

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 <sup>th</sup> JUDICIAL DISTRICT

**MOTION TO QUASH**

This motion is filed on behalf of Jose Antonio Bandin Ruiz (“Bandin”) and Monica Babayan Canal (“Babayan”). These defendants have filed motions to dismiss the claims against them pursuant to Chapter 27 of the Texas Civil Practice & Remedies Code. The filing of such a motion stays all discovery. Only if good cause is shown, and only upon leave of court, may “limited and specific” discovery be taken regarding the motion to dismiss.

Though the Court granted Plaintiff’s post-hearing “emergency” motion for discovery on July 20, 2018, Bandin and Babayan, on July 24, 2018, filed a petition for writ of mandamus in the Fourteenth Court of Appeals, along with an Emergency Motion for Temporary Relief. The petition and emergency motion are pending and request that the order granting Plaintiff the right to take Bandin and Babayan’s depositions on an expedited basis be stayed.

Nevertheless, after the filing of the petition for mandamus and after normal business hours on July 24, 2018, Plaintiff served notices of intent to take the depositions of Bandin and Babayan in this case (see attached Exhibit A). For the reasons set out in the petition for mandamus these notices are therefore improper and should be quashed.

The time and place for the noticed depositions are unreasonable.

The filing of this motion automatically stays the depositions until this motion can be determined. TRCP 199.4.

Therefore, Bandin and Babayan respectfully ask that the deposition notices be quashed, and for such other and further relief to which they may be justly entitled.

Respectfully submitted,

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

*/s/ Murray Fogler* \_\_\_\_\_

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**COUNSEL FOR THE BANDIN  
DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 25, 2018, a true and correct copy of the forgoing document has been served on all counsel of record, listed below, by the Electronic Service Provider, if registered, otherwise by email and/or fax.

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*/s/ Murray Fogler*

**MURRAY FOGLER**

Unofficial Copy Office of Chris Daniel District Clerk