

**LAW OFFICES
OF
MARCOS & ASSOCIATES, P.C.**

228 Westheimer Rd.
Houston, TX 77006
Tel: (713) 528-7711
Fax: (713) 528-7710
www.marcoslaw.com

FACSIMILE TRANSMITTAL SHEET

TO:
BARRY M. HAMMOND, JR.
COMPANY:

FROM:
GABRIELA LOZANO

FAX NUMBER:
(832) 827-4280

DATE:
AUGUST 11, 2018

PHONE NUMBER:
(832) 819-1020

TOTAL NO. OF PAGES INCLUDING COVER:
20 PAGE(S)

SENDER'S REFERENCE NUMBER:
ABG GENERAL CONSTRUCTION

RE:
**PLAINTIFF ABG GENERAL
CONSTRUCTION'S RESPONSE TO
DEFENDANT'S REQUEST FOR DISCOVERY**

YOUR REFERENCE NUMBER:
CAUSE NO. 2018-42734; ABG GENERAL
CONSTRUCTION V. 3S REAL ESTATE
INVESTMENTS, LLC- SERIES 3, IN THE 269TH
DISTRICT COURT OF HARRIS COUNTY, TEXAS.

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Dear Mr. Hammond,

Please see the following for the above reference case matter.

- **Plaintiff ABG General Construction's Response to Defendant's Request for Disclosure;**
- **Plaintiff ABG General Construction's Response to Defendant's First Set of Interrogatories; and**
- **Plaintiff ABG General Construction's Response to Defendant's Request for Production.**

Your time and attention are greatly appreciated. Should you have any questions or require additional information please do not hesitate to contact our office at (713) 528-7711.

Sincerely,

Gabriela Lozano,

Case Manager

IMPORTANT CONFIDENTIALITY NOTICE:

UNLESS OTHERWISE INDICATED OR OBVIOUS FROM THE NATURE OF THE TRANSMITTAL, THE INFORMATION CONTAINED IN THIS FAX TRANSMITTAL MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, IMMEDIATELY NOTIFY THE SENDER AND DISPOSE OF THIS FACSIMILE.

CAUSE NO. 2018-42734

ABG GENERAL CONSTRUCTION
Plaintiff,

V.

3S REAL ESTATE INVESTMENTS,
LLC – SERIES 3
Defendant.

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IN THE DISTRICT COURT

269TH JUDICIAL DISTRICT

OF HARRIS COUNTY, TEXAS

**PLAINTIFF ABG GENERAL CONSTRUCTION'S
RESPONSE TO DEFENDANT'S REQUEST FOR DISCLOSURE**

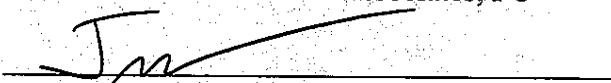
TO: 3S Real Estate Investments, LLC – Series 3, Defendant, by and through Defendant's attorney of record, Barry M. Hammond, Jr., 1302 Waugh Drive, #539, Houston, Texas 77019.

Pursuant to Rule 194.3 of the Texas Rules of Civil Procedure, Plaintiff, ABG General Construction, by and through Javier Marcos, Jr., Plaintiff's attorney of record, serves the attached responses to Defendant, 3S Real Estate Investments, LLC – Series 3's Request for Disclosure.

Respectfully submitted,

The Law Offices of Marcos & Associates, PC

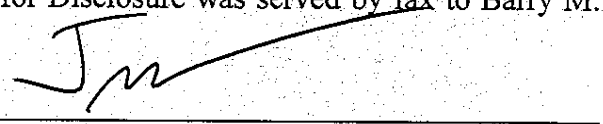
By:



Javier Marcos, Jr.
Texas Bar No. 24028925
Email: jmarcos@marcoslaw.com
228 Westheimer Road
Houston, TX 77006
Tel. (713) 528-7711
Fax. (713) 528-7710
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that on August 11, 2018 a true and correct copy of Plaintiff ABG General Construction's Response to Defendant's Request for Disclosure was served by fax to Barry M. Hammond, Jr. at (832) 827-4280.



