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CAUSE NO. D-1-GN-23-001675

KIMBERLY MINJAREZ,) IN THE DISTRICT COURT
Plaintiff,)
VS.) 98TH JUDICIAL DISTRICT
TANGLEWOOD FOREST LIMITED)
DISTRICT, ET AL.,)
Defendants.) TRAVIS COUNTY, TEXAS

* * * * *

ORAL DEPOSITION OF
KIMBERLY MINJAREZ
June 15, 2023

* * * * *

ORAL DEPOSITION OF KIMBERLY MINJAREZ, produced
as a witness at the instance of the Defendant, Tanglewood
Forest Limited District, and duly sworn, was taken in the
above-styled and numbered cause on the 15th day of June, 2023,
from 5:04 P.M. to 6:25 P.M., before DOTTIE NORMAN, Certified
Shorthand Reporter in and for the State of Texas, reported by
machine shorthand at the Offices of TERRAZAS PLLC, 1001 S.
Capital of Texas Highway, Building L, Suite 250, Austin, Texas,
pursuant to the Texas Rules of Civil Procedure.

Page 2

1 APPEARANCES

2 FOR THE PLAINTIFF:

3 TERRAZAS PLLC

4 By: ERIC A. HUDSON

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9

10 FOR THE DEFENDANT, TANGLEWOOD FOREST LIMITED DISTRICT:

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Page 4

1 KIMBERLY MINJAREZ,

2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. SEAQUIST:

5 Q. Good morning (sic), Ms. Minjarez. My name is Gunnar

6 Seaquist. You and I've not met before today I don't think. Is

7 that right?

8 A. I don't believe so.

9 Q. Okay. Will you give us your full name for the

10 record, please?

11 A. Kimberly Ivy Minjarez.

12 Q. Okay. And is it Ivy, I-v-y?

13 A. Yes.

14 Q. Okay. Have you ever given a deposition before?

15 A. No.

16 Q. All right. Have you ever had to testify live in

17 court before?

18 A. Yes.

19 Q. And what were the circumstances of that testimony?

20 THE WITNESS: Should I answer that?

21 MR. HUDSON: Yeah, go ahead.

22 THE WITNESS: Okay. I was a kid and I was

23 sexually molested by a family member.

24 Q. (By Mr. Seaquist) Okay. And so that was a criminal

25 trial that you gave testimony in --

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16 5 Court Minutes dated 5-25-23 45

17 6 Letter dated 3-9-23 with attached Bond 48

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19

20

21

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24

25

Page 5

1 A. Yes.

2 Q. -- back when you were a kid?

3 A. Uh-huh.

4 Q. Okay. Well, as far as the deposition today goes,

5 you understood that you just took an oath and swore to tell the

6 truth?

7 A. Yes.

8 Q. And that's the same as if you were testifying in

9 front of the judge or a jury in this case. Okay?

10 A. Okay.

11 Q. If you can, since we have a court reporter here who

12 is trying to take down our conversation today, just do your

13 best to let me ask my full question before you give your

14 answer. I'm going to do my best to let you get your whole

15 answer out before I ask you another question. Is that fair?

16 A. Yes.

17 Q. Okay. The other thing is -- and you're doing a

18 great job so far. There may be some circumstances today where

19 you answer uh-huh or huh-uh. That's just hard to get down in

20 the transcript, so I may press you for an affirmative or

21 negative answer. I'm not trying to be rude. I'm just trying

22 to get a good record. Okay?

23 A. Got it.

24 Q. Also, it is my intent today to ask you clear and

25 understandable questions. I'm going to endeavor to do that to

Page 6

1 the best of my ability, but I'm sure at some point I will mess
 2 one up. And so can we have an agreement that if I ask you a
 3 question that you don't understand or that doesn't make sense
 4 for some reason you'll ask me to clarify it?
 5 A. Yes.
 6 Q. Okay. And, conversely, if you do answer one of my
 7 questions, can we assume for the record that you understood it
 8 and answered it to the best of your ability?
 9 A. Yes.
 10 Q. Okay. I don't think we'll be here too long. But if
 11 you need a break at any point, just let me know. Happy to do
 12 that.
 13 And then let's start off. What did you do to
 14 prepare for today's deposition?
 15 A. I don't believe anything other than had a talk with
 16 Dennis yesterday.
 17 Q. Okay. Other than Dennis, was there anybody else in
 18 that discussion?
 19 A. No.
 20 Q. Did you review any documents before the deposition
 21 today?
 22 A. No.
 23 Q. Have you talked to anybody else other than your
 24 lawyers about your testimony today?
 25 A. Yes.

Page 7

1 Q. Okay. Who is that?
 2 A. My boyfriend.
 3 Q. Okay. Who is your boyfriend?
 4 A. Adrian Lanch.
 5 Q. Okay. Other than Mr. Lanch, anybody else that you
 6 talked to about your testimony and your deposition?
 7 A. No.
 8 Q. Okay. I take it from looking at some of the records
 9 in this case that you are from California. Is that right?
 10 A. Yes.
 11 Q. And what part of California are you from
 12 specifically?
 13 A. Can you ask me a more specific question?
 14 Q. Sure. What city in California did you live in
 15 before coming to Texas?
 16 A. Irvine.
 17 Q. Is Irvine in Los Angeles County, to your knowledge?
 18 A. No.
 19 Q. You don't know or no, it's not?
 20 A. No, it's not.
 21 Q. Prior to that, did you live in Los Angeles County?
 22 A. Yes.
 23 Q. And when did you live in Los Angeles County?
 24 A. I don't recall.
 25 Q. When did you move to Texas?

Page 8

1 A. I don't know. Maybe three-and-a-half years ago. I
 2 don't recall an exact.
 3 Q. Okay. Generally, why did you move to Texas?
 4 A. My boyfriend's work.
 5 Q. Just -- can you generally give me a picture of your
 6 educational background?
 7 A. Sure. Went to high school, some college, did a CNA
 8 course.
 9 Q. CNA standing for?
 10 A. Certified Nurse Assistant.
 11 Q. And did you get a degree in certified nursing?
 12 A. Yes.
 13 Q. And do you have -- are you licensed as a Certified
 14 Nurse?
 15 A. No.
 16 Q. Are you currently employed?
 17 A. No.
 18 Q. Generally, what type of work do you do?
 19 A. My last position was at a rental storage container
 20 company.
 21 Q. Okay. And did you do just customer service or what
 22 was your role at the rental storage?
 23 A. Admin.
 24 Q. Admin. You said you had a boyfriend, so I assume
 25 you are not currently married?

Page 9

1 A. No.
 2 Q. All right. I think I have seen in some of the
 3 records in this case you do have some children?
 4 A. Yes.
 5 Q. How many children do you have?
 6 A. One.
 7 Q. And how old is your child?
 8 A. 8.
 9 Q. Do you have primary custody?
 10 A. Yes.
 11 Q. Does your kiddo live with you?
 12 A. Yes.
 13 Q. Full time? I'm sorry. Full time?
 14 A. Yes.
 15 Q. Do you currently have a Texas driver's license?
 16 A. Yes.
 17 Q. What is the address shown on your Texas driver's
 18 license?
 19 A. I'm not too sure.
 20 Q. Do you have it on you?
 21 A. Yes.
 22 Q. Would you mind pulling it out and looking for us,
 23 please?
 24 A. 25 Stone Terrace Drive, Lakeway, Texas 78734.
 25 Q. And whose residence is that?

Page 10

1 A. I don't know.
 2 Q. You don't know whose residence that is?
 3 A. No.
 4 Q. But you used it as your residence for purposes of
 5 your driver's license?
 6 A. Yes, when I moved here.
 7 Q. Did you live there when you moved here?
 8 A. Yes.
 9 Q. Okay. What dates did you live at 25 Stone Terrace,
 10 Lakeway, Texas?
 11 A. I don't recall.
 12 Q. How long did you live there when you moved here?
 13 A. I don't know. Maybe three months or so. I don't
 14 recall.
 15 Q. Okay. Can you tell me on your driver's license
 16 there what the issuance date was? Sorry. I should have asked
 17 you before you put it up.
 18 A. January 10th, 2022.
 19 Q. Okay. So as of at least January 10th, 2022, you
 20 were living at 25 Stone Lake Terrace; is that correct?
 21 A. No.
 22 Q. Or excuse me. Stone Terrace.
 23 A. No.
 24 Q. No, that's not correct?
 25 A. That's not correct.

Page 11

1 Q. Okay. You got your driver's license in January of
 2 2022. And you indicated 25 Stone Terrace as your residence,
 3 but you didn't live there?
 4 A. When I moved to Texas, that was my residence.
 5 Q. Okay. And in January '22 -- in January of 2022 when
 6 your driver's license was issued with that address, did you
 7 provide that address to DPS as your --
 8 A. Yes.
 9 Q. -- home address?
 10 A. Yes.
 11 Q. Okay. But it's your testimony that although you
 12 provided that address to DPS you did not live there?
 13 A. Correct.
 14 Q. Who did live there?
 15 A. Adrian Lanch.
 16 Q. Did you own that property or was he renting there?
 17 A. Renting.
 18 Q. Does Mr. Lanch still live at 25 Stone Terrace?
 19 A. No.
 20 Q. Do you know when he moved out of that property?
 21 A. No.
 22 Q. But you lived there with him when you moved to Texas
 23 for approximately three to four months?
 24 A. Sure.
 25 Q. And we are now in June of 2023. And your driver's

Page 12

1 license still reflects that as your address; is that true?
 2 A. Yes.
 3 (Minjarez Exhibit No. 1 marked)
 4 Q. (By Mr. Seaquist) All right. I'm going to hand you
 5 what I have marked as Exhibit 1 to the deposition. Let you
 6 take a look at it and let me know if you recognize it.
 7 A. Yes.
 8 Q. And do you recognize Exhibit 1 to be your
 9 application to run as a candidate for the Board of Directors of
 10 the Tanglewood Forest Limited District?
 11 A. Yes.
 12 Q. Does it -- just take a quick look and confirm for me
 13 that it accurately reflects your full name.
 14 A. Yeah.
 15 Q. Is that a yes?
 16 A. Yes.
 17 Q. Okay. Thank you.
 18 And then do you see the box sort of in the
 19 middle right there for birthday?
 20 A. Yeah.
 21 Q. And so does that also accurately reflect your
 22 birthday?
 23 A. Yes.
 24 Q. Okay. Did you fill this form out yourself?
 25 A. Yes.

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1 Q. And it looks like it was typed in. Was this sort of
 2 an online form that you went and typed in and then printed?
 3 A. Yes.
 4 Q. I notice this is -- this form is obviously written
 5 in Spanish. Do you -- are you fluent in Spanish?
 6 A. Yes.
 7 Q. You are also -- obviously, you speak English very
 8 well. Are you fluent in English as well?
 9 A. Yes.
 10 Q. You don't have any concerns testifying here today
 11 without an English to Spanish interpreter, correct?
 12 A. Correct.
 13 Q. All right. And so because you are fluent in
 14 Spanish, you were able to read this form? Is that true?
 15 A. Yes.
 16 Q. And you understood it when you read it?
 17 A. Yes.
 18 Q. And you understood that in signing this form you
 19 were swearing to the accuracy of the statements in it, correct?
 20 A. Yes.
 21 Q. How did you come to run for a seat on the Tanglewood
 22 Forest Limited District Board?
 23 A. I don't understand your question.
 24 Q. How did you decide to do that? What made you decide
 25 to do that?

Page 14

1 A. There was two seats open on the board and I wanted
 2 some change in the community.
 3 Q. Let me ask you on Exhibit 1 also. Can you confirm
 4 for me that that is your signature?
 5 A. Yes.
 6 Q. All right. And it was notarized by a notary named
 7 Austin Dubois?
 8 A. I mean, I have only been there once.
 9 Q. Do you remember --
 10 A. Yes.
 11 Q. -- where you got it notarized?
 12 A. I don't remember.
 13 Q. Bank? Store?
 14 A. It could have been a store. It could have been a
 15 store.
 16 Q. All right. You testified -- never mind on that.
 17 When you ran for your seat -- for a seat on the
 18 board of the Tanglewood Forest Limited Directors -- excuse me
 19 -- Limited District Board of Directors you ran at the same time
 20 of another gentleman named Robert or Roberto Mandujano; is that
 21 right?
 22 A. Yes.
 23 Q. And did you know Mr. Mandujano before you ran for a
 24 board seat?
 25 A. Yes.

Page 15

1 Q. How did you know him?
 2 A. We met at a park.
 3 Q. Which park?
 4 A. I don't know. Don't recall.
 5 Q. Okay. Do you know roughly where it was? Was it in
 6 Tanglewood? Was it somewhere else?
 7 A. Yes, in Tanglewood.
 8 Q. Okay. And what were the circumstances of how you
 9 met at the park just generally?
 10 A. Just other kids were playing at the park.
 11 Q. Had you ever met him before that?
 12 A. No.
 13 Q. Since the time that you and Mr. Mandujano ran for
 14 the board at the same time, have you guys had any kind of
 15 ongoing personal or professional relationship?
 16 A. Yes, sure.
 17 Q. You keep in touch?
 18 A. Yeah.
 19 Q. And you all had a candidate website where the two of
 20 you appeared together; is that true?
 21 A. Yes.
 22 Q. And a third board member, Robbie Castillo, was also
 23 on that website; is that right?
 24 A. Yes.
 25 Q. Did you know Mr. Castillo before running for the

Page 16

1 seat on the board?
 2 A. Yes.
 3 Q. How did you first meet Mr. Castillo?
 4 A. I don't recall.
 5 Q. Do you recall roughly when you first met him?
 6 A. No.
 7 Q. Can you tell me -- can you give me any idea of how
 8 long you have known Mr. Castillo?
 9 A. Could have been maybe a few months before running.
 10 Q. Okay. And you don't have any recollection of the
 11 circumstances under which you met Mr. Castillo?
 12 A. I don't recall.
 13 Q. How is it that you came to be on the website with
 14 Mr. Mandujano and Mr. Castillo? Whose idea was that?
 15 A. I don't know. Probably all three of ours.
 16 Q. Who paid for the website?
 17 A. Not me.
 18 Q. Okay. Beyond knowing that it wasn't you, do you
 19 know who paid for the website?
 20 A. No.
 21 Q. Have you ever worked for Mr. Castillo in any
 22 capacity?
 23 A. No.
 24 Q. Did Mr. Castillo ask you to run for the board seat?
 25 A. No.

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1 Q. All right. Looking back at Exhibit 1, there are two
 2 sections about duration of residency kind of in the middle of
 3 the page there. Do you see that?
 4 A. Uh-huh. Yes.
 5 Q. Yes? Okay. And the first box sort of in the middle
 6 there asks you for the period of time that you lived in the
 7 state of Texas. Is that right?
 8 A. Yes.
 9 Q. And you answered at that time one year and eight
 10 months. True?
 11 A. Uh-huh.
 12 Q. And this is August of 2022?
 13 A. Yep.
 14 Q. When you signed this form?
 15 A. Uh-huh.
 16 Q. So one year and eight months takes you back roughly
 17 to December of 2020 or January of '21?
 18 A. Uh-huh.
 19 Q. Just yes or no.
 20 A. Oh, yes.
 21 Q. Okay. Thank you. And so is that the time that you
 22 actually moved to Texas from Cal -- does that refresh your
 23 recollection in terms of the time that you moved from
 24 California to Texas?
 25 A. No.

Page 18

1 MR. HUDSON: Objection; form.

2 Q. (By Mr. Seaquist) Let me try again. When you swore

3 in August of 2022 that you had been in the State of Texas for

4 one year and eight months, are you able to calculate from that

5 roughly when you moved to Texas from California?

6 A. No.

7 Q. Why not?

8 A. Because I -- like I said, I moved here and then I

9 moved again. So my memory isn't all that great --

10 Q. Okay.

11 A. -- on the dates.

12 Q. Well, and I understand. But there are two questions

13 here. The first one is just: How long have you lived in

14 Texas, right? And you said a year and eight months. So that

15 would be roughly January of 2021, maybe December of 2020.

16 Fair?

17 A. I don't know. I could have just guessed on the

18 form. Not sure.

19 Q. The next box is how long you have lived inside the

20 territory from which the office is elected. So, in other

21 words, how long you have lived in Tanglewood Forest. Correct?

22 A. Uh-huh.

23 Q. And, once again, you said the same thing as far as

24 Texas. You said one year and eight months; is that right?

25 A. Yes.

Page 19

1 Q. But, in fact, you had not lived in Tanglewood Forest

2 since moving to Texas, correct?

3 A. Correct.

4 Q. You initially moved to 25 Stone Terrace in Lakeway,

5 correct?

6 A. Yes.

7 Q. And then after that did you move to Tanglewood

8 Forest?

9 A. Yes.

10 Q. Did you live anywhere in between 25 Stone Terrace

11 and the addresses that we'll talk about in a minute in

12 Tanglewood? Was there anywhere you lived in between those two?

13 A. No.

14 Q. Other than 25 Stone -- yeah, 25 Stone Terrace, have

15 you lived in -- have you resided in any other residences

16 outside of Tanglewood Forest here in Texas?

17 A. Can you be more clear on your question?

18 Q. Sure. You testified that you moved to Texas and you

19 initially lived at Stone -- 25 Stone Terrace, yes?

20 A. (Nod affirmative).

21 Q. And you said you were there roughly -- I'm sorry.

22 You need to answer out loud on that last question.

23 A. Yes.

24 Q. Thank you. You said you were -- you lived at 25

25 Stone Terrace for roughly three to four months, but you don't

Page 20

1 know exactly how long. Is that fair?

2 A. Sure.

3 Q. Okay. Then after that I think you testified that

4 you moved into Tanglewood Forest. Is that your testimony?

5 A. Yes.

6 Q. Other than -- since that time that you moved to

7 Texas, other than 25 Stone Terrace have you resided at any

8 other residences outside of Tanglewood Forest?

9 A. I guess it depends on the definition of "reside."

10 Q. Okay. What do you understand reside to be?

11 A. Well, I live somewhere, but I sleep at other places

12 certain nights, so --

13 Q. Okay. And where is it you lived?

14 A. I've lived at 2625 Riddle Road.

15 Q. Okay.

16 A. And then currently at 2914 Aftonshire, so --

17 Q. Okay. And then you said that you sometimes sleep

18 other places?

19 A. Yes.

20 Q. What do you mean by that?

21 A. I sleep over at my boyfriend's. Sometimes I sleep

22 at my friend Sandra's after a girls night out if I had too much

23 to drink.

24 Q. Okay.

25 A. So --

Page 21

1 Q. Have you ever lived or resided at 1420 Reklaw Lane

2 in Leander, Texas?

3 A. I have slept there, yes.

4 Q. And whose residence is that?

5 A. Adrian Lanch.

6 Q. Okay. And that's your boyfriend?

7 A. Uh-huh.

8 Q. And he moved I guess from 25 Stone Terrace in

9 Lakeway to this address at 1420 Reklaw in Leander?

10 A. Yes.

11 Q. Do your register your vehicle at that address?

12 A. It's Adrian's vehicle, so it came with us from

13 California.

14 Q. That vehicle is -- what type of vehicle is that?

15 A. Jeep Wrangler.

16 Q. And that's the full-time vehicle that you use?

17 A. Uh-huh.

18 Q. But it's Mr. Lanch's vehicle?

19 A. Yes. Technically, yes.

20 Q. Okay. I'm going to mark Exhibit 2.

21 (Minjarez Exhibit No. 2 marked)

22 Q. (By Mr. Seaquist) And I will represent to you that

23 these are Plaintiff's Second Amended Discovery Responses to

24 Defendants that were provided to us by your lawyers in this

25 case. And what I would like to do, if I can, is just have you

Page 22

1 turn to page 12.
 2 Can you just confirm for the record that this is
 3 a declaration that you signed?
 4 A. Electronically, yes.
 5 Q. Okay. Did you review the declaration before you
 6 signed it electronically?
 7 A. Yes.
 8 Q. All right. And in terms of the declaration here,
 9 you are declaring that you have read and reviewed my Second
 10 Supplemental Objections and Responses to Defendants' First Set
 11 of Interrogatories. So prior to signing this declaration, did
 12 you review the responses that precede it?
 13 A. Yes.
 14 Q. All right. Now, you had mentioned that you had
 15 lived at 2625B Riddle Lane; is that correct?
 16 A. Riddle Road, yeah.
 17 Q. Riddle Road. Sorry. And when did you first move to
 18 2625B Riddle Road?
 19 A. I believe it was in January of 2021. I'm not too
 20 sure. I believe that's when it was.
 21 Q. Now, in your interrogatory responses -- excuse me.
 22 In your Request for Production responses, specifically Request
 23 No. 5 -- it's on page 8 if you want to look at it, but I'm just
 24 going to ask you. It says, "Plaintiff does not" -- in Request
 25 for Production No. 5 we asked for lease documents for 2625B

Page 23

1 Riddle Lane or other residences within the Tanglewood District.
 2 And the response is, "Plaintiff does not have any responsive
 3 documents as she had an oral sublease for Riddle Lane."
 4 And this says Riddle Lane, so I -- just so we
 5 understand it, whether it's Riddle Lane or Riddle Road, we're
 6 talking about the same street, correct?
 7 A. Correct.
 8 Q. Okay. So this basically says you just had an oral
 9 sublease for the property at 2625B Riddle. Is that true?
 10 A. I'm sorry. I was looking for the page. Which
 11 number are we on?
 12 Q. Oh, it's page 8. It's Request for Production 5.
 13 It's at the top of the page there.
 14 A. Okay. Yes.
 15 Q. Okay. And so do you agree with that statement as we
 16 sit here today? You only had an oral sublease for that
 17 property?
 18 A. Yes.
 19 Q. So you don't have any kind of written lease or other
 20 documentation of your right to occupy 2625B Riddle Lane; is
 21 that true?
 22 A. True.
 23 Q. Who was your oral sublease with?
 24 A. Ms. Ramano.
 25 Q. And how did you come to meet Ms. Ramano or locate

Page 24

1 the Riddle Road property?
 2 A. I'm not sure. It could have been a Facebook ad or a
 3 Nextdoor. I'm not sure.
 4 Q. Okay. And is Ms. Ramano the owner of the property
 5 or was she leasing the property? Do you know?
 6 A. No, I don't know.
 7 Q. Do you know if Ms. Ramano has any relationship or --
 8 personal or professional with Robbie Castillo?
 9 A. No, I have no clue.
 10 Q. Is it your testimony that Mr. Castillo did not
 11 inform you about the residence at 2625B Riddle Road?
 12 A. Yes.
 13 Q. So you don't know, sitting here today, how you
 14 located that property; is that fair?
 15 A. Yes.
 16 Q. All right. Did anyone else live at 2625B Riddle
 17 from the time you moved in to the time you moved out?
 18 A. I'm not too sure. She always had guests over, so I
 19 wouldn't know if they live there or not.
 20 Q. Okay. The 2625 Riddle is a duplex unit? Or is it
 21 more units than that?
 22 A. I was in Unit B.
 23 Q. Okay. And in Unit B -- did anybody live in Unit B
 24 besides you and presumably your daughter for the time you were
 25 there?

Page 25

1 A. Yes.
 2 Q. Okay. Who else lived there?
 3 A. The woman that rented to me.
 4 Q. Ms. Ramano?
 5 A. Yeah. But I don't know who else.
 6 Q. And you said she had guests there on occasion. But
 7 you don't know if they were living there?
 8 A. Yes.
 9 Q. And this was all in Unit B?
 10 A. Yes.
 11 Q. How many bedrooms is Unit B?
 12 A. Two.
 13 Q. And Ms. Ramano was occupying at least one of the
 14 bedrooms?
 15 A. Yes.
 16 Q. And she lived there full time?
 17 A. I don't know.
 18 Q. And then you were occupying the other bedroom?
 19 A. Yes.
 20 Q. With your daughter?
 21 A. Yes.
 22 Q. Did your oral sublease require you to pay rent?
 23 A. Yes.
 24 Q. Was it monthly?
 25 A. Yes.

Page 26

1 Q. How much was it?
 2 A. I don't wish to answer that.
 3 Q. I understand. I'm going to have to ask you to,
 4 though.
 5 A. I don't know. It depends. We had an agreement that
 6 we would take turns paying the bills. And on the month that I
 7 would pay the bills, my rent would be \$500. On the rent -- the
 8 months that I didn't, it would be 800. So it just varied.
 9 Q. And did you pay the rent by check or how did you
 10 actually make that payment?
 11 A. In cash.
 12 Q. And were you employed during this time?
 13 A. Yes.
 14 Q. What were you doing at that point?
 15 A. I was a caregiver.
 16 Q. Who were you employed by?
 17 A. Private family.
 18 Q. Do you know the name of the family?
 19 A. Yes.
 20 Q. What's the name of the family?
 21 THE WITNESS: Do I need to answer that?
 22 MR. HUDSON: Can we go off the record for just a
 23 moment?
 24 MR. SEAQUIST: Yeah.
 25 MR. HUDSON: I understand -- I know there is a

Page 27

1 question pending, but she's asking for --
 2 MR. SEAQUIST: I understand.
 3 MR. HUDSON: -- legal counsel.
 4 Let's go outside.
 5 THE REPORTER: Off the record at 5:34.
 6 (Recess from 5:34 p.m. to 5:36 p.m.)
 7 MR. SEAQUIST: We can go back on.
 8 Q. (By Mr. Seaquist) All right. Prior to taking a
 9 break I had asked a question about the family you were
 10 providing caregiver services to. Counsel and I have discussed
 11 and are agreeable to making that information subject to an
 12 appropriate protective order, but we still need to negotiate
 13 the specifics of that. So to allow time for that, we're going
 14 to leave a blank in the deposition. And then once we have a
 15 protective order agreement, you can go back and fill that in.
 16 Is that agreeable to everyone?
 17 THE WITNESS: Yes.
 18 MR. HUDSON: So stipulated.
 19 THE WITNESS: _____
 20 MR. SEAQUIST: Thank you, sir.
 21 Q. (By Mr. Seaquist) Let me ask you this: How long
 22 were you providing those caregiver services?
 23 A. For about -- almost from the moment I moved to Texas
 24 until about -- I don't know. Last year I would say, yeah.
 25 Q. Last year being 2022?

Page 28

1 A. Yes.
 2 Q. So just to put a point on it, is it fair to say that
 3 the entire time that you were having this oral sublease for
 4 2625B Riddle you were working providing those caregiver
 5 services?
 6 A. Yes.
 7 Q. Okay. You testified a moment ago that sometimes you
 8 would pay the bills at 2625B Riddle. Were any of those bills
 9 actually in your name?
 10 A. No.
 11 Q. And I think we saw earlier you never updated your
 12 driver's license to reflect your address at 2625B Riddle,
 13 correct?
 14 A. Correct.
 15 Q. Have you registered to vote here in Texas?
 16 A. Yes.
 17 Q. Do you know what address you have used to register
 18 to vote?
 19 A. I believe I used the 2625 Riddle Road.
 20 Q. Had you ever registered any other addresses for
 21 voting purposes?
 22 A. I don't believe so. Not in the State of Texas I
 23 don't believe.
 24 Q. And, specifically, do you know if you registered at
 25 25 Stone Terrace?

Page 29

1 A. I don't recall.
 2 Q. Do you recall if you ever voted in any elections in
 3 the City of Lakeway?
 4 A. I don't remember. I don't recall. It could have
 5 been something when I moved here. I immediately registered to
 6 vote. I'm not sure if I ever did.
 7 Q. Okay. What about -- did you ever register to vote
 8 at the 1420 Reklaw, R-e-k-l-a-w address in Leander?
 9 A. I don't believe so.
 10 Q. Have you ever voted in an election in the City of
 11 Leander?
 12 A. I don't believe so.
 13 Q. You testified earlier that although you -- it's your
 14 contention that you lived at 2625B Riddle. You did stay
 15 elsewhere some of the time. Is that fair?
 16 A. Yes.
 17 Q. What percentage of the week on average would you
 18 stay at 2625 Riddle?
 19 A. It varied.
 20 Q. Okay. Can you give me any kind of an average?
 21 A. Sometimes it could be three to four days. Sometimes
 22 it could be more or less. It would just depend on the work
 23 week.
 24 Q. Okay. Your discovery responses also indicate -- I
 25 think you told us earlier that as of November of 2022 you began

Page 30

1 subleasing an apartment at 2914 Aftonshire Way? That's
 2 A-f-t-o-n-s-h-i-r-e Way, Unit 12301, Austin, Texas 78748. Is
 3 that right?
 4 A. Yes.
 5 Q. And that is an apartment?
 6 A. Yes.
 7 Q. And how many bedrooms are in that apartment?
 8 A. I think there's three.
 9 Q. You're not sure?
 10 A. I'm not sure.
 11 Q. Does anyone besides you live there?
 12 A. Yes.
 13 Q. Who else lives there?
 14 A. Adrian and his family; Adrian, the other candidate
 15 that was running.
 16 Q. And so you said Adrian. I have seen his name,
 17 Roberto --
 18 A. Yes. I call him Adrian. I don't know how to
 19 pronounce his last name.
 20 Q. Okay. Well, if you can't do it, then I probably am
 21 definitely going to get it wrong. But I have seen Mandujano.
 22 A. Mandujano.
 23 Q. Is that close?
 24 A. Yeah.
 25 Q. Okay. And so has he and his family lived there the

Page 31

1 whole time since you have been subleasing it?
 2 A. Yes.
 3 Q. And, again, you only have an oral sublease. There's
 4 no written documentation of your right to occupy that premises,
 5 correct?
 6 A. Right.
 7 Q. And how is it that you came to sublease from
 8 Mr. Mandujano?
 9 A. Well, I saw a post on Nextdoor about one of the
 10 residents in Tanglewood trying to look for where my daughter
 11 goes to school. I got freaked out by it and needed to move out
 12 immediately. And they said that I could stay with them as long
 13 as I needed.
 14 Q. Okay. Are you paying rent at that property?
 15 A. Yes.
 16 Q. And is it monthly?
 17 A. Yes.
 18 Q. How much?
 19 A. 800.
 20 Q. And you're just renting one bedroom there?
 21 A. Yes.
 22 Q. And it's you and your daughter again?
 23 A. Yes.
 24 Q. Are any of the bills at 2914 Aftonshire in your
 25 name?

Page 32

1 A. No.
 2 Q. Have you updated your voter registration to reflect
 3 an address of 2914 Aftonshire?
 4 A. I don't think so. I'm not sure.
 5 Q. And during the period in which you say you have this
 6 sublease at 2419, have you resided anywhere else besides that
 7 address?
 8 A. I'm sorry. You mean the 2914?
 9 Q. Yes, ma'am. I'm sorry if I said the number wrong.
 10 A. That's okay. No. Just like I said before, just
 11 staying at Adrian Lanch's house.
 12 Q. Mr. Lanch's?
 13 A. Yeah.
 14 Q. And as far as the percentage of time between 2914
 15 Aftonshire and Mr. Lanch's, is it the same? A few nights
 16 either way?
 17 A. Yeah.
 18 Q. Do you have your own key at 2914 Aftonshire?
 19 A. Yes.
 20 Q. You had mentioned you had learned that somebody was
 21 trying to find out where your child went to school. I'm not
 22 going to ask you where your child went to school, but what
 23 school district is your child enrolled in?
 24 A. Right now?
 25 Q. Uh-huh.

Page 33

1 A. Leander.
 2 Q. And how long -- you said right now. Was he or she
 3 previously enrolled in a different school district?
 4 A. Yes, Lakeway.
 5 Q. Okay. Has your child ever been enrolled in Austin
 6 Independent School District?
 7 A. No.
 8 Q. Okay. Let me ask you a question. You are -- you're
 9 subleasing from Mister -- you have an oral sublease you say
 10 with Mr. Mandujano.
 11 A. (Nod).
 12 Q. Do you know who he is leasing the property from?
 13 A. No.
 14 Q. And you think it's a three-bedroom apartment, but
 15 you don't know?
 16 A. Correct.
 17 Q. Well, if you'll look back at the first exhibit which
 18 is your application for -- to run for the board, there is a
 19 question here that asks you about prior criminal history. Or
 20 excuse me. Prior felony convictions. Do you see that? It's
 21 right here in the middle.
 22 A. Oh, yeah.
 23 Q. Okay. And the form actually has two options and
 24 it's in Spanish. But roughly translated the first one is: I
 25 have not been finally convicted of a felony. Is that right?

Page 34

1 A. Yes.

2 Q. And then the second one says: I have been finally

3 convicted of a felony, but I have been pardoned or otherwise

4 released from the resulting disabilities of that felony

5 conviction and I have provided proof of that fact with the

6 submission of this application. Is that roughly what it says

7 there?

8 A. Sure. It translates differently, but yes.

9 Q. Okay. Is the meaning about the same, though?

10 A. Uh-huh.

11 Q. Okay. And that's a yes?

12 A. Yes.

13 Q. Thank you. Now, in your form you checked the first

14 option to say that you had not been finally convicted of a

15 felony; is that right?

16 A. Yes.

17 Q. You didn't check the second box obviously, correct?

18 A. Yes.

19 Q. And you didn't provide any kind of documentation

20 with your application in regard to criminal history. Is that

21 true?

22 A. Yes.

23 Q. Now, in the interrogatory responses which are

24 contained in Plaintiff's Second Amended Discovery Responses or

25 Exhibit 2 to the deposition, in Interrogatory No. 1 --

Page 35

1 A. What page is that?

2 Q. Page four. We asked you to please identify each

3 criminal offense other than misdemeanor traffic offenses for

4 which you have been convicted or adjudicated guilty within the

5 past 10 years. Do you see that? First sentence of

6 Interrogatory 1.

7 A. Yes.

8 Q. Okay. And your response was, "None. Plaintiff does

9 not have any misdemeanor or felony convictions." Is that

10 correct?

11 A. Yes.

12 Q. And, sitting here today, is that still your

13 testimony?

14 A. I do not have a felony or misdemeanor conviction in

15 California.

16 Q. Okay. And what is the basis for that statement?

17 Explain to me why that is true that you do not have a felony or

18 misdemeanor conviction in California.

19 A. Because I don't.

20 Q. Okay. Interrogatory No. 2 asks that if you had any

21 convictions that had been reduced, expunged, set aside, vacated

22 or otherwise modified for you to state the factual basis for

23 that. Do you see that?

24 A. Yes.

25 Q. Okay. And you had the same response: "Plaintiff

Page 36

1 did not identify any convictions in Interrogatory 1 because

2 Plaintiff does not have any misdemeanor or felony convictions."

3 Is that right?

4 A. Yes.

5 Q. Okay. Is it your testimony as we sit here that you

6 do not have a conviction that had been reduced, expunged, set

7 aside, vacated or otherwise modified?

8 A. Yes, I don't have one.

9 Q. All right. You understand the distinction in the

10 question I'm asking which is: Did you have one at one point

11 that has since been reduced or modified?

12 A. No, I don't understand.

13 Q. You don't understand the question of had you been

14 convicted and then subsequently had that charge altered in some

15 way?

16 A. Yes.

17 Q. Okay.

18 A. But I do not have a felony conviction or a

19 misdemeanor in the State of California.

20 Q. Okay. Let me ask you this. Have you filed a

21 petition for expunction for any prior arrests or criminal

22 conviction with any court in the State of Texas?

23 A. No.

24 Q. So no order by any Texas court expunging any prior

25 arrests or criminal convictions you may have had. Is that

Page 37

1 true?

2 A. Yes.

3 Q. Have you ever been acquitted of any criminal offense

4 after a trial?

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

6 Q. Did you ever go to trial and get found not guilty?

7 A. No.

8 Q. Okay. So let me make it a little more clear. Your

9 testimony that you don't have a criminal conviction in the

10 State of California is not because you were found not guilty of

11 that offense, correct?

12 A. My statement says -- it states that I don't have a

13 felony conviction or misdemeanor in California.

14 Q. All right. You're not saying you were tried but

15 found not guilty?

16 A. No.

17 Q. I want to show you what I have marked as Exhibit 3

18 or will mark Exhibit as 3 to the deposition.

19 (Minjarez Exhibit No. 3 marked)

20 Q. (By Mr. Seaquist) Do you have a copy of it there?

21 A. Yes.

22 Q. Have you seen this document or one similar to it

23 previously?

24 A. Possibly.

25 Q. Okay. Exhibit 3 is a publicly available document

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1 for the California courts, Los Angeles County. At least as of
 2 today it's publicly available. This is a docket sheet for Case
 3 No. SBAYA092988-01 for Kimberly Ivy Minyar -- Minjarez. Excuse
 4 me. Is that you?
 5 A. Yes.
 6 Q. Okay. And so this is the docket sheet for a case in
 7 which you were a criminal defendant, correct?
 8 A. Yes.
 9 Q. All right. And if we look at the first page where
 10 it says Case Information, it gives a violation date of May
 11 27th, 2015. Do you see that?
 12 A. Yes.
 13 Q. And is that a time period when you were living in
 14 Los Angeles County?
 15 A. Yes.
 16 Q. Okay. There is one count charged here which is a
 17 count under 487(A) of the California Penal Code. And where I'm
 18 referring to is right here under the charge section, 487(A).
 19 Is that right?
 20 A. Yes.
 21 Q. Okay. And I don't expect you to have an
 22 Encyclopedic understanding of the numbers of the California
 23 Penal Code. But is it your understanding that that is the code
 24 relating to grand theft?
 25 A. Yes.

Page 39

1 Q. Okay. And so this was a charge in 2015 in
 2 California for grand theft, correct?
 3 A. Yes.
 4 Q. Looking over to the right, it says there is a plea.
 5 It says, "Pled guilty." Do you see that?
 6 A. Uh-huh.
 7 Q. Is that accurate? Did you enter a guilty plea to
 8 that charge?
 9 A. Yes.
 10 Q. And then it has a disposition and it says, "Guilty/
 11 Convicted." Do you see that?
 12 A. Yes.
 13 Q. So at the time in October 8th, 2015, which is the
 14 disposition date, you entered a guilty plea and were found
 15 guilty and convicted of grand theft in the State of California,
 16 correct?
 17 A. Yes.
 18 Q. And you understood that at the time to be a felony
 19 charge, correct?
 20 A. Yes.
 21 Q. And then on the -- looking towards the last page --
 22 I'm sorry. It's the third page. It's the second to last page.
 23 There is sentencing information. Do you see that, second half
 24 of the page there?
 25 A. Yes.

Page 40

1 Q. And it says probation, mandatory supervision, formal
 2 probation, five years. Have I read that correctly?
 3 A. Oh, here. Yes.
 4 Q. And is that consistent with your recollection? You
 5 were placed on probation for five years after your guilty plea?
 6 A. Yes.
 7 Q. All right. And you were also given a jail term of
 8 three days in the Los Angeles County Jail?
 9 A. Yes.
 10 Q. Did you complete your probation?
 11 A. Yes.
 12 Q. If we look at the second page of this Exhibit 4 --
 13 THE REPORTER: Exhibit 3?
 14 MR. SEAQUIST: Exhibit 3. I'm sorry.
 15 Q. (By Mr. Seaquist) At the bottom of the page there is
 16 a docket entry from February 21st, 2017. It carries over to
 17 the top of the next page. But it says, "Possible violation of
 18 probation." Do you see that?
 19 A. Yes.
 20 Q. Okay. And then on the next page there are a couple
 21 of other entries. There was a bench warrant hearing and a
 22 surrender. Was it alleged that you had violated your probation
 23 in 2017?
 24 A. Yes.
 25 Q. And was there ever a finding that you had, in fact,

Page 41

1 violated your probation?
 2 A. I don't know.
 3 Q. Do you remember the basis for why you were alleged
 4 to have violated your probation?
 5 A. Yes.
 6 Q. And what was that?
 7 A. I didn't appear in court I think.
 8 Q. Okay.
 9 A. I believe that was it. It could have been that.
 10 Q. But, ultimately, were you able to successfully
 11 complete your probation?
 12 A. Yes.
 13 Q. All right. I'm going to show you what I have marked
 14 as No. 4.
 15 (Minjarez Exhibit No. 4 marked)
 16 Q. (By Mr. Seaquist) Do you recognize Exhibit 4 which
 17 bears the Bates label TFLD 000062 as an e-mail that you sent to
 18 a woman named Ann Ruot I'm guessing -- R-u-o-t -- at Victor
 19 Insurance?
 20 A. Yes.
 21 Q. Okay. And in this e-mail you tell Ms. Ruot that
 22 Question 8 answer is not a felony conviction.
 23 Now, the background for this e-mail is you
 24 needed to obtain a bond in order to perform the functions of a
 25 board member for Tanglewood Forest; is that true?

Page 42

1 A. Yeah.

2 MR. HUDSON: Objection; form.

3 Q. (By Mr. Seaquist) That's fine. You can answer.

4 A. Oh, yeah.

5 Q. And you understand that the district has

6 traditionally or historically used Victor Insurance as their

7 bonding company?

8 A. I didn't -- I didn't know that.

9 Q. Okay. Mister -- do you know who John Carlton is?

10 A. I do now, yes.

11 Q. Okay. And you know he is the General Counsel for

12 the Tanglewood Forest Limited District?

13 A. Yes.

14 Q. All right. Mr. Carlton had provided you an

15 application to fill out in order to apply for your bond through

16 Victor Insurance. Is that true?

17 A. Yes.

18 Q. All right. And you had informed him that rather

19 than submit that application through his office it would be

20 your preference to submit it directly to Victor Insurance.

21 Yes?

22 A. I believe so.

23 Q. And in your -- in submitting that application to

24 Victor Insurance you had indicated that there was at least some

25 prior criminal history. Is that true?

Page 43

1 A. I believe so.

2 Q. And then Victor Insurance asked for some additional

3 information in terms of your response. And this is an e-mail

4 that you wrote providing that additional information. Is that

5 a fair characterization?

6 A. Sure. Maybe not in those -- in that order, but yes.

7 Q. Okay. In this e-mail to Ms. Ruot -- and this is

8 dated February 24th, 2023 of this year?

9 A. Yes.

10 Q. Okay. You say, "This conviction" -- and when you

11 say "this conviction," are you referring to the one that we

12 just looked at in Exhibit 3?

13 A. Yes.

14 Q. The grand theft? Grand theft, correct?

15 A. Yes.

16 Q. "This conviction is on appeal and is expected to be

17 reduced to a misdemeanor and/or expunged within the next two to

18 three weeks." Is that right?

19 A. Yes.

20 Q. All right. So you were referring there to an appeal

21 or some legal proceeding in the State of California, correct?

22 A. Yes.

23 Q. That's not referencing any kind of legal process in

24 Texas, true?

25 A. Sure.

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1 Q. Did you have a lawyer who was assisting you with

2 this appeal or whatever process it was in California regarding

3 the conviction?

4 A. Yes.

5 Q. Who is -- what is that lawyer's name?

6 A. David Stein.

7 Q. Do you know how to spell that? Is it e-i-n?

8 A. S-t-e-i-n, yeah.

9 Q. And do you know where his offices are located?

10 A. In Irvine, California.

11 Q. Okay. Do you have an understanding of the grounds

12 on which you were appealing your conviction in 2023 almost

13 eight years later?

14 A. Can you --

15 Q. Yeah, let me try -- I'm not trying to lock you into

16 any kind of legal thing. I just want to understand what your

17 understanding of it is. But was it your understanding that you

18 were -- had completed your probation and because you had

19 completed your probation you were now able to ask the State of

20 California to dismiss that conviction?

21 A. Yes.

22 Q. All right. And I was just provided today --

23 MR. SEAQUIST: And I apologize. I only have one

24 copy of this one.

25 But I'm going to mark as Exhibit 5 a copy of

Page 45

1 some minutes that were provided to me today that bear Bates

2 labels Minjarez 4 and 5.

3 (Minjarez Exhibit No. 5 marked)

4 Q. (By Mr. Seaquist) Pass that to you. Have you seen

5 that before?

6 A. I think I might have seen it digitally like in an

7 e-mail.

8 Q. Okay. Can I have it back? We're going to have to

9 share I'm afraid.

10 Okay. There is an entry here. It doesn't

11 have -- well, this is an entry for May 25th, 2023. Is that

12 right? I'll show you. Do you agree with me it's May 25th,

13 2023 right there?

14 A. Yes.

15 Q. Okay. And it says there was a hearing held on

16 5-25-2023 at 8:30 a.m. in Department C60 for a Motion to

17 Dismiss (Penal Code 1203.4, 1203.4a, 1203.41 and 1203.42).

18 Did you go to California? Were you at this

19 hearing?

20 A. No.

21 Q. Okay. And so as of -- looking down this there is

22 another entry that says, "Pled guilty set aside. Plea of not

23 guilty entered and case dismissed as to Count 1 pursuant to

24 provisions of Penal Code 1203.4b."

25 Have I read that correctly?

Page 46

1 A. Yes.

2 Q. Okay. And is that the reason that you have

3 testified here today and indicated in your interrogatories that

4 you don't have a criminal conviction?

5 A. Yes and no.

6 Q. Okay.

7 MR. HUDSON: I'm going to object to the extent

8 that would call for attorney-client privilege or attorney work

9 product.

10 To the extent that you can answer without

11 encroaching on those, you are free to do so. But, otherwise, I

12 instruct you not to answer.

13 Q. (By Mr. Seaquist) Okay. And I don't want -- I'm not

14 looking to get an inside into the legal advice your lawyers

15 have given you or what they have told you.

16 You said, "Yes and no." I understand the yes

17 part. What is the no part?

18 A. I'll listen to my advice counsel and not answer.

19 Q. Okay. So you don't have any basis other than

20 something that you feel or that your lawyer feels might be

21 privileged for answering that question? Is that fair?

22 MR. HUDSON: Same objection. Same instruction.

23 Q. (By Mr. Seaquist) Okay. Are you going to follow

24 that instruction?

25 A. Yes.

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1 Q. Okay. One of the things I don't see on this page is

2 any reference to a motion and/or Order of Expunction which is

3 fine. I'm not asking you to testify as to this. What I want

4 to know is: Are you aware of any other documents or Orders of

5 Expunction from a court in the State of California?

6 A. I don't know how to answer that question.

7 Q. Well, I'm just asking for your subjective awareness.

8 So have you seen anything that says Order of Expunction on it

9 out of the courts in California?

10 A. I don't know. I don't recall.

11 Q. Do you have a file with the pleadings in this case?

12 A. I know that I have an e-mail with more than just

13 those things listed on it.

14 Q. Okay. But it's the same kind of minutes or report

15 like that?

16 A. Uh-huh.

17 Q. It's just longer?

18 A. Uh-huh.

19 Q. Okay. Are you aware one way or the other that this

20 conviction, though, is still publicly listed on the website for

21 the Superior Court of California in Los Angeles County as of

22 today?

