

CAUSE NO. 19-7298-367

ROBERT OBLON,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	DENTON COUNTY, TEXAS
	§	
JORDAN BROCK,	§	
	§	
Defendant.	§	367 TH JUDICIAL DISTRICT

DEFENDANT’S OBJECTION TO PLAINTIFF’S RULE 193.7 NOTICE

Defendant Jordan Brock (“Defendant”) respectfully submits his Objection to Plaintiff Robert Oblon’s (“Plaintiff”) Rule 193.7 Notice.

I. OBJECTION TO RULE 193.7 NOTICE

On August 14, 2019, Plaintiff served a purported Rule 193.7 Notice (“Notice”) as part of his Plaintiff’s Original Petition. Pursuant to TEX. R. CIV. P. 193.7, a party may object to a notice under the rule within 10 days.¹ Defendant objects to Plaintiff’s Notice because it attempts to circumvent the purpose of Rule 193.7, which is to give opposing parties fair notice that a particular document or documents will be used at trial, and to afford those parties a fair opportunity to object to the authenticity of the document(s). *See* TEX. R. CIV. P. 193.7; cmt. 7. Plaintiff attempts to give blanket notice that he “intends to rely upon the authenticity of any document Defendant Brock produces in discovery,” which does not provide fair notice of the specific documents Plaintiff intends to use, or a

¹ The timeline to object is not triggered until the producing party has “actual knowledge that the document will be used.” TEX. R. CIV. P. 193.7. As Plaintiff has failed to identify any specific documents (and in fact, production of documents has yet to occur), the “Notice” is premature and inadequate under the Rule and Defendant disputes that any deadline to object has been triggered. Notwithstanding, in an abundance of caution, Defendant files this objection to preserve its rights.

meaningful opportunity for Defendant to object. This is a misapplication of Rule 193.7 and should not be permitted.

II. PRAYER

Based on the above, Defendant respectfully requests that the Court sustain its objection, require Plaintiff to state with specificity the documents (if any) he intends to use, and thereafter provide all parties with the required statutory opportunity to object.

Respectfully submitted,

By: /s/ Andrew P. Speicher

Michael G. Brown
State Bar No. 03153800
mike.brown@figdav.com
Andrew P. Speicher
State Bar No. 24027878
drew.speicher@figdav.com

FIGARI + DAVENPORT, LLP
901 Main Street, Suite 3400
Dallas, TX 75202
Tel: 214.939.2000
Fax: 214.939.2090

ATTORNEYS FOR DEFENDANT
JORDAN BROCK

CERTIFICATE OF SERVICE

On the 6th day of September, 2019, the foregoing instrument was served via efile.txcourts.gov on Howard J. Klatsky (hklatsky@feesmith.com), Fee, Smith, Sharp & Vitullo, L.L.P., Three Galleria Tower, 13155 Noel Road., Suite 1000, Dallas, TX 75240.

/s/ Andrew P. Speicher
Andrew P. Speicher