

**CAUSE NO. 2018-09526**

FREE AND SOVEREIGN STATE OF	§	IN THE DISTRICT COURT OF
VERACRUZ DE IGNACIO DE LA LLAVE	§	
<i>Plaintiff,</i>	§	
	§	61 <sup>st</sup> JUDICIAL DISTRICT
vs.	§	
	§	HARRIS COUNTY, TEXAS
	§	
SOFIA HERNANDEZ, ARTURO ZURITA, &	§	
JAVIER DUARTE	§	
<i>Defendants.</i>	§	<b>JURY TRIAL DEMANDED</b>

**PLAINTIFF'S VERIFIED MOTION TO RETAIN**

TO THE HONORABLE JUDGE PHILLIPS:

COMES NOW PLAINTIFF, the Free and Sovereign State of Veracruz De Ignacio de la Llave, in the above styled and numbered cause, respectfully moves this Court to retain said cause on the docket, and in support of such Motion, would show unto the Court the following:

**I. INTRODUCTION**

This case is currently set on this Court's dismissal docket for Monday, September 10, 2018.

**II. FACTS**

Javier Duarte De Ochoa was the governor of the Mexican state of Veracruz from 2010 until 2016. His time as governor was marked by multiple controversies and corruption. The corruption in Goy. Duarte's administration reached dizzying heights. Mr. Duarte orchestrated a scheme in which hundreds of millions of dollars earmarked for social programs were diverted to an elaborate network of phantom companies – among other misdeeds. Indeed, he is alleged to have absconded with nearly \$3 billion of his state's money. This stolen money was used to make investments and purchase luxury homes and cars all over the United States. As the allegations

against him grew, Mr. Duarte eventually fled Veracruz, and then Mexico. Mr. Duarte was later indicted, and then arrested in Guatemala as a fugitive. He was ultimately extradited to Mexico, where he is currently jailed.

The money stolen by Duarte rightfully belongs to the people of the State of Veracruz. The State thus files this and other actions in an effort to recoup those funds stolen by Duarte and those acting in concert with him. Veracruz also seeks to recover assets purchased with such stolen funds.

Each of the Defendants named conspired with Javier Duarte to steal government funds from the State of Veracruz. Defendant Arturo Zurita has very close ties to Javier Duarte, as does Sofia Hernandez. Defendants manage and control the properties listed in this case. The properties listed *in rem* are just a few of the hundreds purchased with stolen funds all across the United States and the world.

### **III. ARGUMENTS AND AUTHORITIES**

On or about May 8, 2018 Plaintiff filed in this court its Motion for substituted Service of defendant Sofia Hernandez (Exhibit A), and a Motion for Substituted Service for Defendant Arturo Zurita (Exhibit B). Attached also are affidavits of due diligence in attempting to serve Sofia Hernandez (Exhibit C) and for Arturo Zurita (Exhibit D). Plaintiff is still diligently attempting to serve all defendants in this cause including Javier Duarte.

This Court should not grant the motion to dismiss Plaintiff's suit because there is good cause to maintain it on the docket. Tex. R. Civ. P. 165a(1). This Court should retain the case on the docket because Plaintiff has attempted to serve Defendants. Furthermore, Plaintiff will have to serve Defendant Duarte through the Geneva Convention, as Duarte is currently jailed in Mexico.

**IV. PRAYER**

For these reasons, Plaintiff respectfully asks this Court to retain her cause of action on the docket and set the case for trial.

Respectfully submitted,

**THE BUZBEE LAW FIRM**

By: /s/ Fernando R. Garza  
Anthony G. Buzbee  
State Bar No. 24001820  
Christopher J. Leavitt  
State Bar No. 24053318  
Fernando R. Garza  
State Bar No. 24107777  
J.P. Morgan Chase Tower  
600 Travis, Ste. 7300  
Houston, Texas 77002  
Telephone: (713) 223-5393  
Facsimile: (713) 223-5909  
**tbuzbee@txattorneys.com**  
**cleavitt@txattorneys.com**  
**fgarza@txattorneys.com**  
**www.txattorneys.com**

**ATTORNEYS FOR PLAINTIFF**

**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 September 20, 2018, as set forth below:

/s/ Fernando R. Garza  
Fernando R. Garza

VERIFICATION

STATE OF TEXAS

§  
§  
§

COUNTY OF HARRIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this date personally appeared Christopher J. Leavitt and, after being duly sworn by me, stated on his oath the following:

"I, Fernando R. Garza, am Plaintiff's counsel in the above referenced cause of action. I am over the age of 18 and am fully competent to make this verification. I am an attorney of record in this case, and I have read the attached Motion to Retain and state that this pleading is true and correct to the best of my information and belief."

*[Handwritten Signature]*

Fernando R. Garza

9-20-18

DATE

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this the

20 day of September, 2018.

*[Handwritten Signature]*

NOTARY PUBLIC, In and For  
The State of Texas

My Comm. Exp.: 8/19/20



Unofficial Copy Office of Chris Daniel District Clerk