



CAUSE NO. 49209

STATE OF TEXAS,

Plaintiff,

v.

CITY OF DOUBLE HORN, TEXAS;
CATHY SERENO; R.G. CARVER;
BOB LINK; JAMES E. MILLARD;
LARRY TROWBRIDGE; GLENN
LEISEY; and JOHN OSBORNE,

Defendants.

IN THE DISTRICT COURT OF

BURNET COUNTY, TEXAS

424th JUDICIAL DISTRICT

**PLAINTIFF'S OBJECTIONS AND RESPONSES TO
DEFENDANT'S FIRST REQUEST FOR PRODUCTION**

TO: Defendant the City of Double Horn, by and through its attorney of record, Mr. Kevin M. Curley, Messer, Fort & McDonald, 6371 Preston Road, Suite 200, Frisco, Texas 75034.

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, Plaintiff the State of Texas submits the following responses to Defendant's First Request for Production.

January 13, 2021

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

Respectfully submitted.

PATRICK K. SWEETEN
Associate Deputy for Special Litigation

/s/Todd Lawrence Disher
TODD LAWRENCE DISHER
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COUNSEL FOR THE STATE OF TEXAS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been served on all counsel of record on January 13, 2021, via electronic service and email in accordance with Rule 21a of the Texas Rules of Civil Procedure.

/s/Todd Lawrence Disher
TODD LAWRENCE DISHER

**PLAINTIFF'S OBJECTIONS AND RESPONSES TO DEFENDANT'S
FIRST REQUEST FOR PRODUCTION**

GENERAL OBJECTIONS

1. Plaintiff objects to the Requests to the extent they seek to impose obligations on Plaintiff other than those set forth in, and permitted by, the Texas Rules of Civil Procedure or other applicable law.
2. To the extent that any Request calls for “all,” “each,” or “every,” Plaintiff objects to each Request as being overbroad and unduly burdensome. It is impossible to represent, even after a reasonable and diligent search, that all, each, or every bit of information falling within a description can or has been assembled.
3. Plaintiff objects to Defendant’s definitions of the terms “You,” “Your,” or “State,” to the extent they attempt to impose rules or requirements that are inconsistent with the Texas Rules of Civil Procedure or seek privileged information. Plaintiff is responding with non-privileged information within the possession, custody, or control of Plaintiff, the State of Texas, acting through its Attorney General, Ken Paxton in his official capacity. Plaintiff has endeavored to identify all divisions and staff within the Texas Attorney General’s Office with information responsive to the Requests so that specific and focused objections and responses may be included in this response. Plaintiff is not responding for other agencies, boards, bureaus, commissions, or other independent executive or legislative departments of the State of Texas.
4. The State of Texas has over 320,000 full-time employees and thousands more part-time employees spread across the general government, health and human services, public education, higher education, the judiciary, public safety and criminal justice, natural resources, business and economic development, regulatory and other state agencies, the legislature, and the Office of the Attorney General—almost all of whom are uninvolved in this matter. Further, the Office of the Attorney General has over 4,000 employees, thousands of whom are uninvolved with this matter. Plaintiff responds for those at the Office of the Attorney General who, after reasonable inquiry, are likely to have information within the scope of discovery. Specifically, Plaintiff objects except as to production from the following: non-privileged information in the possession, custody, or control of attorneys for the Attorney General’s Office who are counsel in this matter, the Public Information Coordinator for the Attorney General’s Office, and the Communications Department, which includes the Constituent Affairs Division. Plaintiff objects to any and all of Defendant’s requests to the extent that they call for information from groups beyond those specifically listed above as producing information. To the extent that they go beyond that scope, Defendant’s requests are overbroad, ambiguous, vague, and harassing.
5. Plaintiff objects to each discovery request to the extent that it seeks information not in Plaintiff’s possession, custody, or control. Many of the Requests seek information from individuals or entities who are not parties to this lawsuit and are not under the direction and control of the parties. Plaintiff objects to the requests for production, definitions, and instructions to the extent they extend to non-parties, or require Plaintiff to answer for non-parties, which is not permitted by Tex. R. Civ. P. 196.