Javier Marcos, Jr.

RESPONSES TO REQUEST FOR DISCLOSURE

Request 1: R.194.2(a). State the correct names of the parties to the lawsuit.

Response:

ABG General Construction
-Plaintiff

3S Real Estate Investments, LLC – Series 3
-Defendant

Request 2: R.194.2(b). State the name, address, and telephone number of each potential party.

Response:

None known at this time.

Request 3: R.194.2(c). State the legal theories and, in general, the factual bases for your claims or defenses.

Response:

ABG General Construction agreed with 3S Real Estate Investments, LLC- Series 3 that ABG General Construction would do demo, design, build a BBQ including stucco and related thereto and 3S Real Estate Investments, LLC- Series 3 would pay for services. After all, just offsets the amount owed is \$4,000.00.

OWNER: 3S Real Estate Investments, LLC- Series 3

LEGAL ADDRESS: LT 6 BLK 16 HYDE PARK MAIN of Harris County, Texas

COMMON ADDRESS: 2105 Morse St., Houston, Texas 77019

CLAIM AMOUNT: \$4,000.00

Plaintiff provided valuable goods or services to the Defendant, specifically construction and related work. Defendant accepted the goods or services from Plaintiff, with knowledge that the Plaintiff expected payment for same. In reliance on the promise of Defendant, that would pay monies, Plaintiff performed work. The actions taken by the Plaintiff was reasonable and foreseeable in light of the promise made by Defendant. Plaintiff, through counsel, an affidavit with the Real Property Records of Harris County, claiming mechanic's and materialmen's liens against the Projects (the "Lien").

Request 4: R.194.2(d). State the amount of economic damages and any method of calculating the damages.

Response:

Approximately \$4,000.00; exclusive pre judgment interest at the highest legal rate, Post judgment interest at the highest rate, court costs. Attorney's fees, currently attorney fees at the number of hours multiplied by \$285.00, the contracted rate, which is excess approximately

\$3,500.00 and appellant fees of \$15,000 per level of appeal contingent on success; there should also be several hundreds of dollars of court costs and other expenses. Additionally, post and prejudgment interest and Exemplary Damages not to be less than \$15,000.00 in order to impress and satisfy injuries. Pre judgment interest to be 1.5% compounded Monthly per Texas Property Code, Chapter 28, Prompt Pay Statute. Foreclose on real property.

FORECLOSURE OF CONSTITUTIONAL LIENS AGAINST THE PROJECT, LIABILITY UNDER TEXAS PROPERTY CODE SECTION 53.083, BREACH OF CONTRACT, SWORN ACCOUNT, CONSTITUTIONAL LIEN, QUANTUM MERUIT, UNJUST ENRICHMENT, PROMISSORY ESTOPPEL, DAMAGES/FORECLOSURE, ALTERNATIVE ALLEGATIONS, VIOLATIONS OF TEXAS PROMPT PAY ACT AND CLAIM FOR INTEREST, ATTORNEYS' FEES AND INTEREST and CONDITIONS SATISFIED.

Request 5: R.194.2(e). State the name, address, and telephone number of persons having knowledge of relevant facts and state each person's connection with the case.

Response:

ABG General Construction
Contact through their attorney of record.

3S Real Estate Investments, LLC – Series 3
Contact through their attorney of record.

Any witnesses to work being performed
Unknown names/address/telephone
Will supplement.

Any witnesses to agreement/contract entered into between parties
Unknown names/address/telephone
Will supplement.

Any contractors/subcontractors hired to perform work at property in question
Unknown names/address/telephone
Will supplement.

Request 6: R.194.2(f). For each individual who may be called by you or your attorney as an expert witness, state:

1. the expert's name, address, and telephone number;
2. the subject matter on which the expert will testify;
3. the mental impressions and opinions held by the expert and the basis for them (or documents reflecting such information if the expert is not retained by, employed by, or otherwise subject to your control);
4. if the expert is retained by, employed by, or otherwise subject to your control:

- A) produce all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
- B) produce the expert's current resume and bibliography.

