

CAUSE NO. 22-00105

CSD VAN ZANDT LLC  
*Plaintiff*

v.

UDO BIRNBAUM  
*Defendant*

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IN THE DISTRICT COURT  
  
294<sup>TH</sup> JUDICIAL DISTRICT  
  
VAN ZANDT COUNTY, TEXAS

**PLAINTIFF’S FIRST SET OF WRITTEN INTERROGATORIES TO DEFENDANT**

TO: Udo Birnbaum, located at 540 VZ County Road 2916, Eustace, Texas 75124.

COMES NOW, CSD VAN ZANDT LLC, Plaintiff herein, and, pursuant to Rules 193 and 197 of the Texas Rules of Civil Procedure, serves this *Plaintiff’s First Set of Written Interrogatories* to Defendant, Udo Birnbaum, answers to which shall be made under oath, separately and fully in writing not later than thirty (30) days after the service of such Interrogatories, with a true and correct copy of such answers being delivered to the undersigned attorney of record.

**INSTRUCTIONS**

1. The questions that follow are to be construed as continuing, and you are requested to amend or supplement responses hereto pursuant to Tex. R. Civ. P. 193.5 with such additional information as you or any other person acting on your behalf may hereafter obtain which will augment or otherwise modify your answers given to the questions below or if you learn that a response was incomplete or incorrect when made or although complete or correct when made, is no longer complete and correct. Supplemental or amended responses are to be served on this party promptly after you discover the necessity for the response or upon receipt of such information.

2. For any requested information about a document that no longer exists or cannot be located, identify the document, state how and when it passed out of existence or when it could no longer be located, and give the reasons for the disappearance. Also, identify each person having

knowledge about the disposition or loss, and identify each document evidencing the existence or nonexistence of each document that cannot be located.

### **DEFINITIONS**

As used herein, the following terms have the meaning indicated below:

1. The term "Document" means any printed, typewritten, handwritten, mechanically or otherwise recorded matter and all electronic, magnetic or other records of whatever character, including, but without limitation, letters, purchase orders, receipts, checks, memoranda, telegrams, notes, catalogs, brochures, diaries, reports, calendars, interoffice and intra-office communications, statements, investigative reports, tax statements and bills, appraisals, announcements, depositions, answers to interrogatories, pleadings, judgments, newspaper articles, photographs, tape recordings, motion pictures, video tapes, contracts, and any carbon or photographic copies of any such material if you do not have possession, custody or control of the original. If any document requested to be identified was, but is no longer in existence, state whether it is: (1) missing or lost, (2) destroyed, (3) transferred voluntarily or involuntarily to others, and, if so, to whom, or (4) otherwise disposed of; and in each instance explain the circumstances surrounding the authorization of such disposition thereof, state the approximate date thereof, and describe its contents.

2. "You" and "Your" shall mean the party to whom these questions are directed as well as agents, representatives, employees, attorneys, investigators, and all other persons acting for said party.

3. "Possession, custody or control" of an item means that the person either has physical possession of the item or has a right to possession equal or superior to that of the person who has physical possession of the item.

4. In each question wherein you are asked to identify or describe a person, state with respect to such person as follows: (1) his/her full name; (2) his/her last known address and office telephone number, and (3) his/her employer and job title. If the person to be identified is not a natural person (e.g., a corporation), give its name and address and principal business activity and identify the officer, employee or agent most closely connected with the subject matter of the interrogatory and the officer who is responsible for supervising that officer or employee.

5. "Identify" or "describe" when referring to a document, means you must state the nature of the document (e.g. letter, handwritten note, etc.) of the document and the date of each addendum, supplement or other addition or change; the identity of the author and of the signer of the document, and of the person on whose behalf or at whose request or direction the document was prepared or delivered; and the present location of the document, and the name, address, position or title and telephone number of the person or persons having possession, custody or control of the document.

6. The term "communication" means the transmittal of information in the form of facts, ideas, inquiries, correspondence or otherwise, including email. With respect to oral communications, it includes, but is not limited to, discussions, conversations, conferences, meetings, interviews, telephone calls or tape recordings and includes notations or other documents evidencing or noting oral communications.

7. The term "correspondence" is defined to include all letters and communications as well as attachments and enclosures to correspondence and emails.

8. The terms "relating to" and "relate to" mean discussing, referring to, describing, mentioning, evidencing, concerning, or constituting, directly or indirectly, the subject matter identified in the Request.

9. The use of the singular form of any word includes the plural and vice-versa.
10. The terms “all” and “each” shall be construed as “and”, “each”, and “and/or.”
11. The term “any” should be understood in either its most or least inclusive sense as will bring within the scope of the discovery request all responses that might otherwise be construed to be out of its scope.
12. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed outside of its scope.
13. The term “Subject Property” means the approximately 150 acre tract of land, more or less, at subject in the instant lawsuit, further described in Warranty Deed with Vendor’s Lien filed at Instrument No. 2022-007473 of the Official Public Records of Van Zandt County, Texas on June 24, 2022 and attached to *Plaintiff’s Original Petition* as Exhibit B, Attachment 1.

Respectfully submitted,

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

/s/ Katryna R. Watkins  
**KATRYNA R. WATKINS**  
State Bar No. 24106554  
[krw@flowersdavis.com](mailto:krw@flowersdavis.com)

**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of this document was served on Defendant via electronic service manager on this the 24<sup>th</sup> day of April 2023.

/s/ Katryna R. Watkins  
**KATRYNA R. WATKINS**

**FIRST SET OF INTERROGATORIES**

1. Please detail and explain the circumstances that led to the conveyance of the Subject Property to Gwendolyn Wright Thibodeaux on April 12, 2002 as shown in the Warranty Deed filed at Volume 1710, Page 590 of the Official Public Records of Van Zandt County, Texas.

**RESPONSE:**

2. Please detail and explain the circumstances that led to the attempted conveyance of the Subject Property to You from Louis Thibodeaux on or around April 3, 2017.

**RESPONSE:**

3. Please detail and explain the factual and legal theories that support Your contention that You own the Subject Property.

**RESPONSE:**

4. Please detail and explain the factual and legal theories that support Your contention that You have suffered damages in the amount of \$850,000.

**RESPONSE:**

5. Please identify, with name, address, and contact information, the following individuals/entities below, as referenced in *Defendant's Answer and Counterclaim*:

- a. The Grantor;
- b. The Grantee;
- c. In-between facilitators; and
- d. Useful idiots.

**RESPONSE:**

6. Please detail and explain the basis of Your contention that the Subject Property was fraudulently stolen from You, as stated in Your *Response in Opposition to this Court's Setting for Hearing by Submission of Plaintiff's MSJ for Nov. 14, 2022*.

**RESPONSE:**

7. Please detail and explain the basis of Your contention that “statute of limitation claim preclusion” allegedly bars Plaintiff’s claims in the instant suit, as stated in Defendant’s *First Amended Answer, Counter, Cross, Trespass to Try Title, Injunction, Law Licenses, Criminal Refer*.

**RESPONSE:**