

EXHIBIT 1
To WMJK Ltd.'s Motion for Continuance
Of THA's Summary Judgment Hearing

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TANGLEWOOD HOMES ASSOCIATION, INC.,	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	133rd JUDICIAL DISTRICT
	§	
WMJK, LTD.,	§	
	§	
<i>Defendant.</i>	§	HARRIS COUNTY, TEXAS

**DEFENDANT WMJK, LTD.’S FIRST SET OF REQUESTS
FOR PRODUCTION TO TANGLEWOOD HOMES ASSOCIATION, INC.**

TO: Tanglewood Homes Association, Inc.

Defendant WMJK, Ltd. hereby requests that Plaintiff Tanglewood Homes Association, Inc. (“THA”) furnish full and complete responses to the following Requests for Production in accordance with Rule 196 of the Texas Rules of Civil Procedure.

Respectfully submitted,

RUSTY HARDIN & ASSOCIATES, LLP

/s/ Rusty Hardin

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument will be served upon counsel of record for Plaintiff on August 16, 2019 by eservice, pursuant to Rule 21a:

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/s/ Emily Smith
Emily Smith

INSTRUCTIONS AND DEFINITIONS

Except as specifically defined below, the terms used in the following Request for Production shall be construed and defined in accordance with the Texas Rules of Civil Procedure wherever applicable.

The following definitions and instructions are applicable to each Request unless otherwise explicitly stated. Any term not otherwise defined shall be given its plain and ordinary meaning.

DEFINITIONS

1. “You” and “Your” refer to Plaintiff Tanglewood Homes Association, Inc., and any agents, representatives, or other persons acting on its behalf, under its control, or at its direction.
2. “Communication” and “correspondence” mean any contact whatsoever or any transmission or exchange of words, numbers, graphic material, or other information, either orally, electronically, or in writing, whether made, received, or participated in, and includes, but is not limited to, any conversation, correspondence, letter, notes, memorandum, inter-office or intra-office correspondence, telephone call, telegraph, telegram, telex, telecopy, facsimile, E-mail, Internet communication, telefax, cable, electronic message, audio or video recording, discussion, face-to-face meeting, or conference of any kind (whether in person, by audio, video, telephone, or in any other form).
3. You are reminded that your responses to these requests must be supplemented in accordance with the Texas Rules of Civil Procedure.
4. You are obligated to produce documents which are in your possession, custody, or control in accordance with the Texas Rules of Civil Procedure.
5. Please produce the documents responsive to these Requests at the same time that you serve your written responses to these Requests. Please produce them at the offices of Rusty Hardin & Associates, LLP, 1401 McKinney Street, Suite 2250, Houston, Texas 77010. Unless other specified herein, you are instructed to respond as follows:

- a. Whenever a requested document or group of documents is kept or found in a file, please produce the file along with the document or documents. Whenever a requested document or group of documents is kept or found in a file drawer, file box, or other place, before the same is produced, please attach thereto a copy of the label, number, or title on the file drawer, file box, or other place in which the document or group of documents was found or from which it was removed.
 - b. Electronic and magnetic data shall be produced in Group IV, single-page TIFF format, 300 dpi, with a standard image view load file (e.g., compatible with Relativity or Summation) that indicates page breaks. Each document image file shall be stamped with the unique Bates number of the page of the document in question, followed by the extension "TIF." Each TIFF image file should be one page and should reflect how the source document would appear if printed to hard copy. In addition to TIFF images, each production will include text files corresponding to the TIFF files. These text files will contain the full text of each native electronic document ("Extracted Text"). The Extracted Text shall be provided in searchable ASCII text format (or Unicode text format if the text is in a foreign language) and shall be named with the unique Bates number of the first page of the corresponding TIFF document followed by the extension ".txt". Images generated from native electronic documents (i.e., emails, word processing documents, spreadsheet, and presentations) shall also either be produced in their native format or be produced with metadata reflecting author, recipient, subject, and data generated and transmitted, where available, in an index file in comma delimited format.
6. "Document" is defined pursuant to Rule 192.3(b) and specifically shall be construed to include text messages, electronic mail, electronic calendars, and documents which reside only in electronic form. These documents are to be produced in hard-copy form, printed or in PDF form. If this is not feasible, Plaintiff shall contact Defendant to make other arrangements which will ensure timely production.
7. "Petition" refers to the latest filed petition on behalf of the Plaintiff.
8. "Person(s)" means all natural persons, corporations, partnerships, sole proprietorships, unions, associations, firms, federations and any other type of entity.
9. "Communications" is used herein in its broadest sense to encompass any transmission or exchange of information, ideas, facts, data, proposals, or any other matter, whether between

individuals of between or among members of a group, whether face-to-face, by telephone, or by means of written, electronic, or other medium.

10. A singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun so used, and vice versa; the use of the masculine form of a pronoun also includes within its meaning the feminine form of the pronoun so used, and vice versa; and the use of any tense of any verb includes also within its meaning all other tenses of the verb so used.

11. "And" as well as "or" refers to all documents, persons or entities inclusively.

12. "Any" refers to any and all documents, persons or entities inclusively, not the option of responding as to some but not to others.

13. All entities referred to herein shall be deemed to include their parent companies, subsidiaries, affiliates, directors, officers, employees, agents and representatives thereof, including attorneys.

14. "Relating to," "regarding," "referring to," "demonstrating" and "reflecting" are used in their broadest possible sense, and mean anything that, directly or indirectly, generally or specifically, regards, relates to, refers to, concerns, contains, constitutes, contradicts, evidences, embodies, comprises, reflects, mentions, identifies, states, deals with, comments on, responds to, describes, demonstrates, analyzes or is in any way whatsoever, directly or indirectly, relevant to the subject.

15. Produce all documents available for inspection pursuant to this Request for Production as those documents are kept in the usual course of business in their original file folders, file jackets or covers, so that Defendant can ascertain the physical location where the documents were found and collected.

16. If You knows of the existence of any document or tangible thing responsive to these Requests, but is unable to produce such document or tangible thing because it is not presently in Your possession, custody or control:

- a. identify every such document or thing and describe its contents;
- b. state what disposition was made of it, by whom, the date(s) on which such disposition was made, and why such disposition was made; and
- c. identify the present custodian of the document or tangible thing.

17. If you assert that part of a Request is objectionable, you must produce documents or tangible things in response to those remaining parts of the Request to which you do not object. Where an objection is made to all or part of any Request, the objection should state with specificity the grounds upon which you rely.

18. You are required to produce all responsive documents in their entirety without redaction or expurgation. If you withhold any document(s) because of a claim of privilege or other protection from disclosure, you must provide the following information with respect to the document(s) you decline to produce:

- a. The type of document withheld;
- b. The date of the document;
- c. The name and job title of each author, writer or sender of the document;
- d. The name and job title of each recipient, addressee or other person to whom the original or any copy of the document was sent or furnished;
- e. The title and subject-matter of the document; and,
- f. The reason for withholding the document.

19. If any portion of any otherwise responsive document or other material contains information subject to a claim of privilege, only those portions of the document or other material subject to the

claim of privilege shall be deleted or redacted from the document and the rest of the document or material shall be produced.

20. All documents produced in response to this Request for Production should include a Bates label or production number.

21. This Request for Production shall be deemed continuing so as to require further and supplemental responses if You obtain or discover additional information, documents, or tangible things between the time of its initial responses and the time of trial.

22. If any document or tangible thing described in the following Requests has been modified or altered in any way, in whole or in part, identify each such document or tangible thing, state how the document or tangible thing was modified or altered, the person who modified or altered it and why the document or tangible thing was modified or altered.

23. "Tanglewood" refers to the Houston neighborhood developed by Tanglewood Corporation, and which currently comprises 23 separate sections.

