

CAUSE NO. 2008-03463

NATHANIEL RIDO AND
KRYSYNTHIA RIDO

VS.

BORRIS LEE MILES

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IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS

280TH JUDICIAL DISTRICT

**DEFENDANT'S MOTION FOR PROTECTIVE ORDER OR, ALTERNATIVELY,
MOTION TO STAY PROCEEDING**

Defendant, Borris Miles (“Miles”), hereby files his Motion for Protective Order or, Alternatively, Motion to Stay Proceeding (the “Motion”), as follows:

**I.
SUMMARY OF MOTION**

Miles, a Defendant in this matter and a public official, is currently under criminal investigation by the District Attorney’s Office (the “DA”). The DA has assembled a grand jury and is currently presenting evidence to the grand jury who may, or may not, indict Miles.

A protective order should be entered to protect Miles from irrelevant, unnecessary, and/or harassing discovery in this matter that could be potentially used to prejudice his rights in a criminal investigation and/or prosecution. Plaintiff, Krysynthia Rido, alleges that Miles “forcibly kissed me by putting his mouth and spit upon on my face and mouth and in my mouth” at a holiday party at the St. Regis Hotel in Houston, Texas, held on December 15, 2008. According to their Petition, Plaintiffs bring claims for, among other things, negligence and assault and battery. In their lawsuit, Plaintiffs seek exemplary damages of one million dollars. A protective order should be entered preventing Plaintiffs from inquiring as to any alleged incidents or conduct occurring before or after the alleged kiss. Such discovery would have absolutely nothing to do with the Plaintiffs’ claims against Miles and would only serve to potentially prejudice Miles in the pending criminal investigation, potential criminal prosecution, and this civil case.

Alternatively, as a result of a pending criminal investigation regarding the same Defendant in this matter, this action should be stayed pending the outcome of any criminal investigation and/or prosecution.

II. **FACTUAL BACKGROUND**

Miles is a Texas State Representative. On March 4, 2008, Miles was defeated in a hotly-contested political election. During the final few weeks before the election, Plaintiffs filed this lawsuit and participated in a media campaign, the effect of which was to prejudice the voting public and to sabotage Miles's campaign as well as to conduct a character assassination. Plaintiffs appeared on local television maligning Miles and provided interviews to the Houston Chronicle and The Austin American-Statesman. See e.g. **Exhibit "A"**. Not surprisingly, Plaintiff Nathaniel Rido supported Miles' opponent, Al Edwards, and he even donated money to Edwards' political campaign. See **Exhibit "B"**.

Although Plaintiffs allege that this was (1) a traumatic incident that allegedly occurred on December 15, 2007; (2) that Ms. Rido was assaulted and battered; and (3) that Plaintiffs suffered severe emotional distress, absolutely nothing was ever reported to Security at the St. Regis Hotel. Additionally, no report was ever made to the Houston Police Department or any other law enforcement agency. The first notice of Plaintiffs' alleged complaint against Miles was first manifested when this lawsuit was filed on January 18, 2008, just weeks before the election. Curiously, around the same time that this matter was filed, Plaintiffs gave interviews to the local news media including the Houston Chronicle and KHOU-TV. See e.g., **Exhibit "A"**.

Plaintiffs' entire case is based on the following contention: "Miles forcibly kissed me by putting his mouth and spit upon on my face and mouth and in my mouth" at a holiday party. However, in an attempt to delve into totally unrelated matters, at paragraph IV of Plaintiffs' Petition, Plaintiffs allege: "Miles conduct was only one of his many unconscionable and disruptive acts engaged in on the night in question." This absolutely unfounded assertion does not, and cannot, support any of the claims pled

by Plaintiffs, is totally irrelevant, and any probative value is outweighed by its prejudicial effect under Rule 403 of the Texas Rules of Evidence. For the ensuing reasons, two alternative requests are made: (i) a Protective Order should be entered to prevent Plaintiffs from conducting discovery on these unrelated issues to insure that the rights of Miles are protected or, alternatively, (ii) this matter should be stayed pending the criminal investigation and/or prosecution with respect to Miles.

III. ARGUMENT AND AUTHORITIES

A. A Protective Order Is Necessary.

Plaintiffs have embarked in an improper fishing expedition that requires this Court to grant protection to Miles. Plaintiffs' fishing expedition is only for purposes of harassment having nothing to do with this civil case. For example, Plaintiffs have made it clear that they intend to delve into other alleged misconduct on the part of Miles on the night in question, including alleged conduct occurring both before and after the alleged "kiss." This has absolutely nothing to do with any of Plaintiffs' claims asserted in the civil suit against Miles.

It is well established that a trial court is required to give consideration to the effect of discovery in a civil case where there are pending criminal proceedings. *In re R.R.*, 26 S.W.3d 569, 574 (Tex.App.-Dallas 2000, orig. proceeding); *Texas Attorney General's Office v. Adams*, 793 S.W.2d 771, 777 (Tex.App.-Fort Worth 1990, orig. proceeding).

The general rule in Texas is that evidence of other acts by a party with persons not a party to the lawsuit are irrelevant, immaterial, unfairly prejudicial, and thus, inadmissible. *See Southwestern Bell Telephone Co. v. Vollmer*, 805 S.W.2d 825, 831 (Tex.App.-Corpus Christi 1991, writ denied); *see also* Tex.R. Evid. 403; *Missouri Pacific Railroad Co. v. Roberts*, 849 S.W.2d 367, 369 (Tex.App.-Eastland 1993, writ denied) (holding that the doctrine of *res inter alios acta* no longer exists independent of Texas Rules of Evidence 401-404 governing the admissibility of relevant and character evidence). Moreover,

discovery may not be used as a “fishing expedition.” See *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex.1998).

For example, in Plaintiffs’ most recent discovery requests, attached hereto as **Exhibit “C”**, Plaintiffs sought answers to completely irrelevant and harassing interrogatories and requests for production. Consider as follows:

INTERROGATORY NO. 2: For each time that you have had *sexual relations in a public place*, please state the date of each such act, identify by full name, address and telephone number each and every person with whom you have had the sexual relations, and the location of each such public place.

INTERROGATORY NO. 10: Please identify by full name, address and telephone number each and every person with whom you have had *sexual relations* and *identify all sexual partners* that you learned or suspected had AIDS, HIV, and/or any other sexually transmitted disease.

REQUEST NO. 3: Please produce any and all documents reflecting or concerning any and all communications between you and *Steve Harris* from January 1, 2006 to the present.

REQUEST NO. 4: Please produce any and all documents reflecting or concerning any and all *indictments* or notices of indictment pertaining to any and *all alleged criminal act(s) of yours*.

REQUEST NO. 5: Please produce any and all documents reflecting or concerning any and all notices letters from any and all governmental agency/department which informs you that *you are the target of any criminal investigation*.

REQUEST NO. 7: Please produce any and all photographs, videos, or any other type of picture of each woman, or man, *with whom you have had sex in a public place*.

REQUEST NO. 9: Please produce any and all photographs, videos, or any other type of picture of each woman, or man, *with whom you have had sex in a public place*.

REQUEST NO. 20: Please produce your *license/permit to carry a concealed handgun*, which you had in mid-December 2007.

See Exhibit “C”.

These interrogatories and requests cannot be viewed as remotely relevant to this matter and can only prejudice the rights of Miles in the criminal investigation and/or prosecution. It cannot be argued

that the Plaintiffs will be prejudiced as a result because any such matters sought in Plaintiffs' objectionable discovery requests have absolutely nothing to do with this lawsuit.

In the interest of justice, Miles respectfully requests this Court to enter a protective order preventing Plaintiffs from conducting any discovery with respect to other incidents and matters occurring before and after the incident in question and any discovery surrounding the alleged possession of a gun by Miles.

B. Alternatively, This Lawsuit Should Be Stayed.

In the alternative, Miles requests that this Court stay and/or abate this lawsuit pending the outcome of any criminal investigation and/or prosecution. This Court has the discretion to abate this matter, although Miles does not seek a blanket abatement that would extend to some indefinite period of time. When an abatement is for an indefinite period or effectively vitiates a party's ability to present a claim or defense, such an order may be reviewed under such special circumstances. *See Gebhardt v. Gallardo*, 891 S.W.2d 327, 332-33 (Tex.App.--San Antonio 1995, orig. proceeding). The grant or denial of an abatement is within the discretion of the trial court and will not be disturbed absent an abuse of discretion. *See Gebhardt*, 891 S.W.2d at 332.¹ Moreover, the trial court has inherent authority to manage its own docket. *Ho v. Univ. of Tex. at Arlington*, 984 S.W.2d 672, 693-94 (Tex.App.– Amarillo 1998, pet. denied).

In this case, a stay will serve to protect the interests of Miles, will not cause any prejudice or harm to Plaintiffs, and will preserve the interest of justice. To permit Plaintiffs to use this proceeding to conduct discovery that may be potentially used against Miles in a criminal matter on issues having

¹It should be noted that there are a line of Texas cases holding that the pendency of a criminal matter does not impair a court's proceeding with a contemporaneous civil matter involving the same issues or parties. *In re R.R.*, 26 S.W.3d at 574. There is no constitutional prohibition against both cases going forward simultaneously. *See Meyer v. Tunks*, 360 S.W.2d 518, 522-23 (Tex.1962); *In re R.R.*, 26 S.W.3d at 574. However, in this case, Plaintiffs should not be able to probe into areas having nothing to do with this lawsuit, which could potentially prejudice Miles' rights in a criminal matter. A specific protective order from the Court is therefore necessary.

nothing to do with this civil case will severely prejudice Miles and will not serve the interests of justice for any party to this matter.

FOR THESE REASONS, Defendant Borris Miles prays that a Protective Order be granted or, alternatively, that this matter be stayed. Miles further requests that he recover any such and other relief to which he is entitled.

Respectfully submitted,

ZIMMERMAN, AXELRAD,
MEYER, STERN & WISE, P.C.

By: /s/ *Brian W. Zimmerman*
Alvin L. Zimmerman
State Bar No. 22265000
Brian W. Zimmerman
State Bar No. 00788746
David M. Scott
State Bar No. 24044089
3040 Post Oak Blvd., Suite 1300
Houston Texas 77056
(713) 552-1234 - Telephone
(713) 963-0859 - Facsimile

**ATTORNEYS FOR DEFENDANT,
BORRIS MILES**

CERTIFICATE OF CONFERENCE

On March 31, 2008, the undersigned counsel conferred with Plaintiffs' counsel, Mr. Michael D. West who said that he is OPPOSED to the pending motion.

/s/ *Brian W. Zimmerman*
Brian W. Zimmerman

CERTIFICATE OF SERVICE

I hereby certify that on this the 3rd day of April , 2008, a true and copy of the foregoing and/or attached have been served on all known counsel of record, in accordance with the Texas Rules of Civil Procedure, as follows:

Mr. Michael D. West
West & West, LLP
1301 McKinney, Suite 3010
Houston, Texas 77010

Via CM/RRR
CM#7007 0710 0000 7087 0987

/s/ David M. Scott
David M. Scott

■ **Battle of the Choirs:** 6 p.m., Pleasant Hill Baptist Church, 15111 Innell.

Sunday

■ **Prayer Service:** 5 p.m., Wheeler Baptist Church, 3826 Wheeler Ave. Sponsored by Interfaith Ministries.

Monday

■ **Black Heritage Society's 30th Annual Original MLK Parade:** 10 a.m. starting at Jackson and Capitol and ending at Jackson and Texas.

■ **MLK Parade Foundation's 14th Annual MLK Grand Parade:** 2 p.m. at Allen Parkway just east of Tait.

■ **High School Battle of the Bands:** 5 p.m., Berry Center Stadium, 8877 Barker Cypress, Cypress.

Students such as Perri may have only a superficial knowledge of the slain civil rights leader when they start their projects, their teachers say. But with research and reading, hours spent crafting and memorizing their tributes to King's legacy, this changes.

"After she started taking his speech apart and looking at documentaries of him it actually touched her heart," said Ronda Miller-Eaglin, Perri's teacher at Dodson. "I could just see her on the computer going, 'Wow. Wow.'"

sarah.viren@chron.com

S

Information Center, RideStores and Lost & Found will be open during regular business hours. MetroLift will run its regular subscription trips, but MetroLift reservations and customer service offices will be closed.

Courts, government

Monday and Tuesday: Federal, state, county and city courts and government offices closed.

In light of such concerns, the Houston-Galveston Area Council has extended a public comment period to 5 p.m. Thursday. H-GAC's Transportation Policy Council is scheduled to vote on the pond and two associated street projects Friday.

Although the trail and pond would belong to the city, TxDOT administers federal dollars for the \$4.6 million project, 80 percent of which will be feder-

to Shepherd. The extension would take the trail from Shepherd to Hempstead Highway.

TxDOT contract manager Jeanne Javadi said the channel is needed to carry increased runoff from a planned widening of Hempstead Highway and Washington Avenue. A pumping station to be built for the redesigned rail underpass and will add to the flow, she said.

rad.sallee@chron.com

Couple sues Miles over party incident

Tests for disease sought over alleged kiss from legislator

By R.G. RATCLIFFE
HOUSTON CHRONICLE

A Houston woman and her husband filed suit against state Rep. Borris Miles on Friday, asking that he be tested for sexually transmitted diseases and claiming he forced a kiss on the woman at a holiday party.

The Harris County District Attorney's Office has been investigating a complaint that Miles entered a St. Regis Hotel ballroom uninvited, confronting guests, displaying a pistol and forcibly kissing another man's wife.

Nathaniel and Krysynthia Rido filed suit against Miles in state district court, contending he acted in a "depraved, unconscionable and reckless manner, leaving in his wake shame, embarrassment and mental trauma."

The lawsuit says Krysynthia Rido fears AIDS and other sexually transmitted diseases because the kiss exposed her to "Miles' unwanted bodily fluids." She asks the court to order Miles to undergo immediate blood tests for sexually transmitted diseases.

The lawsuit also accuses Miles of assault and battery and asks for compensatory and pu-

nitive damages.

The Ridos' lawyer, Michael West, said the fear of sexually transmitted diseases comes from Miles' reputation as "a man about town."

"He planted a wet kiss on my client's mouth that might have adversely affected her," West said.

According to the Centers for Disease Control, some STDs can be transmitted orally, though its Web site says AIDS cannot be transmitted through casual kissing.

West expressed concern upon learning that Miles was in the hospital with pneumonia, saying whatever caused it might have been present when Miles kissed Krysynthia Rido.

Miles' spokesman Donald Fields said Miles was not immediately available for comment because he is in Memorial Hospital with pneumonia.

"It was extremely serious," Fields said. "For three days it was very, very serious."

Fields said Miles was hospitalized earlier this week and had "tremendously improved."

Miles, 42, represents District 146, including Sunnyside and the Third Ward. He is facing a Democratic primary challenge from former state Rep. Al Edwards.

R.G. Ratcliffe reported from Austin; Chronicle reporter Cindy George contributed to this report.

r.g.ratcliffe@chron.com

LOCAL

More legal trouble for Rep. Borris Miles

Saturday, January 19, 2008 | 6:04 AM



HOUSTON (KTRK) -- There are more legal trouble for state Representative Borris Miles of Houston.

A husband and wife who Miles allegedly pulled a gun on during a holiday party filed a lawsuit against Miles. They also requested an injunction to force Miles to submit to a blood test. The couple says Miles forcibly kissed the wife and want to know whether she contracted a sexually transmitted disease.

"The defamation, the humiliation my clients have suffered," said plaintiff attorney Michael West. "Not only the wife for being treated that way, but the husband for being humiliated in such a fashion."]*

Late tonight, Miles' spokesman told us he and Miles are discussing the lawsuit, but would not comment further. The Harris County district attorney's office is investigating this incident.

Story continues below

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- Headlines at a glance

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COMMENTARY: JOHN KELSO

Maybe Rep. Miles should start calling himself "Hot Lips"

By John Kelso
AMERICAN-STATESMAN STAFF
Friday, January 18, 2008

The Texas House member most likely to have his own entourage and get busted for causing a ruckus in furs in front of a Las Vegas night club?

I'd pick State Rep. Borris Miles, a Houston Democrat.

Miles is being investigated for reportedly planting kisses on both cheeks and the mouth of Houston businessman David Harris without being invited to unholster his lips and then placing a gun in Harris' hands at a Christmas party Harris hosted at the St. Regis Hotel near the Galleria. Now that's what I call making an entrance. Harris told the Houston Chronicle that he thinks Miles, an insurance agent, is mad at him for investing in a rival business.

"Mr. Harris got up to thank his guests for coming to the party; at that time Mr. Miles met him in the center of the room and actually kissed him on both sides of his face and put a weapon in his hand," said Nathaniel Rido, who was at the party with his wife. "Mr. Harris was pretty disturbed." }*

Miles' attorney, Cornel A. Williams, sent out a statement that said: "Miles disagrees with the reported accounts of the alleged event," and "We are unaware of any investigations by the Harris County District Attorney's office."

"All I can tell you is we are investigating the case," said Paul Doyle, assistant district attorney in the special crimes bureau.

This is the same Miles who shot a man in the leg with a pistol last summer when he found the guy stealing copper wire out of a house Miles was working on. Then there was the time last legislative session when Miles found a couple of artworks in an anti-death penalty art display at the Capitol to be offensive. So he took them off the wall and stashed them in his office.

One of Miles' legislative achievements occurred when he got the Lege to recognize Jan. 30, 2007, as Farmers Insurance Group Day. I called Miles' insurance office in Houston and asked the lady who answered what kind of insurance Miles sells.

"Farmers," she said. What a coincidence.

Miles should adopt the nickname Hot Lips. On Valentine's Day last session, the freshman representative handed out red roses to female House members and staffers and went around kissing them. Word is some of them were unsettled by the experience.

"I'm away from my sweetheart, so every woman in the House is my sweetheart," Miles said at the time. Apparently he was away from his sweetheart at the Christmas party, too. Rido is still upset about Miles kissing his wife, Krysynthia, on both cheeks without permission.

"You would think this guy would have a lot more professionalism and carry himself in a more statesmanlike manner than that," Rido said.

No, I wouldn't. It's the Texas Legislature.

John Kelso's column appears on Sundays, Tuesdays and Fridays. Contact him at 445-3606 or jkelso@statesman.com.

Find this article at:

<http://www.statesman.com/search/content/news/stories/local/01/18/0118kelso.html>

Check the box to include the list of links referenced in the article.

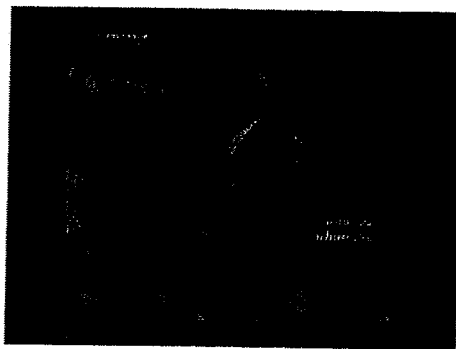


POLITICS

Al Edwards hopes headlines will help unseat freshman Rep. Borris Miles ☹

06:37 PM CST on Saturday, March 1, 2008

By Kevin Reece / 11 News



Kevin Reece's 11 News report

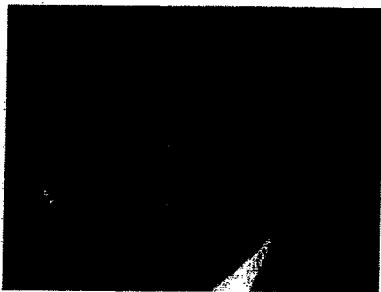
Two years ago, a young and popular insurance agent from Houston's south side unseated a career politician.

Voters in District 146 sent Borris Miles to the state house in Austin instead of Al Edwards.

That was big news, but in the two years that followed, Miles made news in different ways.

Last July, he shot and wounded a burglar he caught stealing copper from the home he was building.

Miles is licensed to carry a concealed weapon, and police ruled he was well within his rights to pull the trigger.



Boris Miles

Last December, Miles made the headlines again for his alleged actions at a holiday party at the St. Regis Hotel.

"He grabbed me by my face and forcibly placed a kiss upon my mouth," Krysynthia Rido said. } *

Rido filed a lawsuit for the unwanted smooch. The host of the party said Miles arrived uninvited and confrontational with a bottle of wine in one hand and – at times – his handgun in the other. } +

So in early February a flyer arrived in District 146 mailboxes featuring images of guns and alcohol and questions about Miles' actions.

Also online

In bold red letters above a picture of a revolver, the flyer read "Say No to Borris Miles."

Where to vote/sample ballots

The man behind it? Al Edwards.

Breakdown of the Texas primary system

"District 146 deserves better, and they have a good choice," he said.

Find your voting precinct

Edwards makes no apologies for the mailer. He calls it a legitimate issue in the hunt for voters.

Primary schedule

"They can help us restore the dignity and the character of District 146, so it is looking good," he said.

Money trail

Candidate quiz

Miles did not respond to repeated requests for an interview.

More Campaign '08 coverage

But 11 News did catch up with him a month ago at a church gathering.

Those accusations are unfounded, untrue and ridiculous and they're obviously politically and financially motivated," he said at the time.

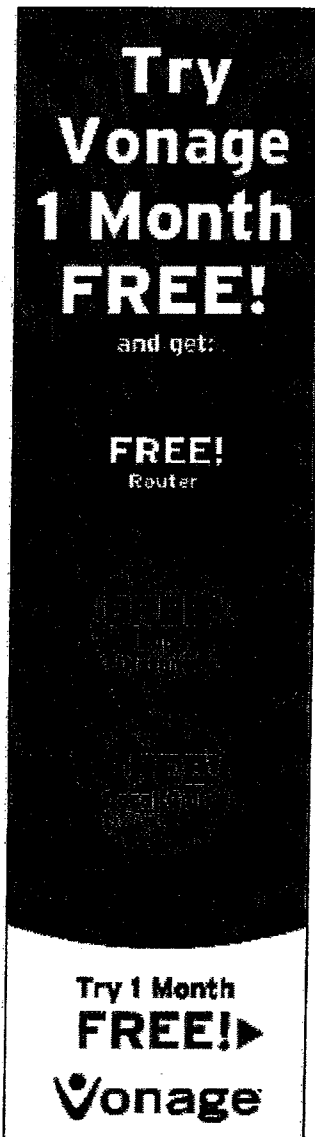
With a pending lawsuit, Miles said there was little he could talk about, but he would continue to run to represent his district.

"These are my people, this is my community, it's my culture. This is what I do," he said.

And despite the headlines, support for Miles is loyal and strong.

"It's just his nature to kiss like that," Vernell Jones-Holmes said.

"First time in office, two years, and he did a lot. And he's still doing it and we're still in his corner," Ola West said.



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Local

Lawmaker allegedly made threats at party

Tuesday, January 15, 2008 | 4:38 PM

AP Associated Press

HOUSTON -- State Rep. Borris Miles is under investigation in connection with a complaint that he threatened a business rival and brandished a gun at a holiday party last month, officials said.

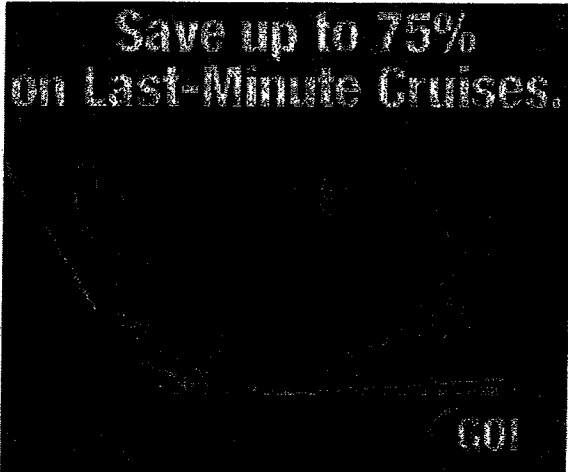
The Harris County District Attorney's office confirmed Friday that investigators are looking into allegations that the Houston Democrat crashed the party uninvited, pulled out a pistol and forcibly kissed another man's wife. The DA's office said it received a written complaint about the incident, but would not comment further.

At the party last month, Miles referred to himself as a "gangster" and a "thug," said David Harris, who threw the party for his private management company. Harris said Miles then kissed him on both cheeks and the mouth before taking out a gun and placing it in Harris' hands.

Harris said he believes Miles, an insurance agent, was angry because Harris had invested in a rival business.

Story continues below

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"He was saying things such as: 'I told you to get out of the insurance business. There ain't room in this town for the two of us. I'm going to come after you and take you down,'" Harris said.

Calls to Miles' insurance and government offices were not immediately returned on Saturday morning. Attempts to reach him at home were unsuccessful.

Nathaniel Rido said that his wife was kissed by Miles before the state representative left.

"A public official acting like that," Rido said. "I was disturbed."

} *

In July, Miles made news when he shot a man in the leg who was apparently trying to steal copper wiring from a home Miles was building. He is licensed to carry a concealed weapon and was not charged in the shooting.

- Headlines at a glance

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1 [Crystalline86](#) 1/15/08 5:51 PM EST

CANDIDATE / OFFICEHOLDER SPECIAL PRE-ELECTION REPORT

FORM C/OH-T

1 ACCOUNT # (Ethics Commission filers) 00019917	2 PAGE # 1 of 2	OFFICE USE ONLY	
3 CANDIDATE / OFFICEHOLDER NAME	MS / MRS / MR Hon.	FIRST Al	MI
	NICKNAME	LAST Edwards	SUFFIX
4 CANDIDATE / OFFICEHOLDER ADDRESS	ADDRESS /PO BOX;	APT/SUITE #;	CITY; STATE; ZIP CODE
	3108 S. MacGregor Way Houston, TX 77021-1103		
5 OFFICE SOUGHT	State Representative District 146		Receipt #
			Date Hand-delivered
			Date Processed
			Date Imaged

POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES)

6 Date	7 Contributor name	9 Amount of contribution (\$)	10 In-kind contribution description (if applicable)
03/01/2008	8 Contributor address; City; State; Zip Code Houston, TX 77210	\$3,000.00	
(If travel outside of Texas, complete Schedule T) <input type="checkbox"/>			
03/01/2008	Contributor name Contributor address; City; State; Zip Code Houston, TX 77040	\$7,500.00	
(If travel outside of Texas, complete Schedule T) <input type="checkbox"/>			
03/01/2008	Contributor name Contributor address; City; State; Zip Code Houston, TX 77242	\$1,000.00	
(If travel outside of Texas, complete Schedule T) <input type="checkbox"/>			
03/01/2008	Contributor name Contributor address; City; State; Zip Code Houston, TX 77019	\$7,500.00	
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FORM C/OH-T ADDENDUM

The INSTRUCTION GUIDE explains how to complete this form.

PAGE #
Page 2 of 2

FILER NAME Edwards, Al (Hon.)

ACCOUNT # (Ethics Commission filers)
00019917

<p>6 Date</p> <p>03/01/2008</p>	<p>7 Contributor name</p> <p>[REDACTED]</p> <hr/> <p>8 Contributor address; City; State; Zip Code</p> <p>Houston, TX 77234</p>	<p>9 Amount of contribution (\$)</p> <p>\$10,000.00</p>	<p>10 In-kind contribution description (if applicable)</p> <p>(If travel outside of Texas, complete Schedule T) <input type="checkbox"/></p>
<p>Date</p> <p>03/01/2008</p>	<p>Contributor name</p> <p>Rido, Nathaniel</p> <hr/> <p>Contributor address; City; State; Zip Code</p> <p>Friends, TX 77546</p>	<p>Amount of contribution (\$)</p> <p>\$1,000.00</p>	<p>In-kind contribution description (if applicable)</p> <p>(If travel outside of Texas, complete Schedule T) <input type="checkbox"/></p>
<p>Date</p> <p>03/01/2008</p>	<p>Contributor name</p> <p>[REDACTED]</p> <hr/> <p>Contributor address; City; State; Zip Code</p> <p>Houston, TX 77042</p>	<p>Amount of contribution (\$)</p> <p>\$1,000.00</p>	<p>In-kind contribution description (if applicable)</p> <p>(If travel outside of Texas, complete Schedule T) <input type="checkbox"/></p>
<p>Date</p> <p>03/01/2008</p>	<p>Contributor name</p> <p>[REDACTED]</p> <hr/> <p>Contributor address; City; State; Zip Code</p> <p>Houston, TX 79705</p>	<p>Amount of contribution (\$)</p> <p>\$6,000.00</p>	<p>In-kind contribution description (if applicable)</p> <p>(If travel outside of Texas, complete Schedule T) <input type="checkbox"/></p>

NATHANIEL RIDO, ET UX.

V.

BORRIS LEE MILES

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

280TH JUDICIAL DISTRICT

**PLAINTIFFS' FIRST SET OF INTERROGATORIES TO
BORRIS LEE MILES**

TO: Defendant, Borris Lee Miles, by and through his attorney of record, Brian W. Zimmerman, Zimmerman, Axelrad, Meyer, Stern & Wise, P.C., 3040 Post Oak Blvd., Suite 1300, Houston, TX 77056.

Pursuant to Rules 192, 193, & 196 of the Texas Rules of Civil Procedure, Plaintiffs herein, serve the following requests upon you, the responses to which shall be made separately and fully, in writing; the true and a correct copy of said responses shall be given to the undersigned attorney of record within thirty (30) days from date of service hereof.

You are hereby advised that you are under a continuing obligation to reasonably supplement your responses to these requests pursuant to the Texas Rules of Civil Procedure.

In connection with such requests, the Instructions and Definitions set forth below shall be utilized.

A. Instructions

1. For each requested information that you assert is privileged or for any other reason excludable from discovery: (a) state the specific grounds for the claim of privilege or other ground for exclusion.
2. "Identify" or "identity" when used herein as it applies to a person or entity means to state the person or entity's full name, address, and telephone number. In the case of an entity, the name of the person or persons who are the entity's corporate representative(s).

B. Definitions

1. "Nathaniel Rido" means Nathaniel Rido, including his agents and/or representatives.
2. "Krysynthia Rido" means Krysynthia Rido, including her agents and/or representatives.

3. "Borris Lee Miles" means Borris Lee Miles, his agents, servants, representatives, employees, and/or all other persons acting in concert with him or under his control, whether directly or indirectly, including any attorney.
4. "You" or "your" means Borris Lee Miles.
5. "Regarding" means, in whole or in part, directly or indirectly, referring to, relating to, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, and/or constituting, directly or indirectly, the subject matter identified in the request.
6. The word "or" means or, and the word "and" means and/or.
7. "Any" means any and all.
8. "Sexual Relations" means and includes, oral sex, intercourse, or any other touching of the genitals for the purpose of the sexual gratification, of either person.
9. "Public Place" refers to a place where anyone generally has a right to come without being excluded because of, race, economic or social conditions.

Respectfully submitted,

WEST & WEST, LLP

By:



Michael D. West
State Bar No. 00785220
David West
State Bar No. 21209500
Fulbright Tower
1301 McKinney, Suite 3010
Houston, Texas 77010
Telephone: (713) 222-9378
Facsimile: (713) 222-9397

ATTORNEYS FOR PLAINTIFFS

INTERROGATORIES

1. Please describe in detail each and every purpose and reason that you were present at St. Regis Hotel in mid-December 2007 when the facts giving rise to this lawsuit occurred.

ANSWER:

2. For each time that you have had sexual relations in a public place, please state the date of each such act, identify by full name, address and telephone number each and every person with whom you have had the sexual relations, and the location of each such public place.

ANSWER:

3. Please identify by full name, address and telephone number each and every hospital, clinic and all other medical service providers that have treated you and/or diagnosed you for any sexually transmitted diseases ("STDs") AIDS, HIV and/or any other communicable diseases. Include in your answer the dates and reasons for each treatment and/or diagnosis.

ANSWER:

4. Please identify by state, county and the date of each and every arrest, indictment, and/or conviction of yours.

ANSWER:

5. Please describe in detail each and every purpose and reason that you placed your mouth, saliva, tongue, face, hands and any other of your body parts upon or near Krysynthia Rido while at the St. Regis Hotel in mid-December 2007.

ANSWER:

6. Please describe in detail the type and amount of any and all alcohol and drugs (prescription and/or non-prescription) that you ingested from the morning of the subject day in question until the time you saw and touched Krysynthia Rido while at the St. Regis Hotel in mid-December 2007.

ANSWER:

7. Please describe in detail the extent to which you knew or had ever met Krysynthia Rido and/or Nathaniel Rido prior to the subject day in question when you touched her while at the St. Regis Hotel in mid-December 2007.

ANSWER:

8. Please identify by full name, address and telephone number each and every person you kissed, hugged, fondled, caressed and/or otherwise touched (other than Krysynthia Rido) against his/her will. Your answer should include the location where such unwanted act occurred, and the events surrounding such unwanted kissing, hugging, fondling, caressing and/or touching.

ANSWER:

9. Please identify by name, conviction, date and location thereof regarding any witness which you intend to impeach by use of any criminal conviction pursuant to the provisions of Texas Rules of Evidence 609.

ANSWER:

10. Please identify by full name, address and telephone number each and every person with whom you have had the sexual relations and identify all sexual partners that you learned or suspected had AIDS, HIV, and/or any other sexually transmitted disease.

ANSWER:

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that a true and correct copy of the foregoing Plaintiffs' First Set of Interrogatories to Borris Lee Miles has been forwarded on March ____, 2008 pursuant to TRCP 21 & 21a as follows:

Brian W. Zimmerman
Zimmerman, Axelrad, Meyer, Stern & Wise, P.C.
3040 Post Oak Blvd., Suite 1300
Houston, TX 77056

Via facsimile: (713) 963-0859



Michael D. West

CAUSE NO. 2008-03463

NATHANIEL RIDO, ET UX.

V.

BORRIS LEE MILES

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§
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§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

280TH JUDICIAL DISTRICT

**PLAINTIFFS' FIRST REQUESTS FOR PRODUCTION TO
BORRIS LEE MILES**

TO: Defendant, Borris Lee Miles, by and through his attorney of record, Brian W. Zimmerman, Zimmerman, Axelrad, Meyer, Stern & Wise, P.C., 3040 Post Oak Blvd., Suite 1300, Houston, TX 77056.

Pursuant to Rules 192, 193, & 196 of the Texas Rules of Civil Procedure, Plaintiffs herein, serve the following requests upon you, the responses to which shall be made separately and fully, in writing; the true and a correct copy of said responses shall be given to the undersigned attorney of record within thirty (30) days from date of service hereof.

You are hereby advised that you are under a continuing obligation to reasonably supplement your responses to these requests pursuant to the Texas Rules of Civil Procedure.

In connection with such requests, the Instructions and Definitions set forth below shall be utilized.

A. Instructions

1. For each requested information that you assert is privileged or for any other reason excludable from discovery: (a) state the specific grounds for the claim of privilege or other ground for exclusion, and (b) identify that document or other requested information. For each document, state the date of the document, the name, job title, and address of the person who prepared it; the name address, and job title of the person to whom it was addressed or circulated or who saw it; the name, job title, and address of the person now in possession of the document; and a description of the subject matter of the document.
2. For any other requested information about a document that no longer exists or cannot be located, identify the document, state how and when it passed out of existence, or when it could no

longer be located, and the reasons for the disappearance. Also, identify each person having knowledge about the disposition or loss, and identify each document evidencing the existence or nonexistence of each document that cannot be located.

B. Definitions

1. "Nathaniel Rido" means Nathaniel Rido, including his agents and/or representatives.
2. "Krysynthia Rido" means Krysynthia Rido, including her agents and/or representatives.
3. "You" or "your" means Borris Lee Miles.
4. "Borris Lee Miles" means Borris Lee Miles, his agents, servants, representatives, employees, and/or all other persons acting in concert with him or under his control, whether directly or indirectly.
5. "Document" or "documents" shall be used in their broadest sense and shall mean and include all written, printed, typed, recorded, or graphic matter of every kind and description, both originals and copies, and all attachments and appendices, thereto. Without limiting the foregoing, the terms "document" or "documents" shall include all agreements, contracts, communications, communication, letters, telegrams, telexes, messages, memoranda, notes, records, reports, books, summaries or other records of telephone conversations or interviews, summaries or other records of personal conversations, minutes or summaries or other records of meetings and conferences, summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time records, instructions, work assignments, visitor records, forecasts, statistical data, statistical statements, financial statements, work sheets, work papers, drawings, including, but not limited to, shop drawings, subcontractor's drawings, erection drawings, and certified drawings, blueprints, specifications, field notes, architect's or engineer's notes, drafts, graphs, maps, charts, tables, accounts, analytical records, consultants' reports, appraisals, addenda, bulletins, amendments, brochures, pamphlets, circulars, trade letters, press releases, notes, notices, original notations, notebooks, telephone bills or records, bills, statements, records of obligation and expenditure, invoices, lists, journals, advertising, recommendations, files, printouts, compilations, tabulations, purchase and/or work orders, receipts, sell orders, confirmations, checks, canceled checks, letters of credit, envelopes or folders or similar containers, vouchers, analyses studies, surveys, transcript of hearings, transcripts of testimony, expense reports, microfilm, microfiche, video recordings, film,

tape, photographs, punch cards, computer programs and any accompanying documentation and manuals, data compilations from which information can be obtained (including matter used in data processing), and other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computer-stored, or electronically-stored matter, however and by whomever produced, prepared, reproduced, disseminated or made. The term "document" or "documents" shall include all types of documents by whatever means made, except that where a document is identified or produced, identical copies thereof which do not contain any markings, additions, or deletions different from the original need not be separately produced. "Document" or "documents" mean and include all matters within the foregoing description that are in the possession, control or custody of you or in the possession, control or custody of any former director, officer, employee, consultants, attorney, accountant or financial advisor or other agents for you, whether or not prepared by you. Without limiting the term "control," a document is deemed to be within your control if you have ownership, possession, or custody of the document, or the right to secure the document or copy thereof.

6. "Writing" means any and all handwritten material, typewritten material, printed material, photocopies, photographs, and every other means of recording upon any tangible thing, including any magnetic format, together with any form of communication or other representation that would constitute a writing.

7. "Concerning" means, in whole or in part, directly or indirectly, referring to, relating to, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, and/or constituting, directly or indirectly, the subject matter identified in the request.

8. The word "or" means or, and the word "and" means and/or.

9. "Any" means any and all.

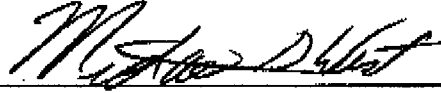
10. "Communication(s)" means any oral or written communication of which the defendant has knowledge, information, or belief.

11. "Person" or "Persons" mean any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental entity or subdivision thereof, or any other form of organization.

Respectfully submitted,

WEST & WEST, LLP

By:



Michael D. West

State Bar No. 00785220

David West

State Bar No. 21209500

Fulbright Tower

1301 McKinney, Suite 3010

Houston, Texas 77010

Telephone: (713) 222-9378

Facsimile: (713) 222-9397

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that a true and correct copy of the foregoing Plaintiffs' First Requests for Production to Borris Lee Miles has been forwarded on March 12, 2008 pursuant to TRCP 21 & 21a as follows:

Brian W. Zimmerman
Zimmerman, Axelrad, Meyer, Stern & Wise, P.C.
3040 Post Oak Blvd., Suite 1300
Houston, TX 77056

Via facsimile: (713) 963-0859



Michael D. West

FIRST REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce any and all pleadings which concern any and all lawsuits to which you have been a party.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

Please produce any and all documents reflecting or concerning any and all communication between you and the St. Regis Hotel from December 1, 2007 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

Please produce any and all documents reflecting or concerning any and all communication between you and Steve Harris from January 1, 2006 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

Please produce any and all documents reflecting or concerning any and all indictments or notices of indictment pertaining to any and all alleged criminal act(s) of yours.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

Please produce any and all documents reflecting or concerning any and all notices letters from any and all governmental agency/department which informs you that you are the target of any criminal investigation.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

Please produce any and all documents reflecting or concerning any and all notice letters from any and all attorneys and/or other persons notifying you of the intent or possibility of your being sued because of your conduct.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

Please produce any and all photographs, videos, or any other type of picture of each woman, or man, with whom you have had sex in a public place.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

Please produce any and all documents reflecting or concerning any and all communication between you and the ICON Hotel from January 1, 2007 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

Please produce any and all photographs, videos, or any other type of picture of each woman, or man, with whom you have had sex in a public place.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

Please produce any and all invitations and/or any and all other documents which demonstrate that you were invited to attend the subject social event. (The subject social event refers to the gathering of people at the St. Regis Hotel in mid-December 2007.)

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

Please produce any and all notes, diary entries, letters, and/or statements, you have made which address or concern any and all aspects of the claims and causes of action raised in this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12:

Please produce any and all documents which concern or reflect any and all communication between you and Nathaniel Rido.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13:

Please produce any and all documents which concern or reflect any and all communication between you and Krysynthia Rido.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14:

Please produce any and all photographs, videos, drawings or any other type of depiction of the scene of the incident giving rise to this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15:

Please produce all documents pertaining to any of your arrest(s), or indictment, or conviction for any felony or crime involving moral turpitude.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16:

Please produce copies of all documents which you intend to use to impeach any witness, pursuant to the provisions of Texas Rules of Evidence 609.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17:

Please produce any and all documents reflecting any and all communication between you and any person who was present at the St. Regis Hotel on the date of the incident giving rise to this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18:

Please produce the records of any and all psychologists, psychiatrist, and/or any other mental health care provider from whom you obtained any treatment and/or diagnosis in the past five (5) years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19:

Please produce the records of any and all hospitals, clinics or medical service providers that have treated you and/or diagnosed you for any sexually transmitted diseases ("STDs") AIDS, and/or any other communicable diseases.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20:

Please produce your license/permit to carry a concealed handgun, which you had in mid-December 2007.

RESPONSE: