

EXHIBIT 3

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

Unofficial Copy Office of Marilyn Burgess District Clerk

CAUSE No. 2019-33333

TANGLEWOOD HOMES ASSOCIATION, INC., § IN THE DISTRICT COURT
§
Plaintiff, §
§
versus § 133rd JUDICIAL DISTRICT
§
WMJK, LTD., §
§
Defendant. § HARRIS COUNTY, TEXAS

NOTICE OF SUBPOENA DUCES TECUM

Please take note that on August 16, 2019, the attached subpoena duces tecum was served on Anthony Deluca.

Respectfully submitted,

RUSTY HARDIN & ASSOCIATES, LLP

/s/ Rusty Hardin

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and

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2500 Fannin St.
Houston, Texas 77002
Telephone: (713) 547-8504

COUNSEL FOR DEFENDANT WMJK, LTD.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument will be served upon the Agent for Mr. Deluca, on August 16, 2019, pursuant to Rule 21a:

Mark Maney
Maney & González-Félix PC
712 Main, Suite 2100
Houston, Texas 77002
mmaney@maneylaw.com

Andrew P. Tower
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/s/ Emily Smith

Emily Smith

Unofficial Copy Office of Marilyn Burgess District Clerk

**THE STATE OF TEXAS
SUBPOENA DUCES TECUM
PURSUANT TO TEXAS RULE OF CIVIL PROCEDURE 176**

No. 2019-33333

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

TO: Anthony Deluca, 5401 Doliver Drive, Houston, Texas 77056

YOU ARE HEREBY COMMANDED to produce any and all records specified in Exhibit "1", which is attached hereto, within ten days of receipt of this subpoena. Responsive documents are to be produced at the offices of Rusty Hardin & Associates, LLP, 1401 McKinney Street, Suite 2250, Houston, Texas 77010 or at a mutually agreeable location. Any questions regarding this subpoena should be directed to Emily Smith at 713.652.9000.

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 COUNTRY 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.

ISSUES AT HOUSTON, HARRIS COUNTY, TEXAS, this 16th of August, 2019.

By: /s/ Rusty Hardin

Rusty Hardin
State Bar No. 08972800
Lara Hudgins Hollingsworth
Texas Bar No. 00796790
Terry Kernell
State Bar No. 11339020
Emily Smith
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COUNSEL FOR DEFENDANT WMJK, LTD.

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SUBPOENA RETURN

Came to hand the ____ day of _____, 2019, at ____ o'clock ____M., and executed the ____ day of _____, 2019, at ____ o'clock ____M., by delivering to the within named _____ in _____ person at _____ in _____ County, Texas, a true and correct copy of this subpoena duces tecum.

Signed: _____

Printed Name: _____

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INSTRUCTIONS AND DEFINITIONS

Except as specifically defined below, the terms used in the following Exhibit 1 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 Anthony Deluca and any agents, representatives, or other persons acting on his behalf, under his control, or at his 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, Suite 2250, Houston, Texas 77010. Unless otherwise 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 You 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 Tanglewood Homes Association, Inc.
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 or 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 as those documents are kept in the usual course of business in their original file folders, file jackets or covers, so that the 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 are 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 should include a Bates label or production number.
 21. These Requests 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 Manuel" refers to the policy manual adopted by the Tanglewood Homes Association in 1997.
 31. "Tanglewood Corporation" refers to the entity that originally developed Tanglewood.

EXHIBIT 1

1. All documents and communications relating to Your purchase of 5401 Doliver Drive.
2. All documents and communications relating to any Restrictive Covenants applicable to 5401 Doliver Drive.
3. All documents and communications relating to any Restrictive Covenants applicable to 1661 Tanglewood Boulevard.
4. All documents and communications relating to Your reliance on the fact that Tanglewood is a restricted residential subdivision.
5. All documents and communications relating to Your reliance on the fact that the 2018 Amendments would restrict development to single family homes.
6. All documents and communications relating to any projected or actual decrease in value in 5401 Doliver Drive as the result of a commercial high-rise building at 1661 Tanglewood Boulevard.
7. All communications, including all text messages, exchanged with the Tanglewood Homes Association, or any of its current board members.
8. All communications, including all text messages, exchanged with the Protect Tanglewood organization.
9. All communications, including all text message, exchanged with Lynn Lasher.
10. All documents and communications related to any violation of the Restrictive Covenants by 5401 Doliver Drive, including any notice related to the violation(s).

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