

CAUSE NO. 23-11468-431

CARRIE de MOOR, M.D.,	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	DENTON COUNTY, TEXAS
	§	
BRENT ALLISON	§	
HAGENBUCH, ET. AL.	§	
	§	
<i>Defendants.</i>	§	431ST JUDICIAL DISTRICT

**DEFENDANT BRENT ALLISON HAGENBUCH’S MOTION TO QUASH,
OBJECTIONS, AND MOTION FOR PROTECTION**

Pursuant to Rules 176.6(d), 176.6(e), and 192.6 of the Texas Rules of Civil Procedure, Defendant Brent Allison Hagenbuch (“Hagenbuch”), files this Motion to Quash, Objections, and Motion for Protection, and in support thereof would show:

1. On December 29, 2023, the undersigned counsel for Defendant Hagenbuch accepted service of a subpoena which purports to require this Defendant to appear and give testimony and produce documents on Monday, January 8, 2024, in connection with an oral hearing on Plaintiff’s application for a temporary injunction. *See* Exhibit A.

2. Defendant objects to being compelled to appear in court in Denton County on Monday, January 8, 2024, as he will not be physically present nor available that entire day. As the Court knows, Defendant Hagenbuch is a candidate for Senate District 30, and that political race covers ten (10) different counties in

Texas. The current State Senator, Drew Springer, who is not running for reelection, has endorsed Defendant's candidacy, and the two of them have previously made arrangements to campaign together in Wichita Falls County that entire day.

3. In addition, Defendant objects to the definitions and instructions as well as to the actual document requests accompanying his subpoena, as follows:

(i) Defendant generally and globally objects to Plaintiff's "definitions" and "instructions" on the grounds that they are neither authorized nor permitted by Tex. R. Civ. P. 196;

(ii) Defendant generally and globally objects to Plaintiff's "definitions" and "instructions" on the additional ground that accepting Plaintiff's "definitions" and "instructions" would impose an unfair and unreasonable burden on Defendant preparing their discovery responses;

(iii) Defendant objects to Plaintiff's attempt to place obligations on them that do not exist by virtue of the Texas Rules of Civil Procedure. Instead, Defendant will respond to Plaintiff's Requests in compliance with the Texas Rules of Civil Procedure and will interpret terms according to their meaning in the Rules or their common meaning;

(iv) Defendant objects to Plaintiff's definitions of "you," "your," and "Hagenbuch," because each definition improperly expands the ordinary and common understanding of each term by adding to each definition the inclusion of

persons and entities beyond what is permitted under the Rules. These expansive definitions would extend the definition of Defendant to include persons and entities that have no legal relationship whatsoever with Defendant, and would inappropriately extend the scope of discovery beyond each legal entity. Defendant also objects to these definitions to the extent that it calls for documents protected by the attorney client, work product, party communication, joint defense and purely consulting expert witness privileges;

(v) To the extent any Request seeks “all,” “each,” or “any” document, Defendant objects to it as overly broad and unduly burdensome. It is impossible to represent, even after diligent search and consideration, that “all,” “each,” or “any” document or piece of information falling within the description can be or has been located. Therefore, Defendant cannot warrant or represent that they have produced or identified “all,” “each,” or “any” document, thing, or piece of information requested, but only that they have produced or identified that which they could locate or determine after a reasonably diligent search and consideration;

(vi) Defendant also objects to each Request to the extent that they are unduly vague, overly broad, oppressive, harassing, confusing, irrelevant, they seek information or documents not relevant to the claims or defenses of any party, they are not reasonably calculated to lead to the discovery of admissible evidence, and they are not otherwise within the scope of relevant discovery;

(vii) Defendant objects to each Request to the extent that they seek documents and/or information unavailable to Defendant or not within Defendant's possession, custody, or control;

(viii) Defendant objects to each Request to the extent that they request information that is a matter of public record, that is equally available to Plaintiff and/or equally obtainable from more convenient sources, or that purport to impose upon Defendant a burden or obligation beyond the duties imposed by the Texas Rules of Civil Procedure or other applicable rules or law governing this action;

(ix) Defendant objects to producing electronically-stored information. Plaintiff's request for all electronic documents is not specific enough to meet the requirements for electronic information discovery. *See* Tex. R. Civ. P. 196.4. Furthermore, Defendant cannot, through reasonable efforts, retrieve the data or information requested or produce it in the form requested, the requested information is not reasonably available to Defendant in the ordinary course of business. Because the burdens of producing the electronic information are outweighed by the burdens of production, Defendant accordingly objects to every request for electronically-stored information;

(x) Defendant also objects to each Request to the extent that it calls for documents protected by the attorney client, work product, party communication, joint defense and purely consulting expert witness privileges; and

(xi) Defendant objects to the attempt by Plaintiff to invade Defendant's constitutional and common law rights of privacy, as well as his exercise of the right of free speech, the exercise of the right of association, and the exercise of the right to petition.

4. Defendant asks the Court to protect him from undue burden, unnecessary expense, harassment, annoyance, and the invasion of his personal, constitutional, and property rights, as contemplated in Rule 192.6(a), and further seeks a protective order as contemplated in Rule 192.6(b).

PRAYER

For these reasons, Defendant Hagenbuch asks that the Court quash his trial subpoena so that he is not forced to appear and provide testimony and also to protect him from having to produce any documents.

Respectfully Submitted,

ANDY TAYLOR & ASSOCIATES, P.C.

BY: /s/ Andy Taylor

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on all counsel of record on January 3, 2024 in accordance with the Texas Rules of Civil Procedure via email as well as the Court's electronic service system.

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Andy Taylor on behalf of Andy Taylor

Bar No. 19727600

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Envelope ID: 83061175

Filing Code Description: Motion to Quash

Filing Description: (Defendant Brent Allison Hagenbuch's) Objections, and Motion for Protection

Status as of 1/4/2024 8:48 AM CST

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Associated Case Party: The Republican Party of Texas

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Associated Case Party: The Republican Party of Texas

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