6. Additionally, Plaintiffs objects to each Request to the extent that: (1) it seeks information that is publicly available or otherwise equally available or uniquely or equally available from third parties; (2) it seeks information that does not specifically refer to the events which are the subject matter of this litigation; and (3) it seeks information not relevant to the subject matter of this litigation.

7. Plaintiff objects to these requests because the requests on their face are calculated to solicit privileged information.

8. Plaintiff objects to Defendant's definition of "documents" to the extent it attempts to impose rules or requirements that are inconsistent with the Texas Rules of Civil Procedure, including information that is not reasonably available to Plaintiff. Consistent with the Rules, Plaintiff will produce documents as kept in the usual course of business and in a form conducive to loading into a document-review platform.

9. Plaintiff objects to each Request to the extent that it may assume the existence and truth of unverified facts and allegations. In responding to any such Request, Plaintiff does not assume or admit that the facts stated, implied, or assumed within the Request are true or accurate, and responses made to any Request containing such assumptions and allegations shall not be construed as an admission that any definition, assumption, or statement contained in the Request is either factually or legally binding on Plaintiff.

10. Plaintiff objects to any of the Requests submitted that, due to their broad scope, could be construed as seeking information that is protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) consulting expert privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege, protection, doctrine, exemption, or immunity from discovery. Plaintiff's responses shall neither waive nor prejudice any objections it may herein or later assert, including, but not limited to, objections as to admissibility of any information or category of information at trial.

11. Plaintiff objects to Defendants' definition of "City" or "Double Horn" to the extent that it is vague, ambiguous, overbroad, and lacking in specificity because Plaintiff lacks a list of names of City of Double Horn "attorneys, officers, directors, employees, and all other persons or entities acting or purporting to act on her behalf, whether authorized or not" and may be unaware that a person is a City of Double Horn employee unless the person identifies himself or herself as such. Plaintiff also objects to these terms as conclusory, assuming facts not in evidence, and requiring Plaintiff to make an admission by inference.

12. Plaintiff objects to Defendants' definition of "Spicewood Crushed Stone" to the extent that it is vague, ambiguous, overbroad, and lacking in specificity. The term "Spicewood Crushed Stone" as Defendants define it includes unknown and unknowable third parties that Plaintiff could not possibly identify or respond regarding.

13. Plaintiff objects to Defendants' definition of "Dalrymple Gravel and Contracting" to the extent that it is vague, ambiguous, overbroad, and lacking in specificity. The term "Dalrymple Gravel and Contracting" as Defendants define it includes unknown and unknowable third parties that Plaintiff could not possibly identify or respond regarding.

14. Plaintiff objects to each Request's timeframe (e.g., requesting "for the years 2013 to present" or "from 2017 to date") or lack thereof to the extent that it is overbroad, unduly burdensome, not relevant, not reasonably calculated to lead to the discovery of admissible evidence, vague, ambiguous, and lacking in specificity because it asks for documents from more than two to six years prior to State's filing of its Petition for Leave to File an Information in the Nature of Quo Warranto.

15. The foregoing objections, for the purpose of these Objections and Responses, shall be referred to as the "General Objections."

16. These General Objections apply to each individual request unless specifically otherwise stated. Reiteration of any general objection in response to a specific request shall not be construed to limit the applicability of any other general objection. Furthermore, any attempt to answer or respond to any Request for Production to which a general objection is made does not in any way waive the objection.

17. The inadvertent production or disclosure of any privileged documents or information and the inadvertent omission of assertion of a privilege shall not constitute or be deemed to be a waiver of any applicable privilege with respect to such document or information (or the contents or subject matter thereof) or with respect to any other such document or discovery now or hereafter requested or provided. Plaintiff reserves the right not to produce documents that are in part protected by privilege, except on a redacted basis, and to require the return of any document (and all copies thereof) inadvertently produced.

18. By making these responses, Plaintiff does not concede that it is in possession of any documents responsive to any particular Request, or that any documents produced are relevant to the above-captioned matter, or that any alleged facts in the Requests are true.

19. Plaintiff objects to the time and place of production requested; however, Plaintiff will transmit documents to be produced, if any exist, digitally, and will do so beginning in January 2021.

