

CAUSE NO. 24-DCV-323048

ANDREW LEHMAN, AN INDIVIDUAL	§	IN THE DISTRICT COURT
	§	
V.	§	
	§	FORT BEND COUNTY, TEXAS
DARNCO LLC , A TEXAS LIMITED	§	
LIABILITY COMPANY, SCOTT	§	
DARNELL AN INDIVIDUAL, REBECCA	§	268TH JUDICIAL DISTRICT
DARNELL, AN INDIVIDUAL	§	

**DEFENDANT’S MOTION TO QUASH PLAINTIFF’S NOTICE OF INTENTION TO
TAKE THE REMOTE ORAL/VIDEO DEPOSITION OF
CORPORATE REPRESENTATIVE OF DARNCO, LLC**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant, **DARNCO, LLC, OPERATING AS EUROCARE
IMPORT CAR REPAIR (“Darnco, LLC”)** in the above-entitled and numbered cause, and files
this Motion to Quash Plaintiff’s Notice of Intention to Take the Remote Oral/Video Deposition of
the “**Person Most Knowledgeable for Darnco, LLC**”, and would respectfully show unto the
Court as follows:

BACKGROUND

This suit stems from the alleged deceptive trade practices and negligence of the Defendant,
DARNCO LLC, operating as Eurocare Import Car Repair in Fort Bend County, Texas, and its
owners, co-Defendants, **SCOTT DARNELL** and **REBECCA DARNELL**. Plaintiff Andrew
Lehman (“**Plaintiff**”) claims that the Defendants failed to properly perform an oil change on a
2019 Maserati Levante Larussa (“**the vehicle**”), resulting in “catastrophic engine failure.”
Additionally, Defendants are accused of tampering with the vehicle's computer system to obscure
its responsibility for the damage, making false representations, and engaging in fraudulent conduct.

Plaintiff’s claims all arise from alleged damage to a vehicle that is not owned by the Plaintiff.

Rather, the vehicle is owned by a non-Party to this litigation, Platinum Tax Relief, Inc.¹ As a result, this court lacks jurisdiction over the case. Defendant has already filed a Plea to the Jurisdiction to have this case dismissed.

Despite the court's lack of jurisdiction, Plaintiff has unilaterally noticed the deposition of the **Person Most Knowledgeable for Darnco, LLC D/B/A Eurocare Import Car Repair**. This was a unilateral notice without consultation or discussion with the Defendant parties. Even if this court had jurisdiction for this matter, the unilateral noticing of a deponent without conferring with opposing counsel violates procedural rules. Counsel is not available to attend this unilateral deposition as noticed.

A. ARGUMENTS AND AUTHORITY

Evidence supplied by Plaintiff Lehman to the Defendants in support of an alleged Texas Deceptive Trade Practices Act claim, conclusively shows that this vehicle is owned by Platinum Tax Relief, Inc. – *not* Plaintiff Andrew Lehman.² Without proof of ownership, Plaintiff Lehman lacks standing to sue for alleged damage to the Maserati, and this Court lacks subject-matter jurisdiction over his claims and is not eligible to take the deposition of the Defendants in this matter.

Additionally, Plaintiff filed the Notice of Intention to Take the Remote Oral/Video Deposition of **Person Most Knowledgeable for Darnco, LLC D/B/A Eurocare Import Car Repair**, on March 26, 2025, unilaterally noticing the deposition of Darnco, LLC for May 12, 2025.³

¹ Pl.'s Orig. Pet. (Nov. 12, 2024) at 14, para. 44 (alleging Defendants committed fraud "in the destruction of Plaintiff's vehicle"); *id.* at 15, para. 49 (alleged failure "to perform the oil change service with reasonable care and honesty"); *id.* at 51 (breach of contract "leading to severe damage to Plaintiff's vehicle"); *id.* at 53 (alleging the "conversion of Plaintiff's vehicle"); *id.* at 20, para. 60 (alleging DTPA damages consisting of "the cost of repairs, loss of use of the vehicle, and replacement of the entire vehicle engine, and/or the entire automobile"); *id.* at para. 64 (same damages for negligence).

² **Exhibit A:** Buyer's Slip for Maserati VIN 9812 (Mar. 3, 2023).

³ Please see attached exhibit B – Plaintiff's Notice of Intention to Take the Remote Oral/Video Deposition of **Person Most Knowledgeable for Darnco, LLC D/B/A Eurocare Import Car Repair**

Texas Rule of Civil Procedure 199.4 provides as follows: “A party or witness may object to the time and place designated for an oral deposition by motion for protective order or by motion to quash the notice of deposition. If the motion is filed by the third business day after service of the notice of deposition, an objection to the time and place of a deposition stays the oral deposition until the motion can be determined.”

Therefore, Defendant files this objection to the time and place of the deposition set by the Plaintiff and files this objection within 3 business days of receipt of the notice.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that his Motion be granted and that the deposition of **Person Most Knowledgeable for Darnco, LLC D/B/A Eurocare Import Car Repair**, scheduled for May 12, 2025³ be quashed together with any other relief to which this Defendant may be justly entitled.

Respectfully submitted,

BAIN & BARKLEY

A Partnership of Professional Corporations

BY:



Stephen D. Bain

Texas Bar Number: 01551050

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14090 Southwest Freeway, Suite 450

Sugar Land, Texas 77478

Tel: 281-980-3100/Fax: 281-980-3195

ATTORNEYS FOR DEFENDANT

DARNCO, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been duly served upon all counsel of record in accordance with the Texas Rules of Civil Procedure, via the method specified below, on *28th day of March 2025* to:

Via Electronic e-file delivery

Andrew Lehman
6140 HWY 6 S # 1160
Missouri City, TX 77459
Email: **Lehmanlaw2002@gmail.com**
Pro Se Plaintiff

Via Electronic e-file delivery

Michael R. Silberstein
13703 Brightfield Drive
Sugar Land, Texas 77459
Email: **m.silbersteinlaw@gmail.com**
Attorney for Defendant Darnco LLC



Stephen D. Bain

CASE NO. 24-DCV-323048

**FORT BEND COUNTY
268th DISTRICT COURT**

**NOTICE OF DEPOSITION
DEFENDANT DARNCO LLC**

TO: PMK – DARNCO LLC- 5235 HWY 6 S, MISSOURI CITY, TX 77459

PLEASE TAKE NOTICE that pursuant to Rule 199 of the Texas Rules of Civil Procedure, ANDREW P LEHMAN, SR by and through their undersigned counsel, will take the oral deposition of PERSON MOST KNOWLEDGEABLE FOR DARNCO LLC D/B/A EUROCARE IMPORT CAR REPAIR in the above-captioned matter.

The deposition will be taken at located at REGIS OFFICES, 2600 SOUTH SHORE HARBOR, SUITE 300, LEAGUE CITY, TX 77573 on May 12th, 2025, beginning at 9:00 a.m. and will continue from day to day until completed.

The deposition will be recorded by stenographic means and may be videotaped.

You are invited to attend and cross-examine the witness.

If you are represented by counsel, please have your attorney present. If you intend to assert any privilege or objection during the deposition, please notify counsel in advance.

- **PLEASE BRING YOUR RESPONSES TO ALL DISCOVERY PROPOUNDED TO YOU ON MARCH 24, 2025 BY PLAINTIFF ANDREW LEHMAN, SR.**

Dated this 26th day of March, 2025.

Respectfully submitted,

ANDREW LEHMAN, Sr

/s/ ANDREW LEHMAN, Sr.

Plaintiff Pro Se
957 Nasa Parkway # 1102
Houston, TX 77058
Lehmanlaw2002@gmail.com
713-903-9690

CERTIFICATE OF SERVICE

I, ANDREW LEHMAN, am the PLAINTIFF in the above referenced matter, and on March 26, 2025, I personally emailed the counsel for the Defendant DARNCO LLC at his customary email listed as m.silbersteinlaw@gmail.com

Respectfully,

ANDREW LEHMAN SR

/s/ ANDREW LEHMAN, Sr.

Plaintiff Pro Se
957 Nasa Parkway # 1102
Houston, TX 77058
Lehmanlaw2002@gmail.com
713-903-9690

Automated Certificate of eService

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Steve Bain on behalf of Steve Bain

Bar No. 1551050

steve@bainlaw.net

Envelope ID: 99033755

Filing Code Description: Motion (No Fee)

Filing Description: Defendant's Motion to Quash Plaintiff's Notice of Intention to Take the Remote Oral/Video Deposition of Corporate

Representative of Darnco, LLC

Status as of 3/31/2025 8:42 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Fairan Jones		fairan@bainlaw.net	3/28/2025 3:47:09 PM	SENT
Kim Robards		kim@bainlaw.net	3/28/2025 3:47:09 PM	SENT
Stephen D. Bain		steve@bainlaw.net	3/28/2025 3:47:09 PM	SENT
Andrew PLehman		lehmanlaw2002@gmail.com	3/28/2025 3:47:09 PM	SENT
Team Eservice COL.DarncoDarnell		COL.DarncoDarnell@bainlaw.net	3/28/2025 3:47:09 PM	SENT