

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

BAY AREA UNITARIAN )  
UNIVERSALIST CHURCH; DRINK )  
HOUSTON BETTER, LLC d/b/a )  
ANTIDOTE COFFEE; and PERK YOU )  
LATER, LLC, )

*Plaintiffs,*

v.

KEN PAXTON, Attorney General for the )  
State of Texas, in his official capacity; KIM )  
OGG, District Attorney for Harris County, in )  
her official capacity; CHRISTIAN )  
MENEFEE, County Attorney for Harris )  
County, in his official capacity; ED )  
GONZALEZ, County Sheriff for Harris )  
County, in his official capacity; PETE )  
BACON, Acting Chief of Police for the )  
Webster Police Department, in his official )  
capacity; TROY FINNER, Chief of the )  
Houston Police Department, in his official )  
capacity; KIM LEMAUX, Presiding Officer )  
for the Texas Commission on Law )  
Enforcement, in her official capacity, )

*Defendants.*

CIVIL ACTION NO. 4:20-cv-03081

**DECLARATION OF WILLIAM R. TAYLOR, ESQ.**

I, William R. Taylor, declare that I am over the age of eighteen years and of sound mind to make this declaration. I have personal knowledge of the facts set forth below. If called as a witness, I could and would testify to the statements and facts contained herein, all of which are true and accurate to the best of my knowledge and belief.

I am an attorney admitted in the above-captioned matter, and a partner in the law firm Jones Day, co-counsel to Plaintiffs. I submit this declaration to transmit to the Court the following

documents, submitted in reply in support of Plaintiffs' motion to modify the scheduling order and for leave to amend the complaint, filed in the above-captioned matter on December 5, 2022.

1. Exhibit A is a true and correct copy of an email thread between Plaintiffs' and Defendants' counsel, dated July 8, 2021, to July 27, 2021.
2. Exhibit B is a true and correct copy of excerpts from the deposition transcript of Ms. Sharlene Roehen.
3. Exhibit C is a true and correct copy of Plaintiffs' Responses to Defendant Troy Finner's Interrogatories.
4. Exhibit D is a true and correct copy of Exhibit 3 to the deposition transcript of Mr. Isaac Duplechain, Rule 30(6)(6) witness of behalf of Defendant Troy Finner.
5. Exhibit E is a true and correct copy of documents Bates-stamped ANTIDOTE 000039-49, produced by Plaintiffs to Defendant Troy Finner.
6. Exhibit F is a true and correct copy of an errata to the deposition transcript of Ms. Dawn Callaway.
7. Exhibit G is a true and correct copy of excerpts from the deposition transcript of Mr. Isaac Duplechain, Rule 30(6)(6) witness of behalf of Defendant Troy Finner.
8. Exhibit H is a true and correct copy of Exhibit 2 to the deposition transcript of Mr. Isaac Duplechain, Rule 30(6)(6) witness of behalf of Defendant Troy Finner.
9. Exhibit I is a true and correct copy of excerpts from the deposition transcript of Ms. Michelle Wilhelm, Rule 30(b)(6) witness on behalf of Defendant Kim Ogg.
10. Attached as Exhibit J are copies of all unpublished opinions cited in Plaintiffs' reply in support of their motion to modify the scheduling order and for leave to amend the complaint.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2022.

/s/ William R. Taylor

Attorney-in-Charge  
TX State Bar No. 24070727  
wrtaylor@jonesday.com  
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717 Texas Street  
Suite 3300  
Houston, Texas 77002  
Telephone: +1.832.239.3860  
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# EXHIBIT A

---

**From:** Ryan Gerber <rgerber@everytown.org>  
**Sent:** Tuesday, July 27, 2021 6:29 PM  
**To:** 'Gassama, Moustapha (CAO)'  
**Cc:** 'Alla Lefkowitz'; 'Braun, Sean'; 'Dickerson, Todd'; Ferraro, Calland M.; 'Helfand, Bill'; 'Hilton, Christopher'; 'Houston, Charles - LGL'; Petrany, Stephen J.; 'Ray, Thomas'; Taylor, Charlotte H.; Taylor, William R.; 'Vidma, Victoriya'  
**Subject:** Re: [EXT] Re: 4:20-cv-03081 Bay Area Unitarian Universalist Church et al v. Paxton et al

**\*\* External mail \*\***

Thanks, all.

On Tue, Jul 27, 2021 at 3:15 PM Gassama, Moustapha (CAO) <[Moustapha.Gassama@cao.hctx.net](mailto:Moustapha.Gassama@cao.hctx.net)> wrote:

We agree with Todd and agree to waive the delay argument.



**Moustapha Gassama**

Assistant County Attorney

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**From:** Houston, Charles - LGL <[Charles.Houston@houstontx.gov](mailto:Charles.Houston@houstontx.gov)>  
**Sent:** Tuesday, July 27, 2021 1:57 PM  
**To:** Ryan Gerber <[rgerber@everytown.org](mailto:rgerber@everytown.org)>; Dickerson, Todd <[Todd.Dickerson@oag.texas.gov](mailto:Todd.Dickerson@oag.texas.gov)>  
**Cc:** Helfand, Bill <[Bill.Helfand@lewisbrisbois.com](mailto:Bill.Helfand@lewisbrisbois.com)>; Gassama, Moustapha (CAO) <[Moustapha.Gassama@cao.hctx.net](mailto:Moustapha.Gassama@cao.hctx.net)>; Braun, Sean <[Sean.Braun@lewisbrisbois.com](mailto:Sean.Braun@lewisbrisbois.com)>; Alla Lefkowitz <[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)>; Taylor, Charlotte H. <[ctaylor@jonesday.com](mailto:ctaylor@jonesday.com)>; Petrany, Stephen J. <[spetrany@jonesday.com](mailto:spetrany@jonesday.com)>; Taylor, William R. <[wrtaylor@jonesday.com](mailto:wrtaylor@jonesday.com)>; Ferraro, Calland M. <[cferraro@jonesday.com](mailto:cferraro@jonesday.com)>; Vidma, Victoriya <[Victoriya.Vidma@lewisbrisbois.com](mailto:Victoriya.Vidma@lewisbrisbois.com)>; Ray, Thomas <[Thomas.Ray@oag.texas.gov](mailto:Thomas.Ray@oag.texas.gov)>; Hilton, Christopher <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>  
**Subject:** RE: [EXT] Re: 4:20-cv-03081 Bay Area Unitarian Universalist Church et al v. Paxton et al

I agree to waive delay argument and concur entirely with Todd's views set forth below.

---

**From:** Ryan Gerber <[rgerber@everytown.org](mailto:rgerber@everytown.org)>  
**Sent:** Tuesday, July 27, 2021 12:06 PM  
**To:** Dickerson, Todd <[Todd.Dickerson@oag.texas.gov](mailto:Todd.Dickerson@oag.texas.gov)>  
**Cc:** Helfand, Bill <[Bill.Helfand@lewisbrisbois.com](mailto:Bill.Helfand@lewisbrisbois.com)>; [moustapha.gassama@cao.hctx.net](mailto:moustapha.gassama@cao.hctx.net); Braun, Sean <[Sean.Braun@lewisbrisbois.com](mailto:Sean.Braun@lewisbrisbois.com)>; Houston, Charles - LGL <[Charles.Houston@houstontx.gov](mailto:Charles.Houston@houstontx.gov)>; Alla Lefkowitz <[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)>; Taylor, Charlotte H. <[ctaylor@jonesday.com](mailto:ctaylor@jonesday.com)>; Petrany, Stephen J. <[spetrany@jonesday.com](mailto:spetrany@jonesday.com)>; Taylor, William R. <[wrtaylor@jonesday.com](mailto:wrtaylor@jonesday.com)>; Ferraro, Calland M. <[cferraro@jonesday.com](mailto:cferraro@jonesday.com)>; Vidma, Victoriya <[Victoriya.Vidma@lewisbrisbois.com](mailto:Victoriya.Vidma@lewisbrisbois.com)>; Ray, Thomas <[Thomas.Ray@oag.texas.gov](mailto:Thomas.Ray@oag.texas.gov)>; Hilton, Christopher <[Christopher.Hilton@oag.texas.gov](mailto:Christopher.Hilton@oag.texas.gov)>  
**Subject:** Re: [EXT] Re: 4:20-cv-03081 Bay Area Unitarian Universalist Church et al v. Paxton et al

[Message Came from Outside the City of Houston Mail System]

I apologize for the delayed response. Todd, your understanding of the agreement is correct, and we appreciate the State's agreement. Bill, thanks also for your agreement.

