Stormy Canady

CAUSE NO. 22-00105

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

NOTICE OF INTENTION TO TAKE ORAL DEPOSITION OF LISA GIROT

TO: Lisa Girot, 623 Ginger Street, Sulphur, Calcasieu Parish, Louisiana 70663.

PLEASE TAKE NOTICE that beginning at 10:00 a.m. on May 9, 2023, Plaintiff, CSD Van Zandt LLC, will take the oral deposition of LISA GIROT in the above-entitled and numbered cause pursuant to the Texas Rules of Civil Procedure. The deposition will be taken via zoom and may be videotaped before a duly appointed court reporter. You are invited to attend and cross-examine the witness. The zoom information for this deposition is provided below:

https://us02web.zoom.us/j/88049882090?pwd=Y0ZsL0NMS09ZbEhmemEzTzNyWnlCUT09

Respectfully submitted,

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

/s/ Katryna R. Watkins
KATRYNA R. WATKINS
State Bar No. 24106554
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 and emailed on this the 8th day of May 2023.

/s/ Katryna R. Watkins
KATRYNA R. WATKINS

2

SUPBOENA FOR WITNESS DEPOSITION PURSUANT TO TEXAS RULES OF CIVIL PROCEDURE 176

CAUSE NO. 22-00105

CSD VAN ZANDT LLC Plaintiff/Counter Defendant	§ IN THE DISTRICT COURT §
V.	9
UDO BIRNBAUM Defendant/Cross Plaintiff	§ § 8 294 TH JUDICIAL DISTRICT
v.	8
ROBERT O. DOW, COREY KELLAM,	
CELIA C. FLOWERS, VAN ZANDT COUNTY	8
Cross Defendants	§ KAUFMAN COUNTY, TEXAS

TO ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS OR OTHER PERSON AUTHORIZED TO SERVE AND EXECUTE SUBPOENAS AS PROVIDED IN RULE 176.5 T.R.C.P.

YOU ARE HEREBY COMMANDED TO SUMMON

Lisa Girot 623 Ginger Street Sulphur, Calcasieu Parish, Louisiana 70663

to appear and give testimony at a deposition in this case on behalf of the Plaintiff, CSD Van Zandt LLC, and to remain in attendance from day to day until lawfully discharged. The oral deposition with take place via Zoom videoconference before a Deposition Resources, Court Reporter, on the 9th day of May, 2023, at 10:00 A.M.

DUTIES OF PERSON SERVED WITH SUBPOENA. You are advised that under Texas Rule of Civil Procedure 176, a erson served with a subpoena has certain rights and obligations. Rule 176.6 provides the following:

- (a) Compliance required. Except as provided in this subdivision, a person served with a subpoena must comply with the command stated therein unless discharged by the court or by the party summoning such witness. A person commanded to appear and give testimony must remain at the place of deposition, hearing, or trial from day to day until discharged by the court or by the party summoning the witness.
- (b) Organizations. If a subpoena commanding testimony is directed to a corporation, partnership, association, governmental agency or other organization, and the matters on which examination is requested are described with reasonable particularity, the organization must designate one or more person to testify on its behalf as to matter known or reasonably available to the organization.
- (c) Production of tangible things. A person commanded to produce documents or tangible things need not appear in person at the time and place of production unless the person is also commanded to attend and give testimony, either in the same subpoena or a separate one. A person must produce documents as they are kept in the usual course of business or must organize and label them to correspond with the categories in the demand. A person may withhold material or information claimed to be privileged but must comply with Rule 193.3. A nonparty's production of a document authenticates the document for use against the nonparty to the same extent as a party's production of a document is authenticated for use against the party under Rule 193.7.
- (d) Objections. A person commanded to produce and permit inspection or copying of designated documents and things may serve on the party requesting issuance of the subpoena before the time specified for compliance written objections to producing any or all of the designated materials. A person need not comply with the part of the subpoena the subpoena may move for such an order at any time after the objection is made.
- (e) Protective orders. A person commanded to appear at a deposition, hearing, or trail or to produce and permit inspection and copying of designated documents and things, and any other person affected by the subpoena, may move for a

protective order under Rule 192.6(b) - before the time specified for compliance - wither in the court in which the action is pending or in a district court in the county where the subpoena was served. The person must serve the motion on all parties in accordance with Rule 21a. A person need not comply with the part of the subpoena from which protection is sought under this paragraph unless ordered to do so by the court. The party requesting the subpoena may seek such an order at any time after the motion for protection is filed.

(f) Trial Subpoena. A person commanded to attend and give testimony, or to produce documents or things, at a hearing or trial, may object or move for protective order before the court at the time and place specified for compliance, rather that under paragraphs (d) and (e).

Rule 176.8(a) Contempt. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court form which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.

DO NOT FAIL to return this writ to said Court, with return thereon, showing the manner of execution.

ISSUED this the 5th day of May, A.D. 2023.

By: Katryna R. Watkins State Bar No. 24106554 Flowers Davis, P.L.L.C. 1021 ESE Loop 323, Suite 200 Tyler, Texas 75701 (903) 534-8063

ACKNOWLEDGMENT

I, the undersigned witness named in the foregoing Subpoena acknowledge receipt of a copy thereof, and hereby accepts service of this Subpoena and the attached Notice of Intent to take the Oral Deposition of Lisa Girot, and will appear for said deposition on said date and time directed in this Subpoena.

Lisa L Hirst

COUNTY OF Calcasieu

THE STATE OF TEXAS. La

BEFORE ME, the undersigned authority, on this day personally appeared Lisa Girot, known to me to be the person whose name is subscribed to the foregoing Acknowledgement, and on oath stated that the facts set out in such acknowledgment are true and correct and that she is the person competent to testify.

WITNESS MY HAND AND SEAL OF OFFICE, this 8th day of May

05/08/23

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.

Jennifer Wallace on behalf of Katryna Watkins

Bar No. 24106554

legalassistant@flowersdavis.com

Envelope ID: 75399634

Filing Code Description: Notice

Filing Description: Notice of Intention to take Oral Deposition of Lisa Girot

Status as of 5/8/2023 11:46 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Celia C.Flowers		ccf@flowersdavis.com	5/8/2023 11:00:09 AM	SENT
Katryna Watkins		krw@flowersdavis.com	5/8/2023 11:00:09 AM	SENT
Amy Womack		aw@flowersdavis.com	5/8/2023 11:00:09 AM	SENT
Jennifer Wallace		legalassistant@flowersdavis.com	5/8/2023 11:00:09 AM	SENT
Amanda Dupuis		ajd@flowersdavis.com	5/8/2023 11:00:09 AM	SENT
Ashley Fortune		alf@flowersdavis.com	5/8/2023 11:00:09 AM	SENT
Udo Birnbaum		brnbm@aol.com	5/8/2023 11:00:09 AM	SENT