Response:

Javier Marcos, Jr.,
The Law Offices of Marcos & Associates, P.C.
228 Westheimer Rd.
Houston, TX 77006
(713) 528-7711

Javier Marcos, Jr. is a Texas licensed attorney and he may testify regarding the reasonable and necessary attorney fees and cost incurred by Plaintiff in this case, the reasonableness of any attorney's fees, and cost sought to be recovered by any other party. Javier Marcos, Jr. may testify regarding the expert testimony as to corporate, limited partnerships, and other forms of business entities and their requirements and liability to owners, representatives, or/and employees of said entities, including but not limited to, the means and method of imposing liability to individuals even though an entity exists which can protect liability. Javier Marcos, Jr. may testify as to the legal mechanisms of a mechanic's and materialman's lien (statutory and/or constitutional), and legal construction/theories of contract and other theories of recovery related to improvement of real property. Additionally, the distinctions between homestead and non-homestead improvements to real properties and the requirement thereof.

Dave Humphries
540 S. Main Street #42
Highlands, TX 77562
(281) 652-8033

Mr. Humphries has looked at the entire litigation file including but not limited to petition, pictures, invoices, and plans.

Steven P. Blake
Senior Consultant for Blake Engineering
22014 Pelican Edge
San Antonio, Texas 78258
Tel: (210) 497-1079
Fax: (210) 497-0818

Mr. Blake is a licensed civil engineer who has knowledge regarding the following but not limited fields of forensic, foundation, construction, structures, plans, inspections, and Expert Witness Services and has knowledge of Defendant's work. All experts have looked at the entire file including but not limited to petition, pictures, invoices, and plans.

Mr. Blake has looked at the entire litigation file including but not limited to petition, discovery response, pictures, invoices, and plans.

Ronald Carboni

Woodlands Roofing and Construction
11804 Westheimer Road
Houston, Texas 77077
Tel: (832) 274-1514

Mr. Carboni has been in the residential and commercial construction and remodel for over many years and has knowledge of Plaintiff's work. All experts have looked at the entire file including but not limited to petition, discovery response, pictures, invoices, and plans.

Mr. Carboni has looked at the entire litigation file including but not limited to petition, discovery response, pictures, invoices, and plans. He will testify to the condition of the structure in its existence prior to any work being performed has a direct link with the remodel and/or construction completion. If the work performed was to normal standards in the industry. The actual contract signed and the explanation thereof. The price paid for remodel/construction as compared to other jobs. As to the quality of work which was performed at the property in question of this suit.

Request 7: R.194.2(g). Produce any indemnity and insuring agreements as described in Rule 192.3(f).

Response:

At this point in time no responsive documents, as described in Rule 192.3(f), are in the custody or control of counsel.

Request 8: R.194.2(h). Produce any settlement agreements as described in Rule 192.3(g).

Response:

At this point in time no responsive documents, as described in Rule 192.3(g), are in the custody or control of counsel.

Request 9: R.194.2(i). Produce any witness statements as described in Rule 192.3(h).

Response:

At this point in time no responsive documents, as described in Rule 192.3(h), are in the custody or control of counsel.

Request 10: R.194.2(j). Produce all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

Response:

Not applicable.

Request 11: R.194.2(k). Produce all medical records and bills obtained by you by virtue of an authorization furnished by Defendant.

Response:

Not applicable.

Request 12: R.194.2(l). Produce the name, address, and telephone number of any person who may be designated as a responsible third party.

Response:

None known at this time.

CAUSE NO. 2018-42734

ABG GENERAL CONSTRUCTION
Plaintiff,

V.

3S REAL ESTATE INVESTMENTS,
LLC – SERIES 3
Defendant.