Moustapha and Charles, can you please let us know whether your clients also consent to waive arguments based on delay (from July 8) in any opposition to our eventual amendment? If they do not agree, we will move forward with a motion to amend.

Assuming all defendants agree to the compromise proposal, in light of Todd's views, we will not make any representations about the agreement to the court. However, we do intend to file a brief, non-substantive notice with

the court stating that the new law exists, that it will go into effect in September, and that it has not repealed Sections 30.06 and 30.07.

Thanks,  
Ryan

On Thu, Jul 15, 2021 at 5:45 PM Dickerson, Todd <[Todd.Dickerson@oag.texas.gov](mailto:Todd.Dickerson@oag.texas.gov)> wrote:

Ryan:

I just want to clarify my understanding of your proposal to make sure we are on the same page.

Plaintiffs would agree to hold off on filing a second emended complaint due to the recent amendment to Tex. Penal Code 30.05 until after the district court decides the pending motions to dismiss. Defendants Paxton, Lemaux, and the other Defendants would in turn agree to waive any argument that they are prejudiced due to the delay between July 8, 2021 (your first email raising this issue) and the date of the district court's decision on the motions to dismiss. Defendants are not agreeing that a second amended complaint is warranted and are not waiving other arguments against this hypothetical amendment (such as good cause, futility, prejudice for reasons other than passage of time, etc.). If this is your proposal, then Defendants Paxton and Lemaux agree to it.

I don't see why a letter to the court on this issue is necessary. Our email exchange should be more than sufficient for your needs. That said, if you insist on filing such a letter, it will need to accurately convey the agreement, meaning the terms detailed above. Defendants will also need to explain in this letter why the amendment to 30.05 does not upset the pending motions to dismiss (for instance, Plaintiffs did not challenge 30.05, they lack standing regardless of the amendment, etc.). So, if you insist on filing such a letter to the court on this issue, please send me a draft first so I can make sure it accurately conveys the nuances of the agreement and Defendants Paxton's and Lemaux's position on the issue.

Todd Dickerson

General Litigation Division

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**From:** Ryan Gerber <[rgerber@everytown.org](mailto:rgerber@everytown.org)>

**Sent:** Tuesday, July 13, 2021 3:10 PM

**To:** Helfand, Bill <[Bill.Helfand@lewisbrisbois.com](mailto:Bill.Helfand@lewisbrisbois.com)>

**Cc:** Dickerson, Todd <[Todd.Dickerson@oag.texas.gov](mailto:Todd.Dickerson@oag.texas.gov)>; moustapha.gassama@cao.hctx.net; Braun, Sean <[Sean.Braun@lewisbrisbois.com](mailto:Sean.Braun@lewisbrisbois.com)>; Houston, Charles - LGL <[charles.houston@houstontx.gov](mailto:charles.houston@houstontx.gov)>; Alla Lefkowitz <[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)>; Taylor, Charlotte H. <[ctaylor@jonesday.com](mailto:ctaylor@jonesday.com)>; Petrany, Stephen J. <[spetrany@jonesday.com](mailto:spetrany@jonesday.com)>; Taylor, William R. <[wrtaylor@jonesday.com](mailto:wrtaylor@jonesday.com)>; Ferraro, Calland M. <[cferraro@jonesday.com](mailto:cferraro@jonesday.com)>; Vidma, Victoriya <[Victoriya.Vidma@lewisbrisbois.com](mailto:Victoriya.Vidma@lewisbrisbois.com)>

**Subject:** Re: [EXT] Re: 4:20-cv-03081 Bay Area Unitarian Universalist Church et al v. Paxton et al

Thank you, Bill.

Todd, Moustapha, Charles: do you agree to this course as well?

On Tue, Jul 13, 2021 at 3:04 PM Helfand, Bill <[Bill.Helfand@lewisbrisbois.com](mailto:Bill.Helfand@lewisbrisbois.com)> wrote:

Ryan,

While I don't agree with your premise, I think your proposal for moving forward is the best approach for all parties and the Court.

My client is not opposed to the course you propose as to this issue.

Thank you for this creative thinking.

Bill



**William "Bill" Helfand**

**Partner**

Houston and Salt Lake City  
832.460.4614 or x8324614

713.320.5035 Cell

---

**From:** Ryan Gerber <[rgerber@everytown.org](mailto:rgerber@everytown.org)>

**Sent:** Tuesday, July 13, 2021 7:42 AM

**To:** Helfand, Bill <[Bill.Helfand@lewisbrisbois.com](mailto:Bill.Helfand@lewisbrisbois.com)>

**Cc:** Dickerson, Todd <[Todd.Dickerson@oag.texas.gov](mailto:Todd.Dickerson@oag.texas.gov)>; [moustapha.gassama@cao.hctx.net](mailto:moustapha.gassama@cao.hctx.net); Braun, Sean <[Sean.Braun@lewisbrisbois.com](mailto:Sean.Braun@lewisbrisbois.com)>; Houston, Charles - LGL <[charles.houston@houstontx.gov](mailto:charles.houston@houstontx.gov)>; Alla Lefkowitz <[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)>; Taylor, Charlotte H. <[ctaylor@jonesday.com](mailto:ctaylor@jonesday.com)>; Petrany, Stephen J. <[spetrany@jonesday.com](mailto:spetrany@jonesday.com)>; Taylor, William R. <[wrtaylor@jonesday.com](mailto:wrtaylor@jonesday.com)>; Ferraro, Calland M. <[cferraro@jonesday.com](mailto:cferraro@jonesday.com)>

**Subject:** [EXT] Re: 4:20-cv-03081 Bay Area Unitarian Universalist Church et al v. Paxton et al

All,

Todd and Bill, thanks for your responses.

Because Texas will now allow certain individuals to carry firearms without a license, property owners will need to put up a third large sign to keep firearms off their premises. See 30.05(c) (setting parameters for new sign). This means that if property owners want to keep all firearms off their property, they need to post at least three large signs: (i) a sign for unlicensed carry; (ii) a sign for licensed conceal carry; and (iii) a sign for licensed open carry. See 30.05(c), (f); 30.06(c)(3); and 30.07(c)(3). This adds to the burden imposed on our clients.

That being said, we agree that re-starting the motion to dismiss process at this stage is not ideal. We would be willing to hold off on moving to amend the complaint until after the motions to dismiss are decided if your clients would agree to waive any argument that they have been prejudiced by the delay in amendment.

If you are in agreement, we will submit a short letter to the court notifying the court of the change in law and saying that we intend to file a motion to amend the complaint after the motions to dismiss are decided. We would also represent that the defendants have agreed to waive any argument that they have been prejudiced by the delay. We will also indicate that the parties are available for a status conference if the court would like.

Thank you,

Ryan

On Fri, Jul 9, 2021 at 1:06 PM Helfand, Bill <[Bill.Helfand@lewisbrisbois.com](mailto:Bill.Helfand@lewisbrisbois.com)> wrote:

Ryan,

I agree with Todd.

