

CAUSE NO. 2018528740

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DOLCEFINO COMMUNICATIONS, LLC DBA  
DOLCEFINO CONSULTING,

PLAINTIFF,

VS.

TEXAS TECH UNIVERSITY AND DR. LAWRENCE  
SCHOVANEC, IN HIS OFFICIAL CAPACITY AS THE  
PRESIDENT OF TEXAS TECH UNIVERSITY,

DEFENDANTS.

IN THE DISTRICT COURT

99TH JUDICIAL DISTRICT

LUBBOCK COUNTY, TEXAS

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**SUBPOENA FOR THE DEPOSITION OF WARREN KENNETH PAXTON, JR. WITH  
DUCES TECUM**

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TO: Any sheriff or constable of the State of Texas or other person authorized to serve  
and execute subpoenas as provided in Texas Rule 176.5.

YOU ARE COMMANDED to summon:

Deponent:	Warren Kenneth Paxton, Jr.
Address:	Office of the Attorney General 300 West 15th St. Austin, Texas 78701 Or wherever he may be found

TO APPEAR AT:

Location:	Omni Austin Hotel Downtown 700 San Jacinto at 8th Street Austin, Texas 78701
Date:	November 4, 2019
Time:	9:00 AM

The above-named Deponent is hereby commanded to appear at the time, date, and place set forth above and give testimony in the above captioned case at a deposition, and to remain in attendance from day to day until lawfully discharged. The deposition will be taken by video and stenographic means. Any and all such video and stenographic testimonies may be offered into evidence at trial of the above-entitled and numbered cause.

The Deponent is further commanded to produce and permit inspection and copying of those categories of documents listed in Exhibit A contained in the Notice of Deposition attached to this subpoena as Exhibit 1, on the date, time, and place of the deposition.

**DUTIES OF PERSON SERVED WITH SUBPOENA:** You are advised that under Texas Rule of Civil Procedure 176, a person served with a discovery subpoena has certain rights and obligations. Rule 176.6 provides:

- (a) *Compliance required.* Except as provided in this subdivision, a person served with a subpoena must comply with the command stated therein unless discharged by the court or by the party summoning such witness. A person commanded to appear and give testimony must remain at the place of deposition, hearing, or trial from day to day until discharged by the court or by the party summoning the witness.
- (b) *Protective orders.* A person commanded to appear at a deposition, hearing, or trial, or to produce and permit inspection and copying of designated documents and things may move for a protective order under Rule 192.6(b)--before the time specified for compliance--either in the court in which the action is pending or in a district court in the county where the subpoena was served. The person must serve the motion on all parties in accordance with Rule 21a. A person need not comply with the part of a subpoena from which protection is sought under this paragraph unless ordered to do so by the court. The party requesting the subpoena may seek such an order at any time after the motion for protection is filed.

**Warning: 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.**

This subpoena is issued at the request of Plaintiff, whose attorney of record is Julie Pettit.

Date of Issuance: October 7, 2019

SUBPOENA ISSUED BY:

**THE PETTIT LAW FIRM**

By: /s/ Julie Pettit

Julie Pettit  
State Bar No. 24065971  
jpettit@pettitfirm.com  
David B. Urteago  
State Bar No. 24079493  
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**LYNN PINKER COX & HURST LLP**

Michael K. Hurst  
State Bar No. 10316310  
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Facsimile: (214) 981-3839

*Attorneys for Plaintiff*

RETURN OF SUBPOENA

Came on hand on the \_\_\_\_ day of \_\_\_\_\_, 2019 and executed by delivering a copy of this Subpoena, together with a fee of \$11, to \_\_\_\_\_, at his/her home/place of business, \_\_\_\_\_.

Fees - Summoning witness \$ \_\_\_\_\_

\_\_\_\_\_ [signature]  
\_\_\_\_\_ [typed name]  
\_\_\_\_\_ [title]

# EXHIBIT 1

CAUSE NO. 2018528740

DOLCEFINO COMMUNICATIONS, LLC DBA  
DOLCEFINO CONSULTING,

PLAINTIFF,

VS.

TEXAS TECH UNIVERSITY AND DR. LAWRENCE  
SCHOVANEC, IN HIS OFFICIAL CAPACITY AS THE  
PRESIDENT OF TEXAS TECH UNIVERSITY,

DEFENDANTS.

