOW, M1 Woodlands, LLC, M1 Village, LLC, and Texas Southman, Inc., Defendants herein, and files this Motion to Compel Depositions, and in support thereof respectfully shows the following:

Facts

1. This suit arises over accusations that Defendants stole money, or conspired to steal money, from the State of Veracruz, and used that money to buy properties in the Houston area. As part of their defense, Defendants M1 Woodlands, LLC, M1 Village, LLC, and Texas Southman, Inc. (hereinafter Landowners), noticed the deposition of a representative from Veracruz, as well as the deposition of their agent, a private investigator named Patrick Smith. These depositions were noticed for July 17, 2018. See Exhibit 1, Deposition Notices with Cover Letter. On the face of the deposition notice, and in a cover letter sent with the deposition notices, Defendants offered to reschedule the depositions if necessary. Plaintiff quashed the

deposition, and offered no additional dates. Defendants then sent Plaintiff two letters requesting dates for the depositions of a Veracruz representative and of Mr. Smith. See Exhibit 2, letters requesting deposition dates. Defendants met with Plaintiff on June 25, and Plaintiff informed Defendants that they would not schedule deposition until document discovery had occurred.

Law

2. “A party may take the testimony of any person or entity by deposition on oral examination before any officer authorized by law to take depositions.” Tex R. Civ. P. 199.1(a). The Texas Rules of Civil Procedure expressly permit discovery of information that is relevant to the subject matter of the pending action, whether it relates to the claim or defense of any other party, and the information sought appears reasonably calculated to lead to the discovery of admissible evidence. Tex. R. Civ. P. 192.3(a). The purpose of discovery is to allow the parties to obtain full knowledge of the issues and facts of the lawsuit before trial. *West v. Solito*, 563 S.W.2d 240,243 (Tex. 1978). Texas courts favor discovery, and the rules pertaining to discovery must be liberally construed.

Argument

3. Defendant Landowners have been accused by the State of Veracruz of stealing money from them, and as a remedy the State of Veracruz is seeking possession of Landowners’ property. Plaintiff’s claims against Defendant Landowners are vast, and Landowners need to take the deposition of a Veracruz representative in order to properly understand the basic details as to what they are being accused of so

they can defend this case.

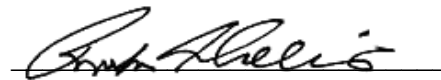
4. Defendant Landowners further need to take the deposition of Patrick Smith, a believed agent of Veracruz, who contacted the residents of Landowners properties about the facts of this case. Landowners need to take the deposition of Patrick Smith in order to properly defend this case.

5. Landowners have given Veracruz numerous opportunities to schedule these depositions at a time and place available to all parties, and Veracruz refuses to make their representative or agent available for depositions. Defendants have a need to depose these individuals, and is asking the Court to compel these depositions on a date and time certain.

Prayer

WHEREFORE, PREMISES CONSIDERED, Defendants M1 Woodlands, LLC, M1 Village, LLC, and Texas Southman, Inc. pray that Veracruz be required to present a representative of Veracruz for deposition and present Patrick Smith for deposition both at a time and date certain, and other relief to which they may be entitled.

Respectfully submitted,



Robert L. Collins
Texas Bar No. 04618100
Audrey E. Guthrie
Texas Bar No. 24083116
Andrew B. Millar
Texas Bar No. 24095082

Robert L. Collins & Associates
P.O. Box 7726
Houston, Texas 77270-7726
(713) 467-8884

(713) 467-8883 Facsimile
houstonlaw2@aol.com

**Attorneys for
M1 Woodlands, LLC,
M1 Village, LLC, AND
Texas Southman, INC.**

CERTIFICATE OF CONFERENCE

As required by Rule 3.6.6 of the Local Rules of the Civil Trial Division of Harris County District Courts, I certify that our office conferred with Counsel for Veracruz. Counsel for Veracruz stated that the would not schedule depositions until after document discovery had occurred. Plaintiff and Defendants are at an impasse.

SIGNED this 25th day of June, 2018



ROBERT L. COLLINS

Unofficial Copy Office of Chris Daniel District Clerk

CERTIFICATE OF SERVICE

I certify that on the 26th day of June, 2018, a true and correct copy of Defendants' Motion to Compel Depositions was served by certified mail, return receipt requested, hand delivery, e-service and/or facsimile to the following:

Anthony G. Buzbee
Christopher J. Leavitt
The Buzbee Law Firm
JP Morgan Chase Tower
600 Travis, Suite 6850
Houston, TX 77002
Facsimile (713) 223-5909
tbuzbee@txattorneys.com

Dennis Sanchez
Sanchez Whittington & Wood, LLC
3505 Boca Chica Blvd, Suite 100
Brownsville, TX 78521
Facsimile (956) 546-3765
dsanchez@southtexaslegal.com



ROBERT L. COLLINS

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