

Tara Waymire

CAUSE NO. 22-00105

CSD VAN ZANDT LLC <i>Plaintiff</i>	§	IN THE DISTRICT COURT
	§	
v.	§	294th JUDICIAL DISTRICT
	§	
UDO BIRNBAUM <i>Defendant</i>	§	VAN ZANDT COUNTY, TEXAS

**PLAINTIFF’S MOTION TO QUASH AND OBJECTIONS TO DEFENDANT’S NOTICE
OF DEPOSITION OF CSD VAN ZANDT LLC**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, CSD VAN ZANDT LLC, Plaintiff herein, and respectfully submits this *Motion to Quash* and Objections to Defendant’s *Notice of Deposition of CSD Van Zandt LLC*, and in support thereof would show the Court the following:

I.
MOTION TO QUASH NOTICE OF DEPOSITION

1. On December 27, 2022, Plaintiff received Defendant’s *Notice of Deposition of CSD Van Zandt LLC*, that noticed the deposition of Plaintiff for 1:00 p.m. on January 25, 2023, for a live deposition at the Defendant’s home located at 540 VZ County Road 2916, Eustace, Texas 75124. A copy of said Notice is attached hereto as Exhibit “A”.

2. Pursuant to Texas Rule of Civil Procedure 199.4, a party may object to the time and place designated for an oral deposition by filing a Motion to Quash the respective deposition notice. Accordingly, Plaintiff objects to the time and place of this deposition and moves the Court to quash same. Plaintiff further objects to the Notice to the extent that Defendant has noticed his own deposition.

3. This *Motion to Quash* has been filed within three (3) business days of receipt of the referenced Notice of Deposition and therefore the oral deposition of CSD Van Zandt LLC is

effectively stayed.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests the Court quash the deposition of CSD Van Zandt LLC. Plaintiff further seeks such other relief to which it may show itself to be justly entitled, at law or in equity.

Respectfully submitted,

FLOWERS DAVIS, P.L.L.C.
1021 ESE Loop 323, Suite 200
Tyler, Texas 75701
P: (903)534-8063
F: (903)534-1650

/s/ Katryna R. Watkins
KATRYNA R. WATKINS
State Bar No. 24106554
krw@flowersdavis.com

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this instrument was served on Defendant via electronic service manager on the 29th day of December 2022.

/s/ Katryna R. Watkins
KATRYNA R. WATKINS

EXHIBIT A

CAUSE NO. 22-00105

CSD VAN ZANDT LLC
Plaintiff/Counter Defendant

v.

UDO BIRNBAUM
Defendant/Cross Plaintiff

v.

ROBERT O. DOW
COREY KELLAM
CELIA C. FLOWERS
VAN ZANDT COUNTY
Cross Defendants

\$ IN THE DISTRICT COURT
\$ 294TH JUDICIAL DISTRICT
\$ VAN ZANDT COUNTY, TX
\$

NOTICE OF DEPOSITION OF CSD VAN ZANDT LLC
For January 25, 2023 1:00 p.m.

Depositions of CSD VAN ZANDT, LLC, as an organization, and UDO BIRNBAUM, an individual, will be on Wednesday January 25, 2023 starting at 1:00 p.m. at the location of the 148.12 acres at issue, at my house at 540 VZ County Road 2916, Eustace, TX 75124, or such other setting as the parties may agree.

Deposition will be by video, and upon such matters as Plaintiff has brought into this court by pleadings, affidavits, and other.

You may timely suggest alternative settings.

Udo Birnbaum

UDO BIRNBAUM, *Pro Se*
540 VZ County Road 2916
Eustace, TX 75124
903 802-9669
BRNBM@AOL.COM

Certificate of Service

Copy today December 21, 2022 by CMRR 7020 0640 0001 3644 1598 to Katryna R. Watkins, Flowers Davis, 1021 ESE Loop 323, Suite 200, Tyler, Texas 75701

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Amy Womack on behalf of Katryna Watkins
Bar No. 24106554
aw@flowersdavis.com
Envelope ID: 71361388
Status as of 12/29/2022 2:26 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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