IN THE DISTRICT COURT

99TH JUDICIAL DISTRICT

LUBBOCK COUNTY, TEXAS

---

**PLAINTIFF'S NOTICE OF INTENT TO TAKE THE ORAL AND VIDEOTAPED  
DEPOSITION OF WARREN KENNETH PAXTON, JR. WITH DOCUMENT  
REQUESTS**

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TO: Warren Kenneth Paxton, Jr., Texas Attorney General, Office of the Attorney  
General, 300 West 15th St, Austin, Texas 78701.

Please take notice that pursuant to Rule 199.2 of the Texas Rules of Civil Procedure,  
Dolcefino Communications, LLC, Plaintiff in the above-entitled and numbered cause, by  
and through its attorneys of record, will take the oral and videotaped deposition of  
Warren Kenneth Paxton, Jr. ( the "Deponent"), commencing on **November 4, 2019 at 9:0  
AM** at Omni Austin Hotel Downtown, 700 San Jacinto at 8th Street, Austin, Texas 78701.

The Deponent is commanded to produce and permit inspection and copying of those documents set forth in Exhibit A attached hereto. The deposition will take place before a certified court reporter and will be recorded by stenographic means and by videotape. The deposition will continue from day to day until completed.

Respectfully Submitted,

**THE PETTIT LAW FIRM**

By: /s/ Julie Pettit

Julie Pettit  
State Bar No. 24065971  
jpettit@pettitfirm.com  
David B. Urteago  
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Jane Cherry  
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Dallas, Texas 75201  
Telephone: (214) 981-3800  
Facsimile: (214) 981-3839

*Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon all counsel of record via E-Service on October 7, 2019:

/s/ Julie Pettit

Julie Pettit



## EXHIBIT A

### I. Instructions & Definitions

You are instructed that documents provided in response to these Discovery Requests shall be produced as they are kept in the ordinary course of business or shall be organized and labeled to correspond with the categories in these Discovery Requests.

If you object to the production of any document on the basis of privilege, please state whether you have withheld information or material responsive to the Request and the specific privilege(s) claimed. If any document requested is objected to or withheld, in whole or in part, pursuant to a claim of privilege, provide the following information with respect to each such document:

- (a) date;
- (b) author(s), and their title or position;
- (c) addressee(s), and their title or position;
- (d) person(s) receiving a copy and their title or position;
- (e) general description of subject matter (e.g., opinion of counsel on merits of claims);
- (f) the nature of the privilege claimed (e.g., attorney/client, work product, etc.);
- (g) the factual and legal basis for the claim of such privilege (e.g., communication between attorney for corporation and outside counsel relating to acquisition of legal advice);
- (h) the identity of each person who was present when the documents were prepared and who has seen the documents; and
- (i) the identity of every other document that refers to or describes the contents of such document.

Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, Plaintiff hereby specifically requests the production of electronic or magnetic data responsive to these Discovery Requests. Plaintiff requests information in both a printed hard copy form and

via electronic or magnetic media so that the information may be obtained or manipulated through its native applications.

Unless specifically noted otherwise, Plaintiff requests that you produce electronic or magnetic data as electronically Bates-numbered single-page TIFF images with corresponding metadata and respective load files. The following metadata fields, to the extent applicable to the electronic or magnetic data produced, shall be included in a searchable fielded data file:

- Beginning/Ending document numbers,
- Beginning/Ending Attachment ranges,
- Document Type,
- Sent Date/Time,
- Author,
- Recipient,
- CC,
- BCC,
- Subject/Title,
- Custodian,
- Attachment Count,
- File Name,
- Native File Path,
- Last Accessed Date/Time,
- Last Modified Date/Time, and
- Full Text.

Attachments, enclosures, and/or exhibits to any parent documents should also be produced and proximately linked to the respective parent documents containing the attachments, enclosures, and/or exhibits.

All spreadsheets should be produced in their native format and in the order that they were stored in the ordinary course of business, i.e., emails that attach spreadsheets should not be separated from each other and should be linked using the Attachment

Range fields above. The file name should match the Bates number assigned to the file. The extractable metadata and text should be produced in the same manner as other documents that originated in electronic form. The parties agree to work out a future protocol governing the use and format of documents produced pursuant to this paragraph at trial, depositions, or hearings (such as converting to TIFF images in accordance with the above protocol).

