

Cause No. 09-11-11474-CV9th JUDICIAL DISTRICT COURT
MONTGOMERY COUNTY, TEXASRECEIVED AND FILED
FOR RECORD
At _____ O'clock _____ M.
FEB 10 2003
BARBARA GLADDEN ADAMICK
District Clerk
MONTGOMERY COUNTY, TEXAS
By _____ Deputy

ORDER REGARDING E-FILE DESIGNATION AND LIVE DATE

As of January 1, 2000, all civil cases filed in the 9th District Court of Montgomery County will be electronically filed as described and governed by the Local Rules Regarding Electronic Filing. Consequently, the Court, sua sponte, hereby designates the cause number, _____, 09-11-11474-CV in the Ninth District Court of Montgomery County, Texas, as such an e-file case. Accordingly, the Court orders that in this cause the District Clerk implement fully the Local Rule Regarding Electronic Filing, approved by the Supreme Court on September 16, 1997. A copy of the Local Rule Regarding Electronic Filing can be obtained in the office of Judge Edwards or the Montgomery County District Clerk's Office.

What Must be Filed Electronically. No pleadings or party-generated documents may be filed in paper form, but must be filed electronically through the e-file system, unless a document meets one of the exceptions named below.

All answers must be filed electronically. Answers filed in paper form will not be accepted.

Documents That Need Not be Filed Electronically. Documents may still be filed conventionally if 1) a party has leave of Court to do so, 2) the document is the Original Petition or a Return of Service, or 3) the document is an exhibit, appendix, or "image" document exceeding 50 pages in length (see explanation below). Actions brought by the State of Texas or Child Protective Services as well as Adoption Actions are exempt from e-filing.

Exhibits. Original exhibits to documents filed electronically must be "scanned in" and filed electronically as well if the *exhibits* number less than fifty pages. If the exhibits total over fifty pages in length, they may be **marked clearly** as to which motion they pertain and filed with the District Clerk.

A party wishing to file voluminous exhibits conventionally should 1) electronically file a notice indicating that there are conventional "paper" exhibits on file in the District Clerk's Office, 2) file the exhibits in the District Clerk's Office, and 3) serve other parties with copies of the conventionally-filed exhibits as normally required by the Texas Rule of Civil Procedure.

Please note that according to the Local Rule for E-filing, any original signature page on affidavits, verifications, or other sworn documents that is not filed with the Clerk in paper form "shall be maintained and made available, upon reasonable notice and during business hours, to other counsel and to the court."

New Divorce and Annulment Cases That Are Resolved Within 90 Days. As of January 1, 2001, all original petition for divorce or annulment that are resolved within 90 days are not required to be filed electronically.

In addition, inventories and appraisal documents in all family law cases may no longer be electronically served with the Court, due to privacy concerns. Please exchange this information to opposing counsel, but without actually serving the Court via e-filing. However, you must serve the Court with a letter noticing that the exchange of documents was made and on what date.

How to File Electronically. For information on how to use electronic filing, parties are instructed to contact CourtLink Customer Service at 1-888-529-7587.

In short, parties will be presented with two options. They may either: 1) become a subscriber through the Internet to the e-file system or 2) bring their filings in the form of 3-1/2" IBM (or compatible) formatted disc to the public terminal located in the District Clerk's Office and upload the pleadings at no charge.

Although there is no fee involved in subscribing to the e-file system through the Internet, a minimal fee is assessed for each filing and service delivery made through the system. The e-filing system will "serve" all parties and the court through the Internet or via facsimile, so it will not be necessary for a party choosing to become a subscriber to serve other parties in paper form.

However, parties wishing to exercise their option to file through the public terminal must still serve copies on other parties *in paper form*, as is usually required by the Texas Rules of Civil Procedure.

Consequences of Failure to File in Accordance with this Order. The District Clerk shall not accept any pleadings in paper form, and shall not use imaging technology to convert documents from paper to electronic form for the parties. Any documents submitted in paper form will be rejected by the District Clerk without further notice to submitting counsel. *Documents so rejected will be regarded as "unfiled," even if the clerk, in error, file-stamps the incorrectly filed documents.*

If the electronic filing is not filed with the Court because of 1) an error in the transmission of the document to the Vendor which was unknown to the sending party, or 2) a failure to process the electronic filing when received by the Vendor, or 3) other technical problems experienced by the filer, the Court may upon satisfactory proof enter an order permitting the document to be filed nunc pro tunc to the date it was first attempted to be sent electronically.

If there are any questions regarding e-filing, please contact the following:

- CourtLink Customer Service at (888)529-7587;
- Donna Owen, Briefing Attorney, 9th District Court at (936) 539-7866
- Christian Brown, CourtLink eFile Project Consultant, (770) 919-7571
- The Official Website for Montgomery County, www.co.montgomery.tx.us

Signed this 10th day of February, 2003.

EXHIBIT "A"



JUDGE FRED EDWARDS

The Honorable Fred Edwards

SUBJECT MATTER OF THE ANTICIPATED ACTION

4. Karen McPeters is a plaintiff in Cause No. 07-09-09142, styled "Karen McPeters v. Montgomery County, Texas" in the 9th District Court of Montgomery County, Texas. As a party to a civil lawsuit, she has been required to use Lexis Nexis, an on-line electronic filing service, to file and serve documents and pleadings in her lawsuit. She has been required to pay filing fees and service charges to Lexis Nexis, and documents tendered to the District Clerk for filing have been either refused or returned with an admonition that the file-stamp is void.
5. The purpose of this petition is to investigate, pursuant to *Tex. R. Civ. P.* 202.2(d):
- (a) whether or not the charges are authorized,
 - (b) the amounts of permissible charges, if any,
 - (c) the authority of the Montgomery County District Clerk to refuse to file documents tendered to her,
 - (d) the financial benefit to Montgomery County from requiring parties to lawsuits to use Lexis Nexis fileandserve, and
6. The substance of the testimony that petitioner expects to elicit, pursuant to *Tex. R. Civ. P.* 202.2(g), is that:
- (a) Lexis Nexis is acting as respondent's agent;
 - (b) the charges by Lexis Nexis are not authorized by law, *Tex. Gov't Code* §101.061, and *Tex. Gov't Code* §51.317;
 - (c) the District Clerk is required by statute to accept and file documents tendered to her, *Tex. Gov't Code* § 51.303(a) and *Texas Rule of Civil Procedure* 21;
 - (d) Montgomery County, Texas has financially benefitted by its agreement with Lexis Nexis;
 - (e) numerous parties have been charged the filings fees and service charges, and
 - (f) the frequency with which the District Clerk refuses to accept documents.