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IN THE DISTRICT COURT

269TH JUDICIAL DISTRICT

OF HARRIS COUNTY, TEXAS

**PLAINTIFF ABG GENERAL CONSTRUCTION'S RESPONSE
TO DEFENDANT'S FIRST SET OF INTERROGATORIES**

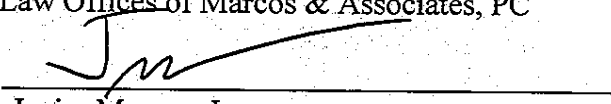
To: 3S Real Estate Investments, LLC – Series 3, Defendant, by and through Defendant's attorney of record, Barry M. Hammond, Jr., 1302 Waugh Drive, #539, Houston, Texas 77019.

NOW COMES ABG General Construction, Plaintiff, and responds to this First Set of Interrogatories propounded by Defendant, 3S Real Estate Investments, LLC – Series 3 pursuant to Rule 197 of the Texas Rules of Civil Procedure.

Respectfully submitted,

The Law Offices of Marcos & Associates, PC

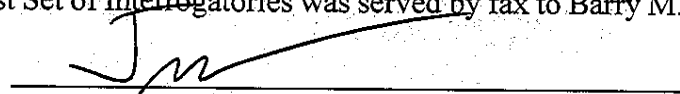
By:



Javier Marcos, Jr.
Texas Bar No. 24028925
Email: jmarcos@marcoslaw.com
228 Westheimer Road
Houston, TX 77006
Tel. (713) 528-7711
Fax. (713) 528-7710
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that on August 11, 2018 a true and correct copy of Plaintiff ABG General Construction's Response to Defendant's First Set of Interrogatories was served by fax to Barry M. Hammond, Jr. at (832) 827-4280.


Javier Marcos, Jr.

RESPONSES TO "IDENTIFICATION & AUTHENTICATION" INTERROGATORIES

1. Identify all insurance policies relevant to this suit.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. The discovery request asks for information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence.

2. Identify all invoices relevant to the contract that is the subject of this suit.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and cannot determine with reasonable specificity the information requested. Plaintiff objects to this request as this information is equally available to the Defendant as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery.

3. Identify all documents relevant to your purported provision of services at 2105 Morse Street.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. The discovery request asks for information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence.

4. Identify all documents relevant to your purported lien on the property located at 2105 Morse.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Calls for marshaling and narratives.

RESPONSES TO "STANDARD" INTERROGATORIES

1. Identify each person answering these interrogatories, supplying information, or assisting in any way with the preparation of the answers to these interrogatories.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear,

and cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. The discovery request asks for information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing, ABG General Construction c/o Javier Marcos.

2. Identify every person who is expected to be called to testify at trial, including your experts. *See* Tex. R. Civ. P. 192.3(d).

ANSWER:

Plaintiff objects as the information requested has been produced in another form of discovery. Plaintiff objects to this request as this information is equally available to the Defendant as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. Subject to and without waiving the foregoing, refer to Plaintiff ABG General Construction's Response to Defendant's Request for Disclosure R.194.2 (e) and (f).

3. Identify all discoverable consulting experts- that is, consulting experts whose work has been reviewed by a testifying expert. *See* Tex. R. Civ. P. 192.3e. For each expert identified, provide the following information:

- a. The expert's name, address, and telephone number.
- b. The expert's current resume and bibliography.
- c. The facts known to the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with the case, regardless of when and how the factual information was acquired.
- d. The mental impressions or opinions of the expert formed or made in connection with the case and any methods used to derive them.
- e. Any bias of the expert.
- f. A list of all documents and tangible things, including reports, models, or data compilations, that have been provided to, reviewed by, or prepared by or for the expert, so the documents or tangible things may properly be sought by a request for production.

ANSWER:

Plaintiff objects as the information requested has been produced in another form of discovery. Plaintiff objects to this request as this information is equally available to the Defendant as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. Subject to and without waiving the foregoing, refer to Plaintiff ABG General Construction's Response to Defendant's Request for Disclosure R.194.2 (f).

