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APPLICATION OF WOLFE  
AIRPARK CIVIC CLUB, INC. TO  
OBTAIN A WATER CERTIFICATE  
OF CONVENIENCE AND  
NECESSITY IN BRAZORIA COUNTY

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PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
FILING CLERK

OF TEXAS

**WOLFE AIRPARK CIVIC CLUB, INC.'S OBJECTION TO  
JOE WALKER'S REQUEST FOR PRODUCTION OF DOCUMENTS**

TO THE HONORABLE ADMINSTRATIVE LAW JUDGE:

NOW COMES WOLFE AIRPARK CIVIC CLUB, INC. and files this Objection  
to Joe Walker's Request for Production of Documents.

On November 3, 2017, Applicant received the attached Request for Production of  
Documents. Applicant submits the following objections to this request:

**A. Objection to Walker's Unnumbered Request for Production**

Walker's request for "all the documents in his possession that relate to all the issues  
raised by the application for a CCN and correspond to the issues to be addressed submitted  
to the PUC."

**Applicant objects to this unnumbered request because it is overly broad. It asks  
for documents that relate to multiple and global unspecified issues in the application  
and multiple and global unspecified issues to be addressed by this Administrative Law  
Judge and the PUC.**

## **B. Objections to Walker's Requests for Production Nos. 1-7**

### General Objection

The remaining seven requests are subject to the same objections, as the requests relate to matters that occurred before the undersigned counsel began representing the Applicant in January 2016. Applicant asserts this general objection to each of the seven requests for production. Applicant anticipates that it will not have the ability to obtain responsive documents to comply with this request, and will show that the most likely custodian of these documents is Walker himself. For the following reasons, Applicant believes that the documents Walker is requesting are already in his possession.

By way of background, Walker has been engaged in litigation with the Civic Club since 1984. In 1984, Walker sued the original founder of the subdivision for various causes of action (Cause No. 84F3452), but the jury ruled against Walker. He appealed the Judgment to the 14<sup>th</sup> Court of Appeals (Case No. 14-89-00163-CV).

In 2002, Walker filed Cause No. 23769, which is currently pending. On April 8, 2009, this litigation was stayed by the bankruptcy of Manvel Aviation, Inc. After the bankruptcy was closed, the State Court litigation remained dormant until Walker filed his recent Motion for Partial Summary Judgment in November, 2015. His State Court motion includes similar claims made in his pending complaint against the CCN application. The factual support in both proceedings relies on the same three documents, 1981 letter, 1986 letter and a 2006 investigation from the TCEQ.

Because of the circumstances described below, Applicant has not been able to obtain documents responsive to Walker's request. In fact, the person that is most likely to have

these documents is Walker himself. One reason is that Walker has been a landowner of Wolfe Airpark since March of 1982, and a party to various lawsuits involving Wolfe Airpark since 1984. Another reason is Walker's statement in his Objection to the Motion to Dismiss where on Item d, he stated that he has **"substantial documentation for the verification of every one of my points"**. However, Walker has not provided any documentation in response to applicant's Request for Production.

In the pending state Court litigation, Applicant has made requests to Walker's counsel for documents described in Walker's pending request for production. To date, Applicant has received no responsive documents other than those attached to Walker's complaint.

From a review of the documents in Applicant's possession, Applicant has no responsive documents at this point, and for the reasons set forth below, does not anticipate that he will be able to obtain these documents from anyone other than Walker.

The attorneys that previously represented the civic club in the 2002 litigation withdrew from their representation during the Manvel Aviation bankruptcy. Later, that firm dissolved and each of the individual attorneys formed their own law firms. Applicant has contacted these lawyers and they have not been able to provide any responsive documents.

The law firm of Zimmerman and Axelrad represented civic club board members in a portion of the 2002 litigation. However, the lead counsel for these parties is deceased.

Further, individuals that have personal knowledge of these facts have also passed away or are unavailable. Richard Stephens, the Civic Club president during the operative years (2002 – 2009) is also deceased. Because of the circumstances outlined above,

Applicant has filed an extraordinary request for relief pursuant to Tex. R. Civ. P. 77 which is pending before the state court trial judge.

From the pleadings that Applicant has been able to obtain, Walker has filed two affidavits (one in 2006 and one in 2015) each of which rely substantially on the three exhibits attached to Walker's request for hearing.

To determine whether or not Walker has these documents in his possession, Applicant is filing a corresponding request for production to Walker.

#### Specific Responses

1. All documents related to the design of the original water system, including engineering calculations and correspondence at Wolfe Airpark Subdivisions Block I.

**Applicant incorporates the general objection set forth above and states that Walker is the most likely custodian of these documents.**

2. All documents related to the design of the original water system, including engineering calculations and correspondence at Wolfe Airpark Subdivisions Block II.

**Applicant incorporates the general objection set forth above and states that Walker is the most likely custodian of these documents.**

3. All documents related to the design of the original water system, including engineering calculations and correspondence at Wolfe Airpark Subdivision lots excluded from plat in Legal Description.

**Applicant incorporates the general objection set forth above and states that Walker is the most likely custodian of these documents.**

4. All documents related to the design of the current operating water system including engineering calculations and correspondence at Wolfe Airpark Subdivision.

**Applicant incorporates the general objection set forth above and states that Walker is the most likely custodian of these documents.**

5. All documents related to the design of the original water system, including engineering calculations and correspondence at Holland Estates Subdivision.

**Applicant incorporates the general objection set forth above and states that Walker is the most likely custodian of these documents.**

6. All legal documents such as Plat revision, revised Legal Descriptions, or legal giving any land or water system outside Wolfe Airpark Subdivision Block I legal rights to the use of the water system at Wolfe Airpark Subdivision.

**Applicant incorporates the general objection set forth above and states that Walker is the most likely custodian of these documents.**

7. All previous CCNs or applications for CCNs.

**Applicant incorporates the general objection set forth above and states on information and belief that there are no previous applications for CCN filed by Wolfe Airpark Civic Club, Inc.**

Respectfully submitted,

*/s/John C. Hampton*

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BY:

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**CERTIFICATE OF SERVICE**

I certify that a true copy of this document, together with any attachments, has been served on November 7, 2017 on the Legal Division of the Texas PUC by serving Rachelle Robles via email [Rachelle.robles@puc.texas.gov](mailto:Rachelle.robles@puc.texas.gov), and on Joe Walker via email [joewalk@hal-pc.org](mailto:joewalk@hal-pc.org).

*/s/John C. Hampton*

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JOHN C. HAMPTON

DOCKET NO. 46923

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APPLICATION OF WOLFE & PUBLIC UTILITY COMMISSION OF  
AIRPARK CIVIC CLUB, INC. TO & TEXAS

OBTAIN A WATER CERTIFICATE

OF CONVENIENCE AND

NECESSITY IN BRAZORIA COUNTY

JOE WALKER'S REQUEST FOR PRODUCTION

OF DOCUMENTS TO WOLFE AIRPARK

Joe Walker PE submits this Request for Production of Documents to Wolfe Airpark pursuant to Texas Administrative Code, Title 16, Part II, Chapter 22, Section 22.141 and following. Joe Walker PE requests that Applicant produce all of the documents in his possession that relate to the issues raised by the application for a CCN and correspond to the issues to be addressed submitted to the PUC.

1. All documents related to the design of the original water system, including engineering calculations and correspondence at Wolfe Airpark Subdivision Block I.
2. All documents related to the design of the original water system, including engineering calculations and correspondence at Wolfe Airpark Subdivision Block II.



3. All documents related to the design of the original water system, including engineering calculations and correspondence at Wolfe Airpark Subdivision lots excluded from plat in Legal Description.
4. All documents related to the design of the current operating water system including engineering calculations and correspondence at Wolfe Airpark Subdivision.
5. All documents related to the design of the original water system, including engineering calculations and correspondence at Holland Estates Subdivision.
6. All legal documents such as Plat revisions, revised Legal Descriptions, or legal giving any land or water system outside Wolfe Airpark Subdivision Block I legal rights to the use of the Water System at Wolfe Airpark Subdivision.
7. All previous CCNs or applications for CCNs.

Respectfully Submitted,



Joe Walker PE

Certificate of service

I certify that a true copy of this document has been served on November 28, 2017 on the Legal Division of the Texas PUC by serving Rachelle N. Robles by email, John Hampton by email, and the PUC records division by USPS.



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Joe Walker PE