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DOCKET NO. 51224

COMPLAINT OF JOHN BLALOCK
AGAINST MERCY WATER SUPPLY
CORPORATION

§
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PUBLIC UTILITY COMMISSION

OF TEXAS

**MERCY WATER SUPPLY CORPORATION'S
SECOND MOTION TO COMPEL COMPLAINANT'S RESPONSE
TO MERCY'S FIRST REQUEST FOR INFORMATION**

COMES NOW Mercy Water Supply Corporation ("Mercy") and files this Motion to Compel Complainant to Respond to Mercy's First Request for Information. In support thereof, Mercy respectfully shows as follows:

I. PROCEDURAL HISTORY

On August 27, 2020, John Blalock (Complainant or Mr. Blalock) filed a complaint against Mercy under 16 Texas Administrative Code (TAC) Section 22.242 regarding water service.

On October 1, 2020, Commission Staff (Staff) filed a Statement of Position, recommending additional discovery and an extension to file a Supplemental Statement of Position. Mercy replied to the Staff's Statement of Position on October 6, 2020, recommending against additional discovery and an extension. On October 8, the Administrative Law Judge (ALJ) issued Order No. 6, granting Staff's extension and requiring the Parties to propose a discovery schedule by October 23, 2020. On October 23, 2020, the Parties filed an Agreed Proposed Discovery Schedule and Limits, which the ALJ adopted on October 26, 2020 in Order No. 7.

On November 18, 2020, Mercy filed its First Request for Information to Complainant (First RFIs). On November 19, 2020, counsel for Mercy received an email that Mr. Blalock would not respond to every request made by Mercy, which Mercy treated as an objection. On November 30, 2020, Mr. Blalock filed answers to Mercy's First RFI, and included his itemized objections within those answers (Original Response). On December 1, 2020, Mercy filed a Motion to Compel, which did not include information about the itemized objections. On December 2, 2020, Mr. Blalock filed a reply and an amended reply to Mercy Water's motion to compel. Mercy amended its motion to compel on December 7, 2020 to address Mr. Blalock's specific objections.

**Mercy Water Supply Corporation's
Second Motion to Compel Complainant's Response
to Mercy's First Request for Information**

On December 11, 2020, the ALJ issued Order No. 8, granting in part, and denying in part, Mercy's motion to compel; denying Mr. Blalock's motion to compel; and granting Mercy's motion to quash. Order No. 8 compelled Mr. Blalock to respond to a number of Mercy's requests in its First RFI and established a response deadline of January 8, 2021. On December 28 and 29, 2020, Mr. Blalock filed responses as required by Order No. 8 (Compelled Responses).

Five working days from receipt of Mr. Blalock's responses is January 5, 2021. This pleading is timely filed.

II. COMPLAINANT'S COMPELLED ANSWERS FAIL TO RESPOND TO MERCY'S RFIs, SO MERCY REQUESTS HE BE COMPELLED TO FULLY ANSWER.

A. Summary

Mercy requests the ALJ again compel Mr. Blalock to completely respond to Mercy's requests. Mr. Blalock's Compelled Responses fail to completely respond to Mercy's Requests 1-1, 1-4, 1-5, 1-9, and 1-13. When Mercy's Counsel informed Mr. Blalock of their concerns the answers do not meet the requirements of Order No 8 and requested Mr. Blalock file complete responses, an individual purporting to respond on behalf of Mr. Blalock expressly refused to revise the responses.¹ Further, the individual mischaracterized the ALJ's order, which alarms Mercy's Counsel. A copy of the correspondence is attached as **Exhibit A**.

Mercy's Counsel requested Mr. Blalock respond completely to Requests 1-1 and 1-9 to identify the dates of residence for each place he identified in his Compelled Response. The person who emailed on behalf of Mr. Blalock expressly refused to do so.

Mercy's Counsel specifically requested Mr. Blalock respond completely to Request 1-4 to describe the communication between him and Kim because spousal privilege was waived. The person who emailed on behalf of Mr. Blalock expressly refused to do so.