23 A. I'm sorry. Can you repeat the question?

24 Q. Yeah. Do you know whether the conviction is still

25 publicly listed on the website for the Superior Court of

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1 California in Los Angeles County?

2 A. No, I was not aware.

3 Q. Okay. Let's talk briefly about your bond.

4 We talked about the application for the

5 district's bonding company, Victor Insurance. Now, ultimately,

6 you understand that Victor Insurance was not willing to issue

7 an officer's bond for you based on your past criminal history.

8 Is that true?

9 A. I believe so.

10 Q. So at least as of March 2023, you didn't yet have a

11 bond. Is that true?

12 A. I'm not sure on the dates.

13 Q. Okay. You have provided through your counsel --

14 (Minjarez Exhibit No. 6 marked)

15 Q. (By Mr. Seaquist) I hand you what I have marked as

16 Exhibit 6.

17 MR. HUDSON: Just for purposes of the record, I

18 have got an original copy downstairs if you want to take a look

19 at it. We have offered it to Carlton. I believe we offered it

20 to your firm as well. But it's available upon Request for

21 Inspection. So I understand that you have got the copy that

22 was sent in some form or fashion, but we do have the original

23 if you would like to see it.

24 MR. SEAQUIST: Okay. I appreciate that. I may

25 take you up on it after the deposition.

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1 Q. (By Mr. Seaquist) Okay. Exhibit 6 is Bates labeled

2 TFLD 73 through 75. And this is a bond -- it looks like the

3 letter transmitting it is dated March 9th, 2023. Is that

4 correct?

5 A. Yes.

6 Q. And this is through SuretyBonds.com; is that right?

7 A. Yes.

8 Q. Did you procure this bond yourself?

9 A. Yes.

10 Q. And where did you learn of SuretyBonds.com?

11 A. I just Googled.

12 Q. And what did you do to apply for this bond?

13 A. What do you mean?

14 Q. What steps -- what were the steps? Walk me through

15 how you went and got this bond.

16 A. I just went on Google and looked for HOA bonds. And

17 then I found a few companies that were able to get me a bond

18 with a quick quote, same-day quote. And I just, you know, paid

19 for it and got it.

20 Q. Okay. How much was it?

21 A. I don't recall.

22 Q. But you paid for it yourself?

23 A. Yes.

24 Q. What was the method of payment?

25 A. I don't recall. It could have been online. It

Page 50

1 could be one of those things on PayPal or it could be something
 2 you enter your credit card. I don't know. I don't remember.
 3 Q. All right. You had to fill out an online
 4 application?
 5 A. Yes.
 6 Q. Was there any type of follow-up from the bonding
 7 company? Did they call up to have a subsequent interview or
 8 any type of further discussion?
 9 A. I don't believe so. It was just all through
 10 DocuSign I believe.
 11 Q. And did you disclose any prior history -- criminal
 12 history to SuretyBonds.com?
 13 A. Just the same information that I gave to the other
 14 company.
 15 Q. What is that?
 16 A. What I e-mailed.
 17 Q. Okay. And how did you give that information to
 18 SuretyBonds.com? Is that something that you typed into the
 19 online application or what was the specific means in which you
 20 communicated that information to them?
 21 A. Yes.
 22 Q. Typed it into the online form?
 23 A. (Nod affirmative).
 24 Q. There was a meeting of the Tanglewood board on March
 25 15th, 2023; is that right?

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1 A. I believe so. I wasn't there.
 2 Q. Why weren't you there?
 3 A. I was on a work trip.
 4 Q. Okay. And Mr. Castillo at that meeting -- I think
 5 the recording would show made a statement that he had a bond
 6 for you at that meeting.
 7 How would Mr. Castillo have gotten possession of
 8 your bond?
 9 A. I could have e-mailed it to him.
 10 Q. Did you and Mr. Castillo discuss your getting a
 11 bond?
 12 MR. HUDSON: Object.
 13 I instruct you not to answer based on the
 14 rulings from the Court concerning the written discovery. I
 15 believe it's outside the bounds of proper discovery here.
 16 Q. (By Mr. Seaquist) Are you going to follow that
 17 instruction?
 18 A. Yes.
 19 Q. Okay. In terms of how Mr. Castillo would have
 20 gotten the bond, it's your recollection that you would have
 21 e-mailed it to him?
 22 A. Yes, it's possible.
 23 Q. Now, in looking at Exhibit 6, if we look at TFLD 74,
 24 the second page of the exhibit, would you agree with me that
 25 this version of the bond anyway is not signed by you?

Page 52

1 A. Yes.
 2 Q. And it is not witnessed, correct?
 3 A. Correct.
 4 Q. All right. Now, if we look back at Exhibit 2 which
 5 was the discovery responses, at the back of that which is --
 6 I'm sorry. They weren't provided with Bates labels. But the
 7 last two to three pages -- three pages I guess. This is
 8 another copy of the letter, the March 9th, 2023 letter from
 9 SuretyBonds.com, correct?
 10 A. Yes.
 11 Q. And then if we look to the next page, it's a copy of
 12 the bond. But this time it has been signed by you; is that
 13 correct?
 14 A. Yes.
 15 Q. And there is a witness signature here as well.
 16 True?
 17 A. Yes.
 18 Q. Who is that witness signature? I can't make it out.
 19 A. I don't know. It could be -- it could be Robbie's.
 20 Q. Is Robbie's first name Joseph?
 21 A. Yes.
 22 Q. So does that look like JC to you? Is that why you
 23 think it's Robbie's?
 24 A. Yeah.
 25 Q. And where were you when you had this bond witnessed?

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1 A. I don't know. We could have been at lunch or
 2 dinner. I don't recall.
 3 Q. Okay. Do you and Mr. Castillo socialize regularly?
 4 A. I wouldn't say regularly. We get together maybe
 5 once a month or something like that.
 6 Q. Now, do you remember what day you actually signed
 7 this and had it witnessed?
 8 A. No.
 9 Q. Okay. Do you have any reason to dispute that it was
 10 after this lawsuit was filed?
 11 A. No, I don't know when it was.
 12 Q. Do you remember if anybody else was present when
 13 Mr. Castillo witnessed the bond for you?
 14 A. I'm not too sure. Sometimes I bring my daughter.
 15 Sometimes I don't. I don't know.
 16 Q. Okay. You are represented here today by the
 17 Terrazas Law Firm and some lawyers there.
 18 How did you find that law firm to represent you
 19 in this case?
 20 MR. HUDSON: Objection. Both relevance, form;
 21 also outside the bounds of discovery.
 22 I'm going to instruct you not to answer how you
 23 came in contact with counsel.
 24 Q. (By Mr. Seaquist) Okay. Were they recommended to
 25 you specifically by Mr. Castillo?

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1 MR. HUDSON: Same objection. Same instruction.
 2 Q. (By Mr. Seaquist) Are you going to follow that
 3 instruction?
 4 A. Yes.
 5 Q. Both the form of instructions?
 6 A. Yes.
 7 Q. Okay. And I'm just making a record.
 8 Are you aware that the Terrazas Law Firm is
 9 actually representing Mr. Castillo in some other matters?
 10 A. No.
 11 Q. Have you personally paid any amount in fees to your
 12 attorneys in this case?
 13 MR. HUDSON: Objection; form. Also objection;
 14 attorney-client privilege, attorney work product.
 15 Instruct you not to answer.
 16 MR. SEAQUIST: I'll just state for the record
 17 that there is a claim for attorney's fees in this case. So I
 18 think it is relevant. I'm just asking for amounts paid. I'm
 19 not asking for a description. So I don't know if that changes
 20 your instruction, but I want to just make it clear for the
 21 record.
 22 MR. HUDSON: Sure. For purposes of the record,
 23 I don't think that an attorney's fees award is on the table at
 24 the moment. We haven't even had a temporary injunction. It's
 25 not relevant to any of the issues that are going to be relevant

