

EXHIBIT A

No. 2019-33415

ABEL AND NANCY VERA, ET AL	:	IN THE DISTRICT COURT OF
	:	
vs	:	HARRIS COUNTY, TEXAS
	:	
FIGURE FOUR PARTNERS, LTD.	:	
PSWA, INC. AND REBEL CONTRACTORS, INC.	:	234TH JUDICIAL DISTRICT

**NOTICE OF INTENTION
TO TAKE DEPOSITION BY WRITTEN QUESTIONS**

To Defendants by and through their attorney(s) of record: Andrew K. York (Gray Reed & McGraw, PC), J. Cary Gray (GRAY REED & MCGRAW, LLP), John Pipkin (Pipkin Ferguson, PLLC) and William J. Cozort, Jr. (BROTHERS ALVARADO, PC)

You will please take notice that twenty (20) days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of Custodian of Records for:

LJA ENGINEERING & SURVEYING (PLEASE REFER TO ATTACHED EXHIBIT "A")
2929 Briarpark Dr., Suite 600
Houston, TX 77042

before a Notary Public for **Lexitas**
4299 San Felipe, Ste. 350
Houston, TX 77027
713-375-0121 Fax 281-200-0830

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule 200, Texas Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce any and all records as described on the attached questions and/or Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to: **PLEASE REFER TO ATTACHED EXHIBIT "A"**

and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

Omar R. Chawdhary
WEBSTER LAW FIRM
6200 Savoy, Suite 150
Houston, TX 77036
Phone: 713-581-3900 Fax: 713-581-3907
Attorney for Plaintiffs
SBA # 24082807

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all Counsel of Record by hand delivery, FAX, and/or certified mail, return receipt requested, on this day.

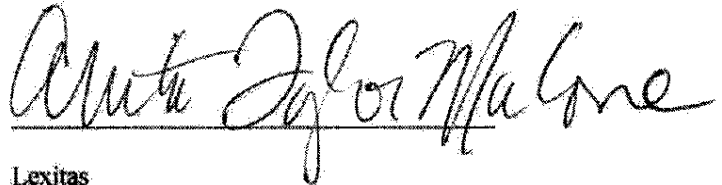
Dated: September 24, 2019

by *Omar R. Chawdhary*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice and written questions has been served upon all parties or their attorneys of record via hand delivery, facsimile, and/or certified mail, return receipt requested, on this day.

Dated: 9/24/2019



Lexitas
4299 San Felipe, Ste. 350
Houston, TX 77027
713-375-0121 Fax 281-200-0830

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William J. Cozort, Jr.
BROTHERS ALVARADO, PC
820 Gessner, Suite 1075
Houston, TX 77024
Phone: 713.337.0750 Fax: 713.337.0760

CAUSE NO. 2019-33415

ABEL AND NANCY VERA, et al.
Plaintiffs,

vs.

FIGURE FOUR PARTNERS, LTD., PSWA, INC.,
and REBEL CONTRACTORS, INC.
Defendants.

§ **IN THE DISTRICT COURT OF**
§
§
§ **HARRIS COUNTY, TEXAS**
§
§
§ **234th JUDICIAL DISTRICT**

EXHIBIT "A"

Custodian of Records For: LJA Engineering & Surveying, 2929 Briarpark Drive, #600, Houston, Texas 77042

Records Pertaining To: Flooding that occurred near the Woodridge Village development at the border of Harris County and Montgomery County on May 7, 2019.

Type of Records: Please provide us with the following documents:

- 1. The engineering and/or design drawings for the Woodridge Village development, including any amended or updated drawings;**
- 2. Letters, emails, and other correspondence/communications between LJA Engineering & Surveying and Figure Four Partners, Ltd. with regard to the Woodridge Village development;**
- 3. Letters, emails, and other correspondence/communications between LJA Engineering & Surveying and PSWA, Inc. with regard to the Woodridge Village development;**
- 4. Letters, emails, and other correspondence/communications between LJA Engineering & Surveying and Rebel Contractors, Inc. with regard to the Woodridge Village development;**
- 5. Photographs and/or videos of the Woodridge Village development in your possession, custody, or control that were taken of the Woodridge Village development site from January 1, 2019 to present;**
- 6. Statements, interviews, reports, film, tapes, or recordings of any person with knowledge regarding the flooding that occurred on May 7, 2019 near the Woodridge Village development that is in your possession, custody, or control;**
- 7. Incident reports or complaints regarding the flooding of homes in the Elm Grove neighborhood in Kingwood, Texas, including reports that have been created by you, your employees, law enforcement officials, government officials, insurance agents involved in the investigation of the incident, or any other individual who has**

- information regarding said incident;
8. Documents which evidence or reflect the person or persons responsible for implementing drainage at the Woodridge Village development prior to May 7, 2019;
 9. Documents which evidence or reflect the person or persons responsible for implementing drainage at the Woodridge Village development after May 7, 2019;
 10. Documents identifying all times an employee, agent, or representative was at the Woodridge Village development site from January 1, 2019 to present and for what purpose;
 11. Contracts and/or leases to which LJA Engineering & Surveying was a party to that related to the Woodridge Village Development;
 12. Correspondence created prior to incident made the basis of this suit that reflects concerns that the storm water drainage in the event of a heavy rainfall could result in flooding of the area in question or surrounding areas; and,
 13. Documents which evidence or reflect the storm water drainage plan on the site of Woodridge Village Development in question at the time of the incident made the basis of this lawsuit, including but not limited to surveys, plats, drawings, or specifications.