Mercy's Counsel requested Mr. Blalock respond completely to Request 1-5 by producing any documents relating to his communications described in RFI 1-4, to include emails, text

¹ Email Correspondence from allieblalock97@gmail com, Exhibit A (Dec. 29, 2020) (Complainant's Correspondence); Email Correspondence from Katelyn Hammes, Exhibit B (Dec. 29, 2020) (Mercy's Correspondence).

messages, or other messaging services. The person who emailed on behalf of Mr. Blalock did not give any response to this request. Mercy also requests Mr. Blalock fully describe all contact information for the individuals he identifies as Order No. 8 requires.

Mercy's Counsel requested Mr. Blalock completely respond to Request 1-13 to specifically admit or deny there is no recorded easement for the water service line that crosses the Southern Tract to serve the Northern Tract, as a reference to Mr. Blalock's Original Response did not comply with Order No. 8. The person who emailed on behalf of Mr. Blalock argued the ALJ did not compel Mr. Blalock to admit or deny and expressly refused to do so.

Because Mr. Blalock failed to adequately respond to Mercy's First RFI as he was already compelled to, Mercy requests the ALJ again compel him to respond in full as outlined herein.

B. Complainant should be compelled to identify the dates of the residences he identified his response.

MERCY'S RFI 1-1: "Please identify the addresses, physical locations, and dates of residence for each place you lived between August 1, 1995 and March 17, 2020."²

ORDER NO. 8: "Mr. Blalock must provide responses only as to his places of residence and water providers within San Jacinto County by January 8, 2021."³

MR. BLALOCK'S RESPONSE: "Mr. Blalock cannot remember exact dates for all of his residences, nor the addresses. The only residences he can remember the addresses for are the Northern [sic] Tract (1611 Bowen Loop) and the Southern Tract (1601 Bowen Loop), but other than moving from the Southern Tract to the Northern Tract in 2015 following Ms. Ivey's death.

"Other than those specifics, all Mr. Blalock can remember about previous residences in the past are that he has had two separate residences in Point Blank, Texas. But he cannot

² Mercy's First Request for Information to Complainant at 6 (Nov. 18, 2020).

³ Order No. 8 at 2 (Dec. 11, 2020).

remember the dates for those residences, nor the addresses. And, those two residences are the only other residences Mr. Blalock has held in San Jacinto County other than the Northern and Southern Tracts.”⁴

Mr. Blalock’s response does not fully and completely answer Request 1-1, and Mercy requests Mr. Blalock again be compelled to do so. Specifically, Request 1-1 asks Mr. Blalock to identify the dates of residence for the locations he lived during the applicable period. Mr. Blalock’s response informs Mercy he can recall he resided in four places in San Jacinto County during the relevant time frame: the Northern Tract, the Southern Tract, and two residences in Point Blank, Texas. However, Mr. Blalock fails to provide adequate information of when he resided in these locations.

Accordingly, on December 29, 2020, Mercy’s Counsel emailed “allieblalock97@gmail.com,”⁵ requesting Mr. Blalock identify the dates of his residency for the locations he identified in Request 1-1 to the best of his ability and as he was ordered.⁶ Mercy received an unsigned response on behalf of Mr. Blalock, stating:

As far as the dates, if one cannot remember exact dates, then they cannot provide those exact dates. Asking for exact dates for times that happened decades ago down to years ago is being overzealous in wanting the responses.⁷

Mercy interprets this response as Mr. Blalock refusing to answer Request 1-1 as required by Order No. 8.

As evident from Mr. Blalock’s other responses, he does sufficiently know the dates of his residency. In RFI 1-7, Mr. Blalock states that he moved onto the Southern Tract sometime in 1998.⁸ This information is not included or referenced in RFI 1-1 or 1-9, where Mercy specifically requested it. Then, in RFIs 1-1 and 1-9, Mr. Blalock states he moved from the Southern Tract to

⁴ Complainant’s Responses as Required by Order No. 8 at 1 (Dec 28, 2020) (Compelled Responses).

⁵ To Mercy’s knowledge, Mr. Blalock has used this email address for all service in this proceeding.

⁶ Mercy’s Correspondence, Exhibit B (Dec. 29, 2020).

⁷ Complainant’s Correspondence, Exhibit A (Dec. 29, 2020).

⁸ Compelled Responses at 5 (Dec 28, 2020).

the Northern Tract in 2015.⁹ However, Mr. Blalock failed to fully identify the dates of residence for his residencies on the Northern and Southern Tracts, and further failed to identify any dates whatsoever for his residencies in Point Blank, Texas. Accordingly, Mercy cannot clearly determine when he lived on any of the properties he references.

Mr. Blalock's refusal to provide the dates for his residences as he was compelled only creates confusion. Specifically, Mercy cannot determine when Mr. Blalock resided in Point Blank, Texas. Did he reside in Point Blank, Texas, before moving to either of the Northern and Southern Tracts, or did he reside there between 1998 to present? Further, Mercy cannot determine if Mr. Blalock's residencies on the Southern Tract from 1998 to 2015 and Northern Tract from 2015 to present were continuous or if he had moved to other locations between 1998 and now.

Additionally, the ordered limit that Mr. Blalock only need to provide residences within San Jacinto County creates an additional layer of uncertainty when considering his response. Specifically, his refusal to identify dates for the residences he identified leaves open the possibility that he lived in other counties at any point between 1998, when Mr. Blalock admits moving onto the Southern Tract, and now. For these reasons, Mercy requests Mr. Blalock again be compelled to completely answer Request 1-1.

C. Complainant waived spousal privilege and should be compelled to respond completely to Request 1-4.

MERCY'S RFI 1-4 "Please describe any communication between you and anyone regarding Mercy's service to the Northern Tract."¹⁰

MR. BLALOCK'S RESPONSE: "Mr. Blalock cannot provide the details asked for each person that will be referenced in this response, nor will he be able to give specifics as to what the conversations were in relation to some of the individuals;

⁹ *Id.* at 1, 6

¹⁰ Mercy's First Request for Information to Complainant at 6 (Nov. 18, 2020).

* * *

“3. Anastasia Blalock

i. Mr. Blalock’s daughter

ii. Contact information:

1. Phone: (936) 314-6227

2. Address: Unknown

* * *

4. Ransom Blalock

i. Mr. Blalock’s Son

ii. Contact information:

1. Phone: (832) 599-9362

2. Address: Unknown

* * *

“6. Kim Sanders

i. Mr. Blalock’s common law wife.

ii. Contact information is the same as Mr. Blalock.

iii. Conversations:

1. Conversations between Spouses are privileged conversations under Rule 504 of the Texas Rules of Evidence.

* * *

“8. Christina Hauke

i. Mr. Blalock’s Neighbor and Family Friend

ii. Contact information is unknown, as Mr. Blalock has never needed to call her or send her a letter. But Mercy should have this information on file as she is a customer of theirs.”¹¹

Mr. Blalock had prior opportunities and duties to plead spousal privilege, but repeatedly failed to do so or even give notice that any such privilege existed. Instead, Mr. Blalock only

¹¹ Compelled Responses at 2–5 (Dec. 28, 2020).

claimed spousal privilege after being compelled by the ALJ to respond. His new objections are grossly untimely and therefore waived. Further, Mercy had no notice from any of Mr. Blalock's pleadings or prior responses that spousal privilege could have been at issue. As such, Mercy requests he be compelled to answer.

Objections to Mercy's First RFI were due November 30, 2020. On November 30, 2020, Mr. Blalock included his objections within his Original Response. Mr. Blalock broadly objected to Request 1-4 because the Request "could include private conversations that would not be included in the limitations set in Order No. 7, as private conversations with friends/family/neighbors/etc would not be within the limitations, nor have weight on the complaint before the Public Utility Commission."¹² This objection and Mr. Blalock's numerous follow up pleadings made no reference to a wife or any other applicable privilege. This is expressly noted in Order No. 8, which states, "Mr. Blalock has also not alleged any facts demonstrating that a privilege exists that would exempt him from disclosing such information."¹³

Following the issuance of Order No. 8, Mr. Blalock then had a second opportunity to clarify and plead spousal privilege. Commission Rules permit parties to respond to pleadings and orders within five working days.¹⁴ But, he did not.

It was only on December 28, 2020, 17 days after the ALJ compelled Mr. Blalock's response and nearly a month after the deadline to file objections did he claim spousal privilege. Accordingly, on December 29, 2020, Mercy requested Mr. Blalock fully respond to the Request.¹⁵ The unsigned emailed response sent on behalf of Mr. Blalock stated:

As far as the conversations between my father and his current wife, that was not an objection, but a statement of fact and his response concerning those conversations. As the Texas Rules of Evidence deem conversations between spouses as protected, and does not differentiate between the different forms of marriage. And, in court, a

¹² Complainant's Response to 'Mercy Water Supply Corporation's First Request for Information to Complainant' at 3-4 (Nov. 30, 2020).