Petitioner wishes to obtain the testimony to investigate potential claims regarding unauthorized filing fees and service charges. See *Tex. Gov't Code* §101.061.

7. The person to be deposed is **Barbara Gladden Adamick, District Clerk of Montgomery County, Texas**. Her address is 301 N. Main Street, Suite 103, Conroe, Texas. Her telephone number is 936-539-7855. Petitioner can schedule the deposition at any time during January 2010, and anticipates that the deposition will take no longer than ninety (90) minutes.

RELIEF REQUESTED

8. Karen McPeters requests an order authorizing her to take the oral deposition duces tecum of **Barbara Gladden Adamick, District Clerk of Montgomery County, Texas**. A proposed order meeting the requirements of *Tex. R. Civ. P.* 202 is attached.

Respectfully submitted,



Robert L. Mays, Jr.
8626 Tesoro Drive, Suite 820
San Antonio, Texas 78217
Phone: 210-657-7772
FAX: 210-657-7780
TBN: 13308200
Attorney for Petitioner Karen McPeters

VERIFICATION

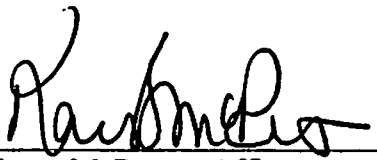
STATE OF TEXAS)
)
COUNTY OF BEXAR)

BEFORE ME THIS DAY personally appeared Karen McPeters, the undersigned Affiant,
who being by me duly sworn, deposed and stated as follows:

“My name is Karen McPeters; I am over the age of eighteen (18) years and am fully
competent to make this Verification. I have personal knowledge of all of the facts recited in this
Petition, and they are true and correct.”

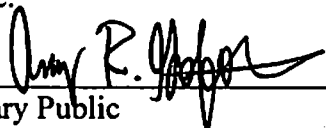
This concludes my testimony.

SIGNED on this the 20th day of November, 2009.

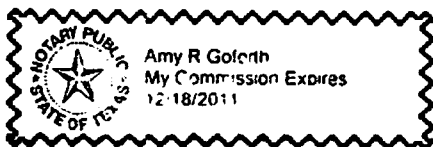


Karen McPeters, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on this the 20th day of November,
2009, to certify which witness my hand and official seal of office.



Notary Public
State of Texas
My Commission Expires: 12/18/2011



the deposition is impractical or inconvenient. The letter must:

(1) be addressed to the appropriate authority in the jurisdiction in which the deposition is to be taken;

(2) request and authorize that authority to summon the witness before the authority at a time and place stated in the letter for examination on oral or written questions; and

(3) request and authorize that authority to cause the witness's testimony to be reduced to writing and returned, together with any items marked as exhibits, to the party requesting the letter rogatory.

(d) *By Letter of Request or Other Such Device.* On motion by a party, the court in which an action is pending, or the clerk of that court, must issue a letter of request or other such device in accordance with an applicable treaty or international convention on terms that are just and appropriate. The letter or other device must be issued regardless of whether any other manner of obtaining the deposition is impractical or inconvenient. The letter or other device must:

(1) be in the form prescribed by the treaty or convention under which it is issued, as presented by the movant to the court or clerk; and

(2) must state the time, place, and manner of the examination of the witness.

(e) *Objections to Form of Letter Rogatory, Letter of Request, or Other Such Device.* In issuing a letter rogatory, letter of request, or other such device, the court must set a time for objecting to the form of the device. A party must make any objection to the form of the device in writing and serve it on all other parties by the time set by the court, or the objection is waived.

(f) *Admissibility of Evidence.* Evidence obtained in response to a letter rogatory, letter of request, or other such device is not inadmissible merely because it is not a verbatim transcript, or the testimony was not taken under oath, or for any similar departure from the requirements for depositions taken within this State under these rules.

(g) *Deposition by Electronic Means.* A deposition in another jurisdiction may be taken by telephone, videoconference, teleconference, or other electronic means under the provisions of Rule 199.¹

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

¹ Vernon's Ann.Rules Civ.Proc., rule 199.1 et seq.

Historical Notes

Source:

Former rule 188.

201.2. Depositions in Texas for Use in Proceedings in Foreign Jurisdictions

If a court of record of any other state or foreign jurisdiction issues a mandate, writ, or commission that requires a witness's oral or written deposition testimony in this State, the witness may be compelled to appear and testify in the same manner and by the same process used for taking testimony in a proceeding pending in this State.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

Rule 202. Depositions Before Suit or to Investigate Claims

Comments—1999

Comments to 1999 change:

1. This rule applies to all discovery before suit covered by former rules governing depositions to perpetuate testimony and bills of discovery.

2. A deposition taken under this rule may be used in a subsequent suit as permitted by the rules of evidence, except that a court may restrict or prohibit its use to prevent taking unfair advantage of a witness or others. The bill of discovery procedure, which Rule 202 incorporates, is equitable in nature, and a court must not permit it to be used inequitably.

Historical Notes

Former rule 202 was repealed by order effective January 1, 1999. For subject matter of former rule 202, see, now, rules 199.1, 203.6.

202.1. Generally

A person may petition the court for an order authorizing the taking of a deposition on oral examination or written questions either:

(a) to perpetuate or obtain the person's own testimony or that of any other person for use in an anticipated suit; or

(b) to investigate a potential claim or suit.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

Historical Notes

The order of Nov. 9, 1998 provides that the rule applies to proceedings filed on or after Jan. 1, 1999, but a court may use the rules for guidance in previously filed proceedings.

202.2. Petition

The petition must:

(a) be verified;

(b) be filed in a proper court of any county:

(1) where venue of the anticipated suit may lie, if suit is anticipated; or

(2) where the witness resides, if no suit is yet anticipated;

(c) be in the name of the petitioner;

(d) state either:

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- (1) that the petitioner anticipates the institution of a suit in which the petitioner may be a party; or
- (2) that the petitioner seeks to investigate a potential claim by or against petitioner;
- (e) state the subject matter of the anticipated action, if any, and the petitioner's interest therein;
- (f) if suit is anticipated, either:
 - (1) state the names of the persons petitioner expects to have interests adverse to petitioner's in the anticipated suit, and the addresses and telephone numbers for such persons; or
 - (2) state that the names, addresses, and telephone numbers of persons petitioner expects to have interests adverse to petitioner's in the anticipated suit cannot be ascertained through diligent inquiry, and describe those persons;
- (g) state the names, addresses and telephone numbers of the persons to be deposed, the substance of the testimony that the petitioner expects to elicit from each, and the petitioner's reasons for desiring to obtain the testimony of each; and
- (h) request an order authorizing the petitioner to take the depositions of the persons named in the petition.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

Historical Notes

The order of Nov. 9, 1998 provides that the rule applies to proceedings filed on or after Jan. 1, 1999, but a court may use the rules for guidance in previously filed proceedings.

202.3. Notice and Service

(a) *Personal Service on Witnesses and Persons Named.* At least 15 days before the date of the hearing on the petition, the petitioner must serve the petition and a notice of the hearing—in accordance with Rule 21a—on all persons petitioner seeks to depose and, if suit is anticipated, on all persons petitioner expects to have interests adverse to petitioner's in the anticipated suit.

(b) *Service by Publication on Persons Not Named.*

(1) *Manner.* Unnamed persons described in the petition whom the petitioner expects to have interests adverse to petitioner's in the anticipated suit, if any, may be served by publication with the petition and notice of the hearing. The notice must state the place for the hearing and the time it will be held, which must be more than 14 days after the first publication of the notice. The petition and notice must be published once each week for two consecutive weeks in the newspaper of broadest circulation in the county in which the petition is filed, or if no such newspaper exists, in the newspa-

per of broadest circulation in the nearest county where a newspaper is published.

(2) *Objection to Depositions Taken on Notice by Publication.* Any interested party may move, in the proceeding or by bill of review, to suppress any deposition, in whole or in part, taken on notice by publication, and may also attack or oppose the deposition by any other means available.

(c) *Service in Probate Cases.* A petition to take a deposition in anticipation of an application for probate of a will, and notice of the hearing on the petition, may be served by posting as prescribed by Section 33(f)(2) of the Probate Code. The notice and petition must be directed to all parties interested in the testator's estate and must comply with the requirements of Section 33(c) of the Probate Code insofar as they may be applicable.

(d) *Modification by Order.* As justice or necessity may require, the court may shorten or lengthen the notice periods under this rule and may extend the notice period to permit service on any expected adverse party.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

Historical Notes

The order of Nov. 9, 1998 provides that the rule applies to proceedings filed on or after Jan. 1, 1999, but a court may use the rules for guidance in previously filed proceedings.

202.4. Order

(a) *Required Findings.* The court must order a deposition to be taken if, but only if, it finds that:

- (1) allowing the petitioner to take the requested deposition may prevent a failure or delay of justice in an anticipated suit; or
- (2) the likely benefit of allowing the petitioner to take the requested deposition to investigate a potential claim outweighs the burden or expense of the procedure.

(b) *Contents.* The order must state whether a deposition will be taken on oral examination or written questions. The order may also state the time and place at which a deposition will be taken. If the order does not state the time and place at which a deposition will be taken, the petitioner must notice the deposition as required by Rules 199¹ or 200.² The order must contain any protections the court finds necessary or appropriate to protect the witness or any person who may be affected by the procedure.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

¹ Vernon's Ann.Rules Civ.Proc., rule 199.1 et seq.

² Vernon's Ann.Rules Civ.Proc., rule 200.1 et seq.

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the deposition officer a copy of the notice and of all written questions to be asked during the deposition.

(b) *Content of Notice.* The notice must comply with Rules 199.1(b), 199.2(b), and 199.5(a)(3). If the witness is an organization, the organization must comply with the requirements of that provision. The notice also may include a request for production of documents as permitted by Rule 199.2(b)(5), the provisions of which will govern the request, service, and response.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

200.2. Compelling Witness to Attend

A party may compel the witness to attend the deposition on written questions by serving the witness with a subpoena under Rule 176. If the witness is a party or is retained by, employed by, or otherwise subject to the control of a party, however, service of the deposition notice upon the party's attorney has the same effect as a subpoena served on the witness.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

200.3. Questions and Objections

(a) *Direct Questions.* The direct questions to be propounded to the witness must be attached to the notice.

(b) *Objections and Additional Questions.* Within ten days after the notice and direct questions are served, any party may object to the direct questions and serve cross-questions on all other parties. Within five days after cross-questions are served, any party may object to the cross-questions and serve redirect questions on all other parties. Within three days after redirect questions are served, any party may object to the redirect questions and serve recross questions on all other parties. Objections to recross questions must be served within five days after the earlier of when recross questions are served or the time of the deposition on written questions.

(c) *Objections to Form of Questions.* Objections to the form of a question are waived unless asserted in accordance with this subdivision.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

200.4. Conducting the Deposition Upon Written Questions

The deposition officer must: take the deposition on written questions at the time and place designated; record the testimony of the witness under oath in response to the questions; and prepare, certify, and deliver the deposition transcript in accordance with Rule 203. The deposition officer has authority when

necessary to summon and swear an interpreter to facilitate the taking of the deposition.

Added Aug. 5, 1998 and Nov. 9, 1998, and amended Dec. 31, 1998, eff. Jan. 1, 1999.

Historical Notes

The Order dated December 31, 1998, made technical corrections.

Rule 201. Depositions in Foreign Jurisdictions for Use in Texas Proceedings; Depositions in Texas for Use in Foreign Proceedings

Comments—1999

1. Rule 201.1 sets forth procedures for obtaining deposition testimony of a witness in another state or foreign jurisdiction for use in Texas court proceedings. It does not, however, address whether any of the procedures listed are, in fact, permitted or recognized by the law of the state or foreign jurisdiction where the witness is located. A party must first determine what procedures are permitted by the jurisdiction where the witness is located before using this rule.

2. Section 20.001 of the Civil Practice and Remedies Code provides a nonexclusive list of persons who are qualified to take a written deposition in Texas and who may take depositions (oral or written) in another state or outside the United States.

3. Rule 201.2 is based on Section 20.002 of the Civil Practice and Remedies Code.

Historical Notes

Former rule 201 was repealed by order effective January 1, 1999. For subject matter of former rule 201, see, now, rules 176.6, 199.

201.1. Depositions in Foreign Jurisdictions for Use in Texas Proceedings

(a) *Generally.* A party may take a deposition on oral examination or written questions of any person or entity located in another state or a foreign country for use in proceedings in this State. The deposition may be taken by:

- (1) notice;
- (2) letter rogatory, letter of request, or other such device;
- (3) agreement of the parties; or
- (4) court order.

(b) *By Notice.* A party may take the deposition by notice in accordance with these rules as if the deposition were taken in this State, except that the deposition officer may be a person authorized to administer oaths in the place where the deposition is taken.

(c) *By Letter Rogatory.* On motion by a party, the court in which an action is pending must issue a letter rogatory on terms that are just and appropriate, regardless of whether any other manner of obtaining

Historical Notes

The order of Nov. 9, 1998 provides that the rule applies to proceedings filed on or after Jan. 1, 1999, but a court may use the rules for guidance in previously filed proceedings.

202.5. Manner of Taking and Use

Except as otherwise provided in this rule, depositions authorized by this rule are governed by the rules applicable to depositions of nonparties in a pending suit. The scope of discovery in depositions authorized by this rule is the same as if the anticipated suit or potential claim had been filed. A court may restrict or prohibit the use of a deposition taken under this rule in a subsequent suit to protect a person who was not served with notice of the deposition from any unfair prejudice or to prevent abuse of this rule. Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

Historical Notes

The order of Nov. 9, 1998 provides that the rule applies to proceedings filed on or after Jan. 1, 1999, but a court may use the rules for guidance in previously filed proceedings. Source:

Former rule 187, 737.

Rule 203. Signing, Certification and Use of Oral and Written Depositions**Historical Notes**

Former rule 203 was repealed by order effective January 1, 1999. For subject matter of former rule 203, see, now, rules 176.8, 215.

Source:

Former rules 205, 206, 207.

203.1. Signature and Changes

(a) *Deposition Transcript to be Provided to Witness.* The deposition officer must provide the original deposition transcript to the witness for examination and signature. If the witness is represented by an attorney at the deposition, the deposition officer must provide the transcript to the attorney instead of the witness.

(b) *Changes by Witness; Signature.* The witness may change responses as reflected in the deposition transcript by indicating the desired changes, in writing, on a separate sheet of paper, together with a statement of the reasons for making the changes. No erasures or obliterations of any kind may be made to the original deposition transcript. The witness must then sign the transcript under oath and return it to the deposition officer. If the witness does not return the transcript to the deposition officer within 20 days of the date the transcript was provided to the witness or the witness's attorney, the witness may be deemed to have waived the right to make the changes.

(c) *Exceptions.* The requirements of presentation and signature under this subdivision do not apply:

- (1) if the witness and all parties waive the signature requirement;
- (2) to depositions on written questions; or
- (3) to nonstenographic recordings of oral depositions.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

203.2. Certification

The deposition officer must file with the court, serve on all parties, and attach as part of the deposition transcript or nonstenographic recording of an oral deposition a certificate duly sworn by the officer stating:

(a) that the witness was duly sworn by the officer and that the transcript or nonstenographic recording of the oral deposition is a true record of the testimony given by the witness;

(b) that the deposition transcript, if any, was submitted to the witness or to the attorney for the witness for examination and signature, the date on which the transcript was submitted, whether the witness returned the transcript, and if so, the date on which it was returned.

(c) that changes, if any, made by the witness are attached to the deposition transcript;

(d) that the deposition officer delivered the deposition transcript or nonstenographic recording of an oral deposition in accordance with Rule 203.3;

(e) the amount of time used by each party at the deposition;

(f) the amount of the deposition officer's charges for preparing the original deposition transcript, which the clerk of the court must tax as costs; and

(g) that a copy of the certificate was served on all parties and the date of service.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

203.3. Delivery

(a) *Endorsement; To Whom Delivered.* The deposition officer must endorse the title of the action and "Deposition of (name of witness)" on the original deposition transcript (or a copy, if the original was not returned) or the original nonstenographic recording of an oral deposition, and must return:

(1) the transcript to the party who asked the first question appearing in the transcript, or

(2) the recording to the party who requested it.

(b) *Notice.* The deposition officer must serve notice of delivery on all other parties.

(c) *Inspection and Copying; Copies.* The party receiving the original deposition transcript or nonstenographic recording must make it available upon

SIGNED on this the ____ day of December, 2009.

JUDGE PRESIDING

APPROVED AS TO FORM:

Robert L. Mays, Jr.
Petroleum Towers II, Ste. 820
8626 Tesoro Drive
San Antonio, TX 78217
Phone: 210-657-7772
Email: rlmays@swbell.net
TBN: 13308200
Attorney for Plaintiff Karen McPeters

7006 2760 0001 9633 7333

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

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Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.71

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12/9/2009

Sent To Barbara Adamick, Clerk Mont. County
 Street, Apt. No. or PO Box No. 301 N. Main, Ste. 103
 City, State, ZIP+4 Conroe, Texas 77301

PS Form 3800, August 2005

See Reverse for Instructions

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Barbara Gladden Adamick
 Montgomery County District Clerk
 301 N. Main, Ste. 103
 Conroe, TX 77301

4a. Article Number

7006 2760 0001 9633 7333

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, November 1990 * U.S. GPO: 1991-287-068

DOMESTIC RETURN RECEIPT



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[Track & Confirm](#)

[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: **7006 2760 0001 9633 7333**
Service(s): **Certified Mail™**
Status: **Delivered**

Your item was delivered at 3:14 PM on December 14, 2009 in CONROE, TX 77301.

[Track & Confirm](#)

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- **Delivered, December 14, 2009, 3:14 pm, CONROE, TX 77301**
- **Notice Left, December 11, 2009, 2:56 pm, CONROE, TX 77301**
- **Arrival at Unit, December 11, 2009, 8:15 am, CONROE, TX 77301**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

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No FEAR Act EEO Data

FOIA



Barbara Gladden Adamick
District Clerk of Montgomery County, Texas
Civil and Electronic Filing Division
P.O. Box 2985
Conroe, Tx 77305

JAN - 6 2010

Pam Robichaux, Manager

936-539-7855 Conroe

281-354-5511 Houston

Dear Attorney or Pro Se Party:

The following instruments were received in our office in hard copy format.

Per the Electronic Filing Order issued by the judge in this case and in accordance with the Montgomery County Local Rules, these instruments must be electronically filed via www.lexisnexis.com/fileandserve. In order to file from your office, you must subscribe to LexisNexis File and Serve, or you may file from the Public Access Terminal located in the District Clerk's office.

These pleadings are being rejected in hard copy format. You must file your documents electronically as ordered by the court. Any file stamped copies you may have are voided.

If you would like information about the E-file system, you may contact *LexisNexis toll-free at 888-529-7587*.

Thank you for your attention to this matter.

BARBARA GLADDEN ADAMICK
District Clerk

DEPUTY

EXHIBIT "C"

Page 1 of 1

SUBJECT MATTER OF THE ANTICIPATED ACTION

4. Karen McPeters is a plaintiff in Cause No. 07-09-09142, styled “Karen McPeters v. Montgomery County, Texas” in the 9th District Court of Montgomery County, Texas. As a party to a civil lawsuit, she has been required to use Lexis Nexis, an on-line electronic filing service, to file and serve documents and pleadings in her lawsuit. She has been required to pay filing fees and service charges to Lexis Nexis, and documents tendered to the District Clerk for filing have been either refused or returned with an admonition that the file-stamp is void.
5. The purpose of this petition is to investigate, pursuant to *Tex. R. Civ. P.* 202.2(d):
 - (a) whether or not the charges are authorized,
 - (b) the amounts of permissible charges, if any,
 - (c) the authority of the Montgomery County District Clerk to refuse to file documents tendered to her,
 - (d) the financial benefit to Montgomery County from requiring parties to lawsuits to use Lexis Nexis fileandserve, and
6. The substance of the testimony that petitioner expects to elicit, pursuant to *Tex. R. Civ. P.* 202.2(g), is that:
 - (a) Lexis Nexis is acting as respondent’s agent;
 - (b) the charges by Lexis Nexis are not authorized by law, *Tex. Gov’t Code* §101.061, and *Tex. Gov’t Code* §51.317;
 - (c) the District Clerk is required by statute to accept and file documents tendered to her, *Tex. Gov’t Code* § 51.303(a) and *Texas Rule of Civil Procedure* 21;
 - (d) Montgomery County, Texas has financially benefitted by its agreement with Lexis Nexis;
 - (e) numerous parties have been charged the filings fees and service charges, and
 - (f) the frequency with which the District Clerk refuses to accept documents.


Petitioner wishes to obtain the testimony to investigate potential claims regarding unauthorized filing fees and service charges. See *Tex. Gov't Code* §101.061.

7. The person to be deposed is **Barbara Gladden Adamick, District Clerk of Montgomery County, Texas**. Her address is 301 N. Main Street, Suite 103, Conroe, Texas. Her telephone number is 936-539-7855. Petitioner can schedule the deposition at any time during January 2010, and anticipates that the deposition will take no longer than ninety (90) minutes.

RELIEF REQUESTED

8. Karen McPeters requests an order authorizing her to take the oral deposition duces tecum of **Barbara Gladden Adamick, District Clerk of Montgomery County, Texas**. A proposed order meeting the requirements of *Tex. R. Civ. P.* 202 is attached.

Respectfully submitted,



Robert L. Mays, Jr.
8626 Tesoro Drive, Suite 820
San Antonio, Texas 78217
Phone: 210-657-7772
FAX: 210-657-7780
TBN: 13308200
Attorney for Petitioner Karen McPeters

VERIFICATION


STATE OF TEXAS)
)
COUNTY OF BEXAR)

BEFORE ME THIS DAY personally appeared Karen McPeters, the undersigned Affiant,
who being by me duly sworn, deposed and stated as follows:

“My name is Karen McPeters; I am over the age of eighteen (18) years and am fully
competent to make this Verification. I have personal knowledge of all of the facts recited in this
Petition, and they are true and correct.”

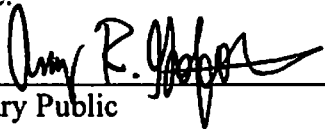
This concludes my testimony.

SIGNED on this the 20th day of November, 2009.

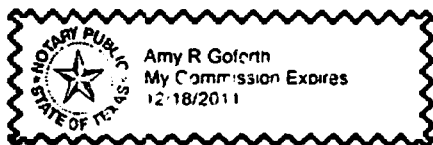


Karen McPeters, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on this the 20th day of November,
2009, to certify which witness my hand and official seal of office.



Notary Public
State of Texas
My Commission Expires: 12/18/2011



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(b) *Content of Notice.* The notice must comply with Rules 199.1(b), 199.2(b), and 199.5(a)(3). If the witness is an organization, the organization must comply with the requirements of that provision. The notice also may include a request for production of documents as permitted by Rule 199.2(b)(5), the provisions of which will govern the request, service, and response.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

200.2. Compelling Witness to Attend

A party may compel the witness to attend the deposition on written questions by serving the witness with a subpoena under Rule 176. If the witness is a party or is retained by, employed by, or otherwise subject to the control of a party, however, service of the deposition notice upon the party's attorney has the same effect as a subpoena served on the witness.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

200.3. Questions and Objections

(a) *Direct Questions.* The direct questions to be propounded to the witness must be attached to the notice.

(b) *Objections and Additional Questions.* Within ten days after the notice and direct questions are served, any party may object to the direct questions and serve cross-questions on all other parties. Within five days after cross-questions are served, any party may object to the cross-questions and serve redirect questions on all other parties. Within three days after redirect questions are served, any party may object to the redirect questions and serve recross questions on all other parties. Objections to recross questions must be served within five days after the earlier of when recross questions are served or the time of the deposition on written questions.

(c) *Objections to Form of Questions.* Objections to the form of a question are waived unless asserted in accordance with this subdivision.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

200.4. Conducting the Deposition Upon Written Questions

The deposition officer must take the deposition on written questions at the time and place designated; record the testimony of the witness under oath in response to the questions; and prepare, certify, and deliver the deposition transcript in accordance with Rule 203. The deposition officer has authority when

necessary to summon and swear an interpreter to facilitate the taking of the deposition.

Added Aug. 5, 1998 and Nov. 9, 1998, and amended Dec. 31, 1998, eff. Jan. 1, 1999.

Historical Notes

The Order dated December 31, 1998, made technical corrections.

Rule 201. Depositions in Foreign Jurisdictions for Use in Texas Proceedings; Depositions in Texas for Use in Foreign Proceedings

Comments—1999

1. Rule 201.1 sets forth procedures for obtaining deposition testimony of a witness in another state or foreign jurisdiction for use in Texas court proceedings. It does not, however, address whether any of the procedures listed are, in fact, permitted or recognized by the law of the state or foreign jurisdiction where the witness is located. A party must first determine what procedures are permitted by the jurisdiction where the witness is located before using this rule.

2. Section 20.001 of the Civil Practice and Remedies Code provides a nonexclusive list of persons who are qualified to take a written deposition in Texas and who may take depositions (oral or written) in another state or outside the United States.

3. Rule 201.2 is based on Section 20.002 of the Civil Practice and Remedies Code.

Historical Notes

Former rule 201 was repealed by order effective January 1, 1999. For subject matter of former rule 201, see, now, rules 176.6, 199.

201.1. Depositions in Foreign Jurisdictions for Use in Texas Proceedings

(a) *Generally.* A party may take a deposition on oral examination or written questions of any person or entity located in another state or a foreign country for use in proceedings in this State. The deposition may be taken by:

- (1) notice;
- (2) letter rogatory, letter of request, or other such device;
- (3) agreement of the parties; or
- (4) court order.

(b) *By Notice.* A party may take the deposition by notice in accordance with these rules as if the deposition were taken in this State, except that the deposition officer may be a person authorized to administer oaths in the place where the deposition is taken.

(c) *By Letter Rogatory.* On motion by a party, the court in which an action is pending must issue a letter rogatory on terms that are just and appropriate, regardless of whether any other manner of obtaining

the deposition is impractical or inconvenient. The letter must:

(1) be addressed to the appropriate authority in the jurisdiction in which the deposition is to be taken;

(2) request and authorize that authority to summon the witness before the authority at a time and place stated in the letter for examination on oral or written questions; and

(3) request and authorize that authority to cause the witness's testimony to be reduced to writing and returned, together with any items marked as exhibits, to the party requesting the letter rogatory.

(d) *By Letter of Request or Other Such Device.* On motion by a party, the court in which an action is pending, or the clerk of that court, must issue a letter of request or other such device in accordance with an applicable treaty or international convention on terms that are just and appropriate. The letter or other device must be issued regardless of whether any other manner of obtaining the deposition is impractical or inconvenient. The letter or other device must:

(1) be in the form prescribed by the treaty or convention under which it is issued, as presented by the movant to the court or clerk; and

(2) must state the time, place, and manner of the examination of the witness.

(e) *Objections to Form of Letter Rogatory, Letter of Request, or Other Such Device.* In issuing a letter rogatory, letter of request, or other such device, the court must set a time for objecting to the form of the device. A party must make any objection to the form of the device in writing and serve it on all other parties by the time set by the court, or the objection is waived.

(f) *Admissibility of Evidence.* Evidence obtained in response to a letter rogatory, letter of request, or other such device is not inadmissible merely because it is not a verbatim transcript, or the testimony was not taken under oath, or for any similar departure from the requirements for depositions taken within this State under these rules.

(g) *Deposition by Electronic Means.* A deposition in another jurisdiction may be taken by telephone, videoconference, teleconference, or other electronic means under the provisions of Rule 199.¹

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

¹ Vernon's Ann. Rules Civ. Proc., rule 199.1 et seq.

Historical Notes

Source:

Former rule 188.

201.2. Depositions in Texas for Use in Proceedings in Foreign Jurisdictions

If a court of record of any other state or foreign jurisdiction issues a mandate, writ, or commission that requires a witness's oral or written deposition testimony in this State, the witness may be compelled to appear and testify in the same manner and by the same process used for taking testimony in a proceeding pending in this State.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

Rule 202. Depositions Before Suit or to Investigate Claims

Comments—1999

Comments to 1999 change:

1. This rule applies to all discovery before suit covered by former rules governing depositions to perpetuate testimony and bills of discovery.

2. A deposition taken under this rule may be used in a subsequent suit as permitted by the rules of evidence, except that a court may restrict or prohibit its use to prevent taking unfair advantage of a witness or others. The bill of discovery procedure, which Rule 202 incorporates, is equitable in nature, and a court must not permit it to be used inequitably.

Historical Notes

Former rule 202 was repealed by order effective January 1, 1999. For subject matter of former rule 202, see, now, rules 199.1, 203.6.

202.1. Generally

A person may petition the court for an order authorizing the taking of a deposition on oral examination or written questions either:

(a) to perpetuate or obtain the person's own testimony or that of any other person for use in an anticipated suit; or

(b) to investigate a potential claim or suit.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

Historical Notes

The order of Nov. 9, 1998 provides that the rule applies to proceedings filed on or after Jan. 1, 1999, but a court may use the rules for guidance in previously filed proceedings.

202.2. Petition

The petition must:

(a) be verified;

(b) be filed in a proper court of any county:

(1) where venue of the anticipated suit may lie, if suit is anticipated; or

(2) where the witness resides, if no suit is yet anticipated;

(c) be in the name of the petitioner;

(d) state either:

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- (1) that the petitioner anticipates the institution of a suit in which the petitioner may be a party; or
- (2) that the petitioner seeks to investigate a potential claim by or against petitioner;
- (e) state the subject matter of the anticipated action, if any, and the petitioner's interest therein;
- (f) if suit is anticipated, either:
 - (1) state the names of the persons petitioner expects to have interests adverse to petitioner's in the anticipated suit, and the addresses and telephone numbers for such persons; or
 - (2) state that the names, addresses, and telephone numbers of persons petitioner expects to have interests adverse to petitioner's in the anticipated suit cannot be ascertained through diligent inquiry, and describe those persons;
 - (g) state the names, addresses and telephone numbers of the persons to be deposed, the substance of the testimony that the petitioner expects to elicit from each, and the petitioner's reasons for desiring to obtain the testimony of each; and
 - (h) request an order authorizing the petitioner to take the depositions of the persons named in the petition.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

Historical Notes

The order of Nov. 9, 1998 provides that the rule applies to proceedings filed on or after Jan. 1, 1999, but a court may use the rules for guidance in previously filed proceedings.

202.3. Notice and Service

(a) *Personal Service on Witnesses and Persons Named.* At least 15 days before the date of the hearing on the petition, the petitioner must serve the petition and a notice of the hearing—in accordance with Rule 21a—on all persons petitioner seeks to depose and, if suit is anticipated, on all persons petitioner expects to have interests adverse to petitioner's in the anticipated suit.

(b) *Service by Publication on Persons Not Named.*

(1) *Manner.* Unnamed persons described in the petition whom the petitioner expects to have interests adverse to petitioner's in the anticipated suit, if any, may be served by publication with the petition and notice of the hearing. The notice must state the place for the hearing and the time it will be held, which must be more than 14 days after the first publication of the notice. The petition and notice must be published once each week for two consecutive weeks in the newspaper of broadest circulation in the county in which the petition is filed, or if no such newspaper exists, in the newspa-

per of broadest circulation in the nearest county where a newspaper is published.

(2) *Objection to Depositions Taken on Notice by Publication.* Any interested party may move, in the proceeding or by bill of review, to suppress any deposition, in whole or in part, taken on notice by publication, and may also attack or oppose the deposition by any other means available.

(c) *Service in Probate Cases.* A petition to take a deposition in anticipation of an application for probate of a will, and notice of the hearing on the petition, may be served by posting as prescribed by Section 33(f)(2) of the Probate Code. The notice and petition must be directed to all parties interested in the testator's estate and must comply with the requirements of Section 33(c) of the Probate Code insofar as they may be applicable.

(d) *Modification by Order.* As justice or necessity may require, the court may shorten or lengthen the notice periods under this rule and may extend the notice period to permit service on any expected adverse party.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

Historical Notes

The order of Nov. 9, 1998 provides that the rule applies to proceedings filed on or after Jan. 1, 1999, but a court may use the rules for guidance in previously filed proceedings.

202.4. Order

(a) *Required Findings.* The court must order a deposition to be taken if, but only if, it finds that:

(1) allowing the petitioner to take the requested deposition may prevent a failure or delay of justice in an anticipated suit; or

(2) the likely benefit of allowing the petitioner to take the requested deposition to investigate a potential claim outweighs the burden or expense of the procedure.

(b) *Contents.* The order must state whether a deposition will be taken on oral examination or written questions. The order may also state the time and place at which a deposition will be taken. If the order does not state the time and place at which a deposition will be taken, the petitioner must notice the deposition as required by Rules 199¹ or 200.² The order must contain any protections the court finds necessary or appropriate to protect the witness or any person who may be affected by the procedure.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

¹ Vernon's Ann.Rules Civ.Proc., rule 199.1 et seq.

² Vernon's Ann.Rules Civ.Proc., rule 200.1 et seq.

Historical Notes

The order of Nov. 9, 1998 provides that the rule applies to proceedings filed on or after Jan. 1, 1999, but a court may use the rules for guidance in previously filed proceedings.

202.5. Manner of Taking and Use

Except as otherwise provided in this rule, depositions authorized by this rule are governed by the rules applicable to depositions of nonparties in a pending suit. The scope of discovery in depositions authorized by this rule is the same as if the anticipated suit or potential claim had been filed. A court may restrict or prohibit the use of a deposition taken under this rule in a subsequent suit to protect a person who was not served with notice of the deposition from any unfair prejudice or to prevent abuse of this rule. Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

Historical Notes

The order of Nov. 9, 1998 provides that the rule applies to proceedings filed on or after Jan. 1, 1999, but a court may use the rules for guidance in previously filed proceedings.

Source:

Former rule 187, 737.

Rule 203. Signing, Certification and Use of Oral and Written Depositions**Historical Notes**

Former rule 203 was repealed by order effective January 1, 1999. For subject matter of former rule 203, see, now, rules 176.8, 215.

Source:

Former rules 205, 206, 207.

203.1. Signature and Changes

(a) *Deposition Transcript to be Provided to Witness.* The deposition officer must provide the original deposition transcript to the witness for examination and signature. If the witness is represented by an attorney at the deposition, the deposition officer must provide the transcript to the attorney instead of the witness.

(b) *Changes by Witness; Signature.* The witness may change responses as reflected in the deposition transcript by indicating the desired changes, in writing, on a separate sheet of paper, together with a statement of the reasons for making the changes. No erasures or obliterations of any kind may be made to the original deposition transcript. The witness must then sign the transcript under oath and return it to the deposition officer. If the witness does not return the transcript to the deposition officer within 20 days of the date the transcript was provided to the witness or the witness's attorney, the witness may be deemed to have waived the right to make the changes.

(c) *Exceptions.* The requirements of presentation and signature under this subdivision do not apply:

(1) if the witness and all parties waive the signature requirement;

(2) to depositions on written questions; or

(3) to nonstenographic recordings of oral depositions.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

203.2. Certification

The deposition officer must file with the court, serve on all parties, and attach as part of the deposition transcript or nonstenographic recording of an oral deposition a certificate duly sworn by the officer stating:

(a) that the witness was duly sworn by the officer and that the transcript or nonstenographic recording of the oral deposition is a true record of the testimony given by the witness;

(b) that the deposition transcript, if any, was submitted to the witness or to the attorney for the witness for examination and signature, the date on which the transcript was submitted, whether the witness returned the transcript, and if so, the date on which it was returned.

(c) that changes, if any, made by the witness are attached to the deposition transcript;

(d) that the deposition officer delivered the deposition transcript or nonstenographic recording of an oral deposition in accordance with Rule 203.3;

(e) the amount of time used by each party at the deposition;

(f) the amount of the deposition officer's charges for preparing the original deposition transcript, which the clerk of the court must tax as costs; and

(g) that a copy of the certificate was served on all parties and the date of service.

Added Aug. 5, 1998 and Nov. 9, 1998, eff. Jan. 1, 1999.

203.3. Delivery

(a) *Endorsement; To Whom Delivered.* The deposition officer must endorse the title of the action and "Deposition of (name of witness)" on the original deposition transcript (or a copy, if the original was not returned) or the original nonstenographic recording of an oral deposition, and must return:

(1) the transcript to the party who asked the first question appearing in the transcript, or

(2) the recording to the party who requested it.

