

REPORTER'S RECORD  
VOLUME 1 OF 1 VOLUMES  
TRIAL COURT CAUSE NO. D-1-GN-23-001675

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2			
3	KIMBERLY MINJAREZ,	)	IN THE DISTRICT COURT
4		)	
	<i>Plaintiff,</i>	)	
5		)	
6	VS.	)	
7	TANGLEWOOD FOREST LIMITED	)	TRAVIS COUNTY, TEXAS
8	DISTRICT; RON PETERSON,	)	
9	NIKKI KRUEGER, BRIAN	)	
10	WHELAN, EACH IN HIS OR HER	)	
11	OFFICIAL CAPACITY AS	)	
12	DIRECTORS OF TANGLEWOOD	)	
13	FOREST LIMITED DISTRICT,	)	
14		)	
15	<i>Defendants.</i>	)	98TH JUDICIAL DISTRICT

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APPLICATION FOR TEMPORARY INJUNCTION

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On the 22nd day of June, 2023, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Laurie Eiserloh, Judge presiding, held in Austin, Travis County, Texas.

Proceedings reported by machine shorthand.

## A P P E A R A N C E S

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1 THE COURT: Let's go on the record then.  
2 All right. Call to the bench Cause Number  
3 D-1-GN-23-001675. This is Kimberly -- how does she say  
4 her last name? Minjarez?

5 MR. TERRAZAS: Minjarez, Your Honor.

6 THE COURT: Minjarez versus Tanglewood  
7 Forest Limited District, et al. We are here on a  
8 temporary injunction hearing?

9 MR. TERRAZAS: Yes, Your Honor.

10 THE COURT: All right. Very good. May I  
11 please have announcements for the movant and then the  
12 respondent?

13 MR. TERRAZAS: Your Honor, Kevin Terrazas  
14 on behalf of Plaintiff, Kimberly Minjarez. Ms. Minjarez  
15 is here with us today.

16 THE COURT: Welcome. We're happy to have  
17 you here.

18 MS. MINJAREZ: Thank you, Your Honor.

19 THE COURT: And for Respondent.

20 MR. SEAQUIST: Good morning, Your Honor,  
21 I'm Gunnar Seaquist. I am joined today with my  
22 colleague, Bob Heath. We also have present with us  
23 today Nikki Krueger, who is one of the official capacity  
24 defendants in this case. She's a board member on the  
25 Tanglewood Forest Limited District board, and Mr. Bryan

1 Whelan is in the courtroom as well. He's also one of  
2 the official capacity defendants and a board member of  
3 the Tanglewood Forest Limited District board.

4 THE COURT: Very good. Well, welcome  
5 Mr. Heath, and welcome. We're happy to have you all  
6 here with us this morning.

7 MR. HEATH: Thank you.

8 THE COURT: All right. So I think we  
9 have -- any other preliminary matters we need to take up  
10 before we --

11 MR. TERRAZAS: No, Your Honor. I have a  
12 binder for you.

13 THE COURT: Okay.

14 MR. TERRAZAS: Beside's that, just in case  
15 you want to look at some things by paper. I'm going to  
16 do most things electronically.

17 THE COURT: All right. Very good. Please  
18 know that I have read the motion and the response  
19 already. So I'm happy to take your binder, but...

20 MR. TERRAZAS: It's got some case law and  
21 things that I may refer to, Your Honor, so that's why  
22 I've just --

23 THE COURT: Yeah, let me have it, then.

24 Also with us today we have Mr. Alex  
25 Pinkerton who is a -- he's one of the interns this

1 summer, so he's here with us in the courtroom, and I  
2 think that is pretty much it. You're going to be using  
3 our projector, I take it?

4 MR. TERRAZAS: I will, Your Honor.

5 THE COURT: All right. Very good. Well,  
6 let me go on and get the power on it, then. Very good.  
7 It's up.

8 MR. TERRAZAS: All right.

9 THE COURT: Okay. Give me just one second  
10 here to get this work station on.

11 All right, Mr. Terrazas, you may proceed.

12 MR. TERRAZAS: Thank you, Your Honor. I  
13 appreciate it. We just have a brief opening statement  
14 for the Court to try to orient you in terms of what  
15 we're going to be talking about today and really the  
16 issues, and I think that it's really important to  
17 identify what the issues are today --

18 THE COURT: All right.

19 MR. TERRAZAS: -- because I've read their  
20 response.

21 THE COURT: I have too.

22 MR. TERRAZAS: And they're raising some  
23 issues that are not actually issues here today, and I  
24 will explain that.

25 THE COURT: Okay.

1 MR. TERRAZAS: So first, Your Honor, here's  
2 the facts. I don't think these are disputed.  
3 Ms. Minjarez ran for election in Tanglewood Forest  
4 Limited District to be a director. She was elected.  
5 They have a voting where they take the top two candidate  
6 votes, and she was one of the top two. After she was  
7 elected, she made her statement under the law. She  
8 provided her oath under the law. She got a bond and  
9 executed a bond under the law. However, on March 15th  
10 at the board meeting, the board decided -- who, by the  
11 way -- there's three members of the board that don't  
12 like Ms. Minjarez, and they decided we can declare her  
13 seat to be vacant. And so the issue here is does the  
14 board, once she's satisfied the requirements, are they  
15 required to basically accept her on the board, and was  
16 their action that they took ultra vires. That's issue  
17 one.

18 Issue Number 2 is did their March 15th,  
19 2023, actions, was that in violation of the Open  
20 Meetings Act. Those are the only two issues that are in  
21 this case.

22 This temporary injunction is asking the  
23 Court for temporary relief until a final hearing to  
24 allow Ms. Minjarez to serve on the board because she's  
25 satisfied the requirements, and I want to make clear and



1 I will later on as well, these are not qualifications.  
2 These are requirements before you can begin your duties  
3 on the board.

4           Those are the underlying facts, and it's  
5 really not disputed, I think, the facts here, and so  
6 we're going to have some testimony from Ms. Minjarez.  
7 There may be testimony from others, but I don't think  
8 that there's really going to be any dispute about the  
9 facts here and what they are. Really this is going to  
10 be more of a legal question based on the case law and  
11 those type of things, which we think are -- is very  
12 clear. Because here's the requirements for a temporary  
13 injunction: We need to have a cause of action, which we  
14 do. We need to show probable right to relief on our --  
15 either, really, but we can do for both, our ultra vires  
16 claim or a violation of the Open Meetings Act. And we  
17 need to show irreparable harm.

18           So, again, I don't think there's any  
19 question that there's a cause of action here, so I'm not  
20 going to belabor that, but probable right to relief.

21           There is no authority under the law to  
22 refuse the seating of a duly elected director under the  
23 Water Code. And I say director because once they're  
24 elected, they're director elect. Once they satisfy the  
25 requirements -- and there's three requirements we'll go

1 into -- they're required to be seated. And the board  
2 violated the Open Meetings Act when they declared her  
3 seat vacant and took action without informing the public  
4 and Ms. Minjarez about what they might do.

5 So ultra vires.

6 THE COURT: And she was out of town for  
7 that March 15th meeting; correct?

8 MR. TERRAZAS: She was, Your Honor.

9 THE COURT: Uh-huh.

10 MR. TERRAZAS: I mean, it's --

11 THE COURT: That's all right. I didn't  
12 want to take you off track. I just wanted to confirm.

13 MR. TERRAZAS: No, Your Honor, but  
14 absolutely.

15 THE COURT: Okay.

16 MR. TERRAZAS: So, Your Honor, there's no  
17 authority and they can't cite to any authority to remove  
18 an elected director from the board. There's no  
19 procedure that they've identified. They haven't gone  
20 through any procedure. They simply made a board vote.  
21 And this is from *Garza v. Garcia*. We cited it. It  
22 says, a grant of power of removal from office is  
23 strictly construed, and whatever is not given in  
24 unequivocal terms is withheld and not implied.

25 And we've got to the right, Your Honor.

1 We'll look into a little bit more. It's 49.052. This  
2 is disqualification of directors.

3 THE COURT: That's the Water Code?

4 MR. TERRAZAS: Yes, Your Honor, it's the  
5 Water Code. And Chapter 49 is the one that really  
6 applies here.

7 THE COURT: Uh-huh.

8 MR. TERRAZAS: Under the Water Code, it  
9 says what can be a disqualification of a director once  
10 they've been elected. And there's certain things -- and  
11 most of them, Your Honor, as you'll see -- and again,  
12 I've got a better slide that shows them -- it's related  
13 to are you contracting with the district. Like really  
14 is there going to be some sort of conflict of interest  
15 or other sort of issue there, and that can become a  
16 disqualification.

17 Here are the three requirements once you're  
18 elected. And these are requirements only to begin your  
19 service. They're not qualifications that prevent you  
20 from being a director. It's -- one, it says, as soon as  
21 practicable, after a director is elected or appointed,  
22 shall make the sworn statement.

23 THE COURT: Okay. The oath-type thing.  
24 Yeah.

25 MR. TERRAZAS: That's right, Your Honor,

1 the first two. The first two are the sworn statement  
2 and the oath; there's no question that's been satisfied.

3 THE COURT: Uh-huh.

4 MR. TERRAZAS: The third one, it says,  
5 before beginning to perform the duties of office, not  
6 this is a qualification or anything. It's just before  
7 beginning the duties, and there's no timeline there of  
8 when you have to do it. Each director shall execute a  
9 bond for \$10,000 payable to the district. That's it.  
10 That's all they have to do, is execute a bond.

11 There's a second sentence after that which  
12 says -- and we've provided some case law before. I  
13 think it's in the record -- is that there's a  
14 ministerial act for the board then to approve that bond  
15 and pay for it. They're even refusing to do that. They  
16 won't even accept the bond.

17 So it was ultra vires, Your Honor, for them  
18 to declare a seat that was vacant when Ms. Minjarez has  
19 the bond, she's executed the bond, she's accomplished  
20 all those three tasks. The voters have elected her, and  
21 she can't serve right now. They won't let her. She  
22 attended the board meeting last night. They don't  
23 recognize her. They won't let her serve, so her  
24 constituents, those that voted for her, are now left  
25 without a representative not by any action she's done,

1 but by the action of the board.

2                   So Claim 2, Open Meetings Act. So of  
3 course the Open Meetings Act, it's very specific. You  
4 have to identify what actions you might take at a board  
5 meeting so that people will understand, the public will  
6 understand what's happening. And this is essentially --  
7 more important to -- it's more essential when we're  
8 talking about a public official, actions taken against a  
9 public official, and that's in the Cox decision from the  
10 Texas Supreme Court where it's talking about a fire  
11 chief there.

12                   This is what they put -- this is going to  
13 be our Exhibit 3. This is what they put in their  
14 February 15th agenda that they were going to do on this  
15 Topic 12. It was discuss and consider board member  
16 duties, responsibilities, ethics, and actions. Just a  
17 generic they were going to have a discussion.

18                   This is the one at issue in March,  
19 March 15th. It changed to discuss and consider board  
20 member duties, responsibilities, ethics, qualifications,  
21 and actions. Nothing else. Now we're going to look at  
22 taking an action to disqualify a board member or  
23 remove -- excuse me, Your Honor. It's not even  
24 disqualifying a board member. It's declaring a seat  
25 vacant.

1                   And as we've seen before, these aren't  
2 qualifications we're talking about with this bond  
3 requirement. These are requirements before you can  
4 start performing your duties. It's not a condition of a  
5 person that allows them to be qualified or not. This is  
6 from the Markowski decision. Your Honor, it's in your  
7 binder as well, and this is talking about a fire chief  
8 and fire captain, and basically it's a very similar  
9 thing, except they're even more specific here. They say  
10 in this case, this is an action, if any, to be taken on  
11 a grievance of Firefighter Keggins. They're suggesting  
12 there may be an action that's taken, and the Court said  
13 that's not enough.

14                   THE COURT: Let me just take a quick look  
15 at this. Hang on just one second.

16                   MR. TERRAZAS: Yes, Your Honor.

17                   THE COURT: I'm not familiar with this  
18 case, so I'm going to take a look at it.

19                   Okay. You may proceed.

20                   MR. TERRAZAS: And, Your Honor, I would  
21 direct you to Tab 12 in your binder.

22                   THE COURT: Okay. That's the case.

23                   MR. TERRAZAS: That's the case, Your Honor,  
24 but --

25                   THE COURT: And what I really like is that

1 you put the writ history down there for me because some  
2 people don't and that's hard for me. So thank you.

3 MR. TERRAZAS: Yes, that's really  
4 important. It does make a difference.

5 THE COURT: Yeah.

6 MR. TERRAZAS: And, Your Honor, if you look  
7 on Page -- it's 4 of the Tab 12.

8 THE COURT: Okay.

9 MR. TERRAZAS: That -- the highlighted  
10 section --

11 THE COURT: Yep.

12 MR. TERRAZAS: -- in there is what you see  
13 on the board because I know it's sometimes hard to see  
14 on the projector.

15 THE COURT: Uh-huh.

16 MR. TERRAZAS: Your Honor, I'd actually  
17 point you to the column to the left in the middle of the  
18 page. It starts in point 2.

19 THE COURT: Okay.

20 MR. TERRAZAS: And if you go four lines  
21 down from there in the middle, it starts with notice is  
22 sufficient.

23 THE COURT: Okay.

24 MR. TERRAZAS: Do you see that, Your Honor?  
25 It says, notice is sufficient if it would alert a reader

1 to the fact that some action would be taken on a certain  
2 topic. And that's from the Texas Supreme Court back in  
3 as early as 1975.

4 THE COURT: Uh-huh.

5 MR. TERRAZAS: And if you go to the very  
6 bottom, Your Honor, the last sentence of that same  
7 paragraph says, the notice must be more specific if the  
8 public has a special interest in the topic under  
9 discussion. And that's that Cox case I was referencing  
10 before from the Texas Supreme Court.

11 THE COURT: Okay.

12 MR. TERRAZAS: So they're citing both those  
13 cases, and they're saying -- like here, if we're talking  
14 about not allowing a elected board member to serve,  
15 that's really important to the public, because they've  
16 elected them. You're basically nullifying the election,  
17 which you cannot do, of course.

18 And again, Your Honor, this is that section  
19 I was mentioning before. It's 49.052.

20 THE COURT: Uh-huh.

21 MR. TERRAZAS: This is disqualification of  
22 directors. This is what would disqualify a director on  
23 a board of a water district.

24 THE COURT: Okay.

25 MR. TERRAZAS: None of those are related to



1 a bond.

2 THE COURT: Yeah.

3 MR. TERRAZAS: So now we get into  
4 irreparable harm and adequate remedy. So I want to  
5 focus, Your Honor -- it's in your binder as well, and I  
6 think -- there's a lot highlighted here on this Tab 14.

7 THE COURT: All right. Here we are.

8 MR. TERRAZAS: Because I think this case is  
9 really important here. I understand this is from the  
10 Eastern District of Texas. It's from our federal  
11 brethren over there, but I think it's very persuasive.

12 THE COURT: Okay.

13 MR. TERRAZAS: Because what we have is kind  
14 of a similar situation. And I'm going to just walk  
15 through the highlights, Your Honor. I'm not going to  
16 read them all, unless you need more time and have me  
17 read them, but basically we've got two plaintiffs who  
18 were elected.

19 THE COURT: Uh-huh.

20 MR. TERRAZAS: And what happened was -- if  
21 you see in the bottom section, a local news reporter  
22 found out later or suggested later that they violated  
23 some sort of ordinance, resolution that required as a  
24 qualification for theirs that whoever is elected not be  
25 in arrears to the city, a payment arrears. And this

1 reporter said that there may be some liability there  
2 that the elected officials did have some arrearages.

3 THE COURT: Uh-huh.

4 MR. TERRAZAS: So if you turn to the next  
5 page, Your Honor, what happened on -- in the second  
6 paragraph is on July 11th, the Longview City Council  
7 took up as part of its agenda the matter of possible  
8 violations of these sections --

9 THE COURT: Yeah.

10 MR. TERRAZAS: -- in its city chart. And  
11 then it's on the same day they got an opinion from their  
12 city attorney, okay? They had some conclusions. But  
13 then what happened on that same day, they passed -- this  
14 is in the bottom paragraph that's highlighted on the  
15 left side. The city council passed resolution censuring  
16 them, and then designating itself and asking the  
17 district attorney to initiate a quo warranto proceeding  
18 to remove them. So they went even beyond what was here,  
19 is that they said basically we're going to censure you,  
20 you can't perform on the board, and we're going to  
21 initiate a proceeding to remove you from the board,  
22 which we don't even have here. There's no proceedings  
23 to remove. They just won't recognize her as a board  
24 member.

25 And so like here, the plaintiffs filed

1 suit. And what the other side argued was, well, there's  
2 no irreparable harm here because in this later  
3 proceeding, this quo warranto proceeding, which they are  
4 asking to be stopped -- the plaintiffs are asking to be  
5 stopped in the temporary injunction. The other side  
6 said they may be removed, so what's the harm here.

7                   And the Court said -- and this goes to --  
8 Your Honor, it's Page 9. It's really the second to the  
9 last page of the text, and we've highlighted some more.

10                   THE COURT: I've got it.

11                   MR. TERRAZAS: Is that, look, sorry, but  
12 this is a huge thing, and all you need is a substantial  
13 threat of harm. And removing someone from office can't  
14 be fixed by money at all, and it can't be fixed by --  
15 they were saying, well, there would just be -- if they  
16 win on this quo warranto proceeding or they need to have  
17 a special election later, they get reelected, they can  
18 just get reelected. The Court was like, oh, no, no, no.  
19 This is huge. You can't do this. There is irreparable  
20 harm.

21                   And at the bottom it said, the threatened  
22 injury of losing an elected office far outweighs any  
23 real harm to Defendants. Defendants' attempt -- on the  
24 next page -- to initiate quo warranto proceedings is  
25 merely postponed until the Court rules on the

1 declaratory judgment action. That's all we're asking  
2 for here, Your Honor.

3 THE COURT: Yeah.

4 MR. TERRAZAS: Recognize her on the board  
5 until this is done in a final judgment.

6 And I raise this as well because in their  
7 response -- and this is where I get into the issues  
8 thing here, Your Honor. They're raising a -- well, we  
9 think that she's going to be disqualified later due to  
10 residency and due to a potential criminal history, which  
11 we contest completely. That's not at issue today. That  
12 is not -- they -- you can't remove someone from the  
13 board until you recognize them on the board to begin  
14 with.

15 And two, there's no proceeding that's been  
16 set up. There's been no action that's taken to remove  
17 them. Those are non-issues. We don't need to and  
18 should not be getting into those today. There's no  
19 claim of disqualification or anything else. There's no  
20 affirmative claims on the other side, and that's not  
21 what we're here for today on this temporary injunction.

22 THE COURT: Okay.

23 MR. TERRAZAS: So, Your Honor, you know the  
24 statutory rights to injunction under -- for this kind of  
25 thing for the election code in terms of if -- I mean,

1 she has no adequate remedies here.

2           So, Your Honor, in conclusion, we believe  
3 injunctive relief is warranted. We've provided a copy  
4 to you electronically. In your binder is a copy of our  
5 proposed temporary injunction as well. We provided both  
6 electronically and a hard copy to opposing counsel.  
7 There's a claim -- there's two claims here, ultra vires  
8 and the Open Meetings Act.

9           THE COURT: Open Meeting Act, yeah.

10           MR. TERRAZAS: Yeah. There's a probable  
11 right to relief on both of those. There's clearly  
12 irreparable harm because she can't serve right now, and  
13 there's no adequate remedy, and therefore we believe an  
14 injunction should issue, and we're -- I know that  
15 they're going to provide their -- their response to  
16 this, and we're ready to put Ms. Minjarez up after that.