SUBPOENA DUCES TECUM

Deposition Subpoena To Testify Or Produce Documents Or Things

THE STATE OF TEXAS:

To any Sheriff or Constable of the State of Texas or other person authorized to serve subpoenas under Rule 176 Of Texas Rules of Civil Procedure. - GREETINGS -

You are hereby commanded to subpoena and summon the following witness(es): Custodian of Records

for: **LJA ENGINEERING & SURVEYING**
2929 Briarpark Dr., Suite 600
Houston, TX 77042 713.953.5200

to be and appear before a Notary Public of my designation for:

Lexitas, 4299 San Felipe, Ste. 350, Houston, TX 77027 713-375-0121 or its designated agent, on 10/21/2019 at 10:00AM at the office of the custodian and there under oath to make answers of certain written questions to be propounded to the witness and to bring and produce for inspection and photocopying

Please refer to Exhibit "A" for a complete description of any and all files, business records, photographs and any other tangible items of any kind

and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to: **PLEASE REFER TO ATTACHED EXHIBIT "A"**

at any and all times whatsoever, then and there to give evidence at the instance of the Plaintiff, Abel and Nancy Vera, et al, represented by Omar R. Chawdhary, Attorney of Record, in that Certain Cause No. 2019-33415, pending on the docket of the District Court of the 234TH Judicial District of HARRIS County, Texas.

This Subpoena Duces Tecum is issued under and by virtue of Rule 200 and Notice of Deposition Upon Written Questions on file with the above named court, styled

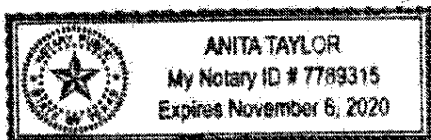
ABEL AND NANCY VERA, ET AL

vs

FIGURE FOUR PARTNERS, LTD.
PSWA, INC. AND REBEL CONTRACTORS, INC.

and there remain from day to day and time to time until discharged according to law.

WITNESS MY HAND, this 24th day of September, 2019



Anita Taylor

NOTARY PUBLIC

176.8 Enforcement of Subpoena. (a) *Contempt*. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.

OFFICER'S RETURN

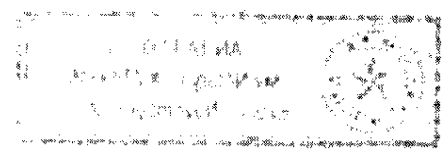
Came to hand this _____ day of _____, 20____, and executed this the _____ day of _____, 20____,

at _____; _____ am / pm at _____, _____, TX; in the following manner:

By delivering to the witness _____, a true copy hereof.

Returned this _____ day of _____, 20____.

PROCESS SERVER



CAUSE NO. 2019-33415

ABEL AND NANCY VERA, et al.
Plaintiffs,

vs.

FIGURE FOUR PARTNERS, LTD., PSWA, INC.,
and REBEL CONTRACTORS, INC.
Defendants.

§ **IN THE DISTRICT COURT OF**
§
§
§ **HARRIS COUNTY, TEXAS**
§
§
§ **234th JUDICIAL DISTRICT**

DIRECT QUESTIONS TO BE PROPOUNDED

1. Please state your full name.

Answer:

2. Please state by whom you are employed and the business address?

Answer:

3. What is the title of your position or job?

Answer:

4. Are these documents, memorandum, report, records, or data compilations, outlined in the subpoena duces tecum, pertaining to the above-named person, in your custody or subject to your control, supervision or direction?

Answer:

5. Are you able to identify these billing records as the originals or true copies of the originals?

Answer:

6. Please hand to the Notary Public taking this written deposition copies of the documents

mentioned in Question No. 4 and identified above. Have you done as requested? If not, why not?

Answer:

7. Are the copies which you have handed to the Notary public taking this written deposition true and correct copies of all such billing records?

Answer:

8. Were such documents and/or records kept in the regular course of business of LJA Engineering & Surveying?

Answer:

9. Please state whether or not it was the regular course of business of the above-mentioned facility for a person with knowledge of the acts, events, conditions, opinion to make the record or to transmit information thereof to be included in such record?

Answer:

10. Were the entries on these memoranda, reports, records, or data compilations, made at or shortly after the time of the transaction recorded on these entries?

Answer:

11. Identify the engineer that designed the drawings, maps, plats for the Woodridge Village development.

Answer:

WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first, duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20 _____.

NOTARY PUBLIC
My Commission Expires: