

**CAUSE NO. 2018-06526**

FREE AND SOVEREIGN STATE OF  
VERACRUZ DE IGNACIO DE LA LLAVE  
*Plaintiff,*

vs.

JOSE A. MANSUR, JR., M1 WOODLANDS,  
LLC, M1 VILLAGE, LLC, TEXAS  
SOUTHMAN, INC. and  
JAVIER DUARTE DE OCHOA,  
*Defendants.*

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IN THE DISTRICT COURT OF

190<sup>th</sup> JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

**JURY TRIAL DEMANDED**

**PLAINTIFFS' RESPONSE TO  
DEFENDANTS' MOTION TO COMPEL**

Plaintiff responds to and respectfully show this Honorable Court the following:

**I. NATURE OF THE CASE**

Javier Duarte was the Governor of the Mexican state of Veracruz from 2010 to 2016. Before that he was a member of the Mexican Congress representing Veracruz. During this time (both as congressman and governor), he and his co-conspirators stole billions of dollars from the State of Veracruz through various methods of graft. Once stolen, the stolen funds were sent north to banks in the Houston area. Once here, the cash was used to buy real estate across the United States and make other investments. Some of the cash was sent overseas. Over time, the Mexican media began to notice the spending habits and the financial irregularities of Mr. Duarte and his associates. As these controversies surrounding his office mounted, Mr. Duarte fled Mexico and was later indicted. Mr. Duarte became a fugitive from the law. He was eventually captured in Guatemala and extradited back to Mexico. He currently awaits trial for his financial misdeeds in Veracruz. Mr. Duarte's wife was also recently arrested – in London – for these same crimes. After much investigative work, the Mexican authorities have revealed a global

conspiracy spanning several continents that was based in Houston and used to steal Veracruz's wealth. Mexico's investigation has revealed that close Duarte associates, including Jose Mansur, participated in and were the beneficiaries of the theft of Veracruz's funds. Mr. Mansur was a friend and business associate of Mr. Duarte. Tellingly, various members of the Mansur family have either fled or been arrested in the recent past. It seems highly unlikely that either Defendant will ever appear in a US court or sit for a deposition in the United State for fear of criminal prosecution. Nevertheless, during Mr. Duarte's time in office, Mr. Mansur purchased numerous properties and created a slew of corporate entities in which to purchase and own them. Defendants' spending spree perfectly corresponds with Mr. Duarte's time in office – beginning in the Congress and concluding in 2016. Each one of the purchase and formation dates comport with this time table. By way of example, during this time period, the Defendants either together or personally purchased at least the following properties:

- 59 E. Montfair Blvd. is a property in The Woodlands, Texas; its record owner is Defendant M1 Woodlands, LLC.
- 114 W. Montfair Blvd. is a property in The Woodlands, Texas; its record owner is Defendant M1 Woodlands, LLC.
- 133 E. Montfair Blvd. is a property in The Woodlands, Texas; its record owner is Defendant M1 Woodlands, LLC.
- 90 Montfair Blvd. is a property in The Woodlands, Texas; its record owner is Defendant M1 Woodlands, LLC.
- 129 E. Montfair Blvd. is a property in The Woodlands, Texas; its record owner is Defendant M1 Woodlands, LLC.
- 79 Chipwyck Way is a property in The Woodlands, Texas; its record owner is Defendant M1 Woodlands, LLC.
- 82 W. Montfair Blvd. is a property in The Woodlands, Texas; its record owner is Defendant M1 Woodlands, LLC.

- 113 E. Montfair Blvd. is a property in The Woodlands, Texas; its record owner is Defendant M1 Woodlands, LLC.
- 47 E. Montfair Blvd. is a property in The Woodlands, Texas; its record owner is Defendant M1 Woodlands, LLC.
- 42 Whetstone Ridge Ct. is a property in The Woodlands, Texas; its record owner is Defendant M1 Woodlands, LLC.
- 137 E. Montfair Blvd. is a property in The Woodlands, Texas; its record owner is Defendant M1 Woodlands, LLC.
- 110 E. Montfair Blvd. is a property in The Woodlands, Texas; its record owner is Defendant M1 Woodlands, LLC.
- 10 Sweetgum, Ln. is a property in Magnolia, Texas; its record owner is Defendant M1 Village, LLC.
- Northland Indian Hills Drill Site #4, Acres 4.000, is a property in Montgomery County; its record owner is M1 Village, LLC.
- 2 Heather Bank Place, Spring, Texas 77382 is a property in Spring, Texas; its record owner is Jose A. Mansur, Jr.
- 13139 North Freeway, Houston, Texas 77060 is a property in Harris County; its record owner is Texas Southman, Inc.

Moreover, Defendants created or formed corporate entities in the same time period to purchase or own these properties:

Because of these purchases, and the Defendants' involvement in the theft that afforded these purchases, Defendants are currently facing criminal prosecution in Mexico.

The State of Veracruz, facing massive budgetary shortfalls, has employed the undersigned to obtain these stolen funds from Defendants.

## **II. Argument and Authorities**

Defendants requested deposition dates from Plaintiff. Plaintiff has no problem putting up a representative of the government for deposition, however Defendants only provide this Court with a portion of the story. As this Court is well aware, it is usual and customary for paper discovery to be completed prior to depositions. In this case, Defendants are unwilling to engage in paper discovery. Plaintiff sent Defendants requests for production, and Defendants failed to answer a single question. Defendants have not sent Plaintiff any paper discovery. The reason for the paper discovery is obvious; Plaintiff has a right to know Defendants' defenses prior to depositions being taken – and Defendants have the right to know the nature of Plaintiff's claims. So far none of that has occurred. For whatever reason (presumably some strategic advantage), Defendants are trying to rush Plaintiff to deposition in order to spring some surprise evidence of document on Plaintiff's governmental representative. However, Defendants do not want to engage in any discovery that might benefit Plaintiff. In our system of justice, discovery plays a vital role to assure "that disputes [are] decided by what the facts reveal, not by what facts are concealed." *Jampole v. Touchy*, 673 S.W.2d 569, 573 (Tex.1984). A trial should be based upon the merits of the parties' claims and defenses rather than on an advantage obtained by one side through a surprise attack. Rule 166b(2)(d) of the Texas Rules of Civil Procedure specifically authorizes discovery "of any potential party and of persons having knowledge of relevant facts." Defendants' ambush tactics should not be countenanced by this Court. As such, Defendants' motion is premature, wrong, and without merit. The parties should finish paper discovery, allow the issues to be narrowed and crystalized, and then proceed to depositions in an orderly fashion. This Court should not allow depositions to occur prior to documents have been exchanged – regardless of how many times Defendants request them.

## CONCLUSION

For these reasons, Plaintiffs ask this Court to deny Defendants' motion and for such other relief to which Plaintiffs are entitled.

### THE BUZBEE LAW FIRM

By: /s/ Anthony G. Buzbee

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**ATTORNEYS FOR PLAINTIFFS**

Unofficial Copy Office of Chris Leavitt, Clerk

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document has been duly served on all known counsel of record and pro se parties in accordance with the Texas Rules of Civil Procedure on July 30, 2018.

/s/ Christopher J. Leavitt  
Christopher J. Leavitt

Unofficial Copy Office of Chris Daniel District Clerk