SPECIFIC OBJECTIONS AND RESPONSES

The following responses are made without prejudice to the Plaintiff's right to rely upon subsequently discovered facts or evidence.

REQUEST NO. 1: All documents, emails and texts involving communication between the State and Spicewood Crushed Stone, Dalrymple Gravel and Contracting, David J. Dalrymple, Matthew D. Dalrymple, Phelan Hill, or Vince Reinhart from 2017 to date regarding the Subject Property.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State," "Spicewood Crushed Stone," "Dalrymple Gravel and Contracting," and "Subject Property" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of "documents" (as defined by Defendant), emails, and texts that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged "documents" such as attorney discussion, core attorney work product, and advice about any such "communication."

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 2: All documents, emails and texts involving communication between the State and Spicewood Crushed Stone, Dalrymple Gravel and Contracting, David J. Dalrymple, Matthew D. Dalrymple, Phelan Hill, or Vince Reinhart from 2017 to date regarding Double Horn, its incorporation, elections, regulations, and/ or officials.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State," "Spicewood Crushed Stone," "Dalrymple Gravel and Contracting," and "Double Horn" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of "documents" (as defined by Defendant), emails, and texts that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged "documents" such as attorney discussion, core attorney work product, and advice about any such "communication."

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 3: All documents, emails and texts involving communication between the State and Spicewood Crushed Stone, Dalrymple Gravel and Contracting, David J. Dalrymple, Matthew D. Dalrymple, Phelan Hill, or Vince Reinhart from 2017 to date regarding Double Horn’s regulation, control, or governance (if any) of the Subject Property.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants’ definitions of “State,” “Spicewood Crushed Stone,” “Dalrymple Gravel and Contracting,” “Double Horn,” and “Subject Property” as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of “documents” (as defined by Defendant), emails, and texts that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged “documents” such as attorney discussion, core attorney work product, and advice about any such “communication.”

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 4: All documents, emails and texts from any party or person to the State requesting investigation or action regarding Double Horn’s formation, existence, or elections.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants’ definitions of “State” and “Double Horn” as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of “documents” (as defined by Defendant), emails, and texts that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery.

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 5: All communication or complaints of any kind to the State regarding Double Horn’s formation, existence, or elections (including but not limited to the “complaint” or noti[ce] of potential violation of law” referenced by attorney Kent Richardson at the April 3, 2019 hearing in this matter—see Vol. 2, p. 14 of Reporter’s Record on appeal).

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants’ definitions of “State” and “Double Horn” as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff further objects to Defendants’ use of “communications” or “complaints” as overbroad, vague, ambiguous, lacking in specificity, and unduly burdensome (such as by including “of any kind” which includes oral communications or complaints) and beyond the proper scope of a Request for Production to the extent it seeks non-documents or intangible communications or complaints not reflected in existing documents or recordings.

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 6: All documents, including but not limited to communications, involving Spicewood Crushed Stone’s plans for use of the Subject Property.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants’ definitions of “Spicewood Crushed Stone” and “Subject Property” as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of “documents” (as defined by Defendant), and “communications” that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged “documents” and such as attorney discussion, core attorney work product, and advice about such “plans.”

Plaintiff also objects to this request as vague, ambiguous, and lacking specificity because it does not clarify what “plans for use” means. Plaintiff cannot reasonably determine whether certain documents and communications involve “plans for use” by a third party whose intentions are unknown to Plaintiff.

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 7: All documents, including but not limited to communications, involving Spicewood Crushed Stone’s purchase of the Subject Property.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants’ definitions of “Spicewood Crushed Stone” and “Subject Property” as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of “documents” (as defined by Defendant), and “communications” that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged “documents” and communications, such as attorney discussion, core attorney work product, and advice about such “purchase.”

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 8: All documents involving Spicewood Crushed Stone’s applications or permits involving the Subject Property.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants’ definitions of “Spicewood Crushed Stone” and “Subject Property” as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of “documents” (as defined by Defendant) that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged “documents” such as attorney discussion, core attorney work product, and advice about any such “applications” or “permits.”

Plaintiff also objects to this request as overbroad, vague, ambiguous, and lacking specificity because it does not clarify what “applications or permits” means.

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 9: All documents involving Spicewood Crushed Stone’s operations involving the Subject Property.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants’ definitions of “Spicewood Crushed Stone” and “Subject Property” as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of “documents” (as defined by Defendant) that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged “documents” such as attorney discussion, core attorney work product, and advice about such “operations.”

Plaintiff also objects to this request as overbroad, vague, ambiguous, and lacking specificity because it does not clarify what “operations” means.

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 10: All documents evidencing the City of Double Horn’s claimed intent to “put a neighboring company out of business.” *See* State’s Response To The Petition For Review in the Texas Supreme Court, p. vii.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants’ definitions of “City,” and “Double Horn” as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of “documents” (as defined by Defendant) that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged “documents” such as attorney discussion, core attorney work product, and advice about such “intent.”

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 11: All documents evidencing that “Double Horn does, however, plan to ... ‘make it difficult for [Spicewood Crushed Stone] to do business.’” *See* State’s Response To The Petition For Review in the Texas Supreme Court, p. 4.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants’ definitions of “Spicewood Crushed Stone,” and “Double Horn” as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of “documents” (as defined by Defendant) that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged “documents” such as attorney discussion, core attorney work product, and advice about such “plan.”

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 12: All documents evidencing that “No one expects that [Spicewood Crushed Stone’s] property will be developed as part of Double Horn.” *See* Sate’s Response To The Petition For Review in the Texas Supreme Court, p. 4.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants’ definitions of “Spicewood Crushed Stone,” and “Double Horn” as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of “documents” (as defined by Defendant) that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged “documents” such as attorney discussion, core attorney work product, and advice about such “expect[at]ions.”

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 13: All documents evidencing that Double Horn does or does not constitute a town or village under Tex. Loc. Gov't Code § 7.001(1).

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "Double Horn" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of "documents" (as defined by Defendant) that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged "documents" such as attorney discussion, core attorney work product, and advice about such "constitute[ion]."

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 14: All documents evidencing that Double Horn boundaries do or do not include only territory to be used strictly for municipal purposes under Tex. Loc. Gov't Code § 7.001(1).

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "Double Horn" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of "documents" (as defined by Defendant) that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged "documents" such as attorney discussion, core attorney work product, and advice about such "boundaries."

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 15: All bids for the provision of goods or services received by the State from Spicewood Crushed Stone for the years of 2013 to the present.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State" and "Spicewood Crushed Stone" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff further objects to the time frame of the request (e.g., requesting "for the years of 2013 to present") as overbroad, unduly burdensome, and not relevant because it asks for documents from more than six years prior to State's filing of its Petition for Leave to File an Information in the Nature of Quo Warranto.

Plaintiff further objects that the documents sought by this request are not relevant to the claims in this case. Additionally, the request for bids "received by the State" requests documents for the entirety of the State, which is, as generally objected above as overbroad, unduly burdensome, and not relevant.

REQUEST NO. 16: All awarded contracts between the State and Spicewood Crushed Stone for the years of 2013 to the present.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State" and "Spicewood Crushed Stone" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff further objects to the time frame of the request (e.g., requesting "for the years of 2013 to present") as overbroad, unduly burdensome, and not relevant because it asks for documents from more than six years prior to State's filing of its Petition for Leave to File an Information in the Nature of Quo Warranto.

Plaintiff further objects to Defendants' request for "awarded contracts" because that term is overbroad, vague, ambiguous, lacking in specificity, and unduly burdensome (such as by including "All").

Plaintiff further objects that the documents sought by this request are not relevant to the claims in this case. Additionally, the request for bids "received by the State" requests documents for the entirety of the State, which is, as generally objected above as overbroad, unduly burdensome, and not relevant.

REQUEST NO. 17: All bids for the provision of goods or services received by the State from Dalrymple Gravel and Contracting for the years of 2013 to the present.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State" and "Dalrymple Gravel and Contracting" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff further objects to the time frame of the request (e.g., requesting "for the years of 2013 to present") as overbroad, unduly burdensome, and not relevant because it asks for documents from more than six years prior to State's filing of its Petition for Leave to File an Information in the Nature of Quo Warranto.