24. "2002 Amendments" refer to the amendments to the Restrictive Covenants approved by Tanglewood's homeowners in 2002.

25. "2018 Amendments" refer to the amendments to the Restrictive Covenants approved by Tanglewood's homeowners in 2018.

26. "Restrictive Covenants" refer the restrictive covenants adapted by Tanglewood for each of its 23 sections.

27. "Section 5" refers to Section 5 of the Tanglewood development.

28. "Section 7" refers to Section 7 of the Tanglewood development, and which encompasses 1661 Tanglewood Boulevard.

29. “1661 Tanglewood Boulevard” refers to the location of Defendant WMJK, Ltd.’s headquarters.

30. “Tanglewood Policy Manual” refers to the policy manual adopted by the Tanglewood Homes Association in 1997.

31. “Tanglewood Corporation” refers to the entity that originally developed Tanglewood.

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REQUESTS FOR PRODUCTION

1. All documents and communications discussing or relating to the meaning of any provision in the 2002 Amendments to Tanglewood's Restrictive Covenants.
2. All documents and communications discussing or relating to the meaning of any provision in the 2018 Amendments to Tanglewood's Restrictive Covenants.
3. All documents and communications discussing or relating to the meaning of any provision in the Section 5 Restrictive Covenants.
4. All documents and communications discussing or relating to the meaning of any provision in the Section 7 Restrictive Covenants.
5. All documents and communications discussing or relating to the meaning of any provision in the Tanglewood Policy Manual.
6. All documents and communications relating to the purported applicability of the 2002 Amendments to 1661 Tanglewood Boulevard.
7. All documents and communications relating to the purported applicability of the 2002 Amendments to all Tanglewood sections, and to all property within Tanglewood.
8. All documents and communications relating to the purported applicability of the Section 5 Restrictive Covenants to 1661 Tanglewood Boulevard.
9. All documents and communications relating to the Section 5 Restrictive Covenants' purported control of 1661 Tanglewood Boulevard.
10. All documents and communications relating to the applicability of the Section 7 Restrictive Covenants to 1661 Tanglewood Boulevard.
11. All documents and communications relating to the purported applicability of the 2018 Amendments to 1661 Tanglewood Boulevard.
12. All documents and communications relating to the purported applicability of the Tanglewood Policy Manual to 1661 Tanglewood Boulevard.
13. All documents or communications relating to the assertion that 1661 Tanglewood Boulevard "was built as a model for the architectural style of the homes" to be built in the Tanglewood development.
14. All documents or communications relating to 1661 Tanglewood Boulevard purported encompassment in Tanglewood Section 5.

15. All documents or communications relating to Tanglewood Corporation's "managed enforcement" of any restrictive covenants, including but not limited to its "preapproval" of any architectural plans.
16. All documents or communications relating to Tanglewood Corporation's purported approval of the architectural plans for the building at 1661 Tanglewood Boulevard.
17. All documents or communications relating to the transfer of the control of any restrictive covenants from Tanglewood Corporation to Tanglewood Homes Association, Inc.
18. All documents and communications relating to the negotiation, drafting, approval, and execution of the 2002 Amendments to Tanglewood's Restrictive Covenants.
19. All documents and communications relating to any notice purportedly received by WMJK of the petition to amend Tanglewood's Restrictive Covenants.
20. All documents and communications relating to any notice purportedly received by WMJK of the adoption of the 2002 Amendments.
21. All documents and communications relating to WMJK's purported actual knowledge of the 2002 Amendments.
22. All documents and communications relating to any errors in the adoption of the 2002 Amendments.
23. All documents and communications relating to WMJK's purported constructive knowledge of the 2002 Amendments.
24. All documents and communications relating to Kendall Miller's votes in favor, or approval of the 2002 Amendments.
25. All documents and communications related to Kendall Miller's parents' votes in favor, or approval of the 2002 Amendments.
26. All documents and communications relating to WMJK's votes in favor, or approval of the 2002 Amendments.
27. All documents and communications relating to Kendall Miller's parents' affiliation with WMJK at the time the 2002 Amendments were proposed and approved.
28. All documents and communications relating to the statement in the Tanglewood Policy Manual that "Tanglewood properties may only be used for single-family residential purposes."
29. All documents and communications relating to the purported restriction in the Tanglewood Policy Manual that buildings must be limited to heights of 38 feet.

