

CAUSE NO. E-021156

LITISHA PESHOF,

Plaintiff,

vs.

KLEIN INVESTMENTS, INC.;;
STEPHEN L. HARTMAN AND
CRIME PAYS, LLC, d/b/a AL REED
BAIL BONDS,

Defendant.

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IN THE DISTRICT COURT

172nd JUDICIAL DISTRICT

JEFFERSON COUNTY, TEXAS

**DEFENDANT KLEIN INVESTMENTS, INC.'S OBJECTIONS TO PLAINTIFF'S
NOTICE OF DEPOSITION ON WRITTEN QUESTIONS AND MOTION TO QUASH**

TO THE HONORABLE COURT:

COMES NOW Klein Investments, Inc., a Defendant in this matter, and files its Objections to Plaintiff's Notice of Deposition on Written Questions directed to the Texas Department of Public Safety/Regulatory Services Division and Motion to Quash and in support thereof would show the Court the following:

**I.
BACKGROUND**

On August 13, 2019, Plaintiff served her Notice of Deposition on Written Questions directed the Texas Department of Public Safety / Regulatory Services Division. This Notice of Deposition on Written Questions is attached as Exhibit A. The deposition on written questions contains a subpoena for "all records pertaining to Klein Investigations and Consulting, License Number A09257. The Request includes any complaints, investigations, correspondence, and notes to the file". These objections and motion to quash are timely filed with respect to this Deposition on Written Questions and document request.

II.
OBJECTIONS TO PLAINTIFFS' NOTICE OF DEPOSITION

Klein Investments, Inc. (hereinafter "Klein") objects to Plaintiff's Notice of Deposition on Written Questions in its entirety, as it is not restricted, nor does it make any attempt to restrict, the Request for documents, to any complaints, investigations, correspondence or notes concerning the incident the basis of this suit. Defendant objects because the Request is not restricted to documents relevant to this litigation. Next, Defendant objects as the Request does not attempt to restrict the Request for documents to a relevant time period. It has no restriction or attempt to restrict the time period of the Request to an appropriate time period; and therefore, it, again, seeks documents and records not related to the subject litigation. Defendant further objects to the request for documents because the Request makes no restriction, or even attempts to restrict, the request to documents on the same subject matter. Therefore, Defendant further objects because the subject matter is not restricted to a proper subject matter; and therefore, seeks documents not relevant to the subject litigation. Defendant further objects as this Request, in its present form, constitutes and improper attempt to invade this Defendant's right-to-privacy and right to conduct its business without unwarranted invasion. Finally, Defendant objects to this Request, in its entirety, as it, on its face, constitutes an improper an impermissible fishing expedition.

III.
MOTION TO QUASH

This Request constitutes a pure fishing expedition that has not relation or attempt to relate to the issues relevant to this lawsuit. Therefore, Defendant requests the Court to Quash this Notice of Deposition on Written Questions and subpoena copy and the Plaintiff be prohibited from re-issuing a Deposition on Written Questions to this entity going forward.

WHEREFORE, Defendant respectfully moves this Court to set this matter for hearing and after hearing grant Defendant's Objections to Plaintiff's Notice of Deposition on Written Questions and Quash this Notice in its entirety.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Michael L. Hurst

Michael L. Hurst

State Bar No.10316320

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served in accordance with the TEXAS RULES OF CIVIL PROCEDURE, on the 14th day of August, 2019, to the following counsel of record:

John S. Morgan
Morgan Law Firm
2175 North Street
Suite 101
Beaumont, Texas 77701

Attorney for Stephen L. Hartman

Wyatt D. Snider
Snider Law Firm, PLLC
3535 Calder
Suite 300
Beaumont, Texas 77706

Attorney Crime Pays, LLC

Jeffrey L. Dorrell
Hanszen Laporte
14201 Memorial Drive
Houston, Texas 77079

Attorney for Plaintiff

/s/ Michael L. Hurst

Michael L. Hurst

EXHIBIT A

Cause No. E-021156

LITISHA PESHOFF	:	IN THE DISTRICT COURT
	:	
vs.	:	
KLEIN INVESTMENTS, INC.;	:	172ND JUDICIAL DISTRICT
STEPHEN L. HARTMAN AND	:	
CRIME PAYS, LLC, d/b/a AL REED	:	
BAIL BONDS	:	JEFFERSON COUNTY, TEXAS

**NOTICE OF INTENTION
TO TAKE DEPOSITION BY WRITTEN QUESTIONS**

To Defendant by and through their attorney(s) of record: **John S. Morgan (Morgan Law Firm), Michael L. Hurst (Thompson, Coe, Cousins & Irons, LLP) and Wyatt Snider (Snider Law Firm, PLLC)**

To other party/parties by and through their attorney(s) of record:

You will please take notice that on September 5, 2019 at 2:00 p.m. at the office of the custodian, a deposition by written questions will be taken of Custodian of Records for:

Texas Department of Public Safety / Regulatory Services Division (Those documents requested in Exhibit "A")

before a Notary Public for **Kim Tindall & Associates, LLC** or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above-named court. Notice is further given that request is hereby made as authorized under Rule 200, Texas Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce any and all records as described on the attached questions and/or Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to:

Those documents requested in the attached Exhibit "A"

and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

/s/ Jeffrey L. Dorrell
Jeffrey L. Dorrell
 State Bar No. 00787386
 Email: jdorrell@hanszenlaporte.com
 Hanszen Laporte, LLP
 14201 Memorial Drive
 Houston, TX 77079
 (713) 522-9444 Fax (713) 524-2580
 Attorney for Plaintiff, Litisha Peshoff

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all Counsel of Record by hand delivery, electronic delivery, FAX, and/or certified mail, return receipt requested, on this day.

Dated: August 13, 2019

by Alma V. Pina

Cause No. E-021156

LITISHA PESHOFF	:	IN THE DISTRICT COURT
	:	
vs.	:	
KLEIN INVESTMENTS, INC.;	:	172ND JUDICIAL DISTRICT
STEPHEN L. HARTMAN AND	:	
CRIME PAYS, LLC, d/b/a AL REED	:	
BAIL BONDS	:	JEFFERSON COUNTY, TEXAS

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Custodian of Records for: **Texas Department of Public Safety / Regulatory Services Division**
 Records Pertaining To: **Those documents requested in the attached Exhibit "A"**
 Type of Records: **Those documents requested in the attached Exhibit "A"**

1. Please state your full name and title.

Answer: _____

2. Have you received a subpoena, corresponding to this request, to produce documents pertaining to Those documents requested in the attached Exhibit "A"?

Answer: _____

3. Are these memoranda, reports, records, or data compilations, outlined in the subpoena duces tecum, pertaining to Those documents requested in the attached Exhibit "A", in your custody or subject to your control, supervision or direction?

Answer: _____

4. Are you able to identify these aforementioned records as the originals or true and correct copies of the originals?

Answer: _____

5. Was the method of preparation of these records trustworthy?

Answer: _____

6. Are the copies which you have handed to the Officer taking this deposition true and correct copies of such memoranda, reports, records, or data compilations?

Answer: _____

7. Were such memoranda, reports, records, or data compilations kept in the regular course of business of this facility?

Answer: _____

8. In the regular course of business, did the person who signed or otherwise prepared these records either have personal knowledge of the entries on these records or obtain the information to make such records from sources who have such personal knowledge?

Answer: _____

9. Were the entries on these records made at or shortly after the time of the transaction recorded?

Answer: _____

10. Please mail or hand to the Officer taking this deposition copies of the memoranda, reports, records, or data compilations. Have you complied? If not, why?

Answer: _____

11. Are any memoranda, reports, records, or data compilations requested in the subpoena duces tecum being withheld or have been withheld? If so, please describe the memoranda, reports, records, or data compilations and the reason they are being withheld.

Answer: _____

WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20_____.

NOTARY PUBLIC

My Commission Expires: _____

EXHIBIT A

All records pertaining to Klein Investigations and Consulting, License Number A09257. Request includes any complaints, investigations, correspondence, and notes to the file.