4. Identify every person who has impeachment or rebuttal evidence and describe the evidence each person has. If you have enough information to anticipate the use of impeachment or rebuttal evidence or witnesses, you must provide that information.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Plaintiff has not been given a sufficient amount of time for compliance with the request. Calls for marshaling and narratives.

5. If you have ever been convicted of a felony or a crime involving moral turpitude, state the nature of the charge and the date and place of arrest and conviction, *See* Tex. R. Evid. 404(a)(2)(B), 609(a).

ANSWER:

Plaintiff objects to this request as this information is equally available to the Defendant as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Harassment and not likely to lead to discovery evidence. The discovery request is an invasion of personal, constitutional, or property rights. The discovery request asks for information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence.

6. If you contend the oral contract is enforceable under the doctrine of promissory estoppel, state the factual basis of your contention.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. The discovery request asks for information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence.

7. If you contend the purported stucco application services were provided to Defendant on an open-account basis, state the factual basis for your contention.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. The discovery request asks for information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff objects to this request as this information is equally available to the Defendant as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery.

8. If you presented to Defendant or its agent or representative a demand for payment of the account alleged in Plaintiff's original petition, state the date you made the demand, who made it, and the amount of the demand.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Plaintiff objects to this request as this information is equally available to the Defendant as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery.

9. If you presented to Defendant or its agent or representative proof of the filing of the liens alleged in Plaintiff's original petition, state the date you made the presentation, who made it, and the form of presentment.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Plaintiff objects to this request as this information is equally available to the Defendant as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery.

10. Identify the person who you contend received an order for the services described in the account described Plaintiff's original petition.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Plaintiff objects to this request as this information is equally available to the Defendant as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery.

11. Identify the services you contend were purchased by Defendant, the dates the services were purchased, the person who performed the services, and the date the services were performed.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Plaintiff objects to this request as this information is equally available to the Defendant as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery.

12. If you contend the Defendant agreed the account described in Plaintiff's original petition is an accurate record of the transaction between the parties and the balance due, identify the person who agreed to the account, the date of your conversation with the person, and whether the agreement was oral or in writing.

ANSWER:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Plaintiff objects to this request as this information is equally available to the Defendant as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery.

CAUSE NO. 2018-42734

ABG GENERAL CONSTRUCTION
Plaintiff,

V.

3S REAL ESTATE INVESTMENTS,
LLC – SERIES 3
Defendant.

§ IN THE DISTRICT COURT
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§ 269TH JUDICIAL DISTRICT
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§ OF HARRIS COUNTY, TEXAS

PLAINTIFF ABG GENERAL CONSTRUCTION'S
RESPONSE TO DEFENDANT'S REQUEST FOR PRODUCTION

To: 3S Real Estate Investments, LLC – Series 3, Defendant, by and through Defendant's attorney of record, Barry M. Hammond, Jr., 1302 Waugh Drive, #539, Houston, Texas 77019.

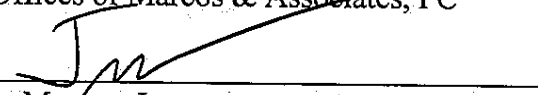
NOW COMES ABG General Construction, Plaintiff, and responds to the Request for Production propounded by Defendant, 3S Real Estate Investments, LLC – Series 3 pursuant to Rule 196 of the Texas Rules of Civil Procedure.

Plaintiff agrees to produce the documents specified in these Responses, subject to and without waiving any objection or claim of privilege asserted hereinbelow. Plaintiff will make the requested discovery available for inspection and copying at the time and location specified in the Requests for Production (herein referred to as the "Designated Time and Location").