Plaintiff further objects that the documents sought by this request are not relevant to the claims in this case. Additionally, the request for bids "received by the State" requests documents for the entirety of the State, which is, as generally objected above as overbroad, unduly burdensome, and not relevant.

REQUEST NO. 18: All awarded contracts between the State and Dalrymple Gravel and Contracting for the years of 2013 to the present.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State" and "Dalrymple Gravel and Contracting" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff further objects to the time frame of the request (e.g., requesting "for the years of 2013 to present") as overbroad, unduly burdensome, and not relevant because it asks for documents from more than six years prior to State's filing of its Petition for Leave to File an Information in the Nature of Quo Warranto.

Plaintiff further objects to Defendants' request for all "awarded contracts" because that term is overbroad, vague, ambiguous, lacking in specificity, and unduly burdensome (such as by including "All").

Plaintiff further objects that the documents sought by this request are not relevant to the claims in this case. Additionally, the request for bids "received by the State" requests documents for the entirety of the State, which is, as generally objected above as overbroad, unduly burdensome, and not relevant.

REQUEST NO. 19: Any documents discussing or involving any studies on the effects or impact Spicewood Crushed Stone’s anticipated operations at the Subject Property would have on residents within three miles of the operations.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants’ definitions of “Spicewood Crushed Stone” and “Subject Property” as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of “documents” (as defined by Defendants) that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; (7) trade secret and proprietary information privilege, or (8) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged “documents” such as attorney discussion, core attorney work product, and advice about such “studies.”

Plaintiff further objects that the documents sought by this request are not relevant to the claims in this case.

REQUEST NO. 20: Any communications within the State regarding from 2017 to date regarding Double Horn, its incorporation, elections, regulations, and/ or officials.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State" and "Double Horn" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of "communications" that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged "communications" such as attorney discussion, core attorney work product, and advice about "Double Horn" (as defined by Defendants), "its incorporation, elections, regulations, and/or officials."

Plaintiff further objects to Defendants' request for "Any communications" as overbroad, vague, ambiguous, lacking in specificity, and unduly burdensome (such as by including "any") and beyond the proper scope of a Request for Production to the extent it seeks non-documents or intangible communications not reflected in existing documents or recordings.

Plaintiff further objects to the term "within" as vague, ambiguous, and lacking in specificity.

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 21: Any records within the actual or constructive custody of the State, including historical records, relating to the formation of the Town of Double Horn in or about 1855.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State" and "Double Horn" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of "records" that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; (7) or any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged "records" such as attorney discussion, core attorney work product, and advice about any such "formation of the Town of Double Horn in or about 1855."

Plaintiff further objects to Defendants' definition of "Town of Double Horn" as overbroad, vague, ambiguous, lacking in specificity, and unduly burdensome. Plaintiff also objects to these terms as conclusory, assuming facts not in evidence, and requiring Plaintiff to make an admission by inference.

Plaintiff further objects to the time frame of the request as overbroad, unduly burdensome, and not relevant because it asks for documents without any temporal limitation.

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 22: Any records within the actual or constructive custody of the State, including historical records, relating to the formation of the Town of Double Horn in or about 1855 and its subsequent existence.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State" and "Double Horn" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of "records" that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; (7) or any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged "records" such as attorney discussion, core attorney work product, and advice about such "formation" and "subsequent existence" of the "Town of Double Horn in or about 1855."

Plaintiff further objects to Defendants' definition of "Town of Double Horn" as overbroad, vague, ambiguous, lacking in specificity, and unduly burdensome. Plaintiff also objects to these terms as conclusory, assuming facts not in evidence, and requiring Plaintiff to make an admission by inference.

Plaintiff further objects to the time frame of the request as overbroad, unduly burdensome, and not relevant because it asks for documents without any temporal limitation.

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 23: Any records within the actual or constructive custody of the State, including historical records, relating to the establishment of a post office for the Double Horn community or the subsequent dissolution of same.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State" and "Double Horn" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of "records" that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; (7) or any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged "records" such as attorney discussion, core attorney work product, and advice about any such "establishment of a post office for the Double Horn community or the subsequent dissolution of same."