(b) *Notice.* The deposition officer must serve notice of delivery on all other parties.

(c) *Inspection and Copying; Copies.* The party receiving the original deposition transcript or nonstenographic recording must make it available upon

RECEIVED AND FILED
FOR RECORD
At _____ O'clock _____ M.

NOV 24 2009

BARBARA GLADDEN ADAMICK
District Clerk
MONTGOMERY COUNTY, TEXAS
By _____ Deputy

CAUSE NO. 09-11-11474-CV

KAREN McPETERS
Plaintiff

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IN THE DISTRICT COURT

vs.

ghe JUDICIAL DISTRICT

BARBARA GLADDEN ADAMICK,
DISTRICT CLERK OF MONTGOMERY
COUNTY, TEXAS
Defendant

MONTGOMERY COUNTY, TEXAS

**ORDER ALLOWING DEPOSITION TO INVESTIGATE POTENTIAL CLAIMS
PURSUANT TO TEX. R. CIV. P. 202**

On this day, the Court considered the Petition of Karen McPeters to investigate potential claims as is permitted under Tex. R. Civ. P. 202. The Court finds that the likely benefit of allowing the Petitioner to take the requested deposition to investigate her potential claims outweighs the burden or expense of the procedure.

It is ORDERED THAT the deposition of Barbara Gladden Adamick be taken on oral examination duces tecum, and will occur on _____, January _____, 2010 in the conference room of the Montgomery County Attorney David K. Walker, 207 West Phillips, Suite 100, Conroe, Texas 77301, phone: 936-539-7828, beginning at 9:00 o'clock a.m.

The deposition will be stenographically recorded and videotaped by Esquire Deposition Services, a certified court reporting service. The deposition may be used in evidence in the event of a trial concerning the above parties. The oral examination will continue until completed, but shall not last more than ninety (90) minutes.

SIGNED on this the ____ day of December, 2009.

JUDGE PRESIDING

APPROVED AS TO FORM:

Robert L. Mays, Jr.
Petroleum Towers II, Ste. 820
8626 Tesoro Drive
San Antonio, TX 78217
Phone: 210-657-7772
Email: rlmays@swbell.net
TBN: 13308200
Attorney for Plaintiff Karen McPeters

Lee Mays

From: "Jennifer Contella" <jcontella@co.montgomery.tx.us>
Date: Tuesday, January 05, 2010 2:37 PM
To: "Lee Mays" <rlmays@swbell.net>
Subject: Re: 09-11-11474 McPeters v. Adamick, DC

I will contact the Regional Judge and see what the status is. Jennifer

>>> "Lee Mays" <rlmays@swbell.net> 1/5/2010 2:09 PM >>>

Dear Ms. Contella,

I have not heard anything more about a hearing on this case. I requested and filed for a hearing before Judge Edwards for Friday, but nothing is on his docket.

Do you have any information concerning assigning this case to a regional Judge?

Lee Mays

Attorney at Law

8626 Tesoro Drive, Suite 820

San Antonio, Texas 78217

Phone: 210-657-7772

FAX: 210-657-7780

After January 1, 2010 please address email to: mays7772@gmail.com.

Confidentiality Notice: This message and the documents accompanying this electronic transmission may contain confidential information of the sender or the intended recipient which is legally privileged. The information is intended only for the use of the individual or entity to whom it was sent. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmission is strictly prohibited. The Signature given herein is not an electronic signature and is provided only for the purpose of providing information and for no other purpose.

----- Original Message -----

From: "Jennifer Contella" <jcontella@co.montgomery.tx.us>
To: "Lee Mays" <rlmays@swbell.net>
Sent: Thursday, December 03, 2009 3:31 PM
Subject: Re: 09-11-11474 McPeters v. Adamick, DC

This case has been sent to the regional Judge for appointment of a new Judge. You will be able to set this case by submission as soon as the

regional Judge has assigned this case.

>>> "Lee Mays" <rlmays@swbell.net> 12/3/2009 3:18 PM >>>

Dear Ms. Contella,

Please set a hearing on January 8, 2010 at 9:30 am on the Ancillary Docket for my "Motion to Allow Deposition to Investigate Potential Claims."

The setting form is attached.

Lee Mays

Attorney at Law

8626 Tesoro Drive, Suite 820

San Antonio, Texas 78217

Phone: 210-657-7772

FAX: 210-657-7780

Confidentiality Notice: This message and the documents accompanying this electronic transmission may contain confidential information of the sender or the intended recipient which is legally privileged. The information is intended only for the use of the individual or entity to whom it was sent. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmission is strictly prohibited. The Signature given herein is not an electronic signature and is provided only for the purpose of providing information and for no other purpose.

ROBERT L. MAYS, JR.
ATTORNEY AT LAW

8626 TESORO DRIVE, SUITE 820
PETROLEUM TOWERS II
SAN ANTONIO, TEXAS 78217

PHONE: 210-657-7772

FAX: 210-657-7780

December 2, 2009

Barbara Gladden Adamick
Montgomery County District Clerk
301 N. Main, Suite 103
Conroe, Texas 77301

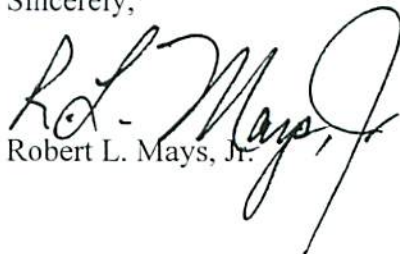
Re: Cause No. 07-09-09142, *Karen McPeters v. Montgomery County, Texas*,
9th District Court, Montgomery County, Texas

Dear Ms. Adamick:

Please mail me a copy of the April 21, 1997 Service Agreement between LAWPlus and Montgomery County, Texas, and the current agreement between LexisNexis fileandserve and Montgomery County, Texas. Please also mail me a copy of any standing order assigning the case of Karen McPeters to LexisNexis fileandserve, and any order, if any, specifically assigning her case to EFILE.

Thank you for your assistance, and please let me know is there is any charge for the requested documents.

Sincerely,


Robert L. Mays, Jr.

cc: Rayborn C. Johnson, Jr.