

CAUSE NO. 2019-33415

ABEL AND NANCY VERA, et al.	§	IN THE DISTRICT COURT OF
Plaintiffs,	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
	§	
FIGURE FOUR PARTNERS, LTD. PSWA, INC.,	§	
and REBEL CONTRACTORS, INC.	§	
Defendants.	§	234 <sup>th</sup> JUDICIAL DISTRICT

*CONSOLIDATED WITH*

CAUSE NO. 2019-34366

JEFFREY ATWOOD, et al.	§	IN THE DISTRICT COURT OF
Plaintiffs,	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
	§	
FIGURE FOUR PARTNERS, LTD. PSWA, INC.,	§	
and REBEL CONTRACTORS, INC.	§	
Defendants.	§	11 <sup>th</sup> JUDICIAL DISTRICT

*CONSOLIDATED WITH*

CAUSE NO. 2019-36139

JENNIFER BECKER, et al.	§	IN THE DISTRICT COURT OF
Plaintiffs,	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
	§	
FIGURE FOUR PARTNERS, LTD. PSWA, INC.,	§	
and REBEL CONTRACTORS, INC.	§	
Defendants.	§	164 <sup>th</sup> JUDICIAL DISTRICT

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**DEFENDANT, DOUBLE OAK CONSTRUCTION, INC.'S OBJECTIONS TO  
DEFENDANT, CONCOURSE DEVELOPMENT, LLC'S 193.7 NOTICE**

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TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Defendant, DOUBLE OAK CONSTRUCTION, INC. (“**DOUBLE OAK**”) and files this, its Objections to Defendant, Concourse Development, LLC’s (“**CONCOURSE**”) Rule 193.7 Notice of Intention to Use Documents Produced in Discovery and in support of its objections, DOUBLE OAK shows the Court as follows:

### **OBJECTIONS**

1. A party’s production of documents in response to written discovery authenticates the documents for use against that party, unless the producing party objects to their use within ten (10) days after the producing party has actual notice that the document will be used. TEX. R. CIV. P. 193.7.

2. On July 24, 2020, CONCOURSE served their Rule 193.7 Notice within their Original Answer and Affirmative Defenses to Sixth Amended Petition. DOUBLE OAK objects to the general notice given by CONCOURSE that states:

“Pursuant to Texas Rule of Civil Procedure 193.7, Defendant hereby gives actual notice to all parties that any and all documents produced during discovery may be used against such parties at any pre-trial proceeding and/or trial of this matter without the necessity of authenticating the document.”

DOUBLE OAK objects to this notice on the grounds that it is insufficient and in contradiction to the Texas Rules of Civil Procedure. As such, DOUBLE OAK files this objection timely within ten (10) days of the date that CONCOURSE filed their general notice.

3. DOUBLE OAK further objects to CONCOURSE’S Notice on the grounds that it is not sufficient actual notice as required by Rule 193.7 of Texas Rules of Civil Procedure. Upon the filing of CONCOURSE’S Notice, DOUBLE OAK is without knowledge of what specific documents CONCOURSE intend to use at Pre-Trial and/or Trial. DOUBLE OAK is handicapped in its defense and its ability to legally object.

4. Additionally, CONCOURSE’S general notice does not allow DOUBLE OAK an opportunity to determine a good faith factual and legal basis for its objection as required by the

rules. To require DOUBLE OAK to anticipate and/or to object to every single document produced by any party would cause an undue hardship on DOUBLE OAK and would circumvent the intent and safeguards of Rule 193.7. CONCOURSE'S general notice does not allow for authenticity issues to be resolved in advance of any hearing or trial.

5. In the alternative, if the court finds that the general notice given by CONCOURSE under Rule 193.7 is sufficient, then DOUBLE OAK hereby provides written notice of its objection to any and all documents produced by the parties, as well as, to authentication and reserves its right to make further objections at the time it becomes aware of the specific identity of any particular documents CONCOURSE intend to use at any proceedings.

6. DOUBLE OAK further objects to the extent CONCOURSE'S Rule 193.7 Notice seeks a blanket concession that all such documents are admissible in evidence. DOUBLE OAK hereby reserves the right to object to all documents on grounds other than authenticity.

7. DOUBLE OAK further objects to the extent CONCOURSE'S Rule 193.7 Notice seeks to authenticate for use against DOUBLE OAK any documents produced by the parties other than DOUBLE OAK.

#### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant, DOUBLE OAK CONSTRUCTION, INC. prays that the Court sustain its objections to Defendant, Concourse Development, LLC's Rule 193.7 Notice.

Respectfully submitted,

**PIPKIN FERGUSON PLLC**



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**ATTORNEYS FOR DEFENDANT,**

**DOUBLE OAK CONSTRUCTION, INC.**

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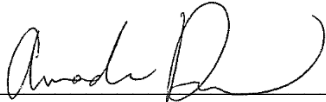
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**CERTIFICATE OF SERVICE**

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I, the undersigned, hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record known to the undersigned pursuant to Rules 21 and 21a of the Texas Rules of Civil Procedure on the 3<sup>rd</sup> day of August, 2020.



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Amanda C. Duncan