

JARED WOODFILL; STEVEN F. HOTZE;	§	
F.N. WILLIAMS, SR.; and MAX MILLER	§	IN THE DISTRICT COURT
Plaintiffs,	§	
	§	HARRIS COUNTY, TEXAS
vs.	§	
	§	152nd JUDICIAL DISTRICT
ANNISE D. PARKER, MAYOR; ANNA	§	
RUSSELL, CITY SECRETARY; and CITY	§	
OF HOUSTON,	§	
Defendants.	§	

**Amended Motion of Nonparties Pastor Hernan Castano, Ms. Magda Hermida,
Pastor Khan Huynh, Pastor Steve Riggle, and Pastor David Welch
To Quash Subpoenas to Produce Documents or Tangible Evidence Or Otherwise Issue a
Protective Order**

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to Texas Rules of Civil Procedure 176.6(e) and 192.6, nonparties Pastor Hernan Castano, Ms. Magda Hermida, Pastor Khan Huynh, Pastor Steve Riggle, and Pastor David Welch (together, the “Nonparty Pastors”) file their Motion to Quash Subpoenas to Produce Documents or Tangible Evidence. In support thereof, and as explained more fully in the accompanying Memorandum in Support, the Nonparty Pastors state as follows:

1. Texas law requires that discovery served on both parties and nonparties be reasonably calculated to lead to the discovery of admissible evidence, not be overly broad, seek only information that is not privileged and relevant to the subject matter of the litigation, and not cause undue burden or harassment. *See, e.g.*, Tex. R. Civ. P. 192.3; *Martin v. Khoury*, 843 S.W.2d 163 (Tex. App.—Texarkana 1992); *In re Mallinckrodt, Inc.*, 262 S.W.3d 469 (Tex. App.—Beaumont 2008).

2. The discovery requests served on the Nonparty Pastors do not comport with these requirements of Texas law. They are not reasonably calculated to lead to the discovery of admissible evidence, they are overly broad, irrelevant, and cause undue burden or harassment.

3. Additionally, the discovery requests demand materials that are protected by the First Amendment privilege governing discovery of nonpublic documents and communications relating to a political campaign and political strategy.

4. Also, the discovery requests demand materials that are protected by the deliberative-process privilege, the attorney-client privilege, and the work-product doctrine.

5. This Court should therefore grant the *Nonparty Pastors' Motion to Quash Or Otherwise Issue a Protective Order*.

6. The Nonparty Pastors respectfully request that the Court issue an order quashing their subpoenas. Alternatively, the Nonparty Pastors request an order modifying the subpoenas to clarify that they do not include (or a protective order declaring that the Nonparty Pastors need not produce) the requested documents that are not reasonably calculated to lead to the discovery of admissible evidence and the requested documents protected by the First Amendment privilege, the deliberative-process privilege, the attorney-client privilege, and the work-product doctrine.

7. In so moving, the Nonparty Pastors rely on this Motion, the accompanying Memorandum of Law in support of this Motion, all documents that have been filed with the Court in this matter, including Exhibit 1, which is a copy of the City's Answer, and Exhibits 2-6, which are copies of the third party subpoenas, and any further arguments that will be made at any hearing on this Motion.

Respectfully submitted this the 9th day of October, 2014.

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*Application for Pro Hac Vice admission forthcoming.

CERTIFICATE OF CONFERENCE

The undersigned, Andy Taylor, conferred with opposing counsel regarding the filing of this Motion. The undersigned told opposing counsel in writing that he would list them as opposed to this Motion if they did not respond back. No response has been received. Therefore Movants believe this Motion is opposed.

/s/ Andy Taylor

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached document was served via email on the 13th day of October, 2014 to the following attorneys.

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