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1 at the temporary injunction hearing.
 2 On that basis, your request is premature and my
 3 instruction stands.
 4 I instruct you not to answer.
 5 Q. (By Mr. Seaquist) And you'll follow that
 6 instruction?
 7 A. Yes.
 8 Q. Okay. Has Mr. Castillo paid any amount of
 9 attorney's fees on your behalf in this case?
 10 MR. HUDSON: Same objection. Same instruction.
 11 Q. (By Mr. Seaquist) Are you going to accept the
 12 instruction?
 13 A. Yes.
 14 Q. All right. Has Mr. Castillo reimbursed you any
 15 amount for amount that you have paid in attorney's fees in this
 16 case?
 17 MR. HUDSON: Same objection. Same instruction.
 18 THE WITNESS: I'm going to take my legal
 19 counsel's advice.
 20 Q. (By Mr. Seaquist) Has Mr. Castillo participated in
 21 any meetings or discussions between you and your lawyers?
 22 MR. HUDSON: Same objection. Same instruction.
 23 MR. SEAQUIST: What's the basis for that one?
 24 MR. HUDSON: The basis for that one is what
 25 happens between Ms. Minjarez and her counsel is, first off,

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1 attorney work product and attorney-client. And, secondly, to
 2 the extent that other people are present -- if there are
 3 representational issues, if you have got something other than
 4 you're poking around to (unintelligible) privilege, I don't see
 5 any basis for it, and I'm going to instruct her not to answer.
 6 MR. SEAQUIST: Okay. Well, again, since
 7 Mr. Castillo is not a represented party in this case, my
 8 position is if he's in meetings between Ms. Minjarez and
 9 counsel that that does vi -- eviscerate privilege. But I
 10 understand your instruction. So I'll just ask you --
 11 MR. HUDSON: Sure. If the question is, "Is
 12 Mr. Castillo in meetings with you and your counsel?" you can
 13 answer that question.
 14 THE WITNESS: Is that the question?
 15 Q. (By Mr. Seaquist) That is the question.
 16 A. No.
 17 Q. All right. Let's take a couple minutes off the
 18 record.
 19 THE REPORTER: Off the record at 6:19.
 20 (Recess from 6:19 p.m. to 6:23 p.m.)
 21 MR. SEAQUIST: Let's go on. I have a couple of
 22 more questions and then I can wrap up.
 23 Q. (By Mr. Seaquist) Ms. Minjarez, you had testified
 24 earlier that in obtaining a bond from Surety.com (sic) you had
 25 filled out an online application. In doing that process, did

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1 you create an account or registration with SuretyBonds.com?
 2 A. I don't believe so. I don't know.
 3 Q. Did you provide a user name and password in order to
 4 get in and apply for the bond?
 5 A. I don't recall.
 6 Q. Have you tried or gone back to look to see if you
 7 could access the application that you filled out?
 8 A. I don't recall.
 9 Q. Okay. Sitting here today, do you know whether you
 10 could in fact go log into SuretyBonds.com and pull up the
 11 application that you filled out?
 12 A. I don't know.
 13 Q. You testified that your daughter is currently
 14 enrolled in Leander ISD; is that right?
 15 A. Yes.
 16 Q. Did you in enrolling her in Leander ISD use the
 17 Reklaw, R-e-k -- is that how you say, Reklaw?
 18 A. Reklaw.
 19 Q. The Reklaw residence as your residence for enrolling
 20 her in LISD?
 21 A. Yes.
 22 Q. How far is the commute from Aftonshire Way to her
 23 school?
 24 A. Maybe between 40 minutes to an hour depending on
 25 construction or traffic.

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1 MR. SEAQUIST: Okay. I will pass the witness.
 2 MR. HUDSON: We request to read and sign under
 3 the Texas Rules of Civil Procedure. Other than that, we'll
 4 reserve.
 5 THE REPORTER: Off the record at 6:25.
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1 I, KIMBERLY MINJAREZ, have read the foregoing
 2 deposition and hereby affix my signature that same is true and
 3 correct, except as noted above.
 4
 5 _____
 6 KIMBERLY MINJAREZ
 7 STATE OF TEXAS)
 8 COUNTY OF TRAVIS)
 9
 10 Before me _____ on this day
 11 personally appeared KIMBERLY MINJAREZ, known to me or proved to
 12 me under oath or through _____ (description of
 13 identity card or other document) to be the person whose name is
 14 subscribed to the foregoing instrument and acknowledged to me
 15 that they executed the same for the purposes and consideration
 16 therein expressed.
 17 Given under my hand and seal of office this ____
 18 day of _____, 2023.
 19
 20
 21
 22 _____
 23 NOTARY PUBLIC IN AND FOR
 24 THE STATE OF TEXAS
 25

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1 CHANGES AND SIGNATURE
 2 KIMBERLY MINJAREZ June 15, 2023
 3 PAGE LINE CHANGE REASON
 4 _____
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
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 17 _____
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 24 _____
 25 _____

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1 CAUSE NO. D-1-GN-23-001675
 2 KIMBERLY MINJAREZ,) IN THE DISTRICT COURT
 3 Plaintiff,)
 4)
 5 VS.) 98TH JUDICIAL DISTRICT
 6)
 7 TANGLEWOOD FOREST LIMITED)
 8 DISTRICT, ET AL.,)
 9 Defendants.) TRAVIS COUNTY, TEXAS
 10
 11 REPORTER'S CERTIFICATION
 12 ORAL DEPOSITION OF KIMBERLY MINJAREZ
 13 June 15, 2023
 14
 15 I, DOTTIE NORMAN, Certified Shorthand Reporter in and for
 16 the State of Texas, hereby certify to the following:
 17 That the witness, KIMBERLY MINJAREZ, was duly sworn by
 18 the officer and that the transcript of the oral deposition is a
 19 true record of the testimony given by the witness;
 20 That the deposition transcript was submitted on _____,
 21 2023 to the attorney for KIMBERLY MINJAREZ for examination,
 22 signature, and return to me by _____, 2023;
 23 That the amount of time used by each party at the
 24 deposition is as follows:
 25 GUNNAR P. SEAQUIST - 1 hour and 15 minutes
 ERIC A. HUDSON - 0 minutes
 That pursuant to information given to the deposition
 officer at the time said testimony was taken, the following
 includes all parties of record:
 ERIC A. HUDSON, Attorney for Plaintiff
 GUNNAR P. SEAQUIST, Attorney for Defendant, Tanglewood



1 Forest Limited District
2 I further certify that I am neither counsel for,
3 related to, nor employed by any of the parties or attorneys in
4 the action in which this proceeding was taken, and further that
5 I am not financially or otherwise interested in the outcome of
6 the action.

7 Further certification requirements pursuant to Rule 203
8 of TRCP will be certified to after they have occurred.

9 Certified to by me this ____ day of June, 2023.

10
11
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Dottie Norman

DOTTIE NORMAN, Texas CSR 2283
Expiration Date: 8/31/2023
Magna Legal Services
Firm Registration No. 633
16414 San Pedro, Suite 900
San Antonio, Texas 78232
866.672.7880

1 CERTIFICATION UNDER RULE 203 TRCP
2 The original deposition of Kimberly Minjarez was/was not
3 returned to the deposition officer on _____;

4 If returned, the attached Changes and Signature page
5 contains any changes and the reasons therefor;

6 If returned, the original deposition was delivered to
7 Gunnar P. Seaquist, Custodial Attorney;

8 That \$_____ is the deposition officer's charges to
9 the Defendant, Tanglewood Forest Limited District, for
10 preparing the original deposition transcript and any copies of
11 exhibits;

12 That the deposition was delivered in accordance with Rule
13 203.3, and that a copy of this certificate was served on all
14 parties shown herein on _____ and filed
15 with the Clerk.

16 Certified to by me this _____ day of
17 _____, 2023.

18
19
20
21
22
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25

DOTTIE NORMAN, Texas CSR 2283
Expiration Date: 8/31/2023
Magna Legal Services
Firm Registration No. 633
16414 San Pedro, Suite 900
San Antonio, Texas 78232
866.672.7880

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