

CAUSE NO. C-0649-23-L

MARCO DELEON AND
BETTY DELEON,
Plaintiffs,

VS.

ERNESTO E. ROSILES AND
SPACE EXPLORATION
TECHNOLOGIES CORP.,
Defendants.

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IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

464th JUDICIAL DISTRICT COURT

PLAINTIFFS' OBJECTION TO DEFENDANTS' NOTICE OF INTENT

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiffs Marco Deleon and Betty Deleon file their objection to Defendant Ernesto E. Rosiles' notice of intent to use any and all items produced in response to any written discovery which have not been independently authenticated.

On June 16, 2023, Defendant filed his Rule 193.7 Notice of Intent to Use Evidence. In it, Defendant stated the following:

Please take notice, pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, that ERNESTO E. ROSILES, one of the Defendants in the above-styled and numbered cause intend to use any and all documents, photographs and experts and witnesses designated by Plaintiffs and Defendants in response to written discovery, in this case at any special appearance hearing, pre-trial hearings, and/or jury trial against the party that produced such documents.

See Defendants' Rule 193.7 Notice of Intent to Use Evidence.

Rule 193.7 of the Texas Rules of Civil Procedure states as follows:

A party's production of a document in response to written discovery authenticates the document for use against that party in any pretrial proceeding or at trial unless – within ten days or a longer or shorter time ordered by the court, after the producing party has actual notice that the document will be used – the party objects to the authenticity of the document, or any part of it, stating the specific basis for

objection...

See TEX. R. CIV. P. 193.7.

Texas Rule of Civil Procedure 193.7 is clear that the offering party must provide “actual notice” of the specific documents intended to be offered at any pre-trial proceeding or trial. *Id.* Since Defendant Rosiles did not designate a specific document, Plaintiffs must respond with a global objection. Plaintiffs will narrow their objection when Defendant narrows his designation of documents.

Respectfully submitted,

Lapeze & Johns, P.L.L.C.

By: 

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

On this 26th day of June 2023, I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to all counsel of record as follows:

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D. Alan Erwin, Jr.

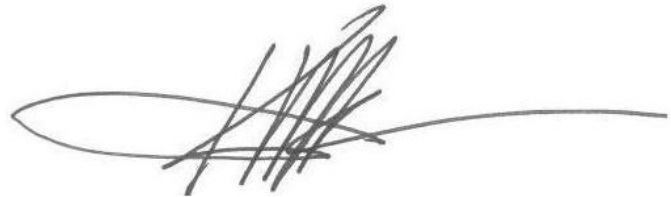
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Keith W. Lapeze

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Kiara Campos on behalf of Keith Lapeze
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Envelope ID: 76945738
Filing Code Description: Notice
Filing Description: Filing Ltr - 193.7 Obj
Status as of 6/26/2023 10:14 AM CST

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Associated Case Party: ErnestoE.Rosiles

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