

CAUSE NO. 2018-06745

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

vs.

18 SHALLOWFORD PL., LLC
JAVIER DUARTE DE OCHOA, JOSE A.
BANDIN, and MONICA BABAYAN

Defendants.

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IN THE DISTRICT COURT OF

334TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

JURY TRIAL DEMANDED

**PLAINTIFF'S RESPONSE TO MOTION TO QUASH DEPOSITIONS OF
DEFENDANTS JOSE BANDIN AND MONICA BABAYAN**

TO THE HONORABLE JUDGE KIRKLAND:

Despite repeated attempts, Defendants Jose Bandin and Monica Babayan refuse to sit for deposition despite the Court's order for discovery by August 3, 2018. Plaintiff set the depositions twice, and today Defendants filed a Motion to Quash the depositions and failed to offer alternative dates and times as required. Plaintiff seeks assistance from the Court to enforce the depositions.

II. ARGUMENT & AUTHORITIES

Defendants open attempts to conceal the facts in this case should not be permitted. Often stated but nonetheless applicable, the purpose of discovery is to seek the truth, so that disputes may be decided by what the facts reveal, not by what facts are concealed. *Axelson, Inc. v. McIlhany*, 798 S.W.2d 550, 555 (Tex. 1990). Here, Defendants filed the motion to quash and did not proposed alternative dates as required by the rules. The motion to quash must identify a reasonable time and place for the deposition with which the party or witness will comply. TRCP 192.6(a); *Grass v. Golden*, 153 S.W.3d 659, 662 (Tex.App.—Tyler 2004).

Unfortunately, Plaintiff has no choice but to seek the Court's assistance in compelling these depositions and filed an Emergency Motion for Sanctions and to Compel the Depositions of Bandin and Babayan. Defendants have failed to offer an alternative date or location for the depositions, and the deadline for such discovery is Friday, August 3, 2018.

PRAYER

Wherefore, Plaintiff respectfully requests that the Court enter an order compelling the depositions of Defendants to take place this Friday, August 3, 2018.

Respectfully submitted,

THE BUZBEE LAW FIRM

By: /s/ Christopher J. Leavitt

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

Counsel for movant and counsel for respondent have personally conducted a conference at which there was a substantive discussion of every item presented to the Court in this motion, and despite best efforts the counsel have not been able to resolve those matters presented.

Certified on July 31, 2018, by

Christopher J. Leavitt
Christopher J. Leavitt

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 August 1, 2018, as set forth below:

Christopher J. Leavitt
Christopher J. Leavitt

Unofficial Copy Office of Chris Daniel District Clerk