17           THE COURT: All right. Thank you,  
18 Mr. Terrazas.

19           Mr. Seaquist.

20           MR. SEAQUIST: Good morning, Your Honor.  
21 May it please the Court, opposing counsel. With all due  
22 respect to my colleague on the other side, I think there  
23 are some factual disputes here.

24           THE COURT: Okay, keep it slow for my court  
25 reporter, okay?

1 MR. SEAQUIST: Certainly.

2 THE COURT: I know we're all -- we all get  
3 very keyed up in here, but it's hard for them and it's  
4 old school. They're typing in everything.

5 MR. SEAQUIST: Your Honor, the plaintiff in  
6 this case is basically trying to view the actions of the  
7 board from a looking-forward-backwards perspective,  
8 because the facts in this case establish beyond any  
9 question that as of that March 15th meeting,  
10 Ms. Minjarez had not executed or submitted the requisite  
11 bond under the Texas Water Code to the board of the --  
12 the Tanglewood board of directors. There was no board.  
13 Actually there was no --

14 THE COURT: Was no bond at the March 15th.  
15 That's what I understood from your pleading.

16 MR. SEAQUIST: That's correct, Your Honor,  
17 there was no bond that had been executed or submitted.

18 Your Honor, we also take issue and dispute  
19 and we think the authorities are very clear that under  
20 Texas law, a bond requirement specifically the one under  
21 49.055 of the Texas Water Code, is indeed a  
22 qualification for office. And we cite a litany of cases  
23 where the legislature, in invoking that provision,  
24 specifically identifies it, explicitly identifies it as  
25 a qualification to serve. And, in fact, Mr. Terrazas

1 and I both cite an attorney general opinion that stated  
2 that prior to executing these requirements as the bond,  
3 oath, et cetera, all three of those requirements, an  
4 elected candidate is not a member of the board. And so  
5 the fact of the matter is, is that as of this March 15th  
6 meeting in 2023, Ms. Minjarez had not executed this  
7 bond, she had not satisfied that requirement, so she was  
8 not a member of the board.

9           Your Honor, 49.052(a)(6) says specifically  
10 that you are -- not could be, not if a certain process  
11 occurs, not if a Court declares it, but you are  
12 disqualified if you fail to maintain any of the  
13 qualifications for office during your term.

14           THE COURT: Uh-huh.

15           MR. SEAQUIST: And the Water Code then  
16 specifically provides an obligation for the board under  
17 49.105 to fill vacancies that occur, and we've cited  
18 some authority here in our brief identifying that the  
19 type of disqualification does result in a vacancy. And  
20 what the Water Code says is the board shall fill those  
21 vacancies within 60 days. Well, we were well past  
22 60 days into this term. There was no bond, there was a  
23 disqualification on that basis alone, and there was an  
24 obligation for the board to fill a vacancy.

25           Now, Your Honor, we also disagree pretty

1 vehemently with Mr. Terrazas's or the plaintiff's  
2 characterization of what took place at that March 15th  
3 meeting. There was no vote to declare Ms. Minjarez  
4 disqualified. There was certainly no removal vote as I  
5 think Mr. Terrazas was indicating. What there was, was  
6 the board's attorney told them that based on these  
7 statutes, we think quite correctly Ms. Minjarez had not  
8 qualified for the board and that there was a vacancy.  
9 All the board then did was move and take a vote to fill  
10 that vacancy at a future meeting. And that is not in  
11 any respect inconsistent with the requirements of the  
12 Open Meetings Act because what they were doing was  
13 saying we're going to take action at a future meeting,  
14 and of course there would be for that future meeting a  
15 new agenda with specific notice as to the actual action  
16 to be taken there in terms of filling the board. All  
17 that action was, was setting something to occur at a  
18 future meeting.

19 THE COURT: Uh-huh.

20 MR. SEAQUIST: And in terms of the  
21 discussion that actually took place in terms of  
22 conferring with counsel about a legal opinion regarding  
23 disqualification, that certainly fits squarely within  
24 the agenda language that the board had posted. So  
25 there's no Open Meetings Act violation here. There's no



1 ultra vires claim because again at the time, as of  
2 March 15th, the district was acting consistent with the  
3 provisions of the Water Code and Texas law on this  
4 disqualification. That disqualification, which is  
5 automatic as a matter of law, Your Honor, is what sets  
6 this case apart from many of the removal cases that  
7 Mr. Terrazas was citing. This is not a removal case.  
8 This is a case where Ms. Minjarez was disqualified, at  
9 least under the bond, ab initio, at least after the  
10 60-day period from when we were supposed to fill a  
11 vacancy, and, Your Honor, we would suggest, based on the  
12 other information that has come to light during these  
13 proceedings and is evidenced by the discovery in this  
14 case, was disqualified under 42.052(a)(6) ab initio from  
15 the start. And that is really the problem here because  
16 Mr. Terrazas wants to suggest that well, this is really  
17 just about the bond. This is really just about the  
18 bond, but that's not the relief he is seeking. He is  
19 seeking an order of this Court finding that  
20 Ms. Terrazas -- excuse me, Ms. Minjarez is qualified to  
21 serve on the board. Well, Your Honor, the evidence  
22 suggests that there are reasons that that is not true.  
23 And we will -- we are prepared to present that evidence  
24 to the Court today.

25

And so first, our action was not ultra

1 vires on March 15th. Now, Ms. Minjarez did obtain a  
2 bond subsequently, and her lawyer filed it with the  
3 board as of April, but this case had long been filed.  
4 We are already under a TRO in which we could agree to  
5 basically stand down to see how the board determined the  
6 merits on this, so there hasn't been any further action  
7 on it. So really if Mr. Terrazas or Ms. Minjarez are  
8 seeking any relief whatsoever on the bond, it should be  
9 to put that matter before the board for a vote, not to  
10 somehow force their hand before they've even had an  
11 opportunity to put it in front of them, to discuss it,  
12 and then to vote on whether to approve or -- approve it  
13 or not.

14           Let me talk just a moment, Your Honor,  
15 about this approval of the bond, and Mr. Terrazas has  
16 characterized it as a ministerial duty. And what the  
17 Water Code does say is that the board shall approve a  
18 bond, but, Your Honor, what that means is not that the  
19 board has to approve any bond as a ministerial duty  
20 regardless of what it is. If that were the law,  
21 Your Honor, then Ms. Minjarez could have just written in  
22 Crayon on a piece of paper, I have a bond, and slid it  
23 across the table, and we would have had to approve it.  
24 No, Your Honor. What it means is any bond that a  
25 candidate has must be approved by the board. It must

1 meet the board's approval. And inherent in that is some  
2 discretion to approve or not, and to determine whether  
3 it actually satisfies the needs of the district.

4           That is particularly pertinent here,  
5 Your Honor, because the bond that Ms. Minjarez initially  
6 applied for through the district's bonding agency was  
7 denied. The insurance agency came back to us and said,  
8 we cannot bond her because of her prior criminal  
9 history. Then after that she came back and went onto  
10 the Internet to suretybonds.com and purports to now have  
11 a bond.

12           Well, it is certainly within the board's  
13 discretion to look into that and to make a determination  
14 as to whether that is acceptable, reliable, et cetera.  
15 Again, they haven't had an opportunity to do that  
16 because they didn't have it at the March 15th meeting,  
17 and this lawsuit was filed directly after that. So if  
18 there's some question about the sufficiency of the bond  
19 that Ms. Minjarez has now obtained, that should go  
20 before the board before any further order of the Court.

21           However, Your Honor, I think there is a  
22 fundamental threshold question here of whether there is  
23 any obligation of the board to consider a bond when  
24 Ms. Minjarez is otherwise disqualified as a matter of  
25 law from serving in that seat because of a prior felony

1 conviction and because the evidence suggests she does  
2 not meet the residency requirements for that seat. And  
3 so it is really not possible to parse these issues in  
4 the way that the plaintiff is trying to do it, because  
5 essentially they are assuming for purposes of their  
6 relief on the bond that she is qualified, that the board  
7 would otherwise be required to seat her.

8 THE COURT: Okay. Let's talk about the  
9 prior felony conviction for a minute, because that's --  
10 did she have it expunged or is it still on her record?

11 MR. SEAQUIST: It is not expunged,  
12 Your Honor. There is a special proceeding in  
13 California -- it's a California felony -- that allows  
14 for you to go back after you have submitted -- or  
15 completed your probation and file a request -- a  
16 discretionary request with the Court to have the Court  
17 set that verdict aside.

18 THE COURT: Set it aside?

19 MR. SEAQUIST: Set it aside.

20 THE COURT: Okay.

21 MR. SEAQUIST: And that is what has  
22 occurred, but that only occurred, Your Honor, based on  
23 the evidence, May 25th of this year. So the whole time  
24 when she ran for office and when she swore she didn't  
25 have a felony on her application, she did. And the

1 whole time that she would have otherwise been in office,  
2 which she would have been disqualified by a felony, she  
3 did until May 25th.

4 THE COURT: All right.

5 MR. SEAQUIST: The other important thing --  
6 and I have a copy of that California statute if the  
7 Court would like to see it. The California Legislature,  
8 in allowing that proceeding, specifically provided --  
9 it's 1203.4, and subsection (a)(3) of that provision  
10 specifically says that -- that a set of -- a conviction  
11 that is set aside under that provision does not  
12 prohibit -- excuse me, does not permit someone to run  
13 for an office where they would have otherwise been  
14 prohibited. And the law in Texas is you can't hold  
15 office if you have a felony conviction for which the  
16 resulting disabilities have not been removed, and in  
17 this case, Your Honor, the resulting disabilities have  
18 not been removed under that California law.

19 THE COURT: So this sounds like this  
20 California law is not a true expungement. It sounds  
21 like something -- let me just hear from him.

22 MR. TERRAZAS: Yes, Your Honor.

23 THE COURT: You will have your chance.

24 MR. TERRAZAS: Yes, Your Honor.

25 THE COURT: And I want you to move on from

1 this. It was just a few quick questions, but it sounds  
2 like it's different.

3 MR. SEAQUIST: It's not an expungement as  
4 we would think of it here in Texas, Your Honor, and in  
5 fact, if Ms. Minjarez -- she hasn't applied for an  
6 expunction here in Texas, but if she had, she wouldn't  
7 be entitled to it, because Texas law does not allow the  
8 expunction of an offense for which probation was  
9 granted, and this was an offense for which she received  
10 probation.

11 THE COURT: All right.

12 MR. SEAQUIST: So we have to kind of look  
13 at what the California law is on this expunction because  
14 Texas wouldn't allow it in the first place.

15 THE COURT: All right. All right. Let's  
16 proceed off of that topic, please.

17 MR. SEAQUIST: Absolutely, Your Honor.

18 THE COURT: Uh-huh.

19 MR. SEAQUIST: And so, Your Honor, again,  
20 we don't believe there is any probable right to relief  
21 on an ultra vires claim because the only actions that  
22 are being challenged were not ultra vires at the time.  
23 What they're basically trying to say is well, now that  
24 there is a bond, anything that happens here forth is  
25 ultra vires if the district doesn't outright approve it.

1 THE COURT: Slow, slow, slow, slow down.

2 MR. SEAQUIST: Sorry. I will.

3 THE COURT: Okay.

4 MR. SEAQUIST: But, Your Honor, the  
5 district deserves a chance to vote on that.

6 THE COURT: Okay.

7 MR. SEAQUIST: And then secondly, in voting  
8 on that and considering it, the district has a right to  
9 consider whether she is otherwise legally disqualified  
10 as a matter of law.

11 There is no Open Records Act [sic]  
12 violation here, Your Honor, because for what took place  
13 at the March 15th meeting, the notice that was issued in  
14 that agenda was ample. For anything that would have  
15 occurred after that or would have been set on the agenda  
16 for the next meeting, there would have been an agenda  
17 notice for that. It just didn't happen because this  
18 lawsuit was filed. And the Open Meetings Act  
19 specifically contemplates that. It says even if  
20 something's not noticed, you can have a discussion to  
21 put it on a future agenda. It's 551.042, I believe. We  
22 cite it in our response. That's what occurred here.

23 THE COURT: Okay.

24 MR. SEAQUIST: Your Honor, on the  
25 irreparable injury, again, this is not a removal. It is

1 a question of whether Ms. Minjarez is actually qualified  
2 to hold the office that she is trying to have this Court  
3 order us to acknowledge her in. And frankly, it is a  
4 fundamental question of standing as to whether or not  
5 she is actually qualified under the law to hold that  
6 seat because if she is not, she really can't complain  
7 about whether the district accepts a bond or not. It  
8 has no -- it ultimately is not an injury to her, and it  
9 wouldn't be redressed if the ultimate question is, is  
10 she qualified for that seat. We think the evidence on  
11 that is no, and we would ask that the temporary  
12 injunction be denied or at the very least, Your Honor,  
13 limited to some order instructing the district to  
14 take -- to hold a vote on the bond.

15 THE COURT: All right.

16 MR. SEAQUIST: And the district has said  
17 it's willing to do that before we came here today, but  
18 here we are.

19 THE COURT: All right. Thank you very  
20 much, Mr. Seaquist.

21 Mr. Terrazas, do you need to put on some  
22 witnesses now?

23 MR. TERRAZAS: Yes, Your Honor. Can I  
24 address the expunction? If you don't --

25 THE COURT: Just for a second. I mean --



1 MR. TERRAZAS: Yes, Your Honor.

2 THE COURT: -- I didn't mean to get us way  
3 off track with that.

4 MR. TERRAZAS: Absolutely, Your Honor. I  
5 just want to let you know. In California, there were  
6 felony charges that were reduced to a misdemeanor --

7 THE COURT: Okay.

8 MR. TERRAZAS: -- and dismissed. So there  
9 are no criminal convictions whatsoever in California. I  
10 don't want to get into the interplay of California and  
11 Texas law, but that's not at issue today, so I'm ready  
12 to present Ms. Minjarez.

13 THE COURT: All right. You may proceed.

14 MR. TERRAZAS: I'll call Ms. Minjarez,  
15 Kimberly Minjarez to the stand, Your Honor.

16 THE COURT: Ms. Minjarez, please come up to  
17 our witness stand. Would you please state your full  
18 name for the record.

19 MS. MINJAREZ: Kimberly Irene Minjarez.

20 *(The witness was sworn)*

21 THE COURT: Please be seated. Now, you are  
22 soft spoken, so that microphone in front -- watch how my  
23 voice disappears. You're going to have to speak right  
24 into it, okay? Really pull it down. Okay. And speak  
25 right into that microphone.

1 All right. Very good. Mr. Terrazas, you  
2 may proceed.

3 MR. TERRAZAS: Thank you, Your Honor. And,  
4 Your Honor, do you prefer if I stand or sit for the  
5 questions?

6 THE COURT: It's up to you. Whatever  
7 you're most comfortable with. I will say if you're  
8 standing, I do typically think that this microphone  
9 picks up a little bit better.

10 MR. TERRAZAS: Then I'm going to sit,  
11 Your Honor, because I've got some exhibits, and I want  
12 to make sure I can --

13 THE COURT: Yeah. It's just -- these mics  
14 are -- they really drop out. I wish they could fix  
15 them, but they haven't.

16 MR. TERRAZAS: They do, Your Honor.

17 THE COURT: Uh-huh.

18 **KIMBERLY MINJAREZ,**

19 having been first duly sworn, testified as follows:

20 **DIRECT EXAMINATION**

21 BY MR. TERRAZAS:

22 Q. Ms. Minjarez, will you please introduce  
23 yourself to the Court.

24 A. Yes. My name is Kimberly Minjarez. I'm a  
25 single mother, and I was elected -- I was elected on

1 November 8th to be the director in Tanglewood.

2 THE COURT: Okay.

3 Q. (BY MR. TERRAZAS) And, Ms. Minjarez, does  
4 Tanglewood recognize you as a director?

5 A. No, they do not.

6 Q. Let's talk about how you became a director.  
7 You signed up to run. Why did you do that?

8 A. Because my daughter and I live there, and I  
9 frequent the parks, and I don't -- I come from  
10 California, a really nice part where the parks are  
11 really nice, and when I moved into the Tanglewood  
12 district, I saw a lot of homeless and that the parks  
13 could use some work. I met someone, we started to  
14 discuss it, and I wanted to just see a bit of a change,  
15 and when I saw that there was open seats, I decided to  
16 run.

17 Q. How many open seats were there?

18 A. Two.

19 Q. And ultimately the election happened. Who won?

20 A. Both Bryan and I.

21 Q. And is it fair to say it was a contested  
22 election?

23 A. I don't know what that means.

24 Q. There was many people running?

25 A. Yes.

1 Q. It wasn't just you two?

2 A. Yes.

3 Q. And I think you said -- I apologize, you said  
4 Bryan. Is that Bryan Whelan?

5 A. Yes.

6 Q. Okay. Let's talk about what happened after you  
7 won the election. What do you understand to be the  
8 requirements for you to begin performing your duties?

9 A. To take an oath, to be sworn in, and to get a  
10 \$10,000 bond.

11 Q. And did you meet those requirements?

12 A. Yes.

13 Q. Now, did anyone help you complete those  
14 requirements?

15 A. No. I did get a witness from one of the  
16 directors to sign my bond.

17 Q. Okay. Did that surprise you, that you didn't  
18 get help?

19 A. Yes.

20 Q. And why is that?

21 A. Because at one of the meetings when my bond was  
22 asked about me, I believe it was the February meeting, I  
23 overheard Bryan say, well, you know, she's not bonded.  
24 Why isn't she bonded? And then I figured, well, how is  
25 he bonded when we were both elected at the same time.

1 Q. So did that make you believe that he was  
2 getting assistance on what he needed to do and you were  
3 not?

4 A. Yes.

5 Q. To your understanding, is there a particular  
6 bond company that you have to use?

7 A. No.

8 Q. What are the requirements for the bond that you  
9 know of?

10 A. Just to get a \$10,000 bond that will insure me,  
11 and to, I believe, be -- I'm not sure, something about  
12 that it would have to be for the district or -- to --  
13 yeah.

14 Q. For the benefit of the district?

15 A. Yeah, for the benefit.

16 Q. I'm going to show you what's been marked as --  
17 in Box as Plaintiff's Exhibit 1. Do you recognize this  
18 to be your bond?

19 A. Yes.

20 Q. And we've got a cover page. And who is this  
21 cover page coming from?

22 A. Surety bonds.

23 Q. And who is the actual bond company?

24 A. Travelers.

25 Q. Okay. And it's got -- is this -- I don't know

1 if you can see my cursor, but whose signature is this?

2 A. That's mine.

3 Q. Okay. And it was witnessed as well?

4 A. Yes.

5 Q. And it was signed by the bond company?

6 A. Yes.

7 Q. Or I guess by their attorney in fact. Is that  
8 what it says right there, attorney in fact?

9 A. Yes.

10 Q. Okay. And then it's got the signatures for the  
11 power of attorney for the bond; correct?

12 A. Correct.

13 Q. Has anyone ever questioned the validity of this  
14 bond to you?

15 A. Just in my deposition.

16 Q. Sure. But I mean has anyone ever told you this  
17 is not a valid bond?

18 A. No.

19 Q. Okay.

20 MR. TERRAZAS: Your Honor, may I approach  
21 the witness?

22 THE COURT: Yes, you may.

23 Q. (BY MR. TERRAZAS) Ms. Minjarez, I've handed  
24 you a document which I believe is the original of this  
25 bond. Is that correct?

1 A. Yes, I believe so.

2 Q. Okay. And is that an exact -- what we see in  
3 Plaintiff's Exhibit 1, is that an exact copy of that  
4 original that you're looking at right now? And I can  
5 scroll so you can see.

6 A. Yeah, it looks like it.

7 Q. Okay.

8 MR. TERRAZAS: Your Honor, I move to admit  
9 Plaintiff's Exhibit 1.

10 THE COURT: Any objection?

11 MR. SEAQUIST: No -- no objection,  
12 Your Honor.

13 THE COURT: Exhibit 1 is admitted.

14 MR. TERRAZAS: Your Honor, may I approach  
15 and grab the bond again?

16 THE COURT: Yes.

17 *(Plaintiff's Exhibit Number 1 admitted)*

18 MR. TERRAZAS: And, Your Honor, for the  
19 record, I am handing this bond to Tanglewood, the  
20 official copy. We've attempted to give it to them  
21 before a couple of times and they won't accept it. We  
22 need them to accept this bond, to take it. It's for  
23 their records. It's for their benefit.

24 MR. SEAQUIST: Your Honor, with all due  
25 respect, actually the plaintiffs have refused from us

1 this original and told us repeatedly that it would be  
2 housed at their attorney's office if we wanted to come  
3 view it, but that's -- the bond needs to be filed in the  
4 office of the district which is through its general  
5 counsel.

6 THE COURT: All right.

7 MR. SEAQUIST: And Mr. Terrazas and I have  
8 also spoken about it. I'm not authorized to receive it.

9 THE COURT: All right. So for purposes of  
10 this hearing, this has been admitted as Exhibit 1. Any  
11 other exchange of the bond and where it's legally  
12 supposed to be filed, that's not -- right now I'm not  
13 going to make any ruling on that. Okay? So the fact  
14 that one counsel has handed a document to another, I'm  
15 not taking any judicial notice of that other than it's  
16 been admitted as Exhibit 1 without objection.

17 Please proceed.

18 MR. SEAQUIST: Thank you, Your Honor.

19 MR. TERRAZAS: Thank you, Your Honor.

20 Q. (BY MR. TERRAZAS) Now, Ms. Minjarez, how did  
21 you get this bond?

22 A. I -- I applied for it online.

23 Q. And did you fill out an application online?

24 A. Yes.

25 Q. Okay. Do you have any forms or copies of that



1 application or anything?

2 A. I could probably get one electronically through  
3 DocuSign.

4 Q. Okay. Did you pay the fee for the bond?

5 A. Yes.

6 Q. And if we look at the bond itself, it says  
7 sealed and dated. When does it say it was sealed and  
8 dated?

9 A. The 9th of March.

10 Q. And it says for a definite term beginning  
11 March 10th, 2023, and ending March 10th, 2027?

12 A. Correct.

13 Q. Okay. And so this is effective, it looks like,  
14 for about four years?

15 A. Yes.

16 Q. Now, has the board accepted this bond?

17 A. No, they have not.

18 Q. Has anyone asked for this bond to be voted on  
19 to be approved?

20 A. Yes.

21 Q. And would the board agree to vote on it?

22 A. No.

23 Q. When's the last time it was requested to be  
24 voted on?

25 A. Last night.

1 Q. And what did the board do?

2 A. I believe it was Nikki that just said it's --  
3 it's not happening, or I don't remember what term she  
4 used, but nobody voted on it except for one of the board  
5 members, and that was it.

6 Q. And when you say voted on it, who was the board  
7 member that voted on it?

8 A. Robbie or Mr. Castille.

9 Q. Okay. And when you say Nikki, Nikki is the --

10 A. Yeah, the vice president.

11 Q. Okay. Have you seen the agendas from the prior  
12 board meetings?

13 A. I have all of the -- yeah.

14 Q. Go ahead. That's probably a really good  
15 question. I'm not talking about all of them. Have you  
16 seen -- I'm going to show you Plaintiff's Exhibit 3.  
17 This is the agenda from February 15th, 2023. Have you  
18 seen this before?

19 A. Yes.

20 Q. Okay. Is this a true and correct copy of the  
21 agenda for the February 15, 2023, board meeting?

22 A. Yes, I believe so.

23 MR. TERRAZAS: Your Honor, I move to admit  
24 Plaintiff's Exhibit 3.

25 THE COURT: Any objection?

1 MR. SEAQUIST: I have no objection,  
2 Your Honor.

3 THE COURT: Plaintiff's Exhibit 3 is  
4 admitted.

5 *(Plaintiff's Exhibit Number 3 admitted)*

6 Q. (BY MR. TERRAZAS) And, Ms. Minjarez, I'm going  
7 to scroll down to that highlighted portion. What's  
8 the -- what do you understand to be the purpose of the  
9 agendas?

10 A. To discuss and consider board member duties,  
11 responsibilities, ethics, and actions.

12 Q. And, I'm sorry, just generally, not even just  
13 the highlighted part. What is your understanding of why  
14 there is an agenda?

15 A. So that we -- so that we and the public know  
16 what's going to take place in a meeting for that month.

17 Q. And under this other matters, you were --  
18 talking about that before, what does Number 12 say?

19 A. Discuss and consider board member duties,  
20 responsibilities, ethics, and actions.

21 Q. Okay. And what did that mean to you in terms  
22 of what's going to happen?

23 A. Just like we do at every other meeting, the  
24 board will discuss certain topics. The public has the  
25 right to discuss it if they signed up, and we give them

1 time to discuss. We vote on certain motions and see if  
2 they pass or not.

3 Q. Now, let's look at the March 15th agenda. This  
4 is Plaintiff's Exhibit 2. Have you seen these meeting  
5 minutes -- or excuse me, agenda before?

6 A. Yes.

7 Q. Okay. Is this a true and correct copy -- I'm  
8 going to scroll through -- of the meeting agenda for the  
9 March 15, 2023, meeting?

10 A. Yes.

11 MR. TERRAZAS: Your Honor, I move to admit  
12 Plaintiff's Exhibit 2.

13 THE COURT: Any objection to Plaintiff's  
14 Exhibit 2?

15 MR. SEAQUIST: Are we going backwards in  
16 numbers?

17 THE COURT: No, he skipped one. He just  
18 went to 3, and then came back to 2. I noted it as well,  
19 but I think it just fit better within his --

20 MR. SEAQUIST: I understand.

21 THE COURT: -- examination of the witness.

22 MR. SEAQUIST: I don't have an objection,  
23 Your Honor.

24 THE COURT: All right. It is admitted.

25 *(Plaintiff's Exhibit Number 2 admitted)*

1 Q. (BY MR. TERRAZAS) Now, Ms. Minjarez, I'm going  
2 to go up to the top, and can you read this highlighted  
3 part that I have put in there in the second paragraph?

4 A. No formal action, discussion, deliberation, or  
5 comment will be made for items not on this agenda.

6 Q. All right. And let's go down to the same  
7 agenda number as we saw in the February 15th meeting  
8 notes. What does the agenda now say for the item on  
9 Number 12?

10 A. Discuss and consider board member duties,  
11 responsibilities, ethics, qualifications, and actions.

12 Q. Did you understand that to be of any  
13 significant difference from what we saw in the  
14 February 15, 2023, agenda?

15 MR. SEAQUIST: I'm going to object,  
16 Your Honor. I guess if the witness wants to offer a  
17 personal opinion on that, that's fine. I just want to  
18 be clear that she's not trying to testify as to the  
19 legal significance of that one way or the other.

20 MR. TERRAZAS: Your Honor, she's not trying  
21 to testify to the legal significance of anything. She's  
22 not an attorney.

23 THE COURT: All right. To the degree there  
24 is an objection on this piece of testimony from this  
25 witness, it's overruled. I do think she's just trying

1 to testify as to her knowledge of it and showing that  
2 these two items are same or very similar.

3 MR. SEAQUIST: Okay.

4 THE COURT: All right. Please proceed.

5 A. My answer was no.

6 Q. (BY MR. TERRAZAS) So you saw them basically  
7 just being the same?

8 A. Yes.

9 Q. Were you able to attend the March 15, 2023,  
10 meeting?

11 A. No, I was not.

12 Q. Why not?

13 A. At the time, I was working for a company called  
14 Satellite Shelters, and they require all new hires to  
15 get trained in their headquarters in Minneapolis.

16 Q. So a work trip?

17 A. Yes.

18 Q. Before this meeting, did you provide a copy of  
19 your bond to anyone else?

20 A. I did not.

21 Q. Are you sure you -- did you provide -- let  
22 me -- let me go into this real quick. I'm going to go  
23 to Plaintiff's Exhibit 10. Okay. Do you understand  
24 this to be the March 15th, 2023, minutes of what  
25 happened at that March 15, 2023, meeting?

1 A. Yes.

2 Q. Okay. Is this a true and correct copy -- let  
3 me scroll through to make sure you can see all of it --  
4 of those minutes?

5 A. Yes.

6 Q. And it was signed by Mr. Whelan, the secretary  
7 of the board?

8 A. Yes.

9 MR. TERRAZAS: Your Honor, I move to admit  
10 Plaintiff's Exhibit 10.

11 THE COURT: Any objection?

12 MR. SEAQUIST: No, Your Honor.

13 THE COURT: Plaintiff's Exhibit 10 is  
14 admitted.

15 *(Plaintiff's Exhibit Number 10 admitted)*

16 Q. (BY MR. TERRAZAS) Now, I think you heard my  
17 friend on the other side, Ms. Minjarez, say to the Court  
18 in his opening that there was no actions that were taken  
19 at this March 15th meeting. Do you remember hearing  
20 that?

21 A. I do.

22 Q. Was that true, related to this Item 12?

23 A. No, I don't believe that to be true.

24 Q. Okay. And these minutes are supposed to  
25 encapsulate what actually happened; is that right?

1 A. Yes.

2 Q. Okay. And I'm going to highlight, if I can, a  
3 few things, and I'm going to start -- sorry. First off,  
4 who's Mr. Carlton?

5 A. John Carlton is our attorney for Tanglewood.

6 Q. Okay. So for the district; right?

7 A. Uh-huh. Yes.

8 Q. And he's -- what does he say here in his  
9 statement about the bond and when it has to be issued?

10 A. Mr. Carlton said there is no time frame for the  
11 bond insurance --

12 Q. Issuance?

13 A. Issuance, yeah.

14 Q. And he said that since you are not yet a board  
15 member, there is a vacancy under the statute; right?

16 A. Correct.

17 Q. And based on that, what did Director Krueger  
18 do?

19 A. She moved to appoint a director in place of me.

20 Q. Is that a significant action?

21 A. Yes.

22 Q. And what happened -- was that motion seconded?

23 A. Yes, by Director Peterson.

24 Q. And did the motion pass?

25 A. Yes, 3 to 1.



1 Q. And it says here that Mr. Castille apparently  
2 told something to the board and said that you had a  
3 bond, and that Director Krueger responded that the bond  
4 hadn't been approved by the board; is that right?

5 A. Correct.

6 Q. So would you agree that they were declaring  
7 your seat vacant, and they were moving to appoint  
8 someone else at that March meeting?

9 MR. SEAQUIST: Your Honor, I'm going to  
10 object because that definitely calls for a legal  
11 conclusion as to the actions of the board.

12 MR. TERRAZAS: Your Honor, I think it's  
13 just what the board did. I'm just asking is that what  
14 the minutes say.

15 THE COURT: She can -- she can testify as  
16 to the minutes. I mean, obviously we're looking at  
17 them, but I -- a legal conclusion, I don't think this is  
18 calling for one. I think you were just asking her  
19 capacity. To the degree, the objection is overruled.  
20 Please proceed.

21 A. Yes.

22 Q. (BY MR. TERRAZAS) And it says in here,  
23 Director Castille said there was a bond and provided the  
24 document on the table for that; correct?

25 A. Correct.

1 Q. And so Mr. Castille had your bond and provided  
2 it to the board at that meeting?

3 A. Correct.

4 Q. Now, Ms. Minjarez, did you have -- strike that.  
5 You filed suit in this case; right?

6 A. Correct.

7 Q. Why did you file suit?

8 A. I filed suit because I thought that what they  
9 were doing was just not allowed, inappropriate, and  
10 nobody ever told me anything about it, and they waited  
11 for me to be out of town to -- to do this. I was there  
12 the month before and nobody did anything.

13 Q. How does their actions affect you?

14 A. It affects me greatly. I'm a single mom. I  
15 was trying to stand up for other single moms, other  
16 Hispanics, and I feel like I'm being, you know,  
17 targeted, I don't know, racially targeted. I'm not sure  
18 why they don't like me. They're not the same with  
19 Bryan.

20 Q. And have you attended any subsequent meetings  
21 since this March meeting?

22 A. Yes.

23 Q. And what is that like?

24 A. It's awful. They don't even put a chair out  
25 for me. They've removed me off the other meeting

1 minutes, and they won't let me vote.

2 Q. And that's important here. I want to -- back  
3 to this Plaintiff's Exhibit 10. Is -- can you read --  
4 and I'll try to clear it up so that you can see it a  
5 little bit better. Can you read the part that I  
6 highlighted?

7 A. Director Krueger asked the Carlton Law Firm to  
8 correct the meeting minutes from November 22nd, 2022, to  
9 the present to remove any vote or comment from  
10 Ms. Minjarez.

11 Q. And it goes down -- there's some discussion,  
12 and then they effectively take a vote and pass that  
13 vote; correct?

14 A. Correct.

15 Q. And so not only were you not allowed to do  
16 anything on the board after, they removed anything you  
17 might have done before; correct?

18 A. Correct.

19 Q. In your belief, do you believe the board will  
20 voluntarily recognize you without Court intervention?

21 A. No.

22 MR. TERRAZAS: Pass the witness,  
23 Your Honor.

24 THE COURT: All right. Very good. Thank  
25 you. I'm trying to decide. It might be a good time to

1 take our midmorning break just to let our court reporter  
2 and all of us have a minute. So let's kick off at  
3 10:17. Okay? And then we'll start with your cross.  
4 Okay?

5 MR. SEAQUIST: Thank you, Your Honor.

6 *(Recess taken)*

7 THE COURT: All right. You may be seated.  
8 I just realized we don't have a vending machine here, so  
9 if anyone starts getting hungry, let me know. We do  
10 have some granola bars and things of that nature. Don't  
11 let your blood sugar get the best of you.

12 All right. You may proceed, Mr. Seaquist.

13 MR. SEAQUIST: Thank you, Your Honor. May  
14 I approach the bench and then the witness? I have some  
15 paper exhibits I'd like to provide.

16 THE COURT: Yes.

17 **CROSS-EXAMINATION**

18 BY MR. SEAQUIST:

19 Q. Ms. Minjarez, I believe you testified earlier  
20 on direct that you do know who John Carlton is?

21 A. Yes.

22 Q. And you understand he is the general counsel  
23 for the Tanglewood Forest Limited District; correct?

24 A. Correct.

25 Q. Now, Mr. Carlton provided you with an

1 application for a bond through the district's bonding  
2 company, Victor Insurance; correct?

3 A. I don't recall.

4 Q. Okay. Look at Exhibit 11. You and I had an  
5 opportunity to sit down, and I took your deposition I  
6 think it was last week; is that right?

7 A. Correct.

8 Q. And that was on June 15th, 2023?

9 A. Correct.

10 Q. I was there, and you were there, and Mr. Hudson  
11 was your attorney representing you at that proceeding?

12 A. Correct.

13 Q. And you remember swearing truth -- swearing an  
14 oath to tell the truth in that deposition?

15 A. Correct.

16 Q. Okay. I'd like to look with you at Page 42 of  
17 the transcript of your deposition. And if you would  
18 look at -- you'll see the lines for the deposition  
19 transcript on Page 42 are on the left side of the square  
20 there. If you look at -- starting at Line 14, I asked  
21 you "All right. Mr. Carlton had provided you an  
22 application to fill out in order to apply for your bond  
23 through Victor Insurance; is that true?"

24 Do you see that question?

25 A. Yes.

1 Q. And your response at that time was yes;  
2 correct?

3 A. Yes.

4 Q. Okay. Does that refresh your recollection that  
5 Mr. Carlton did in fact provide you an application to  
6 apply for a bond through the district's bonding company?

7 A. I believe it was the company he works for. I  
8 don't remember if it was exactly him directly, but yes.

9 Q. Okay. And in fact, you informed Mr. Carlton  
10 that rather than submit your bond application through  
11 his office, that you would prefer to address that  
12 directly with the bonding company; correct?

13 A. Correct.

14 Q. And in fact you did submit your application to  
15 Victor Insurance directly; is that true?

16 A. Yes.

17 Q. And in submitting your application to Victor  
18 Insurance, you had indicated that you had some criminal  
19 history; is that right?

20 A. I don't remember exactly what I said, but I  
21 believe so.

22 Q. Okay. And Victor Insurance got back to you and  
23 said that they were going to need some additional  
24 information from you; is that correct?

25 MR. TERRAZAS: Objection, Your Honor;

1 hearsay.

2 THE COURT: Well, is it or isn't it? Let  
3 me hear from you, Mr. Seaquist.

4 MR. SEAQUIST: Your Honor, it's a request  
5 for information, and I guess I can ask her --

6 THE COURT: Yeah, I don't know that it goes  
7 to the truth of the matter asserted yet. It may. Right  
8 now I think it's just informational. So the objection  
9 is overruled, but I am listening carefully on this one;  
10 okay?

11 MR. SEAQUIST: Okay.

12 Q. (BY MR. SEAQUIST) And I can't remember if you  
13 answered my question or not, so I'll just ask it again.  
14 Victor Insurance requested additional information from  
15 you to complete your bond application; correct?

16 A. Correct.

17 Q. Now, you were charged with a felony offense for  
18 grand theft in 2015; correct?

19 MR. TERRAZAS: Your Honor, I'm going to  
20 object to relevance. This doesn't go to either of the  
21 two issues in our case.

22 THE COURT: Well, I don't -- I'm going to  
23 allow it. If we had a jury here, I might do something  
24 slightly different, but it's just me, and I do want to  
25 hear the background on this to determine relevance. I

1 hear what you're saying, and you might very well be  
2 correct. I just need to hear this developed a little  
3 bit more because it does keep coming up. So the  
4 objection is overruled at this time, but I am again  
5 listening carefully. Please proceed.

6 MR. TERRAZAS: I understand.

7 Q. (BY MR. SEAQUIST) My question was, you were  
8 charged with felony grand theft in the state of  
9 California in 2015; correct?

10 A. No, I do not have felony charges in the state  
11 of California at this time.

12 Q. Listen to my question a little more carefully,  
13 please, ma'am. My question is, is that in 2015, you  
14 were charged with a felony offense for grand theft;  
15 correct?

16 MR. TERRAZAS: And, Your Honor, I'm going  
17 to object again because, again, the legal significance  
18 of what has happened is that there are no charges, there  
19 are no -- there is no case, there is nothing in  
20 California. So I think what she testified to is correct  
21 to her understanding.

22 THE COURT: Well, but the -- I disagree  
23 with you on that, and I'm going to overrule the  
24 objection to the degree there is one. I would like to  
25 go on and hear more about this. He did ask if she was



1 charged. Now, I don't know if something else has  
2 happened to the charge since then. I think he's getting  
3 into that. If not, you can definitely pick that up, but  
4 right now, there's no jury here, there's just me, and I  
5 want to hear --

6 MR. TERRAZAS: I understand, Your Honor.

7 THE COURT: Okay.

8 MR. TERRAZAS: And, Your Honor, just for --  
9 I'm not disagreeing with your ruling, and I understand  
10 that. I just -- I think there's some legal significance  
11 of now whether or not something happened before what she  
12 can actually say.

13 THE COURT: All right.

14 MR. TERRAZAS: So I just want to preface  
15 that.

16 THE COURT: Okay. Let me hear.

17 Mr. Seaquist, please proceed.

18 Q. (BY MR. SEAQUIST) My question was, in 2015,  
19 were you charged in California with the felony offense  
20 of grand theft?

21 A. There were charges filed against me that were  
22 reduced to a misdemeanor and then dismissed.

23 THE COURT: All right.

24 Q. (BY MR. SEAQUIST) Will you look at Exhibit 11,  
25 your deposition transcript again. Do you remember at

1 your deposition you and I looked at a charging sheet --  
2 the docket sheet for charge against you in 2015?

3 MR. TERRAZAS: Your Honor, I'm going to  
4 object. This isn't impeachment. If he's got a question  
5 specifically that she has said something different on,  
6 we can address it, but I don't think he can use the  
7 deposition testimony to try to elicit additional  
8 questions.

9 MR. SEAQUIST: I'm just trying to lay a  
10 predicate, Your Honor. I do have additional questions.

11 THE COURT: All right. Let's let him  
12 proceed.

13 And tell me the page you're on, though.

14 MR. SEAQUIST: I'm sorry, Your Honor. I am  
15 on Page 39 -- 38 into 39.

16 THE COURT: Okay.

17 Q. (BY MR. SEAQUIST) And I asked you on 39,  
18 starting on Line 1, okay. And this was a charge in 2015  
19 in California for grand theft; correct? And your answer  
20 was, yes. Do you see that?

21 MR. TERRAZAS: Your Honor, again, this  
22 isn't impeachment.

23 THE COURT: I understand. It -- we're  
24 just -- I want to hear a little bit more about this.  
25 Your objection is overruled. I will give you an

1 opportunity to cross-examine on -- or to redirect on  
2 this. I'd like to hear a little bit more on this.

3 MR. TERRAZAS: Yes, Your Honor.

4 THE COURT: And then we need to -- we need  
5 to move on, but please proceed, Mr. Seaquist.

6 MR. SEAQUIST: Okay.

7 Q. (BY MR. SEAQUIST) I asked you in your  
8 deposition whether you had a charge in 2015 for grand  
9 theft in California, and your answer was yes; correct?

10 A. Yes.

11 Q. I asked you in your deposition if you had pled  
12 guilty to that offense, and you said yes; correct?

13 A. Yes.

14 Q. I asked you in your deposition if there was a  
15 conviction entered in that offense, and you said yes;  
16 correct?

17 A. Yes.

18 Q. Okay. And you are aware that Victor Insurance  
19 rejected you for a bond, would not issue a bond for you  
20 based on your prior criminal convictions; correct?

21 A. I'm not sure. They said they needed more  
22 information.

23 Q. If we look at Page 48.

24 MR. TERRAZAS: And, Your Honor, I'm going  
25 to again object to this line of questioning in terms of

1 relevance. That's -- the bond at issue is Plaintiff's  
2 Exhibit 1.

3 MR. SEAQUIST: Your Honor, in her direct,  
4 the witness made great lengths to testify how she felt  
5 she was being treated differently from another  
6 candidate. She testified that she felt other candidates  
7 were getting help when she did not. I am answering that  
8 based on the different circumstances between this  
9 candidate who could not get a bond and the other  
10 candidate who could. So I'm trying to actually directly  
11 respond to something that was opened on direct.

12 MR. TERRAZAS: Your Honor, there's been no  
13 evidence of any other candidates and how they were  
14 treated in terms -- if he wants to present someone with  
15 different treatment, then go ahead, that's different.

16 THE COURT: She -- okay, so here's what  
17 I -- I have not heard of another candidate. What I did  
18 hear is that she felt as if she were being discriminated  
19 against based on her ethnicity if I'm recalling and  
20 perhaps her status as a single mother. That's what I  
21 heard. So what you're saying -- what I understand you  
22 to be doing is saying no, there are some other facts out  
23 there that are showing why there -- she was treated  
24 differently that did not pertain to those two protected  
25 categories that I just mentioned. Is that correct?

1 MR. SEAQUIST: That's absolutely correct,  
2 Your Honor, and I also think -- or at least my  
3 recollection of the testimony respectfully is that she  
4 also said she thought she was being treated different  
5 than Bryan.

6 THE COURT: Oh, than Bryan. See, I -- the  
7 Bryan thing, honestly I'm having a hard time -- without  
8 a last name attached and why there's two people elected  
9 to what apparently is one position, y'all don't get it.

10 MR. TERRAZAS: It's two positions,  
11 Your Honor, just to be -- sorry if I was unclear on  
12 that. There's five board members.

13 THE COURT: And this is Bryan Whelan?

14 MR. TERRAZAS: Yes, Your Honor.

15 THE COURT: All right. We're going to call  
16 him Bryan Whelan from now on, not Bryan. Okay?

17 All right. I'm going to allow you to  
18 proceed on this. I do think it's relevant at least to  
19 clear up some of these issues, but you may be correct  
20 that ultimately the bond issue is resolved. I just --  
21 they haven't quite gotten enough of their case on yet  
22 for me to understand that.

23 MR. TERRAZAS: Understood, Your Honor.

24 THE COURT: So let's keep going,  
25 Mr. Seaquist.

1 MR. SEAQUIST: Thank you, Your Honor.

2 Q. (BY MR. SEAQUIST) All right. Your  
3 understanding -- you're aware that Victor Insurance  
4 wouldn't issue you a bond; correct?

5 A. Correct.

6 Q. Okay. You testified that you subsequently went  
7 and obtained a bond online; is that right?

8 A. Correct.

9 Q. And that was through a company called  
10 suretybonds.com?

11 A. Correct.

12 Q. All right. You testified that you thought you  
13 could go get an application through DocuSign. Did I  
14 hear you say that?

15 A. I filled out my -- parts of the application,  
16 yeah, through DocuSign.

17 Q. And you think you can get a copy of that?

18 A. Possibly. I'm not sure.

19 Q. But you haven't gone and gotten a copy of that  
20 or produced it in this lawsuit; correct?

21 A. We have a copy. We have -- I believe my  
22 attorney has the original bond.

23 Q. I'm asking about the application you filled  
24 out.

25 A. Oh, no, I don't -- I don't know. I don't

1 understand the question. I'm sorry.

2 Q. You testified that you could go into DocuSign  
3 and get a copy of the application you filled out. I'm  
4 asking you, have you done that?

5 A. No --

6 Q. Have you tried to do that?

7 A. -- it's -- it's possible. I said that I could,  
8 and you asked me if I needed a login or anything like  
9 that, and I -- I said to you, I wasn't sure. You asked  
10 me if I'd be able to log in right now at my depo if you  
11 asked me to, and I said, I don't know.

12 Q. And at any point have you tried?

13 A. No.

14 Q. You don't know how much your bond cost?

15 A. I don't remember. I didn't think it was  
16 something I needed to remember.

17 Q. Okay. You testified that you paid for it,  
18 though; correct?

19 A. Correct.

20 Q. You don't know how you paid for it; correct?

21 A. I said to you I paid for it online. It could  
22 have been a PayPal thing, or it could have been  
23 something I paid with my debit card. I wasn't sure.

24 Q. You don't know?

25 A. (Shaking head in the negative).

1 THE REPORTER: Was that a no? I --

2 THE WITNESS: Oh, sorry. No, I don't  
3 recall.

4 Q. (BY MR. SEAQUIST) Okay. You were not -- I  
5 think we're clear on the record, but you weren't at the  
6 board meeting at March 15th, 2023; correct?

7 A. I was not.

8 Q. All right. So in terms of -- other than  
9 reading the minutes, you don't have any firsthand  
10 knowledge that you can testify to as to what actually  
11 occurred at that meeting; correct?

12 A. Correct.

13 Q. You don't know what documents -- or you didn't  
14 see what documents Mr. Castille had with him or did not;  
15 correct?

16 A. Correct.

17 Q. You testified you did not send your bond to  
18 anybody before that meeting; correct?

19 A. I don't know. I believe so.

20 Q. Can we look at Exhibit 9, please. Do you have  
21 it there?

22 A. Yes.

23 Q. And can you just identify for the record what  
24 Exhibit 9 is?

25 A. It looks like it could be my -- my bond.



1 Q. Okay. And your bond was transmitted to you  
2 from suretybonds.com; correct?

3 A. I believe so, yes.

4 Q. And it came with this letter, which is the  
5 first page, or it's Bates-labeled TFLB 73. Do you see  
6 that?

7 A. I see the first page.

8 Q. Okay. Do you see in the middle of the page  
9 there's an underlined section that says, your bond  
10 instructions, and there's some bullet points?

11 A. Yes.

12 Q. Do you see the second bullet point says,  
13 principals must sign and date where indicated?

14 A. Yes.

15 Q. And the next bullet point says, principal  
16 signatures must be witnessed by third party individuals  
17 where indicated?

18 A. Yes.

19 Q. So you understood for your bond you had to sign  
20 it yourself and have it witnessed; correct?

21 A. I don't know. I don't know if I read this. I  
22 know I was trying to get it as soon as I could because I  
23 was out of town. So I was trying to get it done as  
24 quickly as possible, so maybe I didn't read it. I don't  
25 know.

1 Q. And that's a good question to clear up. Were  
2 you actually out of town when you went online and  
3 applied for this form?

4 A. I am not sure.

5 Q. You don't know one way or the other?

6 A. No.

7 Q. All right. If we look on the next page,  
8 TFLB00074, this is a copy of your bond; correct?

9 A. It looks like it, but I don't -- you know, I --  
10 it looks pretty similar to my bond, yes.

11 Q. Okay. This bond was not signed however by you;  
12 correct?

13 A. It doesn't have a signature on it.

14 Q. Okay. And it hasn't been witnessed either, has  
15 it?

16 A. It does not have a signature on both lines.

17 Q. From either you or a witness?

18 A. Correct.

19 Q. Okay.

20 MR. SEAQUIST: And I'll ask the Court to  
21 take judicial notice of its file that Exhibit 9, the  
22 unsigned bond, is the bond that is attached to the  
23 verified complaint in this case or petition in this  
24 case.

25 THE COURT: All right. I have a question

1 about these exhibits. Did you-all pre-admit these,  
2 because I don't remember these being admitted into  
3 evidence? We probably ought to do that.

4 MR. SEAQUIST: We haven't, Your Honor. I  
5 will offer Defense Exhibit 9.

6 THE COURT: Okay. Any objection?

7 MR. TERRAZAS: Your Honor, recognizing it's  
8 a prior version of this and not the executed version  
9 that we provided as Plaintiff's Exhibit 1, we don't have  
10 any objections.

11 THE COURT: All right. It's admitted.  
12 Exhibit 9 is admitted.

13 *(Defendants' Exhibit Number 9 admitted)*

14 THE COURT: You may proceed.

15 Q. (BY MR. SEAQUIST) All right. So as of the  
16 March 15th, 2023, meeting, you had not signed this bond;  
17 correct?

18 A. I'm not sure. I don't know, but this one is  
19 not signed.

20 Q. Okay. And as of the March 15th meeting, you  
21 had not had this bond witnessed either; correct?

22 A. Same answer, I'm not sure.

23 Q. All right. In fact, you don't know when you  
24 signed this bond; correct? You can't testify to that?

25 A. I would have to look at my calendar to

1 determine when I did it.

2 Q. Did you make a note on a calendar that you'd  
3 signed the bond?

4 A. Well, I would probably have a calendar  
5 appointment to meet and pick this up and get it  
6 witnessed, or I would see if I was out of town. All the  
7 questions that you asked me, I keep on a calendar.

8 Q. Well, now where would you have -- how did you  
9 receive this document?

10 A. So I just found out that it was mailed to the  
11 pool house, and when the Fed Ex driver couldn't deliver  
12 it, he dropped it at the house next door.

13 Q. Okay. So you had just said you would check  
14 your calendar to see where you picked it up. Did you  
15 pick it up somewhere?

16 A. What I'm saying is when I witnessed and got it  
17 witnessed and signed.

18 Q. You think there may be a calendar entry of that  
19 somewhere?

20 A. It's possible, yeah.

21 Q. All right. But you don't know sitting here  
22 today when you signed this document?

23 A. I do not.

24 Q. And you testified that it was ultimately  
25 witnessed by another board member, Joseph Robert

1 Castille; is that right?

2 A. Correct.

3 Q. And he sometimes goes by Robbie, but his first  
4 name is actually Joseph?

5 A. Yes.

6 Q. You don't know when Mr. Castille witnessed the  
7 document that you can testify to; correct?

8 A. Correct, I don't remember.

9 Q. Look at Exhibit Number 13, please. In looking  
10 at Exhibit Number 13, do you recognize this to be an  
11 email from your attorney, Mr. Kevin Terrazas?

12 A. It looks like it's coming from Kevin, but I  
13 can't say that it is. This is just a copy. I don't  
14 know.

15 Q. Okay. And to Mr. Carlton?

16 A. It's addressing, yes, Mr. Carlton.

17 Q. And that's the board's general counsel?

18 A. Yes.

19 Q. And it's dated Thursday, April 13th, 2023. Do  
20 you see that?

21 A. Yes.

22 Q. And in this, it says -- well, I'll tell you  
23 what, read the paragraph to yourself.

24 A. (Complies.) Okay.

25 Q. Okay. Is this an email sending the bond for

1 filing with the Tanglewood Forest Limited District to  
2 Mr. Carlton?

3 A. It looks like it, yes.

4 MR. SEAQUIST: Your Honor, I'm going to  
5 offer Exhibit 13.

6 THE COURT: Any objection?

7 MR. TERRAZAS: No objection, Your Honor.

8 THE COURT: Defendants' Exhibit 13 is  
9 admitted.

10 *(Defendants' Exhibit Number 13 admitted)*

11 Q. (BY MR. SEAQUIST) All right. You're not aware  
12 of any transmission of the signed and witnessed bond to  
13 Mr. Carlton prior to this April 13th, 2023, email;  
14 correct?

15 A. What do you mean?

16 Q. I mean, you don't have any knowledge of any  
17 prior transmission of this signed and executed version  
18 of the bond with Mr. Carlton other than this April 13th,  
19 2023, email?

20 A. Just the one that Robbie said he tried to get  
21 to the board on my behalf, and that is Joseph Castille.

22 Q. Okay. And that would have been on March 15th,  
23 2023?

24 A. I'm not sure.

25 Q. Okay. And you don't know whether that was the

1 signed version or not; correct?

2 A. I don't know.

3 Q. Ms. Minjarez, you moved to Austin from  
4 California around January of 2021; is that right?

5 A. Well, a little before that, but yes, that  
6 sounds correct.

7 Q. Can you tell me when you did move?

8 A. It could have been a few months before that.

9 Q. Do you know one way or the other?

10 A. It could be September, October time.

11 Q. Of what year?

12 A. Of 2020.

13 Q. You brought your -- well, let me see. You  
14 moved here with your boyfriend, Adrian Lanch, for his  
15 job?

16 A. Yes.

17 Q. And did you and Mr. Lanch reside together back  
18 in California?

19 A. Kind of, yes.

20 Q. You brought your eight-year-old daughter for  
21 whom you have full custody; correct?

22 A. Yes.

23 Q. And some -- since you have moved to Texas, your  
24 daughter has always lived with you; is that right?

25 A. Correct.

1 Q. Now, Mr. Lanch is your boyfriend, but he is not  
2 your daughter's father; is that true?

3 A. Correct.

4 Q. Upon coming to Texas, you and Mr. Lanch moved  
5 immediately into a house at 25 Stone Terrace in Lakeway,  
6 Texas; is that true?

7 A. True.

8 Q. And that is a residence that you claim for  
9 purposes of enrolling your daughter in public school in  
10 the Lake Travis Independent School District; correct?

11 A. No, we moved here together, but I couldn't  
12 afford to live in that -- in that area, but he moved  
13 there to be close to work.

14 Q. Did you enroll your daughter in the Lake Travis  
15 Independent School District?

16 A. Yes.

17 MR. TERRAZAS: Your Honor, I'm going to --  
18 I apologize. I'm going to object in terms of relevance  
19 of this. Again, this doesn't go to any of the issues  
20 that we've got here of whether it's ultra vires or --

21 THE COURT: I think we're about to hear  
22 that it does have relevance.

23 MR. SEAQUIST: It absolutely has relevance,  
24 Your Honor. Again, this goes to residency, which is a  
25 qualification.



1 THE COURT: This is relevant. Objection is  
2 overruled. Please proceed.

3 A. Yes.

4 Q. (BY MR. SEAQUIST) And in enrolling your  
5 daughter at Lake Travis ISD in a school there, you  
6 represented that you lived at 25 Stone Terrace in order  
7 to be in the district; correct?

8 A. Correct.

9 Q. That was a three-bedroom house; correct?

10 A. Correct.

11 Q. And your daughter had her own bedroom there?

12 A. Correct.

13 Q. Now, as recently as January 2022, a year after  
14 you moved to Texas, you applied for a Texas driver's  
15 license; correct?

16 A. Well, I applied before that, but yes.

17 Q. Okay. You have a Texas driver's license  
18 currently that is issued in January of 2022?

19 A. Possibly, yes. Yeah.

20 Q. Okay. And when you applied for that driver's  
21 license, you listed your address as your residence as  
22 25k Stone Terrace in Lakeway, Texas; correct?

23 A. Correct.

24 Q. All right. You've told us that you're familiar  
25 with Joseph Robert Castille or Robbie Castille; correct?

1 A. Sure, yeah.

2 Q. How did you meet Mr. Castille?

3 A. I met him through a friend.

4 Q. Do you remember testifying at your deposition  
5 that you didn't know how you met him?

6 A. Yes.

7 Q. But you've since remembered?

8 A. Yes, I -- I believe I said to you that I don't  
9 remember, but I think it was through Roberto or the  
10 other Adrian.

11 Q. Okay. And do you know when you met  
12 Mr. Castille?

13 A. No, I do not.

14 Q. But you do know that after -- within a few  
15 months of meeting Mr. Castille, you filed your  
16 application to be a candidate for election to a seat on  
17 the Tanglewood Forest board of directors; is that right?

18 A. I don't remember exactly when everything took  
19 place, but it's possible.

20 Q. If we look at Page 16 of your deposition.

21 A. What exhibit is that?

22 Q. Oh, I'm sorry, it's 11, ma'am.

23 A. And what page did you say?

24 Q. Page 16. And at Line 7, I asked you, can you  
25 tell me -- can you give me any idea of how long you've

1 known Mr. Castille. And you said, could have been maybe  
2 a few months before running. Is that a truthful  
3 statement?

4 A. Sorry, what -- what line?

5 Q. I'm sorry, it starts on Line 7.

6 A. Okay.

7 Q. And your response goes through Line 9.

8 A. Yes.

9 Q. Okay. So you agree with that testimony?

10 A. Yes.

11 Q. Can you look at Exhibit 2 for me. Can you  
12 identify for the Court what Exhibit 2 -- and I  
13 apologize. I should be saying Defendants' Exhibit 2.

14 A. I believe that's my application.

15 Q. For?

16 A. Oh, to -- to run.

17 Q. Okay. To run for a seat on the Tanglewood  
18 board?

19 A. Yes.

20 Q. Okay.

21 THE COURT: Do you want this in evidence?  
22 I feel like we keep talking about exhibits and then we  
23 aren't admitting them, and you-all may have had some  
24 prearrangement on this.

25 MR. SEAQUIST: We did, Your Honor. I just

1 haven't gotten to it, but yes, I do offer Exhibit 2.

2 THE COURT: Any objection?

3 MR. TERRAZAS: No, Your Honor, no  
4 objection.

5 THE COURT: It's admitted.

6 *(Defendants' Exhibit Number 2 admitted)*

7 Q. (BY MR. SEAQUIST) Okay. And just so we're  
8 clear, this does accurately identify your name and date  
9 of birth?

10 A. Yes.

11 Q. Okay. And you understood that by signing this  
12 form, you were swearing that the statements therein were  
13 truthful and accurate?

14 A. Yes.

15 Q. All right. And you -- in the middle of this  
16 page -- and it is in Spanish, but in the middle of this  
17 page, are you able to identify two boxes that asks you  
18 for your residency?

19 A. Yes.

20 Q. And there's -- the first box asks you for the  
21 time that you have resided in the state of Texas; true?

22 A. Yes.

23 Q. And you answered one year and eight months;  
24 correct?

25 A. Yes.

1 Q. And you filled this out the 18th day of August,  
2 2022; correct?

3 A. Yes.

4 Q. So a year and eight months back from  
5 August 2022 means you moved to Texas in either December  
6 or -- December of 2020 or January of 2021; is that  
7 right?

8 A. Yes.

9 Q. The next box to the right of that asks you for  
10 the time that you have resided in the district from  
11 which the office is elected; is that right?

12 A. Yes.

13 Q. And you wrote the same answer, one year and  
14 eight months; correct?

15 A. Yes.

16 Q. And that wasn't true, was it?

17 A. Well, I had moved to the state of Texas before  
18 residing in the Tanglewood district.

19 Q. Okay. But your answers here say you lived in  
20 them the same number --

21 A. Yes.

22 Q. -- time -- same amount of time?

23 A. Uh-huh.

24 Q. All right. So this was not a correct or true  
25 statement of your residency in Texas or the district?

1 A. No, not in Texas.

2 Q. Okay. In fact, as you testified, when you  
3 moved to Texas, you moved with Mr. Lanch to Lakeway,  
4 Texas; correct?

5 A. Correct.

6 Q. And your daughter went to school in Lakeway,  
7 yes?

8 A. Yes.

9 Q. And she remained in school there through the  
10 2022 year?

11 A. I believe so.

12 Q. Did you also have a business in Lakeway, Texas?

13 A. No.

14 Q. Did you offer Kimberly's therapeutic massage?

15 A. No.

16 Q. Are you licensed as a massage therapist?

17 A. Not anymore.

18 Q. Okay. When were you?

19 A. Back when I lived in California. I don't  
20 recall.

21 Q. All right. In filling out this form, you  
22 listed as your address in the district 2625 Riddle Road,  
23 Unit B. Have I read that correctly?

24 A. Yes.

25 Q. You didn't own that residence; correct?

1 A. Correct.

2 Q. And you had no written lease or written  
3 agreement to reside there?

4 A. Correct.

5 Q. You claim that you had an oral -- you had an  
6 oral sublease with a woman who lived there named Grace  
7 Romano; is that right?

8 A. Correct.

9 Q. All right. Now, your sworn interrogatory  
10 responses say that you began this sublease in January of  
11 2021.

12 A. Correct.

13 MR. SEAQUIST: Your Honor, I'm going to  
14 offer Exhibit 7 --

15 THE COURT: All right.

16 MR. SEAQUIST: -- which are Plaintiff's  
17 discovery responses.

18 THE COURT: Any objection?

19 MR. TERRAZAS: Yes, Your Honor. I do  
20 object to this as it contains attorney writings and  
21 other sorts of things. It's hearsay. She can't verify  
22 or testify to -- I mean, these are --

23 THE COURT: These are her interrogatory  
24 responses.

25 MR. TERRAZAS: And I'm okay with her

1 talking about her interrogatory responses, Your Honor.  
2 There's a lot of other things in here which were  
3 submitted by counsel, and that's -- that's what my  
4 objection is. If they want to point to an interrogatory  
5 response, she can talk about that, of course.

6 THE COURT: Let me see if she's -- has she  
7 verified this? I think she has.

8 MR. TERRAZAS: Yes, Your Honor, she has.

9 THE COURT: She's verified this, so --

10 MR. TERRAZAS: In her interrogatories she  
11 verified it.

12 THE COURT: Okay. To the degree that she's  
13 talking about her answers to these, you can discuss that  
14 with her, and it's admitted for that purpose. Are  
15 you -- I mean, his objections, do you want to -- no.

16 All right. So this is -- this is admitted  
17 subject to the fact that it's going -- that the  
18 testimony is going to be around her answers to these  
19 interrogatories, not attorney objections. Please  
20 proceed.

21 MR. SEAQUIST: Thank you, Your Honor.

22 Q. (BY MR. SEAQUIST) Okay. So in your  
23 interrogatory response that you swore to the truth of  
24 these answers; correct?

25 A. Correct.



1 Q. You testified that you subleased  
2 2625 Riddle Lane from January 1st, 2021, through  
3 November of 2022; is that right?

4 THE COURT: Which number are you on?

5 MR. SEAQUIST: I apologize, Judge.  
6 Interrogatory No. 4, her response.

7 THE COURT: Okay. Thank you.

8 A. Is that on Page 7? I'm not --

9 Q. (BY MR. SEAQUIST) Page 5.

10 A. Page 5. Okay. 2625 Riddle -- it says Lane,  
11 but it's Road, Unit B, from January 1st, 2021, to  
12 November, yes, of 2022.

13 Q. Okay. As of January 1st, 2021, you were still  
14 living in the city of Lakeway; correct?

15 A. I moved in January.

16 THE COURT: So I'm sorry to be ignorant of  
17 this. Tanglewood and Lakeway are different areas, I  
18 take it?

19 MR. SEAQUIST: That is correct, Your Honor.

20 THE COURT: Well, it's not apparent to me.  
21 I'm very familiar with Zilker, Hyde Park, these Central  
22 Austin neighborhoods, but what you're talking about, I  
23 don't know what you're talking about, because if they're  
24 different, then somebody needs to inform the Court of  
25 that because it's very confusing.

1 MR. SEAQUIST: Understood. Thank you,  
2 Your Honor.

3 THE COURT: All right.

4 MR. SEAQUIST: I will be the one to try to  
5 get that out.

6 Q. (BY MR. SEAQUIST) Ms. Minjarez, where is the  
7 Tanglewood Forest Limited District?

8 A. In Austin.

9 Q. Okay. What part of Austin?

10 A. I would say more south near Circle C and all of  
11 that.

12 THE COURT: Okay. At least the Court does  
13 know that Lakeway is northwest and this is southwest.

14 Q. (BY MR. SEAQUIST) And just to be 100 percent  
15 clear, Tanglewood Forest is not in Lakeway; correct?

16 A. Correct.

17 Q. And there's no part of Lakeway that extends  
18 into Tanglewood Forest?

19 A. Correct.

20 Q. Okay.

21 THE COURT: Thank you for that. Please  
22 proceed.

23 Q. (BY MR. SEAQUIST) All right. So you say that  
24 you moved to 2625 B Riddle Lane in January 1st of 2021,  
25 but as of January 2022, you were still using Lakeway as

1 the address on your driver -- in applying for a driver's  
2 license; correct?

3 A. I applied for my driver's license before I  
4 moved. So therefore, yes.

5 Q. Your license was issued January 1st, 2022;  
6 correct?

7 A. I don't recall. I -- I remember even during my  
8 depo you asked me the same question, and you had me pull  
9 out my driver's license.

10 Q. Okay. Let's look at your deposition just so  
11 we're clear for the record. If we look at your  
12 deposition at Pages 10 and 11 -- actually let's look at  
13 11 starting at Line 1. My question was, Okay. You got  
14 your driver's license in January of 2022, and you  
15 indicated 25 Stone Terrace, which is an address in the  
16 city of Lakeway; correct?

17 A. Correct.

18 Q. And not in the Tanglewood Forest Limited  
19 District; correct?

20 A. Correct.

21 Q. As your residence, but you didn't live there,  
22 and you say when I moved to Texas, that was my  
23 residence. And my question was, Okay. And in January  
24 of 2022, when your driver's license was issued with that  
25 address, did you provide that address to DPS as your

1 home address? And your answer was, yes; correct?

2 A. Correct.

3 Q. And as you've already testified, your daughter  
4 continued going to school in Lakeway throughout 2022;  
5 correct?

6 A. Correct.

7 Q. All right. Now, in talking about 2625 B  
8 Riddle Road, that is a residence to your understanding  
9 that is within the Tanglewood Forest Limited District;  
10 is that true?

11 A. True.

12 Q. And you don't know how you found that location;  
13 correct?

14 A. Correct.

15 THE COURT: So wait, Riddle Road is in  
16 Tanglewood?

17 THE WITNESS: Yes.

18 MR. SEAQUIST: Yes.

19 THE COURT: Okay. And this is the place  
20 she has a sublease?

21 MR. SEAQUIST: Claims to. Oral sublease.

22 THE COURT: All right. Thank you. Please  
23 proceed.

24 MR. SEAQUIST: All right.

25 Q. (BY MR. SEAQUIST) So -- and that's my next

1 question. You say that you had an oral sublease with a  
2 lady named Grace Romano that lived at that property; is  
3 that right?

4 A. Correct.

5 Q. You didn't know if anybody else lived there or  
6 not; correct?

7 A. Correct.

8 Q. And you didn't know if Ms. Romano even lived  
9 there full-time; is that true?

10 A. True.

11 Q. All right. 2625 B Riddle is just a two-bedroom  
12 unit; is that true?

13 A. It's possible. Yeah.

14 Q. Okay. You don't know one way or the other?

15 A. No. I -- I don't go into other people's  
16 property. So I just rent a room, and that's it.

17 Q. So it's your testimony that you lived at 2625 B  
18 Riddle Lane from January 1st, 2021, to November of 2022,  
19 and you don't know how many bedrooms are in that  
20 property?

21 A. Correct.

22 Q. You said you had an oral sublease just for one  
23 room?

24 A. Yes.

25 Q. Is it your testimony that you lived in a single

1 room with your daughter?

2 A. Yes.

3 Q. Were there two beds in there?

4 A. No. There was just one.

5 Q. What size was it?

6 A. A king.

7 Q. Your daughter had a full-time bedroom at  
8 25 Stone Terrace; correct?

9 A. Yes.

10 Q. And Stone Terrace is in Lakeway, just for the  
11 record?

12 A. Yes.

13 Q. When you ran for office for a seat on the  
14 board, you ran on a slate with another gentleman;  
15 correct?

16 A. Yes.

17 Q. And his name is Robert Adrian Mandujano, which  
18 is M-a-n-d-u-j-a-n-o; is that correct?

19 A. Correct. I'm not sure about the spelling of  
20 his last name, but yeah.

21 Q. Okay. But you and Mr. Mandujano ran together;  
22 is that right?

23 A. Yeah.

24 Q. And both of you were supported and endorsed by  
25 Mr. Castille; correct?

1           A.    Correct.

2           Q.    In fact, Mr. Castille put together a website  
3 called Save Tanglewood Forest to support your and  
4 Mr. Mandujano's candidacy; is that correct?

5           A.    Correct.

6                   MR. SEAQUIST:   Can we look at Exhibit 4,  
7 please?  I'm sorry, I think I've given you the wrong  
8 number.  I think it's Defendants' Exhibit 3.

9                   THE COURT:    If this hasn't been admitted,  
10 I'm going to want it to be admitted after not too much  
11 longer questioning here.

12                   MR. TERRAZAS:  Well, Your Honor, I, for the  
13 record, object to this exhibit as hearsay and  
14 foundation.

15                   MR. SEAQUIST:  Your Honor, I'm not a -- we  
16 can build a foundation in a moment.  I am offering  
17 Exhibit 3 not for the truth of any of the statements  
18 therein --

19                   THE COURT:    Uh-huh.

20                   MR. SEAQUIST:  -- but to show the  
21 cooperation and relationship between these parties.

22                   THE COURT:    That's what I understood it to  
23 be.  The objection is overruled.  The defendants'  
24 exhibit is admitted.

25                               Please proceed.

1 MR. SEAQUIST: All right.

2 *(Defendant's Exhibit Number 3 admitted)*

3 Q. (BY MR. SEAQUIST) Ms. Minjarez, do you  
4 recognize Defendant's Exhibit 3 as a printout of Save  
5 Tanglewood Forest web page?

6 A. It looks like it, yes.

7 Q. Okay. And on the front of that page, your  
8 picture here with Mr. Castille, that's the gentleman to  
9 your left in the photograph -- well, looking at it, to  
10 your left?

11 A. Yes.

12 Q. He's the one closest to the Tanglewood Forest  
13 sign; is that correct?

14 A. Correct.

15 Q. And then you're in the middle there?

16 A. Yes.

17 Q. And to your right is Mr. Mandujano?

18 A. Yes.

19 Q. All right. And if we turn to the next page,  
20 again, the three of you are pictured over the banner,  
21 community events; is that right?

22 A. Yes.

23 Q. And then if we look at Page 43 -- and I'm  
24 looking at the Bates label Page 43 at the bottom. I'm  
25 not going to ask you to read any of this because the



1 print is not good, but basically those are just  
2 candidate bios for you and Mr. Mandujano; is that right?

3 A. I don't know -- oh, 43, the -- okay. Yes.

4 Q. And then the next page is the endorsements  
5 page; is that true, at the top?

6 A. Yes. It's cut off, but yes, it looks like  
7 endorsements.

8 Q. Okay. And then that first picture there is --  
9 it says Director Joseph R. Castille. So this is  
10 basically indicating that Mr. Castille was endorsing  
11 your candidacy -- your and Mr. Mandujano's candidacy;  
12 true?

13 MR. TERRAZAS: And, Your Honor, I'm going  
14 to object as calls for speculation, and, again, this is  
15 not being asserted for the truth of the matter.

16 THE COURT: I just disagree with you on  
17 that. I think it is. I think it's -- I don't think  
18 it's hearsay. I think it's going to some residency  
19 issues, which you-all honestly -- they're there, and I  
20 know you don't think it's relevant, but I just -- I beg  
21 to differ with you. So he's going to proceed in his  
22 questioning. I am watching the line. If he steps over  
23 it, I'm going to stop him. Okay?

24 Please proceed.

25 MR. SEAQUIST: Thank you.

1 Q. (BY MR. SEAQUIST) So my question is, this just  
2 shows Mr. Castille as endorsing you and Mr. Mandujano  
3 for office; correct?

4 A. Yes.

5 Q. Did Mr. Castille pay for the promotion of this  
6 website -- or the creation of this website, sorry?

7 A. I don't know. It's possible.

8 Q. Did you pay any money for the creation of this  
9 website?

10 A. No.

11 Q. Use any campaign funds, anything like that for  
12 this website?

13 A. No.

14 Q. Did you become aware that there was also some  
15 controversy regarding Mr. Mandujano's claimed address in  
16 the district?

17 A. No. I don't know anything about him.

18 Q. Did you know where Mr. Mandujano lived in the  
19 district?

20 A. When I met him, I didn't know anything about  
21 him. I just met him in the park.

22 Q. Did you ever know his residence to be 2611 A  
23 Howellwood Way?

24 A. No.

25 Q. Were you ever present at a board meeting where

1 the veracity of Mr. Mandujano's residence was  
2 questioned?

3 A. I don't believe so.

4 Q. Are you aware that at one point he moved into  
5 an apartment at 2914 Aftonshire Way, Apartment 12301?

6 MR. TERRAZAS: Your Honor, I mean we're  
7 talking about a third party here.

8 THE COURT: And she's going to keep saying  
9 no. I know she's going -- I just know it. And what  
10 he's trying to do is raise a question in my mind  
11 about -- with these two candidates. I get where he's  
12 coming from. It's not super effective --

13 MR. TERRAZAS: I understand.

14 THE COURT: -- but I don't know if it's  
15 objectionable at this point. All right.

16 Please proceed.

17 MR. SEAQUIST: Thank you, Your Honor. And  
18 I do intend to link this up, by the way.

19 THE COURT: All right. But she keeps  
20 saying no. So right now, it sounds more like you're  
21 testifying.

22 MR. SEAQUIST: Okay.

23 THE COURT: Okay?

24 MR. SEAQUIST: I will do my best to let the  
25 witness do the talking.

1 THE COURT: All right.

2 Q. (BY MR. SEAQUIST) My question was, did you  
3 become aware that Mr. Mandujano moved to a residence at  
4 2914 -- or claimed to have moved to a residence at  
5 2914 Aftonshire Way, Apartment 12301?

6 A. It depends on the time frame that you're asking  
7 me.

8 Q. Okay. Well, first of all, just tell me yes or  
9 no that you are aware he claimed to live there at some  
10 point?

11 A. When I moved there, yes.

12 Q. And so Mr. Mandujano in your testimony was  
13 living at 2914 Aftonshire Way. Who was he living with  
14 there?

15 A. I believed his family because I saw them there  
16 when I approached him.

17 Q. And tell me how many people are in his family.

18 A. I saw him, a wife, and a child when I met him  
19 there.

20 Q. Okay. And you just testified that you moved  
21 into that apartment. How did that come about?

22 A. Because I was getting stalked by one of the  
23 residents of Tanglewood, and I am a victim of stalking  
24 in my past, and I got fearful for whatever he was  
25 thinking of doing. I don't know. I read a lot of

1 things on elections where people get beat up in their  
2 homes, especially when they lose against an opponent,  
3 and he lost against me, so I was scared.

4 Q. My question is when -- or how did you come to  
5 move into Mr. Mandujano's --

6 A. That's my answer. I moved in because of that  
7 issue.

8 Q. Okay. If we look at Exhibit 7, which is your  
9 interrogatory responses, at Response Number 4, you say  
10 that in November of 2022 --

11 A. What page are you --

12 Q. Oh, I'm sorry. Page 5. Oh, no, I'm sorry.  
13 It's the interrogatories. It should be Exhibit -- I  
14 believe it's 7.

15 THE COURT: 7.

16 MR. SEAQUIST: Defendant's 7.

17 THE COURT: What was the page number again?

18 MR. SEAQUIST: Page 5. I'm going to look  
19 at Interrogatory Number 4.

20 THE COURT: Okay.

21 Q. (BY MR. SEAQUIST) You say, Plaintiff began  
22 subleasing 2914 Aftonshire Way, Unit 12301, Austin,  
23 Texas 78748. Have I read that correctly?

24 A. Yes.

25 Q. And you have also just told us that living in

1 that apartment was Mr. Adrian -- Robert Adrian  
2 Mandujano, the candidate that you ran with; correct?

3 A. Yes, that's who I believed I was renting that  
4 apartment from.

5 Q. And the other candidate that Mr. Castille  
6 supported; correct?

7 A. Correct.

8 Q. And you said you -- he was living there with  
9 his wife and children?

10 A. I said child, family. Yeah. I didn't know.

11 Q. And once again, you don't have any kind of  
12 written lease or agreement for that apartment; correct?

13 A. Correct.

14 Q. You say that you had an oral sublease that  
15 began in November of 2022, and in fact, that's the  
16 address you're still claiming as your residence in  
17 Tanglewood Forest; correct?

18 A. Correct.

19 Q. Now, you testified at your deposition that you  
20 thought 2914 Aftonshire Way was a three-bedroom  
21 apartment; is that right?

22 A. I think I misunderstood the question, but yes.

23 Q. Okay. You testified that you were subleasing  
24 one bedroom there?

25 A. Yes.

1 Q. And you testified -- again, you were sharing  
2 that bedroom if you were living there with your  
3 daughter; correct? She lives with you full-time?

4 A. Yes.

5 Q. You testified that Mr. Mandujano and his family  
6 lived in that apartment the whole time you claimed to  
7 live there through the old sublease; correct?

8 A. No. I said I don't see him often, so I  
9 wouldn't know.

10 Q. Let's look at your deposition. Page 3013 -- or  
11 excuse me, Page 30 of your deposition. And you see at  
12 the top of the page we're talking about the apartment at  
13 2914 Aftonshire Way, Unit 12301; correct?

14 A. Yes.

15 Q. And I asked you, is that an apartment? You  
16 said, yes, that's true; correct?

17 A. Yes.

18 Q. I asked you, how many bedrooms are in that  
19 apartment? You said, I think there's three; correct?

20 A. Yes, that's what it says.

21 Q. All right. You said -- I said, you're not  
22 sure? You said, I'm not sure.

23 I asked you, does anyone else besides you  
24 live there? And you said, yes; correct?

25 A. Yes.

1 Q. And I said, who else lives there? And you  
2 said, Adrian and his family; correct?

3 A. Correct.

4 Q. All right. And if we look at the bottom of  
5 Page 30 going into Page 31, starting at Line 25, I said,  
6 okay. And so has he and his family lived there the  
7 whole time since you've been subleasing it? And your  
8 answer was, yes; correct?

9 A. I'm sorry, what line?

10 Q. Line 25 on Page 30 into the next two lines of  
11 Page 31.

12 A. Page 30, Line 25?

13 Q. Yes, ma'am.

14 A. Okay.

15 Q. It says, okay. And so has he -- meaning  
16 Mr. Mandujano -- and his family lived there the whole  
17 time since you have been subleasing it? And your answer  
18 was, yes; correct?

19 A. Yes.

20 Q. Now, in fact, in 2022, you were living with  
21 Mr. Lanch in Leander, Texas, weren't you?

22 A. I'm sorry, what was that?

23 Q. In fact, in 2022, the time you say you were  
24 subleasing this apartment in Tanglewood Forest, you were  
25 actually living with Mr. Lanch in Leander, Texas;



1 correct?

2 A. No.

3 Q. Your answer is no?

4 A. Yes.

5 Q. All right. You enrolled your daughter in  
6 Leander ISD; correct?

7 A. Yes.

8 Q. And you used the address 1420 Reklaw in Leander  
9 as your residence for purposes of enrolling her there;  
10 correct?

11 A. Correct.

12 Q. And that was during the time that you now say  
13 you were subleasing this apartment in Tanglewood Forest;  
14 correct?

15 A. Correct.

16 Q. And so we are clear, no part of Leander is in  
17 Tanglewood Forest?

18 A. Correct.

19 Q. And as we sit here today, your daughter is  
20 still enrolled in Leander ISD; correct?

21 A. Correct.

22 Q. She went from Leander ISD -- or excuse me, from  
23 Lake Travis ISD when you lived in Lakeway; correct?

24 A. Correct.

25 Q. To Leander ISD when Mr. Lanch and you moved to

1 1420 Reklaw in Leander; correct?

2 A. When Mr. Lanch moved, yes, correct.

3 Q. And you as her mother used that address as your  
4 residence for purposes of enrolling her in school there?

5 A. Correct.

6 Q. And she remains enrolled in school there today?

7 A. Correct.

8 Q. She has never been enrolled in school in the  
9 Austin Independent School District or any district  
10 tracking from Tanglewood Forest; correct?

11 A. Correct.

12 Q. Now, you know as we sit here today that  
13 2914 Aftonshire Way, Apartment 12301, is a one-bedroom  
14 apartment; correct?

15 A. Correct, if you're counting the one room, yes,  
16 that I have.

17 MR. SEAQUIST: I'm going to offer  
18 Exhibit 10, Your Honor.

19 THE COURT: Okay. Any objection -- this  
20 appears to be a floor plan for 12301 Afton [sic] Way.  
21 Any objection, Mr. Terrazas?

22 MR. TERRAZAS: Yes, Your Honor. It's not  
23 just a floor plan. It looks like there's also some  
24 lease documents and things that Ms. Minjarez is not on,  
25 so I would object to both foundation and hearsay.

1 THE COURT: All right.

2 MR. SEAQUIST: Your Honor --

3 THE COURT: The objection is overruled  
4 because the thing is she said she didn't have a lease.  
5 It's an oral lease, but she said here on the record in  
6 open court that she lived at this address, so --

7 MR. TERRAZAS: I understand, Your Honor.  
8 I -- she's -- this is not -- that's what I'm saying,  
9 this isn't her documents.

10 MR. SEAQUIST: Let me also just point out  
11 for the record, Your Honor, this document is accompanied  
12 by a business records affidavit. These are the business  
13 records of Highmark Residential LLC, which is the  
14 property management company for the apartment complex  
15 that we are talking about.

16 THE COURT: All right.

17 MR. TERRAZAS: Your Honor, I'm going to say  
18 this -- we received this yesterday.

19 THE COURT: Uh-huh.

20 MR. TERRAZAS: And have not had a chance to  
21 vet anything about it.

22 THE COURT: Well, you can take a break and  
23 look at it now. If you're really not familiar with it,  
24 I'll let you take a break and look at it now.

25 MR. TERRAZAS: No, Your Honor, I'm saying

1 we haven't had a chance to vet it. We haven't had a  
2 chance to talk with Highmark Residential. We had no  
3 idea who that was.

4 THE COURT: Well --

5 MR. TERRAZAS: And these are not --

6 THE COURT: We're here today on -- really  
7 you-all need a merits hearing, and I'm happy to sit here  
8 and listen to you today, but this is -- we're not -- you  
9 can have time to look at this. I'll even let you have a  
10 minute to talk with your client about it, but the  
11 objection is overruled. Okay?

12 MR. TERRAZAS: Understood, Your Honor.

13 THE COURT: Please proceed.

14 A. What exhibit is it, I'm sorry?

15 Q. (BY MR. SEAQUIST) Okay. I want to look with  
16 you at Exhibit 10.

17 THE COURT: And Exhibit 10 is admitted.

18 *(Defendant's Exhibit Number 10 admitted)*

19 MR. SEAQUIST: Thank you, Your Honor.

20 Q. (BY MR. SEAQUIST) Okay. The first page of  
21 Exhibit 10, it's Bates-labeled Highmark 00001. There's  
22 a floor plan for Unit 12301. It's a one-bedroom,  
23 666-square-foot apartment. That accurately shows the  
24 layout of the apartment at 2914 Aftonshire Way, doesn't  
25 it?

1 A. It looks like it, yes.

2 Q. Okay. And your testimony to the Court earlier  
3 was that you had subleased one bedroom -- through an  
4 oral sublease you had subleased one bedroom in this  
5 apartment; correct?

6 A. Correct.

7 Q. And that Mr. Mandujano and his wife and child  
8 or children lived there the whole time you were there?

9 A. Yes.

10 Q. Where did Mr. Mandujano and his wife and  
11 children live?

12 A. I'm sorry, what do you mean? Where -- they  
13 lived in the apartment.

14 Q. Where in this one-bedroom apartment -- if you  
15 and your daughter are taking up the bedroom, where did  
16 the rest of that family reside?

17 A. Well, I know that I saw Adrian sleep on the  
18 couch. It's one of those pullout bed couch.

19 THE COURT: And who is Adrian? I'm sorry,  
20 I know who Adrian is, but I want you to tell me who  
21 Adrian is.

22 THE WITNESS: He's the other candidate that  
23 ran with me, Mr. Mandujano.

24 THE COURT: Adrian Mandujano?

25 THE WITNESS: Yes.

1 THE COURT: Okay. Just please use his last  
2 name.

3 THE WITNESS: Okay.

4 THE COURT: Okay. Thank you.

5 Please proceed.

6 Q. (BY MR. SEAQUIST) Okay. So your testimony is  
7 you subleased the bedroom, and Mr. Mandujano slept on  
8 the living room couch?

9 A. Yes.

10 Q. With his wife and children?

11 A. That's where I saw him, yes.

12 Q. And you claim to have subleased and resided at  
13 this property since November of 2022 through now, we're  
14 in June of 2023?

15 A. Yes.

16 Q. And you testified earlier that you thought it  
17 was a three-bedroom apartment?

18 A. Well, the way that it's set up, yes.

19 Q. Now, I know you don't have a lease with this  
20 apartment, but if we look at Highmark003, this is the  
21 lease for that apartment. Do you see who the resident  
22 for this lease is?

23 A. It says that it is Joseph Castille.

24 Q. So Robbie Castille, the board member who  
25 supported and endorsed you and Mr. Mandujano's

1 candidacy; correct?

2 A. Correct.

3 Q. Leased an apartment in Tanglewood Forest; is  
4 that right?

5 A. Yes.

6 Q. For which both you and Mr. Mandujano, the  
7 candidates he support [sic], have claimed as a residence  
8 for purposes of running for the Tanglewood Forest board?

9 A. I claimed that as a residence for sure.

10 Q. Okay. And on this lease where it says  
11 residents or occupants, no one else is listed besides  
12 Mr. Castille; correct?

13 A. Correct.

14 Q. And if we look further back at Paragraph 17 of  
15 this lease, which is on Highmark00006, there's a term in  
16 this lease about assignments and subletting. Do you see  
17 that?

18 A. Yes.

19 Q. And it says, you may not assign this lease or  
20 sublet your apartment. You agree that you won't rent,  
21 offer to rent, or license all or any part of your  
22 apartment to anyone unless otherwise agreed by us and --  
23 otherwise agreed to in advance by us in writing. Do you  
24 see that?

25 MR. TERRAZAS: Your Honor, I'm going to

1 object to foundation, and I think he's trying to get a  
2 legal conclusion out of this.

3 THE COURT: No, he's just reading from the  
4 lease that pertains to this apartment. The objection is  
5 overruled.

6 Q. (BY MR. SEAQUIST) Have you seen any written  
7 approval from this apartment complex for Mr. Castille to  
8 sublease the apartment to either Mr. Mandujano or for  
9 you to have the whole sublease with Mr. Mandujano?

10 A. No. This is the first time I've seen this  
11 lease.

12 Q. Is it the first time you've seen the apartment?

13 A. No.

14 MR. SEAQUIST: Your Honor, if I could have  
15 just one minute?

16 THE COURT: Yes.

17 Q. (BY MR. SEAQUIST) Oh. Mr. Terrazas had asked  
18 you some questions about the minutes from the March 15,  
19 2023, meeting. The board didn't vote to appoint anyone  
20 to fill the vacancy from your seat, did they?

21 A. I don't know. I wasn't there, but I don't  
22 believe so. I think they were going to have a different  
23 meeting.

24 Q. That was going to happen, if at all, down the  
25 road?



1           A.    Yes.

2                       MR. SEAQUIST:  I'll pass the witness,  
3 Judge.

4                       THE COURT:  All right.  Thank you.

5                       Mr. Terrazas, do you have some redirect for  
6 your witness?

7                       MR. TERRAZAS:  Just a couple of questions  
8 or a few questions, Your Honor.

9                       THE COURT:  You may proceed.

10                      MR. TERRAZAS:  Thank you, Your Honor.

11                                       REDIRECT EXAMINATION

12 BY MR. TERRAZAS:

13           Q.    Ms. Minjarez, are you a resident of the  
14 Tanglewood Forest Limited District?

15           A.    Yes.

16           Q.    Had you been a resident for at least six months  
17 prior to your application to run for the board?

18           A.    Yes.

19           Q.    Do you have any criminal convictions?

20           A.    No.

21           Q.    Have you been elected to the board?

22           A.    I'm sorry, what?

23           Q.    I'm sorry.  Have you been elected to the board?

24           A.    I believe so, yes.

25           Q.    Okay.  Does Tanglewood recognize you as a board

1 member?

2 A. No, they do not.

3 Q. Has there been any proceedings that have been  
4 put forward, established that assert to remove you from  
5 the board in terms of any sort of legal process or  
6 otherwise for residency or criminal convictions,  
7 anything like that?

8 A. No.

9 Q. I'm going to show you --

10 MR. TERRAZAS: Your Honor, I don't know if  
11 I --

12 THE COURT: Would you like me to dim the  
13 lights a little bit to make it easier to see?

14 MR. TERRAZAS: That would be great,  
15 Your Honor, yes.

16 THE COURT: Sure. I'm happy to do that.

17 MR. TERRAZAS: It's not coming up on that  
18 screen. I may be doing something wrong here.

19 THE COURT: I don't know. That's weird  
20 that it's not coming up.

21 MR. TERRAZAS: I can do it in hard copy if  
22 I need to, Your Honor.

23 THE COURT: Give us just one second here.

24 MR. TERRAZAS: There it goes. Sometimes  
25 you've just got to unplug and replug.

1                   MR. SEAQUIST: Your Honor, I'm going to  
2 object before we get into this line of questioning at  
3 this time. Again, the minutes speak for themselves as  
4 to what they say. Ms. Minjarez has testified she wasn't  
5 even at this meeting, so to the extent Mr. Terrazas  
6 wants to question her about what happened at the  
7 meeting, I don't think she has any personal foundation  
8 to do that. Since the minutes are in evidence, I think  
9 that's appropriate for oral argument, but I don't think  
10 her testifying as to what happened at that meeting there  
11 is a foundation for that.

12                   THE COURT: Let me hear from you,  
13 Mr. Terrazas.

14                   MR. TERRAZAS: Yes, Your Honor. These are  
15 official minutes that she has reviewed, and so that she  
16 knows this is what went on at the board meeting, and  
17 we've already talked about -- I think any objection to  
18 this has already been waived. We've already talked  
19 about this. I just have one point that's directly in  
20 response to his question.

21                   THE COURT: All right. I'll allow it.  
22 I -- I'll allow it. Please proceed.

23                   Q. (BY MR. TERRAZAS) Ms. Minjarez, at this  
24 meeting, I'm going to -- you see right here where I'm  
25 highlighting? Can you read that for the Court?

1           A.    Director Krueger explained the application  
2 process to those in attendance.

3           Q.    And that was an application process that  
4 Director Krueger had asked Mr. Carlton to provide an  
5 application form for the position of district director  
6 and then explained what it was to all the items;  
7 correct?

8           A.    Correct.

9           Q.    And then she suggested holding a meeting on  
10 April 3rd to appoint someone in your position -- in the  
11 seat that you were talking about; right?

12          A.    Yes.

13          Q.    And they did set up that meeting, didn't they?

14          A.    Yes.

15          Q.    And that got canceled only because of the  
16 temporary restraining order issued in this case;  
17 correct?

18          A.    Correct.

19          Q.    All right.

20                   MR. TERRAZAS:  Pass the witness,  
21 Your Honor.

22                   THE COURT:  All right.  Anything else?

23                   MR. SEAQUIST:  I don't think so, Judge.

24                   THE COURT:  All right.  Very good.

25                   Well, thank you very much.  We appreciate

1 you being here today and patiently answering all of our  
2 questions. You may step down.

3 THE WITNESS: Thank you.

4 THE COURT: All right. Mr. Terrazas.

5 MR. TERRAZAS: Your Honor, we rest.

6 THE COURT: All right. Very good.

7 Let's shift over. Mr. Seaquist.

8 MR. SEAQUIST: Your Honor, I do have a  
9 witness to call, but I echo the Court's sentiment that I  
10 think this is really all better suited for a merits  
11 hearing, and I note that we are approaching sort of the  
12 allotted time, and I haven't -- I don't know that I'm  
13 going to be able to wrap my witness up in 30 minutes.  
14 So I don't know -- I guess I will take some direction,  
15 though, from the Court on this point as to whether the  
16 Court wants to proceed or if we can just work together  
17 to set, you know, an early merits hearing and have this  
18 heard the way it should be.

19 THE COURT: No, I think let's go on and  
20 proceed, because I don't want to -- you know, sometimes  
21 I get hot around the collar and haven't had a chance to  
22 talk to the attorney staffing this with me.

23 MR. SEAQUIST: Sure.

24 THE COURT: Let's proceed. Now, I  
25 understand we are running short on time, which --

1 MR. SEAQUIST: I will try to be quick,  
2 Your Honor.

3 THE COURT: I do have a very full  
4 afternoon, and I -- I've found I need a break at lunch  
5 or by the time 5:00 o'clock rolls around I'm not in my  
6 best condition, shall we say. So do you think you can  
7 wrap us up by 12:15?

8 MR. SEAQUIST: Yes, Your Honor, I can.

9 THE COURT: All right. Let's go on and get  
10 that rolling, then. I'm getting my arms around the  
11 issues in this case pretty well. All right?

12 MR. SEAQUIST: Okay. Your Honor, the  
13 Defense calls Nikki Krueger.

14 THE COURT: All right. Please come up.  
15 And when you come up to the stand, if you would, just  
16 face me and raise your right hand, okay?

17 Would you please state your full name for  
18 the record?

19 MS. KRUEGER: Nikki Leah Krueger.

20 *(The witness was sworn)*

21 THE COURT: You may be seated.

22 **NIKKI LEAH KRUEGER,**

23 having been first duly sworn, testified as follows:

24 **DIRECT EXAMINATION**

25 BY MR. SEAQUIST:

1 Q. Okay. Ms. Krueger, will you just introduce  
2 yourself to the Court.

3 A. Yeah. My name is Nikki Krueger. I am a  
4 resident of Tanglewood Forest since 2009. I have been  
5 active on the board as a volunteer since 2018 on the  
6 parks committee, and then was appointed to the board in  
7 November '20, serving a four-year term.

8 Q. Can you give the Court a description of where  
9 Tanglewood Forest is? I think you'll be better able to  
10 do it than I can.

11 A. Yeah. We are in south Austin. So Slaughter  
12 Lane kind of divides us. So consider Westgate and  
13 almost to Manchaca and Slaughter. We've got a few  
14 blocks north, few blocks south. 2,221 residential  
15 doors.

16 Q. Okay. And what -- tell us what is the  
17 Tanglewood Limited Forest District? What do y'all do?

18 A. Yeah. It's a group of five elected neighbors.  
19 Those terms fluctuate every two years where two or three  
20 board members are replaced. We have a strategic  
21 partnership agreement with the City of Austin where we  
22 levee an additional tax on our residents, and then in  
23 turn, through our law firm and board members and  
24 vendors, we maintain the nine parks in the district. We  
25 hire safety off-duty sheriff's department to patrol

1 those parks. So really that's what it is. It's about  
2 us keeping up with the amenities and the parks and  
3 keeping -- keeping the neighborhood beautiful.

4 Q. Okay. And you said board members are elected?

5 A. Yes.

6 Q. Have to be elected from residency within the  
7 district; true?

8 A. Correct.

9 Q. Now, in 2020 -- there was an election for the  
10 board that we've been talking about in 2022; is that  
11 right?

12 A. Correct.

13 Q. And who all -- how many candidates were there  
14 for the board in that election?

15 A. We had five candidates run for two seats.

16 Q. Okay. And is it most votes --

17 A. Yes.

18 Q. -- wins?

19 A. Yes.

20 Q. You talked about the time you lived and sort of  
21 been active in Tanglewood. Have you ever heard of or  
22 were you familiar at all with Adrian Roberto Mandujano  
23 before this election?

24 A. No. Never seen him before.

25 Q. What about plaintiff, Kimberly Minjarez?



1 A. No, have never seen her before either.

2 Q. Did members of the community -- during the --  
3 during the election or -- and since, I guess, have  
4 members of the community come to public board meetings  
5 and addressed concerns to the board about the residency  
6 of these two candidates?

7 A. Every third Wednesday of the month during  
8 public comment, yes.

9 MR. TERRAZAS: Your Honor, I'm going to  
10 object as hearsay.

11 A. It's posted in the minutes.

12 MR. SEAQUIST: I'm not offering it for the  
13 truth of the assertions. It's just to show what the  
14 board is hearing and receiving in terms of feedback from  
15 the community, which is what they are charged with  
16 acting on.

17 THE COURT: All right. I'll allow it.  
18 It's borderline, though. I'm listening.

19 MR. SEAQUIST: I'm not going to go deep  
20 into it, Judge.

21 THE COURT: Okay. Go ahead.

22 MR. SEAQUIST: All right.

23 Q. (BY MR. SEAQUIST) Can you look at Exhibit 1?

24 A. Yes.

25 Q. And can you just identify Exhibit 1 for us,

1 please?

2 A. This is Roberto Mandujano's application to run  
3 for the Tanglewood Forest.

4 Q. And how are applications submitted?

5 A. Applications are submitted directly to the  
6 Carlton Law Firm, and we have an election secretary  
7 within that office that gets these and vets them.

8 Q. And are these candidate applications public  
9 records of the district?

10 A. Yes.

11 MR. SEAQUIST: Your Honor, I'll offer  
12 Defendant's Exhibit 1.

13 THE COURT: All right.

14 MR. TERRAZAS: Your Honor, hearsay and  
15 relevance.

16 THE COURT: Okay. Let me take a look at  
17 it.

18 Objection is overruled. Please proceed.

19 *(Defendant's Exhibit Number 1 admitted)*

20 Q. (BY MR. SEAQUIST) All right. What address  
21 does Mr. Mandujano claim that he's residing at when he  
22 filled out this form on August 21st, 2022?

23 A. 2611 Howellwood Way, Apartment A.

24 Q. Can we look at Exhibit 5?

25 A. Yes.

1 Q. Do you recognize Exhibit 5?

2 A. I do.

3 Q. And what is this -- what is Exhibit 5?

4 MR. TERRAZAS: Your Honor, I'm going to  
5 object. This is hearsay.

6 MR. SEAQUIST: Let me lay a foundation for  
7 it.

8 THE COURT: All right.

9 MR. TERRAZAS: She's not on the email.

10 THE COURT: Yeah, she's not on the email.

11 MR. SEAQUIST: Okay. Well, let me ask a  
12 couple of questions, Your Honor, and if I don't carry  
13 the day, I'll move on.

14 THE COURT: Okay.

15 Q. (BY MR. SEAQUIST) Ms. Krueger, who is this  
16 email to?

17 A. This email is to our law firm, Kelli Carlton.

18 Q. Okay.

19 A. And Moving Austin, which I'm assuming is --  
20 yeah. Not sure.

21 Q. Okay. The law firm acts as the secretary for  
22 the district; correct?

23 A. Correct.

24 Q. And so an email sent to the law firm is an  
25 email to the district; correct?

1 A. Correct.

2 Q. As an -- as a board member, are you provided  
3 access to these types of emails that are sent to the  
4 board secretary?

5 A. Absolutely, and this one was actually presented  
6 in a board meeting.

7 THE COURT: All right. Objection is  
8 overruled. Please proceed.

9 MR. SEAQUIST: Okay.

10 THE COURT: Exhibit 5 is admitted.

11 MR. SEAQUIST: Okay. Thank you,  
12 Your Honor.

13 *(Defendant's Exhibit Number 5 admitted)*

14 Q. (BY MR. SEAQUIST) And what -- can you tell us  
15 what Exhibit 5 is?

16 A. Yeah. This is a -- an email from the owner of  
17 2611 Howellwood Way.

18 Q. And let me stop you. That was the residence  
19 that Mr. Mandujano had used to claim residency in the  
20 Tanglewood Forest District?

21 A. Correct.

22 Q. Okay. Go on.

23 A. This email says from the homeowner, hey, guys,  
24 we purchased the duplex at 2611 Howellwood Way on  
25 June 1st, 2022. It was vacant when we purchased, and it

1 has been vacant since. Let me know if you have any  
2 other questions.

3 Q. Okay. And so just looking back at Exhibit 1,  
4 what day was it that Mr. Mandujano claimed that as his  
5 residence?

6 A. How long or --

7 Q. The date, I'm sorry. It's on the bottom.

8 A. August 21st of 2022.

9 Q. Okay. And this email is telling the district  
10 that property has been vacant since June -- that as of  
11 October 14, 2022, that property had been vacant since  
12 June of 2022. Have I read that correctly?

13 A. Correct.

14 Q. Was there a time -- you said this email was  
15 presented at a board meeting. Did Mr. Mandujano contact  
16 the board after that issue was raised at the board  
17 meeting?

18 A. He did. That board meeting was on  
19 October 19th, and the next morning, our district  
20 attorney received an email from Mr. Mandujano saying  
21 that --

22 MR. TERRAZAS: Your Honor, I object as  
23 hearsay. We're talking about Mr. Mandujano, not even  
24 Ms. Minjarez.

25 MR. SEAQUIST: Can we look at Exhibit 6,

1 please?

2 THE COURT: Exhibit 6?

3 MR. SEAQUIST: Yes. I'm just going to have  
4 the witness identify it, and then I'll tell the Court  
5 why I think it's not hearsay.

6 THE COURT: All right.

7 Q. (BY MR. SEAQUIST) Ms. Krueger, is Defendant's  
8 Exhibit 6 the email that you were referencing?

9 A. Correct.

10 Q. Okay.

11 MR. SEAQUIST: Your Honor, I am not  
12 offering this for the truth of the matter. However,  
13 this was a representation -- it's been authenticated.  
14 It was sent to the district through its counsel.

15 THE COURT: Uh-huh.

16 MR. SEAQUIST: And this is a representation  
17 that Mr. Mandujano is moving into the very same  
18 apartment that Ms. Minjarez just testified about.

19 THE COURT: Okay.

20 MR. SEAQUIST: And what this shows is, is  
21 that two of the candidates that Mr. Castille is  
22 supporting are now using this particular address,  
23 2914 Aftonshire Lane, Apartment 12301 as their cover for  
24 residing in the district, and so --

25 THE COURT: Well, I'm going to take -- I'm

1 going to take issue with the word "cover" at this point,  
2 but I do think it's relevant, and the objection is  
3 overruled. You may proceed.

4 MR. SEAQUIST: Okay. And it's admitted,  
5 Your Honor?

6 THE COURT: And Defendant's Exhibit 6 is  
7 admitted.

8 MR. TERRAZAS: Okay.

9 THE COURT: Okay?

10 *(Defendant's Exhibit Number 6 admitted)*

11 MR. SEAQUIST: And, Your Honor, just for  
12 time sake, I will have a few questions, and I would like  
13 to close. I think our presentation took less than  
14 45 minutes on it, so I just want to make sure I've got  
15 enough time. And we did set this for three hours, so --

16 THE COURT: Yeah, you set it for three  
17 hours, and it's an under-announcement. I could have --  
18 I thought it was maybe over-announced, but I was wrong.  
19 I would have sent it back and said more time, but please  
20 proceed.

21 Q. (BY MR. SEAQUIST) Does the district have a  
22 bonding or insurance company they typically use for  
23 officer bonds?

24 A. Yes, Victor Insurance.

25 Q. Okay. How does that process for an officer

1 obtaining a bond usually work?

2 A. When elected, our law firm, John Carlton,  
3 provides us a copy of the application in person in a  
4 board meeting, and we sign it, and he submits that  
5 directly to the insurance company.

6 Q. Is it customary for a board member to ask to  
7 work with the insurance directly and cut the law firm  
8 out?

9 A. No.

10 Q. And I think Ms. Minjarez covered this. Just  
11 quickly tell us what happened in terms of her  
12 application for a bond.

13 A. Yeah. In our February 15th meeting, our  
14 attorney, John Carlton, handed Kimberly her application  
15 back that she originally started for Victor Insurance.  
16 It was not completed. The portion with questions about  
17 felony charges was blank. So he returned it to her  
18 February 15th to complete it, and I believe that is when  
19 she asked if it could be turned directly in to Victor  
20 Insurance.

21 Q. Okay. And what happened after that?

22 A. After that, we had our next monthly meeting on  
23 March 15th, and when the meeting started, I -- we did  
24 not -- we were not aware that Kimberly wasn't going to  
25 be at that meeting. I had asked to move up an agenda



1 item, the one that was mentioned early, Agenda Item 12,  
2 to discuss the bond. We have had a number of neighbors  
3 coming and, in their public comment questioning this,  
4 questioning validity, and so I asked our attorney if he  
5 had received a bond yet from Kimberly.

6 Q. And what was the response provided to the  
7 board?

8 A. John Carlton stated that the bond application  
9 that was submitted to Victor Insurance was rejected  
10 because of the felony charge.

11 Q. Now, prior to this March 15th board meeting,  
12 had Ms. Minjarez submitted an executed bond from  
13 suretybonds.com or anybody else to the district?

14 A. No.

15 Q. The minutes are in evidence, so I don't want to  
16 go through it a whole lot, but was there an agenda item  
17 on the board for the discussion of qualifications of  
18 board members?

19 A. There was. It was added to Item 12.

20 Q. The meeting was recorded; is that correct?

21 A. Correct.

22 MR. SEAQUIST: Your Honor, we have in Box  
23 uploaded the audio recording of the meeting. It is our  
24 Defendant's Exhibit 12. I will offer that exhibit to  
25 have it in the record in case the Court would like to

1 listen to it.

2 THE COURT: Okay. Plaintiff?

3 MR. TERRAZAS: No objections to that,  
4 Your Honor.

5 THE COURT: All right. It's admitted.  
6 *(Defendant's Exhibit Number 12 admitted)*

7 THE COURT: How long is it?

8 MR. SEAQUIST: It is -- that's a good  
9 question. The whole recording is about an hour long;  
10 however, the pertinent discussion about this bond starts  
11 at about 10 minutes and 28 seconds.

12 THE COURT: Okay.

13 MR. SEAQUIST: And goes through about  
14 20 minutes --

15 THE COURT: All right. Thank you.

16 MR. SEAQUIST: -- of the recording.

17 THE COURT: Thank you.

18 Q. (BY MR. SEAQUIST) Okay. Did Mr. Carlton offer  
19 the board a legal opinion as to whether Ms. Minjarez had  
20 assumed her position on the board?

21 A. He shared that because of not having the bond,  
22 she had not completed --

23 MR. TERRAZAS: Your Honor, I'm going to  
24 object again as hearsay. This is from the party  
25 themselves.

1                   THE COURT: Yeah, it does sound a little  
2 like hearsay to me. He shared that -- he shared that.  
3 It distresses me.

4                   MR. SEAQUIST: I understand, Your Honor,  
5 and actually just for time sake, this is all in the  
6 minutes, so with the Court's indulgence, I'll just move  
7 on.

8                   THE COURT: All right. Thank you.

9           Q. (BY MR. SEAQUIST) There was some discussion  
10 earlier about the request that you had made to have the  
11 minutes reviewed and modified in light of Mr. Carlton's  
12 recommendation. Was that going to occur at a future  
13 meeting?

14           A. It actually did. Like basically it took a  
15 while to amend those, and the lawsuit was happening, so  
16 we just reviewed those a month ago.

17           Q. Okay. But that's not something that happened  
18 after March 15th?

19           A. No, no, absolutely not.

20           Q. And to date -- you didn't take any action to  
21 actually appoint a new director at the March 15th  
22 meeting?

23           A. No.

24           Q. And to date, the board has not taken any action  
25 to appoint a new director?

1 A. No.

2 Q. There's been some discussion about Mr. Castille  
3 somehow offering a bond for Ms. Minjarez at the  
4 March 15th, 2023, meeting. Will you just kind of tell  
5 us what happened there?

6 A. Yes. The meeting started. I -- we went  
7 through public comments. I started the question  
8 regarding Kimberly's bond, and it was a few minutes into  
9 the meeting where Director Castille said, actually she's  
10 bonded. She's absolutely bonded. She's been bonded.  
11 And pulled out an envelope. So there were a couple of  
12 different situations. There's some minutes in between  
13 on the recording, but basically without doing it at the  
14 beginning of the meeting knowing she wasn't going to be  
15 there, he pulled out a Fed Ex envelope from his  
16 briefcase and slapped it on the table and said that was  
17 her bond.

18 Q. Okay. Did he actually take anything out of the  
19 envelope to show what was in there?

20 A. No, sir.

21 Q. Okay. And had Ms. Minjarez herself submitted  
22 anything?

23 A. No, sir.

24 Q. Is it unusual for another board member to  
25 submit a bond on behalf of another board member?

1 A. Absolutely.

2 Q. Has that ever happened?

3 A. Not that I've ever seen.

4 Q. And again, he never took whatever was in that  
5 envelope out of it?

6 A. Correct.

7 Q. I think you said this -- actually, scratch  
8 that.

9 MR. SEAQUIST: I'll pass the witness,  
10 Judge.

11 THE COURT: All right. Thank you.

12 Any questions, Mr. Terrazas?

13 MR. TERRAZAS: Yes, Your Honor, just a few.

14 THE COURT: Okay.

15 **CROSS-EXAMINATION**

16 BY MR. TERRAZAS:

17 Q. Ma'am, you said that the Tanglewood board has  
18 five elected members; right?

19 A. Correct.

20 Q. But you actually weren't elected, were you?

21 A. No. I was appointed.

22 Q. Okay. So it's not true. It's actually five  
23 elected members. It is five members, whether they're  
24 elected or appointed; correct?

25 A. Correct.

1 Q. And so the voters of Tanglewood didn't actually  
2 elect you?

3 A. Correct.

4 Q. Okay. And you understand there's no  
5 requirement to get a bond from any specific bond  
6 company; correct?

7 A. Correct.

8 Q. And you know that there's no time deadline to  
9 get a bond; correct?

10 A. I believe I heard that today.

11 Q. You heard that at the March 15th meeting,  
12 didn't you?

13 A. Correct.

14 Q. So you knew about it at the March 15th meeting;  
15 right?

16 A. Right. Four months into not having one.

17 Q. Okay. And you knew that Mr. Castille had  
18 represented that he had a bond; right?

19 A. That day at the meeting.

20 Q. That Ms. Minjarez had gotten a bond; correct?

21 A. Correct.

22 Q. You didn't ask to look at it, did you?

23 A. Absolutely not.

24 Q. Because you --

25 A. Everyone --

1 Q. Hold on, ma'am. You didn't care if she had a  
2 bond or not; right?

3 A. Incorrect.

4 Q. You -- you didn't -- you wanted to get her off  
5 the board; correct?

6 A. No.

7 Q. So you're saying that you want her on the  
8 board?

9 A. I'm saying I want a board member that has  
10 completed all the tasks to legally sit on the board --

11 MR. SEAQUIST: Objection --

12 A. -- to work for our district.

13 THE COURT: You asked her. You're hearing  
14 the answer, so, I mean, that's --

15 MR. TERRAZAS: I understand.

16 Q. (BY MR. TERRAZAS) I'm just asking. Do you  
17 want her on the board, yes or no?

18 A. At this point right now, based on what we know,  
19 I don't.

20 Q. And you didn't want her on the board in March,  
21 did you?

22 A. I had nothing against her in March. She  
23 didn't -- I am reacting to citizen communication, which  
24 is every single month regarding Ms. Minjarez and  
25 Director Castille, and it makes it very difficult to

1 spend so much time focusing on that piece of what our  
2 residents are complaining about.

3 Q. So you want Mr. Castille to be off the board  
4 too; correct?

5 A. I didn't say that.

6 Q. Well, if you're saying the same thing is  
7 happening --

8 A. I didn't say that.

9 Q. Okay. There's been no action taken by the  
10 board to disqualify Ms. Minjarez concerning any  
11 residency or criminal background; right?

12 A. On behalf of the board?

13 Q. Right.

14 A. No. My understanding is the only one that  
15 could question that prior to the election was a  
16 candidate.

17 Q. Right. So you can't question that now; right?

18 MR. SEAQUIST: Objection, Your Honor; that  
19 calls for a legal -- a legal opinion.

20 THE COURT: Yeah, I agree with that it  
21 does. Objection is sustained.

22 Please proceed.

23 Q. (BY MR. TERRAZAS) Ma'am, are you aware of any  
24 ability of the board to be able to disqualify a  
25 candidate for a residence or a prior criminal incident?



1                   MR. SEAQUIST: I'm going to object again,  
2 Your Honor. This is the same question. Again, our  
3 position is that disqualification happens as a matter of  
4 law. It doesn't require any action by the board. So we  
5 can have a legal dispute about that, but this witness  
6 can't testify to it. She's not a lawyer, and it's  
7 not --

8                   THE COURT: Mr. Terrazas?

9                   MR. TERRAZAS: Yes, Your Honor. She just  
10 testified that she believed the only way to challenge  
11 that is by a candidate prior to the election. I'm just  
12 trying to establish is that her understanding.

13                   THE COURT: Yeah, I don't know. I don't  
14 want her -- I don't want her making legal conclusions.  
15 She can talk about what she knows as a board member, but  
16 otherwise that's not -- that's for -- that's for the  
17 lawyers and the courts, not for the board. Please  
18 proceed.

19                   Q. (BY MR. TERRAZAS) And so --

20                   MR. TERRAZAS: Your Honor, I wasn't sure if  
21 she can answer the question. I'm just simply asking  
22 what her understanding is whether a board can even do  
23 that.

24                   THE COURT: I think this is a legal  
25 question for the Court.

1 MR. TERRAZAS: Okay.

2 THE COURT: Okay? Objection is sustained.  
3 Please proceed.

4 Q. (BY MR. TERRAZAS) And you've seen a bond as  
5 your counsel has provided in Defendant's Exhibit 9;  
6 correct?

7 A. Yes.

8 Q. And your complaint was that it wasn't executed;  
9 right?

10 A. There was no bond executed.

11 Q. Okay. And you've seen a bond that's been  
12 executed; right?

13 A. At this point, yes.

14 Q. Okay.

15 A. I have not seen the application for that bond.

16 Q. You don't need the application, do you?

17 A. I'd be interested in it. I think it verifies  
18 a lot of the residency questions.

19 Q. Well, but, ma'am, you've never asked for the  
20 application for a bond of any other board member;  
21 correct?

22 A. We've -- no. Every other board member has been  
23 insured by the primary insurance company with no  
24 questions.

25 Q. So just to be clear, ma'am, yes or no, you've

1 never asked for -- to see another application for any  
2 other board member; correct?

3 A. No.

4 Q. Okay. No, that is correct?

5 A. Let me answer it this way.

6 Q. Yeah.

7 A. I've seen -- when I got -- when I got appointed  
8 in 2020, it was along with two other individuals. We  
9 were all given our bond applications at the same time.  
10 We all signed the exact same one in front of each other.

11 Q. Okay.

12 A. I never asked for one.

13 Q. Sorry, ma'am, that's not my question. Yeah.

14 No one on the board has ever asked for -- to see anyone  
15 else's bond application other than Ms. Minjarez; is that  
16 correct?

17 A. I can only answer for myself, not the other  
18 board members. I have never asked.

19 Q. And you've never heard of it being asked at any  
20 board meeting; correct?

21 A. Regarding her bond or someone else's?

22 Q. Someone else's bond.

23 A. No.

24 Q. You've never heard that. And that's since 2020  
25 that you've been on the board; right?

1 A. Actually since 2018 of sitting as a resident.

2 Q. Right. So 2018. So about five years?

3 A. (Shaking head in the positive).

4 Q. The board has never asked for any other  
5 candidate's application for a bond; correct?

6 A. No, they've always been bonded.

7 Q. Well, there's no question here that  
8 Ms. Minjarez is bonded; correct?

9 A. Assume so, yes.

10 Q. All right. So you know that she's fully  
11 bonded; correct?

12 A. Five months after the election, yes.

13 Q. And she's taken the -- she's done the sworn  
14 statement and taken the oath; correct?

15 A. I believe so. She chose to do that a month  
16 after being elected also off site somewhere else rather  
17 than in front of her constituents.

18 Q. And, ma'am, again, there's no timeline on that;  
19 correct? There's no deadline that someone has to do it  
20 before -- before they can assume their --

21 A. Not that I'm aware of.

22 Q. Okay. And at the March 15th meeting, you will  
23 agree that the board determined that Ms. Minjarez's seat  
24 was vacant?

25 A. That is exactly what we questioned, yes.

1 Q. Okay. And at the meeting, you then instructed  
2 the counsel to revise -- and it was voted on and  
3 approved -- to revise the minutes to basically remove  
4 anything related to Ms. Minjarez before that?