Respectfully submitted,

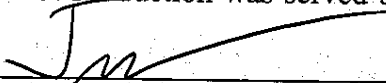
The Law Offices of Marcos & Associates, PC

By: _____


Javier Marcos, Jr.
Texas Bar No. 24028925
Email: jmarcos@marcoslaw.com
228 Westheimer Road
Houston, TX 77006
Tel. (713) 528-7711
Fax. (713) 528-7710
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that on August 11, 2018 a true and correct copy of Plaintiff ABG General Construction's Response to Defendant's Request for Production was served by fax to Barry M. Hammond, Jr. at (832) 827-4280.



Javier Marcos, Jr.

RESPONSE TO REQUEST FOR PRODUCTION

1. Produce a file-stamped copy of any lien referenced in Plaintiff's original petition.

RESPONSE:

Plaintiff objects to this request as this information is equally available to the Defendants as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

2. Produce proof of notice to Defendant of any lien referenced in Plaintiff's original petition.

RESPONSE:

Plaintiff objects to this request as this information is equally available to the Defendants as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

3. Produce proof that Plaintiff rendered the stucco services alleged in Plaintiff's original petition.

RESPONSE:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and Plaintiff cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Calls for marshalling. Plaintiff objects to this request as this information is equally available to the Defendants as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

4. Produce any and all communications and documents sent to or received from, or exchanged by and between You and Defendant and its agents, employees, or representatives concerning the subject matter of this lawsuit.

RESPONSE:

Plaintiff objects to this request as this information is equally available to the Defendants as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

5. Produce any and all communications and documents sent to or received from, or exchanged by and between You and any non-party and/or agents, employees, or representatives concerning the subject matter of this lawsuit.

RESPONSE:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and Plaintiff cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

6. Produce the original of the contract on which this suit is based.

RESPONSE:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and Plaintiff cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

7. Produce all drafts of the contract on which this suit is based.

RESPONSE:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and Plaintiff cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a

limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

8. Produce all communications between Plaintiff and Defendant relating to the contract on which this suit is based.

RESPONSE:

Plaintiff objects to this request as this information is equally available to the Defendants as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

9. Produce all documents that relate to the contract on which this suit is based.

RESPONSE:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and Plaintiff cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

10. Produce all contracts entered into between Plaintiff and Defendant and signed by both parties.

RESPONSE:

Plaintiff objects to this request as this information is equally available to the Defendants as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

11. Produce all documents pertaining to the parties' modification of the contract on which this suit is based.

RESPONSE:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and Plaintiff cannot determine with reasonable specificity the information requested. The

discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

12. Produce all documents summarizing or reflecting payment on the account for which Plaintiff sues.

RESPONSE:

Plaintiff objects to this request as this information is equally available to the Defendants as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

13. Produce all documents relating to Defendant's order of the stucco application services identified in the account described in Plaintiff's original petition.

RESPONSE:

Plaintiff objects to this request as this information is equally available to the Defendants as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

14. Produce all documents relating to any price quotation or price agreement regarding the stucco application services identified in the account attached to Plaintiff's original petition.

RESPONSE:

Plaintiff objects to this request as this information is equally available to the Defendants as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

15. Produce all documents relating to the delivery and receipt of the stucco application services identified in the account described in Plaintiff's original petition.

RESPONSE:

Plaintiff objects to this request as this information is equally available to the Defendants as it is to the Plaintiff. If a moving party can obtain documents or information without resort to discovery, there is no cause for requesting the discovery. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.

16. Produce all ledgers, all statements, including accounts payable or receivable, and all other documents that relate to the account described in Plaintiff's original petition.

RESPONSE:

Plaintiff is unable to comply with the discovery request because it is vague and unclear, and Plaintiff cannot determine with reasonable specificity the information requested. The discovery request is overly broad, lacks definition, or is not reasonably limited in scope or time. Subject to and without waiving the foregoing, copies of documents and other tangible things responsive to this Request for Production in custody and control of Plaintiff's counsel will be made available for inspection at Plaintiff's counsel office at an agreed time. Copying can be obtained by a neutral third party at Plaintiff's counsel office. The remaining you can acquire through a limited release provided by Defendant and approved by Plaintiff. All at Defendant's sole cost.