

JARED WOODFILL,
STEVEN F. HOTZE, MD,
F.N. WILLIAMS, SR. AND
MAX MILLER,

Plaintiffs,

v.

ANNISE D. PARKER, MAYOR;
ANNA RUSSELL, CITY SECRETARY; AND
CITY OF HOUSTON,

Defendants.

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IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

152ND JUDICIAL DISTRICT

Preliminary Response to Amended Motion of Nonparties Pastor Hernan Castano, Ms. Magda Hermida, Pastor Khan Huynh, Pastor Steve Riggle, and Pastor David Welch to Quash Subpoenas to Produce Documents or Tangible Evidence

Pastor Hernan Castano, Ms. Magda Hermida, Pastor Khan Huynh, Pastor Steve Riggle, and Pastor David Welch filed a Motion to Quash Subpoenas to Produce Documents or Tangible Evidence, and a Memorandum in Support of that motion, on October 13, 2014. This motion complains, among other things, of subpoena Request No. 12.

This response serves to preliminarily address the complaints about Request No. 12. Defendants’ intent in propounding this request was to obtain communications by the subpoena recipients relating specifically to the HERO ordinance and the referendum petition, which is the subject of this litigation. This information is highly relevant, in as much as Plaintiffs have asserted that compliance with the City Charter’s verification requirements for referendum petitions is irrelevant or unnecessary. The non-party recipients of these subpoenas assisted in organizing the referendum petition drive, and are believed to have made presentations to circulators and petition signers concerning how to complete the petition forms or other relevant representations concerning the HERO ordinance or petitions. That information is discoverable, and not privileged.

In order to reduce the issues that will need to be decided by the court, however, Defendants revise Request No. 12.

Request No. 12 originally read:

All speeches, presentations, or sermons related to HERO, the Petition, Mayor Annise Parker, homosexuals, or gender identity prepared by, delivered by, revised by, or approved by you or in your possession.

Defendants hereby revise Request No. 12 as follows:

All speeches or presentations related to HERO or the Petition prepared by, delivered by, revised by, or approved by you or in your possession.

Conclusion

Defendants' Preliminary Response will be supplemented to address the remaining issues raised in the Motion and Memorandum filed by the subpoena recipients. For the reasons set forth herein, and for other reasons to be provided in a supplement to this preliminary response, Defendants ask that the Court overrule any objection to Request No. 12, as revised.

Respectfully submitted,

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