¹³ Order No. 8 at 2 (Dec. 11, 2020)

¹⁴ 16 Tex. Admin Code § 22.78.

¹⁵ Mercy's Correspondence, Exhibit B (Dec. 29, 2020).

witness can make a statement of fact when answering questions (e.g. pleading the 5th in the case where they may self incriminate, which is not an objection).¹⁶

Mercy interprets this response to be a refusal to completely respond as required by Order No. 8.

Finally, Mercy was not on notice that spousal privilege could have been at issue. At no point during this proceeding has Mr. Blalock referenced having a wife. While he has alleged injuries sustained by himself, his son, and his son's girlfriend, he has not once referenced a wife. As such, Mercy had no notice that spousal privilege was at issue.

Mr. Blalock's repeated failure to plead spousal privilege or even to provide notice such a privilege could exist amounts to a waiver of the privilege. As such, Mercy requests his new objection be overruled and he be compelled to fully answer with a description of the conversations had with Kim Sanders.

Mercy also requests Mr. Blalock additionally be compelled to describe all missing contact information in his response to Request 1-4. Specifically, Mr. Blalock's responses that "Contact information is the same as Mr. Blalock" for Kim Sanders, "Address: unknown" for two of his own children (Anastasia Blalock and Ransom Blalock), and "Contact information is unknown, as Mr. Blalock has never needed to call her or send her a letter" for Christina Hauke are insufficient.¹⁷

D. Mercy believes Complainant's response to RFI 1-5 is incomplete and requests he be compelled to fully respond.

MERCY'S RFI 1-5: "Please provide any documents relating to your answer to RFI 1-4."¹⁸

MR. BLALOCK'S RESPONSE: "There is no responsive documentation."¹⁹

Mercy believes Mr. Blalock has failed to produce documents responsive to Request 1-5. Accordingly, on December 29, 2020, Mercy's Counsel reminded Mr. Blalock that according to the

¹⁶ Complainant's Correspondence, Exhibit A (Dec. 29, 2020).

¹⁷ Compelled Responses at 2-5 (Dec. 28, 2020).

¹⁸ Mercy's First Request for Information to Complainant at 6 (Nov. 18, 2020).

¹⁹ Compelled Responses at 5 (Dec. 28, 2020).

Mercy's definition of documents, Mr. Blalock would also need to produce documents such as "email correspondence, text messages, and other messaging services."²⁰ This interpretation is further supported by Mercy's definition of "Communication," which means and includes:

every manner or means of transmittal, disclosure, transfer, or exchange of information, and every form of transmission, disclosure, transfer or exchange of information, whether orally, electronically, or by document, and whether face-to-face, by telephone, mail, personal delivery, computer or otherwise.²¹

Neither the person responding on behalf of Mr. Blalock or Mr. Blalock responded to Mercy's correspondence regarding this request.

Documents Mercy believes are missing include but are not limited to emails to or from Staff regarding his complaints.²² Based upon Mercy Counsel's email interactions with Mr. Blalock, they believe there are emails that Mercy was not addressed or copied on. As such, Mercy requests he again be compelled to produce the responsive documents in accordance with Mercy's request.

E. Complainant refuses to fully answer Mercy's RFI 1-9 as Order No. 8 requires.

MERCY'S RFI 1-9 "If your answer to RFI 1-8 is admit, identify the dates of your residence on the Southern Tract; identify the persons that were parties to and/or witnesses of your residence on the Southern Tract; describe where and how it took place; and identify any document that constitutes or refers to your residence on the on the Southern Tract. If your answer to RFI 1-8 is anything other than admit, please describe in detail the basis for your answer."²³

²⁰ Mercy's Correspondence, Exhibit B (Dec. 29, 2020).

²¹ Mercy's First Request for Information to Complainant at 3 (Nov. 18, 2020).

²² These examples are not meant to narrow Mercy's request for all documents relating to Request 1-4.

²³ Mercy's First Request for Information to Complainant at 7 (Nov. 18, 2020).