I imagine (hope) Magistrate Bryan is working on the motions to dismiss already on file in which a significant question is standing, which I don't see affected by these amendments.

Indeed, it looks to me – like Todd with only the benefit of a cursory review – that most of the amendments do not affect a property owners, like your client. Therefore, I would join Todd in inviting you to please share what you find – and where – in the recent enactments that you would tell the Court in a motion for leave to amend affects the status of the pending complaint and motions to dismiss.

If there is a substantive reason for the Court to consider a *truly different* complaint, my client won't oppose amendment. However, other than the fact that statute has been amended, I am just not seeing how any amendment(s) affect the issues, and particularly the issue of standing which the Court is presently required to address as a threshold question.

Please be kind enough to share with us a more granular explanation of what you would tell the Court about any amendment to the statute that necessitates any amendment to your client's complaint.

Thanks,

Bill

**William S. Helfand**

**Partner**



[Bill.helfand@lewisbrisbois.com](mailto:Bill.helfand@lewisbrisbois.com)

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---

**From:** Dickerson, Todd <[Todd.Dickerson@oag.texas.gov](mailto:Todd.Dickerson@oag.texas.gov)>

**Sent:** Friday, July 9, 2021 9:34 AM

**To:** Ryan Gerber <[rgerber@everytown.org](mailto:rgerber@everytown.org)>; moustapha.gassama@cao.hctx.net; Braun, Sean <[Sean.Braun@lewisbrisbois.com](mailto:Sean.Braun@lewisbrisbois.com)>; Houston, Charles - LGL <[charles.houston@houstontx.gov](mailto:charles.houston@houstontx.gov)>; Helfand, Bill <[Bill.Helfand@lewisbrisbois.com](mailto:Bill.Helfand@lewisbrisbois.com)>

**Cc:** Alla Lefkowitz <[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)>; Taylor, Charlotte H. <[ctaylor@jonesday.com](mailto:ctaylor@jonesday.com)>; Petrany, Stephen J. <[spetrany@jonesday.com](mailto:spetrany@jonesday.com)>; Taylor, William R. <[wrtaylor@jonesday.com](mailto:wrtaylor@jonesday.com)>; Ferraro, Calland M. <[cferraro@jonesday.com](mailto:cferraro@jonesday.com)>

**Subject:** [EXT] RE: 4:20-cv-03081 Bay Area Unitarian Universalist Church et al v. Paxton et al

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Ryan:

I took a look at the proposed amendment. At a glance it doesn't seem like it changes all that much—at least not enough to warrant us restarting the clock on a MTD that was filed nearly 8 months ago. Wouldn't it make more sense to wait and see how the judge rules on the MTD before going forward with an amended complaint?

If you think this amendment substantially changes the legal landscape so as to warrant an amended complaint, please let me know why. I didn't look at this for long, so I'm open to being wrong.

Todd Dickerson

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**From:** Ryan Gerber <[rgerber@everytown.org](mailto:rgerber@everytown.org)>

**Sent:** Thursday, July 8, 2021 9:00 AM

**To:** [moustapha.gassama@cao.hctx.net](mailto:moustapha.gassama@cao.hctx.net); Braun, Sean <[Sean.Braun@lewisbrisbois.com](mailto:Sean.Braun@lewisbrisbois.com)>; Houston, Charles - LGL <[charles.houston@houstontx.gov](mailto:charles.houston@houstontx.gov)>; Helfand, Bill <[bill.helfand@lewisbrisbois.com](mailto:bill.helfand@lewisbrisbois.com)>; Dickerson, Todd <[Todd.Dickerson@oag.texas.gov](mailto:Todd.Dickerson@oag.texas.gov)>

**Cc:** Alla Lefkowitz <[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)>; Taylor, Charlotte H. <[ctaylor@jonesday.com](mailto:ctaylor@jonesday.com)>; Petrany, Stephen J. <[spetrany@jonesday.com](mailto:spetrany@jonesday.com)>; Taylor, William R. <[wrtaylor@jonesday.com](mailto:wrtaylor@jonesday.com)>; Ferraro, Calland M. <[cferraro@jonesday.com](mailto:cferraro@jonesday.com)>

**Subject:** 4:20-cv-03081 Bay Area Unitarian Universalist Church et al v. Paxton et al

All,

It recently came to our attention that the State of Texas amended some of the provisions at issue in the above captioned case. The amendments can be found here: <https://legiscan.com/TX/text/HB1927/2021>. They go into effect on September 1, 2021.

In light of this, we intend to amend our complaint to place in front of the court the new firearms signage requirements that will affect our clients. Do you anticipate having any objection to our motion seeking leave to file this amended complaint?

Additionally, to conserve judicial resources, we intend to notify the court of this planned amendment next week.

Thank you,  
Ryan

--

**RYAN GERBER** | COUNSEL  
[RGERBER@EVERYTOWN.ORG](mailto:RGERBER@EVERYTOWN.ORG) | (646) 324-8198

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**EVERYTOWN LAW**  
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# EXHIBIT B

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281.565.8222



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FOR DEFENDANT PETE BACON, ACTING CHIEF OF POLICE FOR  
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E-mail: justin.pfeiffer@lewisbrisbois.com

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AND HARRIS COUNTY SHERIFF ED GONZALEZ:

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SHARLENE ROCHEN

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1 A I've seen him, I think, on TV.

2 Q Yes, ma'am. State the address of your church.

3 A It's 17503 El Camino Real.

4 Q And you've already stated that you -- the  
5 church owns the property that is located on it. Who  
6 handles the property taxes?

7 A We don't. We're a church. We don't have  
8 property taxes.

9 Q And the deed for the church is in whose name  
10 or what --

11 A I believe it's in Bay Area Fellowship or  
12 Unitarian Universalist. They used to call it  
13 Fellowship.

14 Q Do you know what city or cities the church is  
15 located in?

16 A I think they are in Webster and Houston, I  
17 think. I have heard that. I don't know that for sure,  
18 but I've heard that our property line -- or our property  
19 is both in Webster and in Houston.

20 Q Do you remember who -- who you heard that  
21 from?

22 A No, not really.

23 Q Of all the calls for service or assistance you  
24 discussed today at this deposition, did any of them  
25 involve a call placed to a Houston Police Department

1 underneath that for this address?

2 A It says Council District. It doesn't have  
3 anything after the colon.

4 Q Okay. What about City Service Type?

5 A There's nothing after the colon, no.

6 Q How about HPD Beat?

7 A No, there's nothing after that.

8 Q Now, if the City does not identify this  
9 property as falling within any HPD jurisdiction beat or  
10 division, do you have any reason to doubt that?

11 A No, I don't. I...

12 MS. AZADEH: I'll mark this Exhibit 11.

13 (Exhibit 11 marked)

14 MR. NELLIS: Thank you.

15 Q (BY MS. AZADEH) And I'll represent that this  
16 is a map provided by the City of Houston as well. Does  
17 the gray shaded area in the center of that map look like  
18 the location of the property of the church?

19 A Yes.

20 Q And can you identify what it says in the box?

21 A It says Outside Service Area. No information  
22 is available at the selected location.

23 Q And the address in the search box, 17503 El  
24 Camino Real, Houston, is that your -- the church's  
25 address?

# EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

BAY AREA UNITARIAN UNIVERSALIST )  
CHURCH; DRINK HOUSTON BETTER, )  
LLC d/b/a ANTIDOTE COFFEE; PERK )  
YOU LATER, LLC, )

*Plaintiffs,*

v.

KIM OGG, District Attorney for Harris )  
County, in her official capacity; ED )  
GONZALEZ, County Sheriff for Harris )  
County, in his official capacity; PETE )  
BACON, Chief of Police for the Webster )  
Police Department, in his official capacity; )  
TROY FINNER, Chief of the Houston )  
Police Department, in his official capacity, )

*Defendants.*

CIVIL ACTION NO. 4:20-cv-3081

**PLAINTIFFS' RESPONSES TO DEFENDANT TROY FINNER'S INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33, Plaintiffs hereby respond to Defendant Troy Finner's ("Defendant") Interrogatories.

