

CAUSE NO. 2018-06752

FREE AND SOVERIEGN STATE OF § IN THE DISTRICT COURT OF
VERACRUZ DE IGNACIO DE LA §
LLAVE §
§
Plaintiff, §
§ HARRIS COUNTY, TEXAS
v. §
§
JAIME REVERTE, *ET AL.* §
§
Defendants. § 127th 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.

After normal business hours on Friday July 20, 2018, Plaintiff served notices of intent to take the depositions of Bandin and Babayan in this case (see Exhibit A attached). It did so without obtaining leave of court and without a showing of good cause, in violation of Tex.Civ.Prac.& Rem. Code § 27.003(c). The notices are therefore improper and should be quashed.

In addition, Plaintiff issued the notices without conferring as to the place and timing of the depositions. As counsel for Plaintiff already knows, Bandin and Babayan reside in Spain. They ought not to be required to come to Houston for a “limited and specific” deposition regarding the pending motion to dismiss. As the place noticed for the depositions is unreasonable, the notices should be quashed.

Finally, lead counsel for Bandin and Babayan starts a two-week arbitration hearing in Dallas on August 13, 2018. The dates noticed for the depositions occur while counsel serves an arbitrator in this final hearing and are therefore inconvenient, yet another reason the deposition notices must be quashed.

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,

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/s/ Murray Fogler

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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 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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