

NO. 18-C-3491

STREETSTOSHEETS ANIMAL RESCUE	§	IN THE COUNTY COURT AT LAW
	§	
	§	
v.	§	NUMBER ONE
	§	
MUTTS & MAYHEM EMERGENCY SEARCH AND RESCUE and SELENA SCHMIDT	§	ELLIS COUNTY, TEXAS
	§	

PLAINTIFF’S MOTION TO COMPEL DEPOSITION IN ELLIS COUNTY

TO THE HONORABLE JUDGE OF THE COURT:

StreetsToSheets Animal Rescue (STS), Plaintiff, files this motion to compel depositions in Ellis County and in support of this petition will show the following:

Background facts

1. This case involves a dispute between two animal rescue groups regarding ownership of a dog named “Hobo” that was captured by StreetsToSheets in early June of 2018. Hobo escaped from STS and was then recaptured later that month. Defendant, Mutts & Mayhem Emergency Search and Rescue (M&M), and Selena Schmidt took possession of Hobo after he was captured the second time and refuse to return him to STS. Plaintiff filed this lawsuit to get their dog back.

2. The parties have attempted to schedule depositions of various people who were involved in Hobo’s captures but have been unable to agree on locations for the depositions. Defendant, Schmidt, refuses to appear in Ellis County and insists on being deposed in downtown Dallas or Plano.

Argument and authorities

3. Rule 199.2(2)(C) provides that a proper location for the depositions of parties is the county where the lawsuit is filed. Schmidt is a party and should be ordered to give her deposition in Ellis County.

WHEREFORE, Plaintiff moves the Court to order Defendant Schmidt to appear in Ellis County to give her oral deposition.

Respectfully submitted,

/s/ Randall E. Turner

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

In accordance with Rule 21a of the Texas Rules of Civil Procedure, I hereby certify that on October 16, 2018 a true and correct copy of the above and foregoing document was served electronically through the electronic filing manager to the email addresses of all attorneys of record and pro se parties whose email addresses are on file with the electronic filing manager.

/s/ Randall E. Turner