**PRELIMINARY STATEMENT**

Although Plaintiffs have made a diligent and good faith effort to obtain information with which to respond to the Interrogatories, discovery in this matter is ongoing. Accordingly, all of the following objections and responses are given without prejudice to and with the express reservation of Plaintiffs' right to supplement or modify their objections and responses to the extent required by applicable law to incorporate later discovered information, and to rely upon

any and all such information at trial or otherwise. Likewise, Plaintiffs shall not be prejudiced if any of their present objections and responses are based on an incomplete knowledge or comprehension of the facts, events or occurrences involved in this matter.

Plaintiffs also have objected and responded to the Interrogatories based on their best, good faith understanding and interpretation of each item therein. Accordingly, if Defendant subsequently asserts a different interpretation than that presently understood by Plaintiffs, Plaintiffs reserve the right to supplement or amend these objections and responses.

### **GENERAL OBJECTIONS**

Each of the responses below is made subject to and incorporates the following General Objections:

1. Plaintiffs object to the Interrogatories to the extent they seek confidential and privileged communications between attorney and client on the ground of attorney-client privilege. Moreover, Plaintiffs generally object to the Interrogatories to the extent they seek confidential and privileged communications between attorney and client during the anticipation of and pendency of this action including but not limited to communications between attorney and client regarding the Interrogatories. Plaintiffs deem such privileged communications not intended to be within the scope of the Interrogatories, and will not, and does not intend these responses to waive the privilege afforded such privileged communications, and no privilege log will be prepared for such privileged communications.

2. Plaintiffs object to the Interrogatories to the extent they seek confidential information protected from disclosure by the attorney work product doctrine. Moreover, Plaintiffs object to the Interrogatories to the extent they seek confidential information protected from disclosure by the attorney work product doctrine and which have been created in



anticipation of or during the pendency of this action, including but not limited to research and investigation and analysis concerning the Interrogatories. Plaintiffs deem such protected information not intended to be within the scope of the Interrogatories, and will not, and does not intend by these responses to waive the work product protection afforded such information.

3. Plaintiffs object to the Interrogatories to the extent that they enlarge upon or are otherwise inconsistent with the duties imposed by the Federal Rules of Civil Procedure, the Local Rules for the Southern District of Texas, any applicable order of the Court, or any agreement of the parties.

4. Plaintiffs object to the Interrogatories to the extent that they seek information that is outside Plaintiffs' possession, custody, and/or control.

5. Plaintiffs object to the Interrogatories to the extent that they request information that is not relevant to any party's claims or defenses and proportional to the needs of the case, or are vague, ambiguous, overly broad, unduly burdensome, or lack sufficient particularity.

6. Plaintiffs object to the Interrogatories to the extent that they assume or imply certain legal conclusions. Plaintiffs' responses and objections herein shall not be deemed an admission that such implications or assumptions are correct or true.

7. Plaintiffs object to the Interrogatories to the extent that they assume facts that have not been established and/or are not true or accurate or which are the subject of expert testimony.

8. Plaintiffs object to the Interrogatories to the extent that they request information that is contained in public records or is otherwise generally available to the public, as that information is equally available to Defendant.

9. Plaintiffs object to Defendant's definition of "Houston" as the "City of Houston sued through its Chief of Police, Troy Finner, in his official capacity, the Houston Police Department, its officers, agents, representatives and employees." This suit involves claims against Troy Finner, Chief of the Houston Police Department, in his official capacity. Plaintiffs' responses hereby define "Defendant" as Troy Finner, Chief of the Houston Police Department, in his official capacity.

10. Plaintiff Bay Area Unitarian Universalist Church ("BAUUC") objects to each and every Interrogatory as irrelevant to the claims in this case. BAUUC does not have a claim against Troy Finner, Chief of the Houston Police Department, in his official capacity. Thus, the below responses will be confined to responses on behalf of Plaintiffs Drink Houston Better, LLC d/b/a Antidote Coffee and Perk You Later, LLC (the "Antidote Plaintiffs").

## **INTERROGATORIES**

### **INTERROGATORY NO. 1:**

Identify each person answering these interrogatories, supplying information or assisting in any way the preparation of the answers to these interrogatories.

### **RESPONSE TO INTERROGATORY NO. 1:**

Plaintiffs object to this Interrogatory because it seeks information that is not relevant to any claim or defense in this case. Plaintiffs also object to this Interrogatory because the phrases "supplying information" and "assisting in any way" are overbroad, vague, ambiguous, and subject to multiple interpretations. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs identify the attorneys of record for Plaintiffs in this case and Dawn Callaway, an owner of the Antidote Plaintiffs.

**INTERROGATORY NO. 2:**

Identify each owner, agent, manager, or representative of Plaintiffs.

**RESPONSE TO INTERROGATORY NO. 2:**

Plaintiffs object to this Interrogatory because the words “agent” and “representative” are overbroad, vague, ambiguous, and subject to multiple interpretations. Plaintiff BAUUC also directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs identify the following individuals: Scott Repass, Scott Walcott, Miriam Carrillo, and Dawn Callaway are owners of Plaintiffs Drink Houston Better, LLC and Perk You Later, LLC.

**INTERROGATORY NO. 3:**

Identify each business or corporation operated by Plaintiff Drink Houston Better, LLC d/b/a Antidote Coffee; Perk You Later, LLC, and its owners.

**RESPONSE TO INTERROGATORY NO. 3:**

The Antidote Plaintiffs object to this Interrogatory because the phrase “operated by” is overbroad, vague, ambiguous, and subject to multiple interpretations. Subject to and without waiving the foregoing objection and the General Objections, the Antidote Plaintiffs identify the following: Drink Houston Better, LLC is owned by Scott Repass, Scott Walcott, Miriam Carrillo, and Dawn Callaway. Drink Houston Better operates Antidote Coffee. Perk You Later, LLC is owned by Scott Repass, Scott Walcott, Miriam Carrillo, and Dawn Callaway. Perk You Later does not operate any businesses.

**INTERROGATORY NO. 4:**

Identify each and every actual injury, damage and monetary loss, you claim to have suffered or incurred in relation to your complaint.

**RESPONSE TO INTERROGATORY NO. 4:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs further object to this Interrogatory because the phrase “in relation to” is vague, ambiguous, and subject to multiple interpretations. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs responds as follows. The Antidote Plaintiffs are injured by Texas Penal Code §§ 30.05, 30.06, and 30.07 (the “Acts”) because the Acts force Plaintiffs to choose between (1) posting burdensome, government-scripted signage or (2) forfeiting core rights, including associational rights and property rights, including the right to exclude. This constitutes a First Amendment injury. Though Plaintiffs do not seek monetary damages in this lawsuit, Plaintiffs have also incurred the monetary expense of purchasing and installing the at-issue signs. For further explanation, Plaintiffs incorporate by reference the Complaint (ECF No. 1), the Consolidated Opposition to Defendants’ Motions to Dismiss (ECF No. 57), and the Opposition to Defendant Troy Finner’s Motion for Judgment on the Pleadings (ECF No. 120). Plaintiffs also incorporate the Court’s prior decision in this case: *Bay Area Unitarian Universalist Church v. Paxton*, No. 4:20-cv-3081, 2021 WL 3852174 (S.D. Tex. Aug. 27, 2021).

**INTERROGATORY NO. 5:**

State all facts, conduct, acts, omissions, and/or occurrences and the factual basis which support and corroborate your claim that Houston is liable to you for damages, or subject to declaratory or injunctive relief stemming from your complaint.

