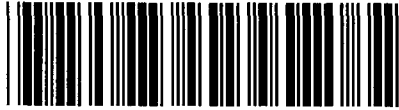


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Item Number: 143

Addendum StartPage: 0

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FORMAL COMPLAINT OF § BEFORE THE STATE OFFICE OF
ADC WEST RIDGE L.P., AND §
CENTER FOR HOUSING RESOURCES, §
INC. AGAINST THE CITY OF FRISCO § ADMINISTRATIVE HEARINGS

**CITY OF FRISCO'S MOTION TO COMPEL RESPONSES FROM ADC WEST RIDGE,
L.P. AND CENTER FOR HOUSING RESOURCES, INC. TO
TRCP RULE 194.2 DISCLOSURES**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

COMES NOW, the City of Frisco ("City" or "Frisco") and files this Motion to Compel Response to the Request for Disclosure ("RFD") from ADC West Ridge, LP and Center for Housing Resources, Inc. (collectively "Complainants") in compliance with Order No. 3. In support thereof, the City shows the following:

I. BACKGROUND

Order No. 3 in this proceeding required all parties to make disclosures pursuant to Tex. R. Civ. Proc. §194.2. Order No. 14 in this proceeding resumed discovery in this case on June 2, 2017. As demonstrated below, despite reasonable attempts to seek full disclosure, the City seeks the Court to compel Complainants to provide a complete response.

II. MOTION TO COMPEL

Tex. R. Civ. Proc. §194.2(e) and Order No. 3 in this proceeding required the Complainants to provide the following:

RFD NO. 194.2(e): The name, address, and telephone number of persons having knowledge of relevant facts and a brief statement of each identified person's connection with the case.

Complainants provided the response attached hereto as Exhibit A. On page 6 of Exhibit A, Complainants indicated that counsel for Complainants should be contacted for Weir Brothers

143

Contracting, LLC and further stated: “Employees of Weir Brothers Contracting, LLC have had communications with the City of Frisco officials regarding the provision of water for construction of Lot 2.” Prior to the abatement in this case, Frisco requested the employee of Weir Brothers Contracting, LLC that made “any specific communications with the City of Frisco related to the provision of water or sewer to the subject property.” This communication was sent to counsel for Complainants on December 2, 2016.¹ Complainants responded that Mr. Joe Thomason was the appropriate person, but that they did not control the witness. Thus, Frisco requested a subpoena from the Court on December 5, 2016.

The City was unable to perfect service of the subpoena on Mr. Thomason as he was no longer employed by Weir Brothers Contracting, LLC and the City had no alternative address for Mr. Thomason. The City has not been able to locate Mr. Thomason.

Once the abatement in the case was lifted, the City requested that Complainants “designate the person at Weir Brothers Contracting, LLC to discuss via deposition the company’s communications with the City of Frisco officials regarding the provision of water for construction of Lot 2.” Complainants indicated that they would provide someone by June 7, 2017. To date, the City has received no further communication from Complainants regarding its request.

Frisco seeks this information well in advance of the deposition closing deadline as Frisco anticipates that Complainants will do as they have done previously and indicate that they do not control the witness despite being the sole contact person for the witness. Frisco needs a name so it can seek issuance of subpoena and deposition date within the deposition period.

III.

¹ Frisco is not providing the e-mail communications herein, but can produce if requested by the Court.

IV. CONCLUSION AND PRAYER

The City respectfully requests an order:

- (1) Granting the City's Motion to Compel.
- (2) Granting the City all other and further relief to which it is justly entitled.

Respectfully submitted,

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/s/ Arturo D. Rodríguez, Jr.

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ATTORNEYS FOR THE CITY OF FRISCO

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of June, 2016, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

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