30. All documents and communications relating to the purported restriction in the Tanglewood Policy Manual that all construction documents must be preapproved by the Tanglewood Homes Association before commencing construction.
31. All documents and communications relating to the negotiation, drafting, approval, and execution of the 2018 Amendments to Tanglewood's Restrictive Covenants.
32. All documents and communications relating to WMJK's votes in favor, or approval of the 2018 Amendments.
33. All documents and communications relating to any notice purportedly received by WMJK of the petition to amend Tanglewood's Restrictive Covenants and the adoption of the 2018 Amendments.
34. All documents and communications relating to Kendall Miller's votes in favor, or approval of the 2018 Amendments.
35. All documents and communications relating to the assertion that the 2018 Amendments restricted "all Tanglewood lots to one residential building."
36. All documents and communications relating to the assertion that the 2018 Amendments prevent further subdivision of 1661 Tanglewood Boulevard.
37. All documents and communications relating to the assertion that "Tanglewood homes in close proximity to 1661 Tanglewood Boulevard have been purchased in reliance on the 2018 Restriction [sic] Covenants and the other covenants limiting Tanglewood to single family homes."
38. All documents and communications relating to WMJK's purported actual knowledge of the 2018 Amendments.
39. All documents and communications relating to WMJK's purported constructive knowledge of the 2018 Amendments.
40. All documents and communications relating to WMJK's purported ratification of the 2018 Amendments.
41. All documents and communications relating to WMJK's purported waiver of any objection to the 2018 Amendments.
42. All documents and communications relating to the historical and current use, purpose and character of 1661 Tanglewood Boulevard as a commercial property.
43. All documents and communications relating to any projected or actual decrease in value in Tanglewood as the result of a commercial high-rise building at 1661 Tanglewood Boulevard.

44. All communications, including any text messages, exchanged with any Tanglewood resident related to 1661 Tanglewood Boulevard or this litigation.
45. All communications, including any text messages, exchanged between any current or former Tanglewood Homes Association board member related to 1661 Tanglewood Boulevard or this litigation.
46. All documents and communications related to any violation of the Restrictive Covenants by 1661 Tanglewood Boulevard, including but not limited to any notice sent to 1661 Tanglewood Boulevard related to the violation(s).
47. All documents and communications related to any violation of the 2002 Amendments by Tanglewood resident, including but not limited to any notice sent to any Tanglewood resident related to the violation(s).
48. All documents and communications related to any violation of the 2018 Amendments, including but not limited to any notice sent to any Tanglewood resident related to the violation(s).
49. All documents and communications related to any violation of the Tanglewood Policy Manual sent to any Tanglewood resident.
50. All minutes, votes, or records from the 2018 Tanglewood Homes Association annual meeting.
51. All recordings of the 2018 Tanglewood Homes Association annual meeting.
52. All minutes, votes, or records from the 2019 Tanglewood Homes Association annual meeting.
53. All recordings of the 2019 Tanglewood Homes Association annual meeting.
54. All minutes, votes, or records from any meeting of the Tanglewood Homes Association in 2018 and 2019.
55. All recordings of any meeting of the Tanglewood Homes Association in 2018 and 2019.
56. All communications, including all text messages, exchanged with the Protect Tanglewood organization.
57. All communications, including all text message, exchanged with Lynn Lasher.
58. All communications, including all text message, exchanged with Anthony Deluca.
59. The original by laws for the Tanglewood Homes Association.
60. All documents and communications related to the "THA, Inc. v. WMJK, Ltd" page on the Tanglewood Homes Association's website.