**RESPONSE TO INTERROGATORY NO. 5:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs further object to this Interrogatory because the phrase “support and corroborate” is vague, ambiguous, and subject to multiple interpretations. Plaintiffs also object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, or information that is equally available to Defendant. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows. Plaintiffs do not seek monetary damages from Defendant. Rather, Plaintiffs seek prospective, injunctive and declaratory relief. Defendant is responsible for enforcing violations of the Acts in the City of Houston, and thus Plaintiffs have sued him in his official capacity under 42 U.S.C. § 1983 and *Ex parte Young*, 209 U.S. 123 (1908). For further explanation, Plaintiffs incorporate by reference the Complaint (ECF No. 1), the Consolidated Opposition to Defendants’ Motions to Dismiss (ECF No. 57), and the Opposition to Defendant Troy Finner’s Motion for Judgment on the Pleadings (ECF No. 120). Plaintiffs also incorporate the Court’s prior decision in this case: *Bay Area Unitarian Universalist Church v. Paxton*, No. 4:20-cv-3081, 2021 WL 3852174 (S.D. Tex. Aug. 27, 2021).

**INTERROGATORY NO. 6:**

State all facts, conduct, acts, omissions, and/or occurrences and the factual basis which support and corroborate your claim that Houston is an arm of the state for purposes of your complaint.

**RESPONSE TO INTERROGATORY NO. 6:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrase “support and corroborate” is vague, ambiguous, and subject to multiple interpretations. Plaintiffs further object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, or information that is equally available to Defendant. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows. Defendant is responsible for enforcing violations of the Acts in the City of Houston. Where municipal actors enforce a state law, they are state officials for the purposes of *Ex parte Young*, 209 U.S. 123 (1908) and § 1983. For further explanation, Plaintiffs incorporate by reference the Complaint (ECF No. 1), the Consolidated Opposition to Defendants’ Motions to Dismiss (ECF No. 57), and the Opposition to Defendant Troy Finner’s Motion for Judgment on the Pleadings (ECF No. 120). Plaintiffs also incorporate the Court’s prior decision in this case: *Bay Area Unitarian Universalist Church v. Paxton*, No. 4:20-cv-3081, 2021 WL 3852174, at \*11 (S.D. Tex. Aug. 27, 2021) (holding that the Chief of the Houston Police Department “operates as a state agent” for purposes of the complaint).

**INTERROGATORY NO. 7:**

State all facts, conduct, acts, omissions, and/or occurrences and the factual basis which support and corroborate your claim that Houston is charged with enforcement of the challenged statutory provisions the subject of your complaint.

**RESPONSE TO INTERROGATORY NO. 7:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrases “support and corroborate” and “is charged with” are vague, ambiguous, and subject to multiple interpretations. Plaintiffs further object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, or information that is equally available to Defendant. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows. Houston Police Department has the authority to arrest individuals for violation of the Acts. Thus, it enforces the Acts. Indeed, “[t]he mission of the Houston Police Department is to enhance the quality of life in the City of Houston by working cooperatively with the public and within the framework of the U.S. Constitution to enforce the laws, preserve the peace, reduce fear and provide for a safe environment.” *See* Houston Police Department, Mission Statement, *available at* <https://www.houstontx.gov/police/mission.htm> (emphasis added). Plaintiffs also refer Defendant to Houston Police Department General Order No. 500-01 (Bates No. COH\_BAY AREA\_000045-56) (“The trespass affidavit, which assists the department with enforcing trespass laws, continues to be a valuable law enforcement tool.” (emphasis added)), as well as Houston Police Department Circular No. 20-0225-027 (Bates No. 000088-94) (“Employees shall know the laws and ordinances they are charged with enforcing...” (emphasis added)). For further explanation, Plaintiffs incorporate by reference the Complaint (ECF No. 1), the Consolidated Opposition to Defendants’ Motions to Dismiss (ECF No. 57), and the Opposition to Defendant Troy Finner’s Motion for Judgment on the Pleadings (ECF No. 120). Plaintiffs also incorporate the Court’s prior decision in this case: *Bay Area Unitarian*

*Universalist Church v. Paxton*, No. 4:20-CV-3081, 2021 WL 3852174, at \*8 (S.D. Tex. Aug. 27, 2021) (holding that “defendants enforce the Acts that cause the alleged injury”).

**INTERROGATORY NO. 8:**

State all facts, conduct, acts, omissions, and/or occurrences and the factual basis which support and corroborate your claim that Houston has deprived Plaintiffs of any constitutional right.

**RESPONSE TO INTERROGATORY NO. 8:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrase “support and corroborate” is vague, ambiguous, and subject to multiple interpretations. Plaintiffs further object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, or information that is equally available to Defendant. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs responds as follows. The Acts force Plaintiffs to choose between (1) posting burdensome, government-scripted signage or (2) forfeiting core rights, including associational rights and property rights, including the right to exclude. This choice violates Plaintiffs’ First Amendment rights. And, as explained above, Defendant enforces the Acts, and thus is a proper defendant in this lawsuit for prospective and declaratory relief. For further explanation, Plaintiffs incorporate by reference the Complaint (ECF No. 1), the Consolidated Opposition to Defendants’ Motions to Dismiss (ECF No. 57), and the Opposition to Defendant Troy Finner’s Motion for Judgment on the Pleadings (ECF No. 120). Plaintiffs also incorporate the Court’s prior decision in this case:



*Bay Area Unitarian Universalist Church v. Paxton*, No. 4:20-cv-3081, 2021 WL 3852174 (S.D. Tex. Aug. 27, 2021).

**INTERROGATORY NO. 9:**

State all facts, conduct, acts, omissions, and/or occurrences and the factual basis which support and corroborate your claim that any Defendants have deprived Plaintiffs of any constitutional right.

**RESPONSE TO INTERROGATORY NO. 9:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrase “support and corroborate” is vague, ambiguous, and subject to multiple interpretations. Plaintiffs further object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, or information that is equally available to Defendant. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows. The Acts force Plaintiffs to choose between (1) posting burdensome, government-scripted signage or (2) forfeiting core rights, including associational rights and property rights, including the right to exclude. This choice violates Plaintiffs’ First Amendment rights. And, as explained above, the defendants in this lawsuit enforce the Acts, and thus are proper defendants in this lawsuit for prospective and declaratory relief. For further explanation, Plaintiffs incorporate by reference the Complaint (ECF No. 1), the Consolidated Opposition to Defendants’ Motions to Dismiss (ECF No. 57), and the Opposition to Defendant Troy Finner’s Motion for Judgment on the Pleadings (ECF No. 120). Plaintiffs also incorporate the Court’s

prior decision in this case: *Bay Area Unitarian Universalist Church v. Paxton*, No. 4:20-cv-3081, 2021 WL 3852174 (S.D. Tex. Aug. 27, 2021).

**INTERROGATORY NO. 10:**

State all facts, conduct, acts, omissions, and/or occurrences and the factual basis which support and corroborate your claim that Houston has enforced, or threatened enforcement of the challenged statutory provisions against Plaintiffs.

**RESPONSE TO INTERROGATORY NO. 10:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrase “support and corroborate” is vague, ambiguous, and subject to multiple interpretations. Plaintiffs further object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, or information that is equally available to Defendant. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows. The Antidote Plaintiffs do not contend that the Houston Police Department has arrested or threatened to arrest Plaintiffs for violation of the Acts. For further explanation, Plaintiffs incorporate by reference the Complaint (ECF No. 1), the Consolidated Opposition to Defendants’ Motions to Dismiss (ECF No. 57), and the Opposition to Defendant Troy Finner’s Motion for Judgment on the Pleadings (ECF No. 120). Plaintiffs also incorporate the Court’s prior decision in this case: *Bay Area Unitarian Universalist Church v. Paxton*, No. 4:20-cv-3081, 2021 WL 3852174, at \*6 (S.D. Tex. Aug. 27, 2021) (holding that “Plaintiffs have established an as-applied challenge” to the Acts because “[w]hile the Acts are not directly

enforceable against Plaintiffs, the Acts enumerate notice requirements that property owners must comply with to gain the protection of the Acts”); *see also id.* at \*7-8.

**INTERROGATORY NO. 11:**

State all facts, conduct, acts, omissions, and/or occurrences and the factual basis which support and corroborate your claim that Houston requires Plaintiffs to display signages related to the challenged statutory provisions.

**RESPONSE TO INTERROGATORY NO. 11:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrases “support and corroborate” and “related to” are vague, ambiguous, and subject to multiple interpretations. Plaintiffs further object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, or information that is equally available to Defendant. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows. The Acts require Plaintiffs to choose between (1) posting burdensome, government-scripted signage or (2) forfeiting core rights, including associational rights and property rights, including the right to exclude. Under the Acts, the only alternative to posting burdensome, government-scripted signage is providing personal notice to every individual who enters Plaintiffs’ property, which is not feasible and is even more burdensome. For further explanation, Plaintiffs incorporate by reference the Complaint (ECF No. 1), the Consolidated Opposition to Defendants’ Motions to Dismiss (ECF No. 57), and the Opposition to Defendant Troy Finner’s Motion for Judgment on the Pleadings (ECF No. 120). Plaintiffs also incorporate the Court’s prior decision in this case: *Bay Area Unitarian Universalist Church*

*v. Paxton*, No. 4:20-cv-3081, 2021 WL 3852174, at \*13 (S.D. Tex. Aug. 27, 2021) (rejecting the defendants’ argument that “the Acts do not require Plaintiffs to post the signs, so there is no compelled speech”).

**INTERROGATORY NO. 12:**

State all facts, conduct, acts, omissions, and/or occurrences and the factual basis which support and corroborate your claim that the challenged statutory provisions are a policy, rule, ordinance, or procedure of Houston.

**RESPONSE TO INTERROGATORY NO. 12:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrase “support and corroborate” is vague, ambiguous, and subject to multiple interpretations. Plaintiffs further object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, or information that is equally available to Defendant. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows. The Acts are criminal statutes enacted by the State of Texas. As explained above, pursuant to the policies, rules, and procedures of the Houston Police Department, Defendant enforces those Acts. Where municipal actors enforce a state law, they are state officials for the purposes of *Ex parte Young*, 209 U.S. 123 (1908) and § 1983. For further explanation, Plaintiffs incorporate by reference the Complaint (ECF No. 1), the Consolidated Opposition to Defendants’ Motions to Dismiss (ECF No. 57), and the Opposition to Defendant Troy Finner’s Motion for Judgment on the Pleadings (ECF No. 120). Plaintiffs also incorporate the Court’s prior decision in this case: *Bay Area Unitarian Universalist Church v. Paxton*, No.

4:20-cv-3081, 2021 WL 3852174, at \*11 (S.D. Tex. Aug. 27, 2021) (“Plaintiffs are not trying to hold a municipality liable for an individual officer or policymaker’s actions. Plaintiffs seek injunctive relief related to a state law. . . . Because Plaintiffs’ claims relate to the enforcement of state law by county officials, the county officials operate as state officials.”).

**INTERROGATORY NO. 13:**

State all facts, conduct, acts, omissions, and/or occurrences and the factual basis which support and corroborate your claim that Plaintiff BAUUC is within the geographic territory for which Houston Police Department, or its officers respond to calls for service or provide patrol services.

**RESPONSE TO INTERROGATORY NO. 13:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrases “support and corroborate,” “respond to calls for service” and “provide patrol services” are vague, ambiguous, and subject to multiple interpretations. Plaintiffs further object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, or information that is equally available to Defendant. Plaintiff BAUUC directs Defendant to General Objection # 10.

**INTERROGATORY NO. 14:**

Identify every instance of an armed trespasser on Plaintiffs’ property from May 2017 to trial, specifying whether the potential trespasser entered the property or entered the building(s); whether the suspected trespasser possessed a gun or rifle; the date and time; witnesses or representatives of Plaintiffs involved; whether law enforcement were contacted and which

agency; whether law enforcement responded; whether signs were posted conforming with any or all of the challenged statutory provisions; and the outcome.

**RESPONSE TO INTERROGATORY NO. 14:**

Plaintiffs object to this Interrogatory because the phrases “armed trespasser,” “potential trespasser,” “suspected trespasser,” and “the outcome” are vague, ambiguous, and subject to multiple interpretations. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objection and the General Objections, the Antidote Plaintiffs respond as follows. In or around 2019, a man trespassed on Antidote’s outdoor seating area carrying a handgun. Signs conforming with sections 30.06 and 30.07 were posted at the time. The trespasser was asked to leave, and did, and accordingly the police were not contacted. The man later returned to Antidote carrying a sword. These incidents were witnessed by Antidote employee Clara Kang. In or around October 2021, a man confronted Dawn Callaway about Antidote’s section 30.06 and 30.07 signs and told her that the signs didn’t prevent him from entering with a handgun. Dawn Callaway then orally informed him that he could not enter the property with a handgun. A few days later, the same man trespassed on Antidote’s patio with a concealed handgun, which he revealed to an Antidote employee named Melvin Butts. Signs conforming with sections 30.06 and 30.07 were posted at the time. The Antidote employee was intimidated and did not ask the man to leave. The man eventually departed, and the police were not contacted.

**INTERROGATORY NO. 15:**

Describe any and all signs displayed at businesses or establishments owned or managed by Plaintiffs Drink Houston Better, LLC, and/or Perk You Later, LLC, from May 2017 through trial.

**RESPONSE TO INTERROGATORY NO. 15:**

The Antidote Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. The Antidote Plaintiffs further object to this Interrogatory because it seeks information that is not relevant to this case. The Antidote Plaintiffs also object to this Interrogatory because the phrase “any and all signs displayed” is vague, ambiguous, and subject to multiple interpretations. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows: One section 30.05 sign prohibiting the permitless carry of firearms, one section 30.06 sign prohibiting concealed carry of handguns, two section 30.07 signs prohibiting open carry of handguns, one Alert 360 sign, one sign that says “Beer,” one sign that says “Coffee,” one sign that says “Wine,” one Texas Alcoholic Beverage Commission (TABC) blue sign, one TABC human-trafficking sign, one TABC public-information-and-complaint sign, two TABC health-risks warning signs in the restrooms, two “Employees Must Wash Hands” signs in the restrooms, one sign that says “Dog Friendly,” and one no-smoking sign.

**INTERROGATORY NO. 16:**

Identify all employees, agents, owners, and managers of Antidote Coffee from May 2017 through trial, including their positions and last known contact information.

**RESPONSE TO INTERROGATORY NO. 16:**

The Antidote Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. The Antidote Plaintiffs also object to this Interrogatory because it seeks information that is not relevant to this case. The Antidote Plaintiffs further object to this Interrogatory because the word “agents” is vague, ambiguous, and subject to multiple interpretations. Subject to and without waiving the foregoing

objections and the General Objections, the Antidote Plaintiffs refer Defendant to their responses to interrogatory #2 and #14. Antidote's employees, owners, and managers may be contacted through Plaintiffs' counsel.

**INTERROGATORY NO. 17:**

Identify any and all witnesses with knowledge or information related to the allegations in your complaint, or who may be called as witnesses at trial.

**RESPONSE TO INTERROGATORY NO. 17:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objection and the General Objections, Plaintiffs respond as follows. Plaintiffs refer Defendant to their Rule 26 Disclosures, Rule 26(b) expert disclosures, and will provide the names of those likely to testify and those that may testify in compliance with the Court's orders and the Federal Rules of Civil Procedure's deadlines to designate the same. Plaintiffs refer Defendant to all pleadings, discovery, disclosures, and documents obtained through discovery or otherwise exchanged in this case for persons that may testify at trial.