MR. BLALOCK’S RESPONSE: “As stated in response to ‘RFI 1-1’, Mr. Blalock does not remember the exact dates of his residences. His residency on the Southern Tract ended in January of 2015”²⁴

Mr. Blalock’s response does not fully and completely answer Request 1-9, and Mercy requests Mr. Blalock again be compelled to do so. Specifically, Request 1-9 asks Mr. Blalock to identify the dates of his residence on the Southern Tract and to identify any document that constitutes or refers to his residence on the Southern Tract. Mr. Blalock fails to identify the dates he lived on the Southern Tract or identify any documents that would refer to his residence there.

Accordingly, on December 29, 2020, Mercy’s Counsel requested Mr. Blalock answer Request 1-9 to the best of his ability and as he was ordered.²⁵ Specifically, Mercy requested he identify dates of his residency on the Southern Tract. Mercy received an unsigned response on behalf of Mr. Blalock, stating “As far as the dates, if one cannot remember exact dates, then they cannot provide those exact dates. Asking for exact dates for times that happened decades ago down to years ago is being overzealous in wanting the responses.”²⁶ Mercy interprets this response as Mr. Blalock refusing to answer Request 1-1 as required by Order No. 8.

As evident from Mr. Blalock’s other responses, he does sufficiently know the dates of his residency on the Southern Tract. In RFI 1-7, Mr. Blalock states that he moved onto the Southern Tract sometime in 1998.²⁷ This information is not included or referenced in RFI 1-1 or 1-9, where Mercy specifically requested it. However, he does state that he moved from the Southern Tract to the Northern Tract in 2015.²⁸ Regardless, Mr. Blalock failed to fully identify the dates of residence on the Southern Tract.

Mr. Blalock’s refusal to provide the dates as he was compelled creates confusion where none is needed. Specifically, Mercy cannot determine if he continuously resided on the Southern

²⁴ Compelled Responses at 5 (Dec. 28, 2020)

²⁵ Mercy’s Correspondence, Exhibit B (Dec. 29, 2020).

²⁶ Complainant’s Correspondence, Exhibit A (Dec. 29, 2020)

²⁷ Compelled Responses at 7 (Dec. 28, 2020)

²⁸ *Id.* at 1, 6.

Tract from 1998 to 2015. For this reason, Mercy requests Mr. Blalock be compelled to completely answer Request 1-9.

F. Complainant refuses to answer Mercy's RFI 1-13 as Order No. 8 requires.

MERCY'S RFI 1-13 "Admit that there is no recorded easement for the water service line that crosses the Southern Tract to serve the Northern Tract. If deny, produce any documents relating to the water service line and easement."²⁹

MR. BLALOCK'S RESPONSE: "As the Administrative Law Judge did not order for Mr. Blalock to admit this. Mr. Blalock will refer this response to his response [sic] to this RFI in his original response to the RFI from Mercy. And, will point to the witness statement filed with the original response on November 30 of 2020."³⁰

Because Mr. Blalock refuses to admit or deny, as Request 1-13 and Order No. 8 require, Mercy again requests that Mr. Blalock be compelled to completely answer Request 1-13. On December 11, 2020, the ALJ overruled Mr. Blalock's Original Response to Request 1-13 and compelled him to answer Request 1-13 as asked.³¹ On December 29, 2020, Mercy informed Mr. Blalock:

The ALJ overruled your original response to Request 1-13, which failed to include an admit or deny. Accordingly, referencing your original response is insufficient. Please admit that there is no recorded easement for the water service line or deny and provide proof of the recorded easement.³²

The unsigned response on behalf of Mr. Blalock stated:

In our original response to RFI 1-13, my father said there was an oral easement, which could also be inferred to exist based on the fact that Gloria Ann Meeks, Reba

²⁹ Mercy's First Request for Information to Complainant at 7 (Nov. 18, 2020).

³⁰ Compelled Responses at 5 (Dec. 28, 2020).

³¹ Order No. 8 at 2 (Dec. 11, 2020).

³² Mercy's Correspondence, Exhibit B (Dec. 29, 2020).

Ivey's sister signed an easement for the meter to go in. My. [sic] Father also typed a witness statement which was filed with the original responses, just not under the RFI it went with. Pushing for us to answer in the way that you want us to is becoming argumentative as the ALJ just said that we had to respond (answer), but he did not order in which way that we had to respond, nor did he say that our original response was not adequate. And, as we never objected to the RFI there was no objection being overturned.³³

Mercy interprets this response as a refusal to comply with Order No. 8.

When responding to discovery, responders do not have the luxury of interpreting the requests however they please to avoid the discovery process.³⁴ Mercy does not ask about an oral easement in Request 1-13. Mercy's Request 1-13 is clear in what it asks: "Admit that there is no **recorded easement** for the water service line that crosses the Southern Tract to serve the Northern Tract. If deny, produce any documents relating to the water service line and easement." Mercy specifically inquired about a recorded easement, which is commonly understood as a written easement filed in County Clerk's property records in the county where the property and easement are located. Request 1-1 is clear and can be answered as asked.

Finally, the ALJ already compelled Mr. Blalock to respond to this Request as asked.³⁵ Mr. Blalock refused to respond to Request 1-13 as asked and as the ALJ ordered. Accordingly, Mercy again requests the ALJ clearly compel Mr. Blalock to either:

1. Admit there is no recorded easement for the water service line that crosses the Southern Tract to serve the Northern Tract; or
2. Deny and produce documents relating to the water service line that crosses the Southern Tract to serve the Northern Tract and easement.

³³ Complainant's Correspondence, Exhibit A (Dec. 29, 2020).

³⁴ See *In re Swept L.P.*, 103 S.W.3d 578, 590 (Tex. App.—San Antonio, 2003, orig. proceeding).

³⁵ Order No. 8 at 2 (Dec. 11, 2020).

III. CONCLUSION

Mercy requests the ALJ again overrule Mr. Blalock's objections to Mercy's First RFI and compel his complete responses to Mercy's Requests 1-1, 1-4, 1-5, 1-9, and 1-13. In summary, Mr. Blalock has failed or refused to comply with Order No. 8 when he:

1. Refused to identify the dates of his residences, as requested by Requests 1-1 and 1-9;
2. Refused to describe communications he had with Kim Sanders, as requested in Request 1-4, because he untimely plead spousal privilege;
3. Failed to describe the contact information for multiple individuals, including Kim Sanders, two of his children (Anastasia Blalock and Ransom Blalock), and Christina Hauke, as requested in Request 1-4.
4. Refused to describe the communications he had with Kim Sanders because he untimely plead spousal privilege;
5. Failed to produce documents Mercy reasonably believes to exist relating to the communications referenced in RFI 1-4, as requested in RFI 1-5
6. Refused to either admit or deny whether there is a recorded easement for the water service line that crosses the Southern Tract to serve the Northern Tract.

For the reasons described above, Mercy requests the ALJ again compel Mr. Blalock to respond in full as outlined herein.

IV. PRAYER

For these reasons, Mercy respectfully requests the ALJ compel Mr. Blalock to completely respond to Mercy's First RFI. Specifically, Mercy requests:

1. Mr. Blalock be compelled to completely respond to Requests 1-1 and 1-9 by identifying the dates he resided at the identified residences.

2. Mr. Blalock's untimely objection to Request 1-4 for spousal privilege be overruled and he be compelled to completely respond to Request 1-4 by describing the communications he had with Kim Sanders.
3. Mr. Blalock be compelled to completely describe the contact information for the individuals he identified in 1-4, including for Kim Sanders, two of his children (Anastasia Blalock and Ransom Blalock), and Christina Hauke.
4. Mr. Blalock be compelled to respond completely to Request 1-5 by producing documents relating to any communication between him and anyone regarding Mercy's service to the Northern Tract, including but not limited to emails, text messages, or other messaging services.
5. Mr. Blalock be compelled to admit or deny Request 1-13, as asked. Specifically, Mercy requests Mr. Blalock should be compelled to either:
 - a. Admit there is no recorded easement for the water service line that crosses the Southern Tract to serve the Northern Tract; or
 - b. Deny and produce documents relating to the water service line that crosses the Southern Tract to serve the Northern Tract and easement.

Respectfully submitted,

By: _____


Katelyn A. Hammes

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ATTORNEYS FOR MERCY WATER SUPPLY
CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 5th day of January, 2021.

