

CAUSE NO. 2022-39489

GRAEME AND EDNA FREEMAN  
*Plaintiffs*

VS.

EZ WERKS SELF STORAGE LLC  
*Defendant*

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

164TH JUDICIAL DISTRICT

**NOTICE OF INTENTION TO TAKE DEPOSITION UPON  
WRITTEN QUESTIONS OF HARRIS COUNTY SHERIFF'S OFFICE**

TO: Defendant, EZ Werks Self Storage, by and through his attorney of record, David A. Oubre, Lewis  
Brisbois Bisgaard & Smith LLP, 24 Greenway Plaza, Suite 1400, Houston, Texas 77046

TO: Harris County Sheriff's Office, 1200 Baker Street, Houston, Texas 77002

Please take notice that a deposition upon written questions will be taken of the custodian of records  
for **Harris County Sheriff's Office** with knowledge of **HCSO Case No. 2108-00741**.

The deposition upon written questions will take place at the offices of **Harris County Sheriff's  
Office, 1200 Baker Street, Houston, Texas 77002 on Friday, June 30 at 3:00 p.m.** The deposition on  
written questions will be taken by a certified court reporter or notary public. The questions to be  
propounded to the witness are attached hereto as Exhibit A. Notice is further given that Harris County  
Sheriff's Office is requested to produce the documents listed in Exhibit B. A subpoena, attached hereto  
as Exhibit C, is being served contemporaneously with this Notice to compel attendance at the deposition  
upon written questions and the production of documents to be used in evidence upon the trial of the above-  
styled and numbered cause.

Respectfully submitted,

EGGLESTON & BRISCOE, LLP  
333 Clay Street, Suite 4800  
Houston, Texas 77002  
(713) 659-5100 - Telephone  
(713) 951-9920 - Facsimile

By: */s/ John Michael Raborn*

John Michael Raborn  
State Bar No. 24057364  
jmr@egglestonbriscoe.com

ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been served on the following counsel of record via facsimile and/or electronic delivery on this the 14th day of June 2023:

David A. Oubre  
Lewis Brisbois Bisgaard & Smith LLP  
24 Greenway Plaza, Suite 1400  
Houston, Texas 77046  
David.Oubre@lewisbrisbois.com

*/s/ John Michael Raborn*

John Michael Raborn

# **EXHIBIT A**

DIRECT QUESTIONS PROPOUNDED TO THE  
CUSTODIAN OF RECORDS FOR HARRIS COUNTY SHERIFF'S OFFICE (Legal)

1. Please state your full name.

Answer: \_\_\_\_\_

2. Please state by whom you are employed and the business address.

Answer: \_\_\_\_\_

3. What is the title of your position or job?

Answer: \_\_\_\_\_

4. Are these memoranda, reports, records, or data compilations, outlined in the subpoena duces tecum, pertaining to the above-named person, in your custody or subject to your control, supervision or direction?

Answer: \_\_\_\_\_

5. Are you able to identify these aforementioned records as the originals or true and correct copies of the originals?

Answer: \_\_\_\_\_

6. Please hand to the Officer/Notary Public taking this deposition copies of the memoranda, reports, records, or data compilations, mentioned in Question No. 4. Have you complied? If not, why not?

Answer: \_\_\_\_\_

7. Are the copies which you have handed to the Officer/Notary Public taking this deposition true and correct copies of such memoranda, reports, records, or data compilations?

Answer: \_\_\_\_\_

8. Were such memoranda, reports, records, or data compilations kept in the regular course of business of this facility?

Answer: \_\_\_\_\_

9. Was it in the regular course of business of this facility for a person with knowledge of the acts, events, conditions, opinion, or diagnoses, recorded to make the record or to transmit information thereof to be included in such record?

Answer: \_\_\_\_\_

10. Were the entries on these records made at or shortly after the time of the transaction recorded?

Answer: \_\_\_\_\_

11. Was the method of preparation of these records trustworthy?

Answer: \_\_\_\_\_

JURAT

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, the custodian of records for \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct.

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:

\_\_\_\_\_

# **EXHIBIT B**

## **DESCRIPTION OF REQUESTED RESPONSIVE DOCUMENTS & MATERIALS**

1. Please produce all reports, supplemental reports, and photographs (all whether in physical or electronic form) concerning Harris County Sheriff's Office Case No. 2108-00741.
2. Please produce all reports, supplemental reports, and photographs (all whether in physical or electronic form) concerning burglaries, thefts, criminal mischief (attempted break in, damage only), and suspicious activity and/or calls for service at the storage facility located at 23512 Kuykendahl Road, Tomball, Texas 77375 (formerly known as EZ Werks Storage and now known as StoreEase) from December 1, 2019 through August 31, 2021.



# **EXHIBIT C**

CAUSE NO. 2022-39489

GRAEME AND EDNA FREEMAN  
*Plaintiffs*

VS.

EZ WERKS SELF STORAGE LLC  
*Defendant*

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

164TH JUDICIAL DISTRICT

**THE STATE OF TEXAS**

**SUBPOENA AND SUBPOENA DUCES TECUM**

**PURSUANT TO TEXAS RULE OF CIVIL PROCEDURE 176**

TO ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS OR OTHER PERSON AUTHORIZED TO SERVE AND EXECUTE SUBPOENAS AS PROVIDED IN RULE 176 T.R.C.P.

**TO: Harris County Sheriff's Office  
1200 Baker Street  
Houston, Texas 77002**

YOU ARE HEREBY COMMANDED to attend and give testimony at a deposition on written questions and to produce and permit inspection and copying of the documents and materials identified in Exhibit B, which may be used as evidence in this case, at the offices of **Harris County Sheriff's Office, 1200 Baker Street, Houston, Texas 77002 on Friday, June 30 at 3:00 p.m.** The questions to be propounded to the witness are listed on Exhibit A. The deposition will be taken by a certified court reporter or notary public.

This subpoena is issued at the request of Plaintiffs Graeme and Edna Freeman in the above-referenced matter, whose attorney of record is John Michael Raborn with Eggleston & Briscoe, LLP.

DUTIES OF A PERSON SERVED WITH SUBPOENA

You are advised that under Texas Rule of Civil Procedure 176, a person served with a discovery subpoena has certain rights and obligations. Rule 176.6(c) provides:

(c) Production of documents or tangible things. A person commanded to produce documents or tangible things need not appear in person at the time and date of production unless the person is also commanded to attend and give testimony, either in the same subpoena or a separate one. A person must produce documents as they are kept in the usual course of business or must organize and label them to correspond with the categories in the demand. A person may withhold material or information claimed to be privileged but must comply with Rule 193.3. A nonparty's production of a document authenticates the documents for use against the nonparty to the same extent as a party's production of a document is authenticated for use against the party under Rule 193.7.

**Rule 176.8(a) Contempt provides:**

**Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.**

**DO NOT FAIL** to return this writ to said Court, with return thereon, showing the manner of execution.

ISSUED this \_\_\_\_ day of May 2023.

Respectfully submitted,

EGGLESTON & BRISCOE, LLP  
333 Clay Street, Suite 4800  
Houston, Texas 77002  
(713) 659-5100 - Telephone  
(713) 951-9920 - Facsimile

By: */s/ John Michael Raborn*  
John Michael Raborn  
State Bar No. 24057364  
jmr@egglestonbriscoe.com

ATTORNEYS FOR PLAINTIFFS

**RETURN OF SERVICE**

Came to hand the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and executed the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., by delivering to \_\_\_\_\_, in person at the address of 1200 Baker Street, Houston, Texas 77002 in Harris County, Texas, a true copy of this Subpoena, and tendering said witness the sum of \$11.00.

By Deputy \_\_\_\_\_

Sheriff/Constable of \_\_\_\_\_

\_\_\_\_\_ County, Texas

OR

By: \_\_\_\_\_  
Person who is not a party to the suit, and is not less than 18 years of age.

**ACCEPTANCE OF SERVICE OF SUBPOENA BY WITNESS PER RULE 176 T.R.C.P.**

I, the undersigned witness named in the Subpoena acknowledge receipt of a copy thereof, and hereby accept service of the attached subpoena, and will appear in said location on said date and time directed in this subpoena.

*Rule 176.8(a) Contempt. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.*

\_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
DATE

\*\*\*\*\*

Not executed as to the witness \_\_\_\_\_

for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
FEE FOR SERVICE OF SUBPOENA \$ \_\_\_\_\_

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Nancy Gresham on behalf of John Raborn

Bar No. 24057364

nsg@egglestonbriscoe.com

Envelope ID: 76626438

Filing Code Description: Notice

Filing Description: Notice of Intention to Take the Deposition Upon Written

Questions of Harris County Sheriff's Office

Status as of 6/14/2023 5:09 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Nancy Gresham		nsg@egglestonbriscoe.com	6/14/2023 4:03:13 PM	SENT
Shelly Smith		sds@egglestonbriscoe.com	6/14/2023 4:03:13 PM	SENT
John MichaelRaborn		jmr@egglestonbriscoe.com	6/14/2023 4:03:13 PM	SENT
David Oubre		David.Oubre@Lewisbrisbois.com	6/14/2023 4:03:13 PM	SENT
Sean Wood		Sean.Wood@lewisbrisbois.com	6/14/2023 4:03:13 PM	SENT
Kathy Truong		Kathy.Truong@Lewisbrisbois.com	6/14/2023 4:03:13 PM	SENT
Glenn Patterson		glenn.patterson@gmail.com	6/14/2023 4:03:13 PM	SENT
Courtney Jones		Courtney.Jones@Lewisbrisbois.com	6/14/2023 4:03:13 PM	SENT