**INTERROGATORY NO. 18:**

Identify any and all interactions between Plaintiffs and Houston, its officials, representatives, and employees, related to the subject matter of your complaint, providing the date, individuals involved, and description of the interaction.

**RESPONSE TO INTERROGATORY NO. 18:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory



because the phrases “interactions between,” “representatives,” and “subject matter of your complaint” are vague, ambiguous, and subject to multiple interpretations. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond that they have had no such interactions, other than this lawsuit.

**INTERROGATORY NO. 19:**

Identify every individual or entity or website that has labeled Plaintiffs as anti-gun as alleged in your complaint from May 2017 through trial including the date and persons involved and nature of the alleged statements.

**RESPONSE TO INTERROGATORY NO. 19:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrase “labeled Plaintiffs as anti-gun” is vague, ambiguous, and subject to multiple interpretations. Plaintiffs also object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, as Plaintiffs have no way of knowing every individual or entity or website that has labeled Plaintiffs as anti-gun. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows. The Antidote Plaintiffs refer Defendant to the deposition testimony of Dawn Callaway, wherein she describes being labeled as anti-gun by patrons of Antidote. Plaintiffs also refer Defendant to ANTIDOTE000014-15 (a screenshot of a posting and the associated photo on Texas3006.com) and ANTIDOTE000016-20 (screenshots of other online comments). Additionally, on several

occasions, other patrons (names unknown) of Antidote have made remarks about its anti-gun stance to Antidote employees.

**INTERROGATORY NO. 20:**

Identify all materials and evidence supporting your contention that Plaintiffs have been labeled as anti-gun as alleged in your complaint from May 2017 through trial, including the date and persons involved and nature of the alleged statements.

**RESPONSE TO INTERROGATORY NO. 20:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrase “labeled Plaintiffs as anti-gun” is vague, ambiguous, and subject to multiple interpretations. Plaintiffs further object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, as Plaintiffs have no way of knowing every individual or entity or website that has labeled Plaintiffs as anti-gun. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows. Plaintiffs refer Defendant to the deposition testimony of Dawn Callaway, wherein she describes being labeled as anti-gun by patrons of Antidote. Plaintiffs also refer Defendant to ANTIDOTE000014-15 (a screenshot of a posting and the associated photo on Texas3006.com) and ANTIDOTE000016-20 (screenshots of other online comments).

**INTERROGATORY NO. 21:**

Describe all alternative signage or statements Plaintiffs claim they are prevented from displaying by the challenged statutory provisions.

**RESPONSE TO INTERROGATORY NO. 21:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrase “prevented from displaying” is vague, ambiguous, and subject to multiple interpretations. Plaintiffs further object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, or information that is equally available to Defendant. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows. Plaintiffs would like to use signage to exclude gun-carrying individuals from their property, so Plaintiffs must post signage that precisely conforms to the requirements of the Acts. In other words, Plaintiffs cannot use any signage that does *not* conform to the requirements of the Acts. Plaintiffs are not required to describe the universe of signs that do not conform to the Acts’ requirements, but Plaintiffs would like to be able to post simpler signs. For further information, Plaintiffs also incorporate by reference the Complaint (ECF No. 1), the Consolidated Opposition to Defendants’ Motions to Dismiss (ECF No. 57), the Opposition to Defendant Troy Finner’s Motion for Judgment on the Pleadings (ECF No. 120), and the Expert Report of Dawn Jourdan, dated July 1, 2022.

**INTERROGATORY NO. 22:**

Identify all persons, entities, or websites that have invited gun carriers to trespass on Plaintiffs’ property from May 2017 through trial, including the date and persons involved and nature of the alleged statements.

**RESPONSE TO INTERROGATORY NO. 22:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrase “invited gun carriers to trespass” is vague, ambiguous, and subject to multiple interpretations. Plaintiffs further object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, as Plaintiffs have no way of knowing every person, entity, or website that has “invited gun carriers to trespass on Plaintiffs’ property.” Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs state that they lack the information necessary to respond to this Interrogatory.

**INTERROGATORY NO. 23:**

Identify any and all policy, practice or customs of the Houston Police Department you claim caused or contributed to a deprivation of Plaintiffs’ constitutional or federal rights.

**RESPONSE TO INTERROGATORY NO. 23:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory because the phrase “support and corroborate” is vague, ambiguous, and subject to multiple interpretations. Plaintiffs further object to this Interrogatory because it calls for information that is not within Plaintiffs’ possession, custody or control, or information that is equally available to Defendant. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows. The Acts are criminal statutes enacted by the State of Texas. Those Acts deprive Plaintiffs of First Amendment rights. As explained above, pursuant to the policies, rules,

and procedures of the Houston Police Department, Defendant enforces those Acts. Where municipal actors enforce a state law, they are state officials for the purposes of *Ex parte Young*, 209 U.S. 123 (1908) and § 1983. For further explanation, Plaintiffs incorporate by reference the Complaint (ECF No. 1), the Consolidated Opposition to Defendants’ Motions to Dismiss (ECF No. 57), and the Opposition to Defendant Troy Finner’s Motion for Judgment on the Pleadings (ECF No. 120). Plaintiffs also incorporate the Court’s prior decision in this case: *Bay Area Unitarian Universalist Church v. Paxton*, No. 4:20-cv-3081, 2021 WL 3852174, at \*11 (S.D. Tex. Aug. 27, 2021) (“Plaintiffs are not trying to hold a municipality liable for an individual officer or policymaker’s actions. Plaintiffs seek injunctive relief related to a state law. . . . Because Plaintiffs’ claims relate to the enforcement of state law by county officials, the county officials operate as state officials.”).

**INTERROGATORY NO. 24:**

Describe Plaintiffs’ rules, policies, or practices for contacting law enforcement or 911 from May 2017 through trial, including any contact information or phone numbers utilized.

**RESPONSE TO INTERROGATORY NO. 24:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory to because it seeks information that is not relevant to a claim or defense in this case. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs respond as follows. Antidote has no official rules or policies for contacting law enforcement. In practice, Antidote employees know to call 911 if they feel that they are in danger. A non-emergency contact

number for the Houston Police Department, 713-884-3131, is posted next to the cash register for employees' use in resolving other situations, such as vagrancy.

**INTERROGATORY NO. 25:**

Identify any and all security, surveillance, or alarm service providers for Plaintiffs from May 2017 through trial.

**RESPONSE TO INTERROGATORY NO. 25:**

Plaintiffs object to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case at this time. Plaintiffs also object to this Interrogatory to because it seeks information that is not relevant to a claim or defense in this case. Plaintiff BAUUC directs Defendant to General Objection # 10. Subject to and without waiving the foregoing objections and the General Objections, the Antidote Plaintiffs identify Alert 360.

Dated: August 31, 2022

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2022, a copy of the foregoing was served on the following counsel of record via Electronic Mail:

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\_\_\_\_\_  
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**VERIFICATION**

I am an owner of Drink Houston Better, LLC d/b/a Antidote Coffee, and of Perk You Later, LLC, Plaintiffs in this action. I have read the interrogatories, and the foregoing answers to those interrogatories are true according to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Houston, Texas, on this 30 day of August, 2022.

  
Dawn Callaway

# EXHIBIT D

## General Order

## Houston Police Department



## ISSUE DATE:

May 2, 2019

## NO.

500-01

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-01, dated July 24, 2012

## SUBJECT: EFFECTING ARRESTS AND SEARCHES

POLICY

The highest regard possible shall be given to arrested individuals' and officers' safety and well-being.