Plaintiff further objects to Defendants' request because the term "Double Horn community" is overbroad, vague, ambiguous, lacking in specificity, and unduly burdensome. Plaintiff objects to any indication, reference, or assumption that asserts that the "Double Horn community" referred to by Defendants is related to or a continuance of the "Town of Double Horn" referenced by Defendants in Request Nos. 21 and 22, or any other use of "Double Horn" (as defined by Defendants).

Plaintiff further objects to the time frame of the request as overbroad, unduly burdensome, and not relevant because it asks for documents without any temporal limitation.

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 24: All documents, emails and texts involving communication between the State and any person or entity from 2017 to date regarding the Subject Property.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State" and "Subject Property" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of "documents" (as defined by Defendant) that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged documents and communications, such as attorney discussion, core attorney work product, and advice about any such "communication."

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 25: All documents, emails and texts involving communication between the State and any person or entity from 2017 to date regarding Double Horn, its incorporation, elections, regulations, and/ or officials.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State" and "Double Horn" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of "documents" (as defined by Defendant) that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged documents and communications, such as attorney discussion, core attorney work product, and advice about any such "communication."

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 26: All documents, emails and texts involving communication between the State and any person or entity from 2017 to date regarding Double Horn’s regulation, control, or governance (if any) of the Subject Property.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants’ definitions of “State,” “Double Horn,” and “Subject Property” as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff. Plaintiff also objects to the extent that the request calls for information already equally available to or actually in the possession of Defendants.

Plaintiff also objects to the extent the request requires production of “documents” (as defined by Defendants) that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged documents and communications, such as attorney discussion, core attorney work product, and advice about any such “communication.”

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.

REQUEST NO. 27: All documents, emails and texts involving contributions by Spicewood Crushed Stone, Dalrymple Gravel and Contracting, David J. Dalrymple, Matthew D. Dalrymple, Phelan Hill, and/or Vince Reinhart, including their principals, officers or employees, to Ken Paxton or any political action committee supporting Ken Paxton.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "Spicewood Crushed Stone" and "Dalrymple Gravel and Contracting" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas in his official capacity and is not required to produce information that is not reasonably available to Plaintiff.

Plaintiff further objects that the information sought is not relevant to the claims in this case, is overly broad and unduly burdensome based on the needs of the case, and is an impermissible fishing expedition.

Plaintiff further objects to the time frame of the request as overbroad, unduly burdensome, and not relevant because it asks for documents without any temporal limitation.

Plaintiff also objects to the extent the request requires production of "documents" (as defined by Defendants) that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; (7) the First Amendment privilege; or (8) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged communications, such as attorney discussion, core attorney work product, and advice about any such "contributions."

REQUEST NO. 28: All documents, notes, emails, and texts involving meetings or communication between the State (including but not limited to the Attorney General or any employees or agents of the Office of the Texas Attorney General) and Spicewood Crushed Stone, Dalrymple Gravel and Contracting, David J. Dalrymple, Matthew D. Dalrymple, Phelan Hill, or Vince Reinhart from 2017 to date.

Objection:

Plaintiff incorporates by reference its General Objections. Specifically, Plaintiff objects to Defendants' definitions of "State," "Spicewood Crushed Stone," and "Dalrymple Gravel and Contracting" as discussed in the General Objections.

Plaintiff further objects to the extent that the request seeks documents that are in neither the custody nor the control of the Office of the Attorney General. Plaintiff is acting by and through the Attorney General of Texas and is not required to produce information that is not reasonably available to Plaintiff.

Plaintiff also objects to the extent the request requires production of "all" "documents" (as defined by Defendants), notes, emails, and texts that are protected by either (1) attorney/client privilege; (2) attorney work product doctrine; (3) investigative privilege; (4) party communication privilege; (5) witness statement privilege; (6) deliberative process privilege; or (7) any other privilege or exemption from discovery. Plaintiff further objects that this request appears designed, by nature, to solicit privileged communications, such as attorney discussion, core attorney work product, and advice about any such "meetings" or "communications."

Response:

Subject to the foregoing objections and limitations, and without waiver of same, Plaintiff will produce the non-privileged and relevant documents responsive to this request in its possession, custody, or control of the Office of the Attorney General (as explained in its General Objections) that are located after a reasonably diligent search.