

Section Newsletter

A Case to Remember: Caselaw Update

TEXAS LAW DOES NOT ALLOW A PARTY TO EVADE DISCOVERY REQUESTS BY SIMPLY ASSERTING THAT THE OTHER PARTY ALREADY HAS THE INFORMATION.

In re Sting Soccer Group, LP, No. 05-17-00317-CV, 2017 WL 5897454 (Tex. App.—Dallas 2017, orig. proceeding) (mem. op.) (11-30-17).

Facts: A Manufacturer and a Store were parties to a contract in which the Store would be the exclusive provider for the Manufacturer’s goods. The Store failed to sell all of the 2016 inventory. The Manufacturer expected the Store to purchase 2017 inventory, but the Store believed the Manufacturer should be required to buy back the unsold 2016 inventory.

The Manufacturer notified the Store it was terminating the contract, and the Store sued the Manufacturer and other defendants for breach of contract and breach of fiduciary duty. The Manufacturer served discovery requests on the Store, to which the Store responded with multiple objections. The Manufacturer filed a motion to compel, and the trial court sustained many of the Store’s objections. The Manufacturer sought mandamus relief.

Holding: Writ of Mandamus Conditionally Granted in Part and Denied in Part

Opinion: Work product is not a proper objection to contention interrogatories (requests seeking a party’s legal or factual contentions). Thus, the Store could not use the work-product objection to avoid those interrogatories. Further, no authority supported the Store’s assertion that the Manufacturer should have made those requests through a request for disclosure as opposed to interrogatories. Interrogatories are limited to a total of 25, including subparts. However, simply identifying the type of facts the serving party would like to know does not count as “subparts.” Thus, the Manufacturer did not exceed 25 interrogatories, and the Store’s objection lacked merit.

Texas law does not allow a party to evade discovery requests by simply asserting that the other party already has the information. Not only do such requests ensure that the parties have the same basic documents, requiring your opponent to produce certain documents enables the party seeking discovery to activate the automatic authentication rights provided by Tex. R. Civ. P. 193.7.

Although the Store argued that the requests for production were overbroad, burdensome, and an improper fishing expedition, the Store presented no argument or evidence to support that objection. Thus, the trial court erred in sustaining that objection.

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Important Dates

Section Meetings

January 10, 2018

February 9, 2018

March 14, 2018

April 11, 2018

Continuing Legal Education

Innovations: Breaking Boundaries in Child Custody Litigation

January 11 – 12, 2018 - New Orleans

TAFLS Trial Institute

February 16, 2018 – Las Vegas

Marriage Dissolution 2018

April 12 – 13, 2018 – Dallas

Caselaw continued.

The trial court did not err in sustaining the Store's objections to the Manufacturer's requests for admissions of legal conclusions because parties may not be compelled to answer such requests and such an admission would have no effect on the trial court's conclusions of law.

Finally, the Store argued that the discovery requests were unduly burdensome because of the multiple defendants with substantially similar discovery requests. However, the Store chose to sue multiple defendants, and those defendants were under no obligation to consolidate their discovery requests.



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Getting to Know your Officers : 2018 Officers of the Family Law Section

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GET NOTICED

If you would like information included in the Section Newsletter, email Hunter Lewis at Hunter@ondafamilylaw.

Pictures and articles are always welcome!

Section Happenings

*Scenes from
The Juliette Fowler
Christmas Party*

(Pictured: Some FLS Board Members at the Event)



Juliette Fowler Christmas Party



(Doug Harrison, not the Grinch, sharing holiday treats with residents of Juliette Fowler).

The Family Law Section sponsors an annual event with the residents of Juliette Fowler Communities to provide Christmas cheer, songs, food, and presents. This year's event was chaired by Gaylynn Gee. Should you wish to stay involved with the Fowler Communities throughout the year, feel free to contact Gaylynn at ggeelaw@gmail.com or at any Family Law Section meeting.

"Maybe Christmas, the Grinch thought, doesn't come from a store." Dr. Seuss

Scenes from Bench Bar 2018



(Pictured above: the Associate Judge's Panel led by Judge Ten Eyck)

Special Thanks..

to all of our sponsors and vendors who made this year's Bench Bar a great success! If you wish to sponsor an event or happy hour, feel free to contact the Family Law Section's events chair, Ashley McDowell at Ashley@turnermcdowell.com

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(Pictured to Right: A section member experiences all of the fun of the live entertainment at the Bench Bar 2018)

It was a Circus at Bench Bar 2018



Every year that the Family Law Section's Bench Bar Conference, the District Judges of the Family Courts make an appearance and present on issues and questions raised by our Section members. Pictured to the right is this year's panel. If you have any ideas or suggestions for speakers or topic ideas for Bench Bar 2019, feel free to suggest them to Ebony Rivon at ebony@rivonlawfirm.com.

