

CAUSE NO. GN-301481

PAUL CLAYTON AND MIKE HEAD,
Plaintiffs,

v.

TEXANS FOR A REPUBLICAN
MAJORITY AND BILL CEVERHA,
Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

98th JUDICIAL DISTRICT

**TEXANS FOR LAWSUIT REFORM'S OBJECTIONS
AND RESPONSES TO PLAINTIFFS' DEPOSITION BY
WRITTEN QUESTIONS AND SUBPOENA DUCES TECUM**

TO: Plaintiffs Paul Clayton and Mike Head, by and through their attorney of record, Cris Feldman, Ivy, Crews & Elliott, P.C., 4601 Spicewood Springs Road, Suite 3-200, Austin, Texas 78759.

Texans for Lawsuit Reform, Inc. ("TLR") files this its Objections and Reponses to Plaintiffs' Deposition by Written Questions Propounded to Matt Welch as the Custodian of Business Records for Texans for Lawsuit Reform (the "Deposition by Written Questions") and Subpoena Duces Tecum. TLR reserves the right to amend and/or supplement the Responses contained herein.

Respectfully submitted,

LOCKE LIDDELL & SAPP LLP

By: 

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ATTORNEYS FOR TEXANS
FOR LAWSUIT REFORM

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was sent by facsimile and certified mail, return receipt requested this 29th day of November 2004, to the following counsel of record:

**VIA FACSIMILE: (512) 346-8441 AND
CERTIFIED MAIL RETURN RECEIPT
REQUESTED NO.: 7128 1729 2995 6835 2136**

Cris Feldman
Ivy, Crews & Elliott, P.C.
4601 Spicewood Springs Road, Suite 3-200
Austin, Texas 78759

**VIA FACSIMILE: (512) 482-6891 AND
CERTIFIED MAIL RETURN RECEIPT
REQUESTED NO.: 7128 1729 2995 6835 2143**

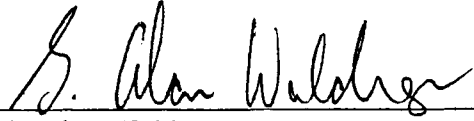
Terry L. Scarborough
Hance, Scarborough, Wright, Ginsberg & Brusilow
111 Congress Ave., Suite 500
Austin, Texas 78701

**VIA FACSIMILE: (210) 354-4034 AND
CERTIFIED MAIL RETURN RECEIPT
REQUESTED NO.: 7128 1729 2995 6835 2167**

J.D. Pauerstein
Loeffler Tuggey Pauerstein & Rosenthal, LLP
755 E. Mulberry, Suite 200
San Antonio, Texas 78212

**VIA FACSIMILE: (512) 479-0409 AND
CERTIFIED MAIL RETURN RECEIPT
REQUESTED NO.: 7128 1729 2995 6835 2150**

David Richards
1004 West Ave.
Austin, Texas 78701



G. Alan Waldrop

**OBJECTIONS TO AMENDED DEPOSITION BY WRITTEN QUESTIONS
PROPOUNDED TO MATT WELCH AS THE CUSTODIAN OF BUSINESS RECORDS
FOR TEXANS FOR LAWSUIT REFORM AND SUBPOENA DUCES TECUM**

1. TLR objects to responding to any discovery requests in connection with the lawsuit originally filed against Texans for a Republican Majority and Mr. Ceverha by Democratic candidates who did not prevail in the 2002 election cycle. TLR is not a party to this lawsuit and no allegations have ever been made by anyone against TLR regarding the use of funds or its activities in the democratic process. TLR has no information relevant to the allegations in this politically motivated lawsuit, and will resist any attempts by the Plaintiffs to harass political opponents using the tools designed for legitimate civil disputes.

2. TLR objects to Plaintiffs' Deposition by Written Questions and Subpoena Duces Tecum in its entirety on the basis that Plaintiffs' are not authorized under the Rules of Civil Procedure to unilaterally designate Matt Welch as the custodian of records for TLR.

3. TLR objects to Plaintiffs' Deposition by Written Questions and Subpoena Duces Tecum in its entirety on the basis that the questions and requests contained therein seek the discovery of information that is not relevant to any issue in dispute or reasonably calculated to lead to the discovery of admissible evidence.

4. TLR objects to Plaintiffs' Deposition by Written Questions and Subpoena Duces Tecum in its entirety on the basis that the questions and requests contained therein are overly broad and unduly burdensome.

5. TLR objects to Plaintiffs' Deposition by Written Questions and Subpoena Duces Tecum in its entirety on the basis that the questions and requests contained therein are propounded for the purpose of harassment.

6. TLR objects to Plaintiffs' Deposition by Written Questions and Subpoena Duces Tecum in its entirety on the basis that the questions and requests contained therein seek the discovery of information that is confidential and proprietary information of TLR.

7. TLR objects to Plaintiffs' Deposition by Written Questions and Subpoena Duces Tecum in its entirety on the basis that the questions and requests contained therein seek the discovery of information in violation of TLR's, TLR members' and TLR contributors' rights under the Texas Constitution and United States Constitution.

8. TLR objects to Plaintiffs' Deposition by Written Questions and Subpoena Duces Tecum in its entirety on the basis that the questions and requests contained therein are not limited as required by the Court's Order governing discovery in this cause. A true and correct copy of the Court's Order is attached hereto as Exhibit A.

SPECIFIC OBJECTIONS AND RESPONSES
TO PLAINTIFFS' SUBPOENA DUCES TECUM

REQUEST NO. 1:

Documents and records reflecting your communications with Texans for Republican Majority Political Action Committee (TRMPAC). This request includes, but is not limited to, memos, letters, e-mails, faxes, fax cover sheets, memorandum, contracts, phone messages, invoices, expense statements or records, vouchers, bills, receipts, cancelled checks, and phone records and bills.

The term Texans for Republican Majority Political Action Committee (TRMPAC) includes, but is not limited to, members of the TRM PAC Board (Beverly Woolley, Diane Delisi, Florence Shapiro, Tony Garza, Tom Delay, and Bill Ceverha); and representatives of TRM PAC including but not limited to John Colyandro, Russell Anderson, Jim Ellis, and Kevin Brannon.

RESPONSE:

TLR objects to this request on the basis that the term "reflecting your communications" is vague. TLR objects to this request on the basis that it seeks discovery of information that is not relevant to any issue in dispute or reasonably calculated to lead to the discovery of admissible evidence. TLR objects to this request on the basis that it is overly broad and unduly burdensome. TLR objects to this request on the basis that it is propounded for the purpose of harassment. TLR objects to this request on the basis that it does not request information with sufficient particularity and is an impermissible fishing expedition. TLR objects to this request on the basis that it seeks discovery of information that is confidential and proprietary information of TLR. TLR objects to this request on the basis that it seeks discovery of information in violation of TLR's, TLR members' and TLR contributors' rights under the Texas Constitution and United States Constitution.

REQUEST NO. 2:

Documents and records reflecting your communications with Texans for Republican Majority Political Action Committee supported candidates (including their campaign staff/consultants) for office in the 2002 Texas Republican Primary.

RESPONSE:

TLR objects to this request on the basis that the terms "reflecting your communications", "Texans for Republican Majority Political Action Committee supported candidates" and "their campaign staff/consultants" are vague. TLR objects to this request on the basis that it seeks discovery of information that is not relevant to any issue in dispute or reasonably calculated to lead to the discovery of admissible evidence. TLR objects to this request on the basis that it is overly broad and unduly burdensome. TLR objects to this request on the basis that it is propounded for the purpose of harassment. TLR objects to this request on the basis that it does not request information with sufficient particularity and is an impermissible fishing expedition. TLR objects to this request on the basis that it seeks discovery of information that is confidential

and proprietary information of TLR. TLR objects to this request on the basis that it seeks discovery of information in violation of TLR's, TLR members' and TLR contributors' rights under the Texas Constitution and United States Constitution.

REQUEST NO. 3:

Documents and records reflecting your communications with Texans for Republican Majority Political Action Committee supported candidates (including their campaign staff/consultants) for office in the 2002 Texas General Election.

TRM PAC supported candidates include but is not limited to: Nelson Balido, Todd Baxter, Dwayne Bobac, Betty Brown, Wayne Christian, Byron Cook, Glenda Dawson, Dan Flynn, Holt Getteman, Rick Green, Michael Hamilton, Richard Hardcastle, Bryan Hughes, Carl Islett, Kenneth Mercer, Sidney Miller, Dionne Roberts, Gene Seaman, Eddie Shauburger, Jack Stick, Larry Taylor, Clark Welder, Martha Wong, Kris Gillespie, Arlene Wohlgenuth, Jim Keffer, Mary Denny, Jerry Madden, Matt Mathews, Jodie Laubenberg, Linda Brown, Bill Keffer, Dan Branch, and Joe Crabb.

RESPONSE:

TLR objects to this request on the basis that the terms "reflecting your communications", "Texans for Republican Majority Political Action Committee supported candidates" and "their campaign staff/consultants" are vague. TLR objects to this request on the basis that it seeks discovery of information that is not relevant to any issue in dispute or reasonably calculated to lead to the discovery of admissible evidence. TLR objects to this request on the basis that it is overly broad and unduly burdensome. TLR objects to this request on the basis that it is propounded for the purpose of harassment. TLR objects to this request on the basis that it does not request information with sufficient particularity and is an impermissible fishing expedition. TLR objects to this request on the basis that it seeks discovery of information that is confidential and proprietary information of TLR. TLR objects to this request on the basis that it seeks discovery of information in violation of TLR's, TLR members' and TLR contributors' rights under the Texas Constitution and United States Constitution.

REQUEST NO 4:

Documents shall be produced for the time period March 13, 2002, to November 12, 2002. This includes documents dated March 13, 2002, to November 12, 2002, as well as documents referencing events that occurred from March 13, 2002, to November 12, 2002.

RESPONSE:

TLR objects to this request on the basis that it is vague in that it appears to be an instruction rather than a request for documents, although it is propounded as a request. TLR also objects to this request on the basis that it is vague because it does not specify what documents are sought during the specified time period. TLR objects to this request on the basis that it seeks discovery of information that is not relevant to any issue in dispute or reasonably calculated to lead to the discovery of admissible evidence. TLR objects to this request on the basis that it is

overly broad and unduly burdensome. TLR objects to this request on the basis that it is propounded for the purpose of harassment. TLR objects to this request on the basis that it does not request information with sufficient particularity and is an impermissible fishing expedition. TLR objects to this request on the basis that it seeks discovery of information that is confidential and proprietary information of TLR. TLR objects to this request on the basis that it seeks discovery of information in violation of TLR's, TLR members' and TLR contributors' rights under the Texas Constitution and United States Constitution.