These Discovery Requests should be responded to in accordance with the following definitions:

1. "Communication" means all oral, written, or electronic statements, representations, utterances, or other means of conveying information to another.
2. "Concerning" means in any way constituting, reflecting, concerning, containing, pertaining to, referring to, relating to, indicating, showing, describing, evidencing, discussing, mentioning, embodying, or computing.
3. "Cost Estimates" means, collectively, all the cost estimates created by Texas Tech University in connection to any of the ORRs.
4. "Defendant," "Texas Tech," and "TTU" refer to Texas Tech University, including without limitation any assumed name under which it does business, and all of its predecessors, successors, wholly or partially owned subsidiaries, parents, affiliates, and all past or present agents, representatives, members, managers, partners, employees, officers, consultants, attorneys, entities acting in joint-venture or partnership relations with it and any other person acting or purporting to act on its behalf.

5. "Document" shall be synonymous in meaning and equal in scope to the usage of the term "documents and tangible things" in Rule 192.3(b) of the Texas Rules of Civil Procedure. "Document" also includes, without limitation, all printed matter, electronic mail, materials stored on computer hard drives, diskettes, tapes, any other computer media, and any other information stored in any magnetic or electronic format.

6. "ESI" stands for electronically stored information and means data or information that exists in electronic or magnetic form.

7. "Evidence" or "evidencing" means constituting or having some bearing on an indicated subject or mentioning the subject, even if only in passing, including but not limited to, any document or communication that constitutes, contains, embodies, comprises, reflects, identifies, states, refers to, deal with, comments on, responds to, describes, involves, or is in any way pertinent to that subject.

8. "Identify" or "Identification":

a. When used in reference to a person, "identify" or "identification" means to state his or her full name, present or last known residence address, present or last known business address, and telephone number.

b. When used in reference to a public or private corporation, governmental entity, partnership, or association, "identify" or "identification" means to state its full name, present or last known business address or operating address, the name of its Chief Executive Officer, and telephone number.

- c. When used in reference to a document, “identify” or “identification” shall include statement of the following:
- i. the title, heading, or caption, if any, of such document;
  - ii. the identifying number(s), letter(s), or combination thereof, if any; and the significance or meaning of such number(s), letter(s), or combination thereof, if necessary to an understanding of the document and evaluation of any claim of protection from discovery;
  - iii. the date appearing on such document; if no date appears thereon, the answer shall so state and shall give the date or approximate date on which such document was prepared;
  - iv. the number of pages and the general nature or description of such document (i.e., whether it is a letter, memorandum, minutes of a meeting, etc.), with sufficient particularity so as to enable such document to be precisely identified;
  - v. the name and capacity of the person who signed such document; if it was not signed, the answer shall so state and shall give the name of the person or persons who prepared it;
  - vi. the name and capacity of the person to whom such document was addressed and the name and capacity of such person, other than such addressee, to whom such document, or a copy thereof, was sent; and

vii. the physical location of the document and the name of its custodian or custodians.

9. "Lawsuit" means the action styled *Dolcefino Communications, LLC dba Dolcefino Consulting v. Texas Tech University*, Cause No. 2018528740, pending in the 99th Judicial District Court of Lubbock County, Texas.

10. "ORRs" means, collectively, the requests for records served pursuant to the Texas Public Information Act by Dolcefino Communications, LLC on Texas Tech University that are now the subject of the Lawsuit.

11. "Person" means and includes the plural and the singular and includes natural persons, corporations, firms, associations, partnerships, joint ventures, any other form of legal business entity, or any governmental agency, department, units, or any subdivision thereof.

12. "Plaintiff" means Dolcefino Communications, LLC.

13. "TPIA" means the Texas Public Information Act.

14. The use of a verb in any context shall be construed as the verb in all tenses. The plural shall include the singular and the singular shall include the plural.

15. The word "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the deposition topic inclusive rather than exclusive.

16. Whenever the singular is used herein it also includes the plural, and vice versa. Whenever the conjunctive is used herein it also includes the disjunctive, and vice versa.

## **II. Requests for Production**

1. Any and all documents and communications referencing or regarding Plaintiff and/or its open records requests.
2. Any and all documents and communications referencing or regarding Wayne Dolcefino or his open records requests that form the basis of this litigation (Cause No. 2018528740 pending in Lubbock County, Texas).
3. Any and all documents and communications referencing or regarding Michael Charles Leach.
4. Any and all documents and communications referencing or regarding Michael Charles Leach that refer or relate to any open records requests that form the basis of this litigation (Cause No. 2018528740 pending in Lubbock County, Texas).