

NO. D-1-GN-16-004769

DAVID A. ESCAMILLA,	§	261ST JUDICIAL DISTRICT COURT
TRAVIS COUNTY ATTORNEY	§	
	§	
	§	
V.	§	
	§	
KEN PAXTON,	§	
STATE OF TEXAS ATTORNEY GENERAL	§	TRAVIS COUNTY, TEXAS

PLAINTIFF'S OBJECTIONS TO TARA CORONADO'S WITNESSES

On May 11, 2017, the Court signed an Agreed Scheduling Order requiring the parties to provide each other by June 23, 2017, a list of the witnesses they intend to call at trial. Intervenor Tara Coronado indicated that she intends to call herself "to establish her standing as a requestor of the records at issue." Plaintiff has never claimed that Ms. Coronado is not the requestor nor has Plaintiff contested her right to intervene in this matter. Indeed, Plaintiff has offered to stipulate that Ms. Coronado is the requestor.

One of issues in this case is whether the Deferred Prosecution Agreement requested by Tara Coronado is excepted from public disclosure pursuant to section 552.108(a)(1) of the Public Information Act because its release will interfere with the prosecution of crime. Ms. Coronado can offer no evidence relevant to this issue.

Another issue is whether the Attorney General's initial determination on May 6, 2016 that the Deferred Prosecution Agreement is excepted from public disclosure constitutes a "previous determination" as that term is defined in Open Records Decision No. 673. Ms. Coronado can offer no evidence relevant to this issue.

Accordingly, Plaintiff objects to Tara Coronado testifying at trial.

Tara Coronado has also indicated that she will call her attorney, Bill Aleshire, to testify at trial as an expert witness on attorney's fees. Plaintiff objects to Bill Aleshire testifying as expert because Ms. Coronado did not timely provide Plaintiff with the billing invoices that were prepared by Mr. Aleshire in anticipation of his testimony. These documents were requested by Plaintiff on March 9, 2017 in a Request for Disclosure. While Ms. Coronado disclosed Mr. Aleshire as an expert witness on May 23, 2017, she did not produce the billing invoices until Saturday, July 8, 2017, after the discovery period had ended.

Plaintiff, David A. Escamilla, in his capacity as Travis County Attorney, asks the Court consider and sustain his objections to Tara Coronado's witnesses at the pretrial hearing scheduled for July 31, 2017 at 9:00 a.m.

Respectfully submitted,

DAVID ESCAMILLA
TRAVIS COUNTY ATTORNEY

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify by my signature above that, in accordance with Rules 21 and 21a of the Texas Rules of Civil Procedure, on July 14, 2017, a copy of the foregoing was emailed to:

Bill Aleshire

Email: Bill@AleshireLaw.com

Attorney for Tara Coronado Cunningham, Intervenor

Matthew Entsminger

Assistant Attorney General

Email: matthew.entsminger@oag.texas.gov.

Attorney for Ken Paxton, Texas Attorney General, Defendant