

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

VIRGINIA ELIZONDO,

Plaintiff,

vs.

**SPRING BRANCH INDEPENDENT
SCHOOL DISTRICT, CHRIS
GONZALEZ, PAM GOODSON, KAREN
PECK, JOSEF D. KLAM, MINDA
CAESAR, CHRIS EARNEST, J.
CARTER BREED, in their official
capacity as members of the Board of
Trustees of Spring Branch ISD**

Defendants.

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Civil Action No. 4:21-cv-01997

**DEFENDANTS’ OBJECTION TO DUCES TECUM ATTACHED TO NOTICE OF
ORAL DEPOSITION**

Defendants Spring Branch Independent School District (“SBISD”) and Chris Gonzalez, Pam Goodson, Karen Peck, Josef D. Klam, Minda Caesar, Chris Ernest and J. Carter Breed in their official capacity as members of the Board of Trustees of Spring Branch ISD (collectively, “Defendants”) object to the duces tecum attached to the Notice of Oral Deposition of Dr. John Alford as follows:

1. Plaintiffs served their Notice of Oral Deposition of Defendants’ expert, Dr. John Alford, on February 22, 2022. See Exhibit 1 hereto. The notice requests Dr. Alford to produce the following documents at the time of his deposition:

2. The entire contents of any electronic and paper file created or maintained by the witness concerning the work performed in connection with the lawsuit.

3. All reports that the witness has prepared for the Spring Branch Independent School District *or its counsel*, on any subject for which he has been compensated.

2. Defendants object to Dr. Alford producing file contents, reports and communications with SBISD's counsel because such information is protected from production as work product. See Fed. R. Civ. P. 26(6)(4)(B) and (C).

Respectfully submitted,

**ABERNATHY, ROEDER, BOYD &
HULLETT, P.C.**

/s/Charles J. Crawford

Charles J. Crawford

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

On March 2, 2022 I electronically served the foregoing on all counsel and amicus of record by e-mail.

/s/Charles J. Crawford

Charles J. Crawford

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

VIRGINIA ELIZONDO,
Plaintiff,

v.

SPRING BRANCH INDEPENDENT
SCHOOL DISTRICT, *ET AL.*,

Defendants.

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Civil Action No. 4:21-CV-01997

NOTICE OF ORAL DEPOSITION

Pursuant to FED. R. CIV. P. 30, Plaintiff will take the oral deposition of Dr. John Alford on Thursday, March 10, 2022, beginning at 10:30 a.m. The examination will continue from day-to-day until completed at the SBISD Athletic Complex, located at 1050 Dairy Ashford Street, Houston, Texas 77079. The witness is requested to produce at or before the time of the deposition, the documents described on **Exhibit A**.

The deposition will be transcribed by a certified shorthand reporter and may be videotaped. All parties are invited to attend and examine the witness as permitted by the Federal Rules of Civil Procedure.

Respectfully submitted,

/s/ Barry Abrams
Barry Abrams
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ATTORNEYS FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Deposition was sent via email to the following counsel of record on February 22, 2022:

Charles Crawford
ccrawford@abernathy-law.com

Lucas Henry
lhenry@abernathy-law.com

Andy Taylor
ataylor@andytaylorlaw.com

/s/ Barry Abrams
Barry Abrams

EXHIBIT "A"

DEFINITIONS

1. "Person" means the plural as well as the singular and includes any natural person or business, legal or governmental entity or association.
2. "Plaintiff" means Plaintiff Virginia Elizondo named in the document titled "Plaintiff's First Amended Complaint" (Dkt.#2 in the case styled *Elizondo v. Spring Branch Independent School District, et al.*), the party's abbreviated name, a pronoun referring to the party, and, where applicable, her employees, partners, or agents acting or purporting to act on her behalf with respect to any of the subjects identified in this Deposition Notice.
3. The term "Lawsuit" means the case styled *Elizondo v. SBISD, et al*, Cause No. 4:21-CV-01997, in the United States District Court for the Southern District of Texas, Houston Division.
4. The term "Complaint" means the Plaintiff's First Amended Complaint, in the case styled the case styled *Elizondo v. SBISD, et al*, Cause No. 4:21-CV-01997, in the United States District Court for the Southern District of Texas, Houston Division.
5. Any reference to an individual person, either singularly or as part of a defined group, includes, where applicable, that person's past and present agents, legal representatives, non-legal representatives, personal representatives, attorneys, employees, heirs, successors, and assigns, and also includes individuals and entities who act, have acted, purport to act, or have purported to act on behalf of such individual person.
6. The term "documents" has the meaning used in FED. R. CIV. P. 34 and includes tangible documents or electronically stored information—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form; or any tangible things such as signs, posters, banners or the like. The term "documents" as used here also specifically includes (all text messages, emails, blog posts, notes or drafts), whether sent to or from, forwarded to or from, or stored on a SBISD-provided device or any personal telephone, personal computer or other personal electronic device, or delivered by hand.

DOCUMENTS TO BE PRODUCED

1. All documents containing the information required to be produced under FED. R. CIV. P. 26, including documents evidencing:
 - (i) a complete statement of all opinions the witness will express and the basis and reasons for them;
 - (ii) all facts or data considered by the witness in forming his opinions;
 - (iii) any exhibits that will be used to summarize or support the witness's opinions;
 - (iv) communications which relate to compensation for the expert's study or testimony;
 - (v) documents which identify facts or data that the Defendants' attorney provided and that the expert considered in forming the opinions to be expressed;
 - (vi) all assumptions that Defendants' attorney provided and that the expert relied on in forming the opinions to be expressed.
2. The entire contents of any electronic and paper file created or maintained by the witness concerning the work performed in connection with the Lawsuit.
3. All reports that the witness has prepared for the Spring Branch Independent School District or its counsel, on any subject for which he has been compensated.