5 MR. SEAQUIST: Objection, Your Honor, I'm  
6 going to again -- the minutes there. They speak for  
7 what the specific motion was, and I think to the  
8 extent -- I don't think it -- I think it  
9 mischaracterizes the motion.

10 THE COURT: Ask the question again.

11 MR. TERRAZAS: Sure.

12 Q. (BY MR. TERRAZAS) At the meeting, you  
13 instructed and the board approved for a motion 3-1 to  
14 revise the prior minutes to remove any basically  
15 reference or activity from Ms. Minjarez; correct?

16 THE COURT: I think he can ask that  
17 question. Objection is overruled. Please proceed.

18 A. Yes. And that was due to the fact that from  
19 not completing everything --

20 MR. TERRAZAS: Your Honor, I'm --

21 A. -- we felt like she had never filled the  
22 position.

23 MR. TERRAZAS: I'm going to object --  
24 nonresponsive.

25 THE COURT: No, she -- you asked the

1 question. You're going to get the answer. Okay? So  
2 she's going to -- you asked it. She can answer.

3 MR. TERRAZAS: Yes, Your Honor.

4 THE COURT: Okay. Please proceed.

5 Q. (BY MR. TERRAZAS) And, ma'am, you also  
6 explained to the people in the audience the application  
7 process to apply for a director, to be a director on the  
8 board; correct?

9 A. Absolutely.

10 Q. All right. And you instructed the counsel for  
11 Tanglewood to get an application out so that people can  
12 apply to be on the board; correct?

13 A. Right. I asked John Carlton to revise the  
14 application we use when an appointment is made to the  
15 board so that we can give residents time to look into  
16 that and apply if they were interested.

17 Q. And you agreed to set a meeting for the board  
18 for April 3rd to establish a new director and completely  
19 remove Ms. Minjarez as a director; correct?

20 A. We established a meeting with an agenda item to  
21 discuss the vacancy review applications for appointment.  
22 While I -- while I can't -- I can't tell you that we  
23 would have appointed someone that same day. It could  
24 have been at a -- even a different day from that for the  
25 actual appointment. That special meeting would have

1 just been for the board of directors and executive to  
2 discuss the candidates.

3 Q. And it could have been appointing a person at  
4 that meeting?

5 A. It could have been.

6 Q. Okay. But that was stopped only because the  
7 Court issued a temporary restraining order; right?

8 A. Correct, because we still did not have the  
9 bond.

10 Q. When you say you still didn't have the bond,  
11 you knew there was a fully executed bond?

12 A. Not at that date, not on April 3rd.

13 Q. Did you --

14 A. Have not seen the bond. Have not seen the  
15 signed bonds, nor gotten information from an attorney.

16 Q. Did you ask?

17 A. I asked in February, twice in February about  
18 the bonds.

19 Q. And that was it; right?

20 A. That was it.

21 Q. Okay. Never again?

22 A. Not to my knowledge.

23 Q. Okay. You understand --

24 A. Until May -- until March 15th.

25 Q. You understand it's a pretty big deal to remove

1 someone who's been elected to a public office; right?

2 A. Yeah, I'd say that, but I also think it's a  
3 huge deal to run for election in a district that you  
4 don't live in.

5 Q. Ma'am, you don't know that Ms. Minjarez doesn't  
6 live there, do you?

7 A. I can't confirm that.

8 Q. Right. So that's a pretty big accusation to  
9 say that someone --

10 THE COURT: All right. That's -- we're  
11 getting into argumentative, and I'm not going to have  
12 it. Okay?

13 MR. TERRAZAS: Understood.

14 THE COURT: I can obviously see the  
15 evidence here. Please proceed.

16 MR. TERRAZAS: I understand. Your Honor,  
17 I'll pass the witness.

18 THE COURT: All right. Thank you.

19 Anything else for this witness,  
20 Mr. Seaquist?

21 MR. SEAQUIST: Nothing, but thanks,  
22 Your Honor.

23 THE COURT: All right. Very good. Do you  
24 have any other witnesses, Mr. Seaquist?

25 MR. SEAQUIST: We do not, Your Honor.



1 We'll rest on the day.

2 THE COURT: All right. Very good.

3 Mr. Terrazas has asked for some time to  
4 close, so we're going to give him that opportunity if  
5 you still would like that time.

6 MR. TERRAZAS: Yes, Your Honor, thank you  
7 so much.

8 THE COURT: All right. You may proceed.

9 MR. TERRAZAS: And, Your Honor, I will be  
10 very brief.

11 THE COURT: Okay.

12 MR. TERRAZAS: As we've seen with the  
13 evidence, Ms. Minjarez -- and sorry, Your Honor,  
14 Ms. Krueger is still on the stand.

15 THE COURT: Oh yes. I'm sorry,  
16 Ms. Krueger.

17 THE WITNESS: I'll sit wherever.

18 THE COURT: Yeah. Please -- please go back  
19 to your place at the table.

20 MR. TERRAZAS: I didn't want her to be  
21 uncomfortable up there.

22 THE COURT: No. Thank you for that. I  
23 left her up there, so...

24 MR. SEAQUIST: Kind of like box seats,  
25 Your Honor.

1 THE COURT: Yeah, I know. Really the  
2 best -- the best ones.

3 MR. TERRAZAS: Your Honor, thank you for  
4 your time today.

5 THE COURT: Uh-huh.

6 MR. TERRAZAS: I know it's been a little  
7 bit longer than expected.

8 THE COURT: It's interesting issues,  
9 though. Both sides have done an excellent job with  
10 their clients.

11 MR. TERRAZAS: Thank you, Your Honor.

12 THE COURT: Uh-huh.

13 MR. TERRAZAS: Your Honor, Ms. Minjarez was  
14 elected by the constituents of Tanglewood. That is a  
15 huge thing. She was elected. She satisfied all three  
16 requirements to perform her duties. We have the  
17 official bond. She is -- there's no question she has  
18 completed the statement and that she has taken the oath.

19 As we've heard in -- even in the testimony  
20 and you can see in the statute, there is no requirement  
21 to complete any of those in a certain amount of time,  
22 and there's a reason for that. Because they don't want  
23 something like this happening where it allows someone  
24 to -- or a board to simply nullify the election results  
25 because they say something wasn't done fast enough.

1 There is no law that says that these three requirements  
2 are qualifications. In fact, my friend on the other  
3 side has cited to an attorney general opinion. We  
4 provided that in our documents. It does not say that  
5 they are qualifications. It says until you complete  
6 those steps, you're not officially a member. You've  
7 been elected. You're just a director-elect. Once you  
8 complete them, you are a full-fledged, can perform your  
9 duties director.

10 They also cite to you some other  
11 provisions, special district provisions, that are only  
12 applied to those specific districts. And they can  
13 establish qualifications if they want. You saw in that  
14 Hall case, the very last case that says -- excuse me, I  
15 said Hall, Hunt.

16 THE COURT: Hunt, okay.

17 MR. TERRAZAS: The Hunt case. You can  
18 establish qualifications if you want. They can be  
19 challenged, but you can establish qualifications.  
20 Tanglewood hasn't done so. You're not going to see a  
21 statute that establishes some qualification that  
22 Ms. Minjarez has not met. She has met those  
23 requirements. You saw -- and it was interesting because  
24 you started off with my friend on the other side saying  
25 nothing was done at this March 15th board meeting. It

1 was fully in the public. I mean, it was enough for  
2 notice to say we're going to have a discussion about  
3 different ethics and qualifications and those kind of  
4 things, and that's going to inform the public that we  
5 may -- what you see in there is declare -- as you just  
6 heard, declare a seat vacant to set up an application  
7 process and to strip her -- strip Ms. Minjarez of even  
8 actions taken before of any record on it.

9           Those are major things. That is something  
10 that as the Cox case, as other cases that we have  
11 provided in our binder have said, you have to provide  
12 clear evidence -- or sorry, Your Honor, clear notice of  
13 all of that.

14           We've got the case, Your Honor, that we  
15 cited which is the -- sorry, the Markowski case.

16           THE COURT: Markowski, yes, I'm familiar.  
17 We talked about that.

18           MR. TERRAZAS: Yes, Your Honor. We're  
19 talking about a fire chief there.

20           THE COURT: Uh-huh.

21           MR. TERRAZAS: This is a director. It  
22 requires an even higher standard under the Texas Supreme  
23 Court --

24           THE COURT: For elected.

25           MR. TERRAZAS: -- for notice.

1 THE COURT: Uh-huh. Gotcha.

2 MR. TERRAZAS: That's right, Your Honor.

3 THE COURT: Uh-huh.

4 MR. TERRAZAS: Your Honor, they're trying  
5 to use a suggestion of a technicality of well, I haven't  
6 seen an -- or I didn't see an executed bond by  
7 March 15th even though we were told there was a bond.

8 We have the executed bond. We cannot let  
9 districts like Tanglewood who simply don't like  
10 candidates that have been elected -- they don't like  
11 Mr. Castille. We don't like Ms. Minjarez. We can't let  
12 those politics allow them to remove and nullify the vote  
13 in an election. What we're asking for, Your Honor, in  
14 our temporary injunction as we received a temporary  
15 restraining order, is that the Court prevent them from  
16 doing so until we have a trial on the merits. As you've  
17 seen, the trial on the merits may take longer than three  
18 hours even though we told you it would be shorter. And  
19 so we need to preserve the status quo, allow an elected  
20 official to serve just like in the Hunt case for --  
21 because it would be irreparable harm to not, until we  
22 get a trial on the merits and can vet these issues. And  
23 again, the only two issues being the ultra vires claim  
24 and the violations of the Open Meetings Act. Because  
25 again, if there is a violation of the Open Meetings Act,

1 none of those things are valid. None of the things that  
2 happened in the March 15th meeting related to the issue  
3 are valid at all, and we believe they are invalid, and  
4 we can prove it.

5 THE COURT: All right. Anything else,  
6 Mr. Terrazas?

7 MR. TERRAZAS: No thank you, Your Honor.

8 THE COURT: Thank you very much.

9 Mr. Seaquist.

10 MR. SEAQUIST: Thank you, Your Honor. I  
11 think that this issue is answered entirely by the  
12 minutes, and what the minutes show is not that the board  
13 voted to disqualify anybody. That they specifically  
14 voted to take an action at a future meeting. And even  
15 this discussion about the minutes, if you really look at  
16 what those minutes say -- and we saw kind of little bits  
17 and pieces of them today. What the minutes say is, I  
18 would have to bring that back to be approved at a future  
19 meeting.

20 All of this discussion and this vote was  
21 for actions to occur at a future meeting. That meeting  
22 would have been noticed pursuant to Open Meetings Act,  
23 and they -- the specific notice -- we could argue that  
24 that meeting had occurred whether the notice for that  
25 meeting was specific or not, but for this particular

1 meeting, there was no action to remove Ms. Minjarez from  
2 her seat. The board's district told the board that she  
3 was disqualified as a matter of law without any further  
4 action.

5                   And he's absolutely right, Your Honor. The  
6 bond requirement is a requirement that is for  
7 qualification. We cite those authorities. Mr. Terrazas  
8 is correct that we cite a bunch of statutes from other  
9 districts, but each of them say you must qualify as  
10 provided by 49.055. The Legislature has identified  
11 49.055, including the bond requirement, as the  
12 qualifications to perform the duties of this office.  
13 The AG says, you are not a member until you have done  
14 it. That's the only thing that Mr. Carlton told the  
15 board as well. And if you take Mr. Terrazas's argument  
16 to its extension, what you have is somebody who can  
17 basically refuse to -- refuse to execute their bond, but  
18 then when you're in some sort of limbo to where there  
19 was no disqualification and you could never reappoint  
20 that -- or never fill that vacancy.

21                   That's not the way it works. You -- the  
22 qualification has to be satisfied. If it doesn't,  
23 49.105 of the Water Code says that the board is re -- to  
24 fill a vacancy within 60 days of the vacancy. That's  
25 what happened here, only we were well past 60 days,

1 Your Honor. And it was to happen at another meeting.

2           This whole discussion of the Open Meetings  
3 Act, Your Honor, ignores what the Open Meetings Act is  
4 and what the remedy for it is. If Mr. Terrazas really  
5 feels like there wasn't sufficient notice, then the  
6 remedy for that would just be to re-notice it and vote  
7 at a future meeting, but that's what they were going to  
8 do anyway, was take the action -- the actual action that  
9 really Mr. Terrazas is complaining about at a future  
10 meeting which would have been noticed.

11           Your Honor, execution of the bond is  
12 important. If you look at 49.055, it does not say  
13 submit a bond. It says specifically execute a bond.  
14 And until Ms. Minjarez had signed and had that bond  
15 witnessed, it was not a valid bond under the plain  
16 language of the statute. As of March 15th when my  
17 clients are having to look at this issue, that had not  
18 happened. There's no dispute. There's no evidence in  
19 this case that anybody on this board had an executed  
20 bond from Ms. Minjarez prior to that meeting. They can  
21 only act on the best intelligence and information that  
22 they have at the time.

23           Now, on April 13th, Mr. Terrazas has  
24 submitted this other bond and he wants to kind of make  
25 it look like somehow we were acting ultra vires back in



1 March before that bond had ever been submitted or filed  
2 with the board. It doesn't work that way, Your Honor.  
3 The board acted based on the information that it had  
4 available to it at the time. There was a  
5 disqualification pursuant to 49.052. There was an --  
6 that creates a vacancy under the cases we cite. The  
7 vacancy is authorized to be filled and indeed mandated  
8 to be filled under 49.105. Ultra vires means we're  
9 acting outside the bounds of the law. That is not this  
10 case. This case, the district was doing its level best  
11 to follow what the statutory framework was.

12                   And let me also just say, Your Honor, you  
13 heard that there were -- you'll see no evidence or no  
14 standard whereby Tanglewood has requirements for  
15 qualifications. No. The State of Texas sets those  
16 qualifications. They set the qualifications in terms of  
17 residency, and they set the qualifications in terms of  
18 felony convictions, and in this case, the evidence here  
19 shows that at least until May of 2023, this year, months  
20 after this discussion, Ms. Minjarez did have an active  
21 felony conviction on her record. It was publicly  
22 available in the state of California.

23                   Moreover, Your Honor --

24                   THE COURT: What was the date on that  
25 again?

1 MR. SEAQUIST: May 23rd, 2020 -- May 25th,  
2 2023 --

3 THE COURT: Okay. Thank you.

4 MR. SEAQUIST: -- is the date that -- at  
5 least there's been some suggestion that that conviction  
6 was subsequently set aside.

7 THE COURT: All right.

8 MR. SEAQUIST: And again, under California  
9 law, that still doesn't cure the problem in terms of  
10 running for office.

11 THE COURT: Okay.

12 MR. SEAQUIST: On the residency piece,  
13 Judge, you heard the evidence. The Election Code is  
14 very clear for what constitutes a residence under 1.015.  
15 It's in 1.015 of the Election Code. It is a fixed  
16 place, habitation, or a home. And then there's a  
17 specific provision in 1.015 that prohibits establishing  
18 a residence for the purpose of influencing election, and  
19 what you've seen here are two candidates who came into  
20 the district, registered for this election, immediately  
21 had their residencies questioned, both of which were  
22 ultimately shown to be not accurate residences, and then  
23 both of them tried to claim an apartment complex that  
24 was rented by the very board member who was sponsoring  
25 and supporting their election, Your Honor. This is as

1 close to a textbook case of moving into a district to  
2 try to influence an election as I think I have ever  
3 seen, and I don't make that accusation lightly, but the  
4 evidence is here for it in this case, Your Honor.

5           And so that is crucial to the relief that  
6 Mr. Terrazas is asking. If Mr. Terrazas was just coming  
7 in here and asking this Court hey, go order that board  
8 to take some action up or down on our bond, I could  
9 understand that. That's not what he's doing. He's  
10 going way broader than that, way beyond that and saying  
11 no, we want you, Your Honor, despite all of these  
12 problems with her qualifications, we want you to rubber  
13 stamp her and put her back on the board, and there's  
14 nothing that they can do about it. That's not an  
15 appropriate claim for injunctive relief in this case,  
16 Your Honor, and so we would argue that the temporary  
17 injunction should be denied outright, but in the very  
18 least if there is some way the Court feels is  
19 appropriate, it should be substantially narrower than  
20 the ordered that I've been provided.

21           THE COURT: All right. Very good.

22           Anything else, Mr. Terrazas?

23           MR. TERRAZAS: No, Your Honor. We thank  
24 you for your time.

25           THE COURT: Anything else, Mr. Seaquist?

1 MR. SEAQUIST: No, Judge. Thank you.

2 THE COURT: All right. Very good. Well, I  
3 am -- I do need to spend a little more time with the  
4 case law that you-all provided and the statute -- the  
5 statutes that you've referenced, and to review your  
6 exhibits a little bit more. I'm not quite prepared to  
7 rule at this moment, but we will be getting something --  
8 I know you-all need some closure in terms of at least  
9 this portion of litigation, so we'll be getting  
10 something to you I hope relatively soon. I don't know  
11 how long it's going to be, but hopefully quickly. Okay?

12 MR. TERRAZAS: Your Honor, just a point on  
13 that. We've got a TRO that technically expires today --

14 THE COURT: Okay.

15 MR. TERRAZAS: -- because of this. We want  
16 to make sure that the board doesn't take any actions  
17 to -- again.

18 THE COURT: Here's what -- we're going to  
19 extend the TRO until my ruling on this. Okay?

20 MR. TERRAZAS: And, Your Honor, if we can  
21 just -- I think they may agree. If we can get that  
22 Rule 11 on the record, I'm good with that.

23 THE COURT: Do you agree?

24 MR. SEAQUIST: Yes, Your Honor, we -- the  
25 reason the TRO was issued in the first place was with

1 our agreement. I mean, we are not trying to run a  
2 candidate through while this litigation is going on.

3 THE COURT: All right.

4 MR. SEAQUIST: So we do agree that we are  
5 not going to move to appoint somebody to fill a vacancy  
6 while this litigation is pending.

7 THE COURT: All right.

8 MR. TERRAZAS: And I just want to be very  
9 clear, Your Honor, the TRO was not agreed to. It had to  
10 be issued by Judge Lyttle after a contested hearing.

11 THE COURT: All right. Well, we will  
12 extend the TRO by court order at least until the ruling  
13 on this particular motion. And after that, it's up to  
14 you-all, but I -- I don't know what's going to happen.  
15 I need to spend some time looking at these issues.  
16 You-all have put on some excellent witnesses and cases  
17 and case law and exhibits. I just need to have a little  
18 more time with them.

19 So if there's nothing else, then,  
20 Ms. Minjarez, thank you for being here.

21 Ms. Krueger, thank you for being here.

22 Excellent job. Mr. Terrazas, Mr. Seaquist,  
23 Mr. Heath, it's always an honor to see you, and if  
24 there's nothing else, you-all may be excused. Okay?

25 MR. SEAQUIST: Thank you, Your Honor.

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MR. TERRAZAS: Thank you, Judge.  
*(Proceedings concluded)*

1 THE STATE OF TEXAS )

2 COUNTY OF TRAVIS )

3

4 I, Della M. Duett, Deputy Official Court  
5 Reporter in and for the 455th District Court of Travis  
6 County, State of Texas, do hereby certify that the above  
7 and foregoing contains a true and correct transcription  
8 of all portions of evidence and other proceedings  
9 requested in writing by counsel for the parties to be  
10 included in this volume of the Reporter's Record, in the  
11 above-styled and numbered cause, all of which occurred  
12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's  
14 Record of the proceedings truly and correctly reflects  
15 the exhibits, if any, admitted by the respective  
16 parties.

17 WITNESS MY OFFICIAL HAND this the 21st  
18 day of July, 2023.

19

20 /s/ Della M Duett  
21 DELLA M. DUETT, Texas CSR 4377  
22 Expiration Date: 10/31/24  
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