_____

Katelyn A. Hammes

Exhibit A

Docket: 51224

Allie Blalock <allieblalock97@gmail.com>

Tue, Dec 29, 2020 at 3:06 PM

To: Katelyn Hammes <katelyn@carltonlawaustin.com>

Cc: "Adkins, Justin" <justin.adkins@puc.texas.gov>, John Carlton <john@carltonlawaustin.com>

Hi,

We will prepare the responses to RFI 1-17 through 1-21, which was an accidental overlook on our part and we will fix that as soon as possible. We had the responses prepared on a separate document and meant to copy them over.

As far as the dates, if one cannot remember exact dates, then they cannot provide those exact dates. Asking for exact dates for times that happened decades ago down to years ago is being overzealous in wanting the responses.

In our original response to RFI 1-13, my father said there was an oral easement, which could also be inferred to exist based on the fact that Gloria Ann Meeks, Reba Ivey's sister signed an easement for the meter to go in. My father also typed a witness statement which was filed with the original responses, just not under the RFI it went with. Pushing for us to answer in the way that you want us to is becoming argumentative as the ALJ just said that we had to respond (answer), but he did not order in which way that we had to respond, nor did he say that our original response was not adequate. And, as we never objected to the RFI there was no objection being overturned.

And, your law office is beginning to seem like you are treating us as hostile witnesses with the argumentative behavior, despite not having permission from the judge in order to treat us as hostile. My father has already answered the questions to the best of his ability, even with your definitions, which is all that is required.

As far as the conversations between my father and his current wife, that was not an objection, but a statement of fact and his response concerning those conversations. As the Texas Rules of Evidence deem conversations between spouses as protected, and does not differentiate between the different forms of marriage. And, in court, a witness can make a statement of fact when answering questions (e.g. pleading the 5th in the case where they may self incriminate, which is not an objection).

[Quoted text hidden]

> *Katelyn Hammes*

>

>

>

> *4301 Westbank Drive, Suite B-130**Austin, Texas 78746*

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> *CONFIDENTIALITY NOTICE: This e-mail transmission (and any attachments) may

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[Quoted text hidden]

Exhibit B



Katelyn Hammes <katelyn@carltonlawaustin.com>

Docket: 51224

Katelyn Hammes <katelyn@carltonlawaustin.com>

Tue, Dec 29, 2020 at 1:05 PM

To: Allie Blalock <allieblalock97@gmail.com>

Cc: "Adkins, Justin" <justin.adkins@puc.texas.gov>, John Carlton <john@carltonlawaustin.com>

Mr. Blalock,

Thank you for your responses. I looked through them and noticed a number of responses were incomplete or omitted. As you know, the ALJ in Order No. 8 overruled many of your objections and ordered you to provide a complete response to most of our requests, including 1-1, 1-4, 1-5, 1-9, 1-13, 1-17, 1-18, 1-19, 1-20, and 1-21. As such, please provide complete responses to each of our requests.

Specifically, Requests 1-1 and 1-9 can be answered more completely. We requested the dates of residence during the applicable time period. Your responses fail to give any picture of when you moved into or out of any of the residences, or in what order you lived in them. To the best of your ability and as you were ordered, provide us a timeline with dates of those residences you describe in 1-1 and 1-9.

Please respond to Request 1-4 fully. You claim privilege for conversations with Kim Sanders. Your deadline to file objections to our these First RFIs, including for confidentiality, was November 30, 2020. You filed objections and failed to allege any facts demonstrating a privilege would exist. The ALJ specifically noted this fact in Order No. 8. For these reasons, you waived your claim of privilege. Respond to Request 1-4 fully, including a full description of any communication you had between you and Kim Sanders.

Please respond to Request 1-5 fully. We provided a definition of "documents" in our requests, which would include email correspondence, text messages, and other messaging services. Order No. 8 compelled you to produce all responsive documents.

The ALJ overruled your original response to Request 1-13, which failed to include an admit or deny. Accordingly, referencing your original response is insufficient. Please admit that there is no recorded easement for the water service line or deny and provide proof of the recorded easement.

Finally, you wholly omitted Requests 1-17 through 1-21. Order No. 8 requires that you provide these responses in full.

If you continue to fail to comply with Order No. 8, we will seek an additional order from the ALJ. Thank you.

Best Regards,

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