

CAUSE NO. 471-04941-2019

SHARING SERVICES GLOBAL CORPORATION f/k/a SHARING SERVICES, INC., ELEPRENEURS U.S., LLC f/k/a ELEPRENEUR, LLC and ELVACITY U.S., LLC f/k/a ELEVACITY GLOBAL, LLC	§	IN THE DISTRICT COURT
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	§	
<i>Plaintiffs,</i>	§	OF COLLIN COUNTY, TEXAS
	§	
v.	§	
	§	
ROBERT OBLON	§	
	§	
<i>Defendant</i>	§	471ST JUDICIAL DISTRICT

MICHAEL GARCIA’S OBJECTIONS TO REQUESTS FOR PRODUCTION AND MOTION FOR PROTECTIVE ORDER

Michael Garcia, a non-party to this litigation, now files these Objections to Requests for Production and Motion for Protective Order, as follows.

STATEMENT OF FACTS

This is a lawsuit brought by multiple companies against a previous shareholder/executive.¹ The only allegation brought in the lawsuit is that the former executive, Robert Oblon, has failed to turn over passwords and other information necessary for use of certain domain names alleged to be owned by Plaintiffs, and that Mr. Oblon may be intending to use those domain names for his own benefit.

Mr. Garcia is a current field representative/field leader for Sharing Services Global Corporation, a direct marketing (i.e., multilevel marketing) company that offers a wide range of products and services, including health-related products.

¹ Mr. Oblon’s status as a shareholder is believed to be the subject of separate litigation.

On or about October 4, 2019, Plaintiffs served upon Mr. Garcia a Subpoena to which was attached a Request for Production of Documents to Non-Party Michael Garcia. A copy of the Subpoena and Request for Production is attached hereto as Exhibit “1.”

OBJECTIONS TO REQUESTS FOR PRODUCTION

The Requests for Production served on Mr. Garcia reflect nothing more or less than a fishing expedition conducted against a non-party witness. Given the broad nature of the Requests and how early in the litigation they have been served, Mr. Garcia has legitimate concerns that Plaintiffs in reality are conducting what amounts to pre-litigation discovery against a non-party in the hopes of finding some basis for a cause of action. To such extent, the discovery is improper.

Request for Production No. 1 seeks all correspondence and communications exchanged between Mr. Garcia and Oblon since January 1, 2018. The Request is not limited in any way by subject matter, much less is it limited to subjects relevant to this lawsuit, *i.e.*, the alleged retention and use of domain names by Robert Oblon. Further, the Request goes back nearly two years, whereas the Original Petition filed by the Plaintiffs only addresses events after July 26, 2019, the date on which the Parties allegedly entered into a Settlement Agreement. (See Original Petition at 3, ¶10). Thus, Plaintiffs would require Mr. Garcia to review nearly two years of “e-mails, text messages, Facebook posts, tweets, Instagram posts, voice-mails, letters, memorandums and/or notes” on any conceivable topic, to ostensibly be used in a lawsuit that only addresses conduct alleged to have occurred in the past 2 ½ months. That clearly is overbroad and unduly burdensome, especially as Mr. Garcia is a non-party witness.

The same objections properly may be leveled against the third and fourth Requests for Production (both labeled “Request for Production No. 3”). Those Requests, which seek identical documents (documents “provided to you by Oblon” and documents “provided by Oblon to you”), similarly are not limited by topic and would require Mr. Garcia to go back through nearly two years of records.

Request for Production No. 3 asks for all documents “evidencing any agreement entered into between you and Oblon since January 1, 2018.” However, there is no allegation in this lawsuit that so much as mentions, much less complains of, some contractual agreement between Oblon and Mr. Garcia. Nor is there any suggestion that such a contract is relevant to any issue in the case. Still, Plaintiffs demand the production of alleged agreements that would predate the factual allegations in the lawsuit by some 19 months. Again, the Request is overly broad and unduly burdensome.

MOTION FOR PROTECTIVE ORDER

Given the objectionable nature of the Requests for Production, Mr. Garcia contends, pursuant to Rule 192.6(a), that it would be unreasonable under the circumstances for him to respond to the Requests for Production before obtaining a ruling on these objections and motion limiting the discovery to a reasonable time period and to items relevant to the sole allegation in this case: The alleged retention and/or use by Oblon of the domain names listed in the Petition.

PRAYER

WHEREFORE, Michael Garcia prays that the Court sustain the objections made herein and issue a protective order limiting the subject matter of the discovery to documents

generated on or after July 26, 2019 and relating to Oblon's alleged retention and/or use of the domain names listed in the Petition.

Respectfully submitted,

/s/R.S. Ghio

R.S. Ghio

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ATTORNEY FOR NON-PARTY

MICHAEL GARCIA

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record, by electronic mail, on October 8, 2019.

/s/R.S. Ghio

R.S. Ghio