



Control Number: 51224



Item Number: 61

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**COMPLAINT OF
JOHN BLALOCK
AGAINST MERCY
WATER SUPPLY
CORPORATION**

2021 JAN 21 PM 2:29
FILED

**PUBLIC UTILITY
COMMISSION OF
TEXAS**

**MOTION TO IMPEACH KELLEY ALLBRIGHT AND MOTION TO
EXCLUDE HER AS A WITNESS**

COMES NOW John Blalock (hereinafter “Mr. Blalock”) to Motion to Impeach Kelley Allbright (hereinafter “Ms. Allbright) under Texas Rules of Evidence Rule 613(a) for inconsistent statements, Rule 613(b) for Witness’s Bias or Interest, Rule 608 for the Witness’s Character for Truthfulness, and Rule 614 to exclude her as a witness as her statements also go against what has been shown by records submitted by Mercy Water Supply Corporation (hereinafter “Mercy”):

RULE 613(a) - INCONSISTANT STATEMENTS

FOUNDATIONAL REQUIREMENTS

1. The first statement was made in writing on September 24 of 2020. The second statements date of being made is unknown but was filed with the Public Utility Commission (hereinafter “Commission”) on December 04 of 2020.
2. The inconsistency comes from the fact that in her affidavit Ms. Allbright says that Mr. Rodz transferred the meter (which would include the

membership) to his name, but then in response to Staff RFI 1-30 she supports a response that it was not transferred to Mr. Rodz.

3. The statement was sworn and subscribed before a notary by the name of Patsy Byrd McCorkel (Notary Id No.: 3350723)

NEED NOT SHOW A WRITTEN STATEMENT

As legal counsel for Mercy Water Supply Corporation (hereinafter “Mercy”), as do all parties, have access to the written statements Mr. Blalock is not required to show one as he has provided the location of the statements. So, there would be no need for Mercy’s legal counsel to have to ask for a copy.

OPPORTUNITY TO EXPLAIN OR DENY

Mr. Blalock believes that a time period of no more than 10 calendar days would be needed for legal counsel for Mercy to be able to get in touch with Ms. Allbright to have her explain or deny the statement.

RULE 613(b) -WITNESS’S BIAS OR INTEREST

FOUNDATIONAL REQUIREMENTS

1. STATEMENT CONTENTS

- a. The witness stated, “I am the Office Manager of Mercy Water Supply Corporation ("Mercy"). I began working with Mercy on March 4.2004

as a receptionist...”. Item No. 4 in the Affidavit of Kelley Allbright
(Exhibit B attached to Mercy’s Response to Complaint).

2. TIME AND PLACE OF THE STATEMENT

- a. September 24 of 2020
- b. San Jacinto County, Texas

3. TO WHOM THE STATEMENT WAS MADE

- a. Patsy Byrd McCorkel

NEED NOT SHOW WRITTEN STATEMENTS

Rule 613(b) of the Texas Rules of evidence allows for statements not to be shown in the case of written statements.

OPPORTUNITY TO EXPLAIN OR DENY

Mr. Blalock believes that it should take no longer than ten (10) calendar days for Ms. Allbright to be given the opportunity to explain or deny her bias or interest in the case.

CONCLUSION

Mr. Blalock believes Ms. Allbright to have a bias or interest in this proceeding that may make it to where she may or may not make statements that are misleading or false in the defense of the actions of Mercy.

MOTION TO EXCLUDE MS. ALLBRIGHT AS A WITNESS

Mr. Blalock believes that Ms. Allbright can be excluded as a witness under Rule 614 as she does not meet any of the exclusion for who can be excluded as a witness for the following reasons:

1. Ms. Allbright has a conflict of interest in this case as she has admitted she works for Mercy Water Supply Corporation.
2. She is not essential to Mercy's claim or defense as records are showing more than what Ms. Allbright can make statements on.
3. If Ms. Allbright does not completely deny the inconsistent statements, then it would be proof that her statements will change as needed for Mercy's defense.

CONCLUSION

Mr. Blalock believes this change in her statements would bring into question the accuracy of her statements or the statements that she has given support to. And, the inconsistency of the statements should also bring the truthfulness of the statements made or supported by Ms. Allbright. Ms. Allbright is also not material to the defense of Mercy as their records are either showing a different story or more than what Ms. Allbright is able to provide.

REQUEST FOR RELIEF

Mr. Blalock respectfully request for Ms. Allbright that he be allowed to impeach the witness, and for the witness to be excluded as she, nor her testimony, are needed in this case as the records show something different than what she is saying, and her statements are not material to the defense of Mercy's actions.

Respectfully Submitted By,

/s/John Preston Blalock

MOTION TO IMPEACH AND EXCLUDE RANDALL BAKER

COMES NOW John Blalock (hereinafter “Mr. Blalock”) to Motion to Impeach and Exclude Randall Baker (hereinafter “Mr. Baker”) as a witness under Rule 613(b) and Rule 614 of the Texas Rules of Evidence:

MOTION TO IMPEACH UNDER RULE 613(b)

FOUNDATIONAL REQUIREMENT

1. CONTENTS OF STATEMENT

- i. I am the contractor who works with Mercy Water Supply Corporation (“Mercy”) to install meters. I began working as a contractor for Mercy at or around 1993. Since then, I have installed water meters for Mercy.

2. TIME AND PLACE OF STATEMENT

- i. September 16 of 2020
- ii. San Jacinto County

3. TO WHOM THE STATEMENT WAS MADE

- i. Sandra Reese

NEED NOT SHOW WRITTEN STATEMENT

Mr. Blalock does not need to provide a copy of the written statement to the witness, and should not be required to provide one to counsel either as both the witness and legal counsel for Mercy have access to the written statement.

OPPORTUNITY TO EXPLAIN OR DENY

Mr. Blalock believes that it should take no longer than ten (10) calendar days for Mr. Baker to explain or deny his bias or interest in this proceeding.

CONCLUSION

Mr. Blalock believes that Mr. Baker may have a bias or interest in the proceeding as he works for/with Mercy as a contractor, which may or may not impede his ability to make full and true statements as he may or may not believe his working relationship (his job) with Mercy may or may not be at risk if Mercy is found to have acted in the wrong.

MOTION TO EXCLUDE

If Mr. Baker does not fully deny his bias or interest in the case, Mr. Blalock believes that Mr. Baker should be excluded as a witness in this proceeding as:

1. Mr. Baker has a conflict of interest in this proceeding as his job may or may not be at risk if Mercy is found to have acted in the wrong.

2. Mr. Baker is not essential to Mercy's claim or defense as he has not provided any evidence beyond what the records for Mercy have shown.

CONCLUSION

Mr. Blalock believes that Mr. Baker may or may not have a conflict of interest in this proceeding. And, if he does have a conflict of interest, Mr. Blalock motions for Mr. Baker to be excluded as a witness as he is not essential as he has not provided more evidence than the physical records of Mercy.

REQUEST FOR RELIEF

Mr. Blalock respectfully request that both his Motion to Impeach Randall Baker and his Motion to Exclude Randall Baker be granted as Mr. Baker has made a statement that may or may not show a conflict of interest that may or may not impede this proceeding.

RESPECTFULLY SUBMITTED BY,

/s/ John Preston Blalock