Prisoners shall be thoroughly searched at the time of arrest and by each employee in the chain of custody to ensure no weapons, contraband, or evidence remains on the prisoner.

Except as noted in this General Order, all persons under arrest shall be properly handcuffed behind the back prior to being thoroughly searched and shall remain handcuffed while being transported in any police vehicle.

This General Order applies to classified employees only.

DEFINITIONS

**Body Cavity Search.** A search involving the internal physical examination or probing of all body cavities.

**Gender Identity.** An individual's innate identification as either male or female, although it may not correspond to the individual's body or gender as assigned at birth.

**Interlocking.** A technique used to accomplish the arrest or restraint of a violent person by handcuffing the wrists and ankles together behind the back.

**Positional Asphyxia.** An impairment of the respiratory system due to body positioning that results in the reduction of oxygen or the increase of carbon dioxide in the bloodstream and tissues.

**Strip Search.** A search of an individual requiring the removal of some or all of the clothing to allow visual inspection of the breasts of a female or the genitalia of either sex.

**Systematic Search.** A thorough search of a prisoner including removing the prisoner's shoes and socks for inspection.

**Transgender.** An umbrella term that describes individuals whose *gender identity* is different from their assigned sex at birth.

1 JURISDICTION

Officers may exercise full police powers within the city limits of Houston. Further, officers may arrest a person for a violation of Transportation Code, Subtitle C, Title 7 (Rules of the Road)

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occurring in the officer's presence or view anywhere in any county in which any part of the city of Houston is located.

Outside the city limits of Houston, but within the state of Texas, officers may arrest without warrant a person who commits an offense in the officer's presence or view, remembering that the jurisdiction to make arrests for violation of Transportation Code Rules of the Road noted above extends to only those counties in which a part of the city of Houston is located – currently Harris County, Fort Bend County, and Montgomery County. Arrests made outside Houston city limits should, whenever possible, be made in cooperation with the law enforcement agency having primary jurisdiction in order to facilitate the presentation of the person arrested before a magistrate as required by the Code of Criminal Procedure.

For additional parameters, refer to the Texas Code of Criminal Procedure, Chapter 14, Arrest Without Warrant.

## **2 LEGAL WARNING**

When suspects are arrested, they shall be told as soon as possible they are under arrest and the charge or cause for the arrest.

If custodial interrogation is to take place, suspects shall be given the legal warnings as set out in the Texas Code of Criminal Procedure.

## **3 RESPONSE TO RESISTANCE**

When dealing with citizens, suspects, or prisoners, employees shall limit their use of force and physical contact to only the amount reasonably necessary to protect themselves or others, to effect an arrest, or to bring an incident under control. See General Order 600-17, **Response to Resistance**.

Officers who use force against any person must be able to state in detail the specific reasons for using the force. If force is utilized during an incident, the officer and the supervisor must ensure that such force is documented according to General Order 600-17, **Response to Resistance**.

### **Suspects Who Ingest Contraband**

The department's primary objectives in dealing with suspects who are believed to have ingested narcotics or other contraband are the preservation of life and the safety of the officer. The secondary objective is to preserve and recover evidence whenever possible.

Officers are prohibited from choking and/or restricting the airway of a suspect in an attempt to extract contraband from the suspect's mouth. Officers using reasonable force to extract contraband from a suspect's mouth should be cognizant of the risks and dangers associated with putting the officer's hands in or near the suspect's mouth.

Employees should be aware of and look for potential signs of distress following an ingestion, which could include, but are not limited to, loss of consciousness, trouble breathing, choking, profuse sweating, non-responsiveness, loss of mobility, and/or vomiting.

When an employee reasonably believes that a suspect has ingested narcotics or other contraband, which could present a health hazard, the employee shall immediately summon emergency medical personnel to provide assessment and treatment.

When a suspect has been transported to a medical facility after ingesting narcotics or other contraband, the arresting officer shall:

- a. Notify a supervisor as soon as is practical.
- b. Advise the attending physician of the situation, including an estimate of the amount of time elapsed since the ingestion and, if possible, the type, quantity, and packaging of the item(s) ingested.
- c. Generate an incident report or supplement that includes a detailed statement of the incident, medical treatment received (if known), and any actions taken by those on the scene.

Employees are advised that when a suspect ingests narcotics or other contraband and evidence is destroyed, they are to consult with the appropriate district attorney's office to discuss the acquisition of a search warrant, if necessary, and the possibility of filing all applicable charges including, but not limited to, Tampering with Evidence.

In the event that, after medical evaluation, medical personnel release the prisoner back to the officer, the officer shall:

- d. Immediately transport the prisoner to the designated jail facility.
- e. Document in the RMS "Arrest Tab" under "physical condition" that the prisoner "possibly ingested narcotics/contraband."
- f. Notify the jail HPD sergeant and jail personnel of the incident upon arrival at the jail facility.

#### **4 RESTRAINTS AND TRANSPORTATION**

##### **Handcuffs**

An exception to the handcuff policy is if a medical or specific physical condition (e.g., suspect's age or size) precludes handcuffing behind the back. Then the prisoner shall be secured in the safest possible manner before being placed in a police vehicle.

If a prisoner cannot be handcuffed, the transporting officer shall clearly document the reasons and specific justifications for not doing so in the incident or supplement report. The safety of the officer and the suspect or prisoner must be assured before the decision to transport without handcuffs is made. Unless otherwise approved by a supervisor, only two-officer units shall transport prisoners without handcuffs.

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Whenever handcuffs are used, they shall be secured by double-locking the cuffs to prevent them from being inadvertently tightened. Officers shall not tighten handcuffs to the extent that circulation is impaired, or allow handcuffs that are clearly interfering with circulation to remain tightened. Prisoners who remain handcuffed for an extended period of time shall be checked often to ensure proper blood circulation.

### **Transporting**

When placing a prisoner in a police vehicle, officers shall position the prisoner's back toward the upper back seat with the prisoner sitting upright and facing forward. Officers shall then properly secure the prisoner in the seat restraint (seat belt and shoulder harness). The transporting officer shall watch the prisoner and ensure the prisoner does not become entangled in the seat restraint and that the seat restraint does not wrap around the prisoner's neck.

If the design or configuration of the transporting vehicle is such that it cannot safely transport a prisoner in accordance with this General Order, a more appropriate unit shall be dispatched.

### **Interlocking Technique**

The *interlocking* technique shall be used by only officers trained in and utilizing the approved interlocking devices.

No changes, alterations, or modifications are permitted to approved leg restraints or interlocking devices.

In all arrest or transporting situations, especially those involving an interlocking technique, employees shall ensure prisoners are placed in a position that enables them to breathe freely and is the most comfortable position possible. Additionally, while officers may use their weight to initially gain control over a prisoner and to maintain control if necessary, officers are to use caution that the resulting compression of the chest or abdomen does not interfere with the prisoner's breathing.

**WARNING: DO NOT leave the prisoner face down when using the interlocking technique as *positional asphyxia* may occur.**

Interlocking is meant only as a temporary measure and suspects must be released from the interlocked position as soon as it is safe and practical.

A prisoner who initially appears to be in little or no distress after being interlocked may still develop respiratory difficulties. Therefore, whenever the interlocking technique is used:

- a. A supervisor shall be dispatched to ensure the technique conforms to department policies.
- b. The prisoner shall be transported by only a two-officer unit unless otherwise approved by a supervisor.

When the interlocking technique is used, officers shall:

- c. Ensure there are at least 12 inches between the interlock (wrist to ankle).

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- d. Constantly ascertain the prisoner's condition.
- e. Maintain verbal contact with and keep a close watch on the prisoner.

### **Use of Spit Covers**

Officers may encounter individuals who attempt to spit on them or others. Due to the potential health hazards associated with bodily fluids, officers shall have the option of employing department-issued spit covers on aggressive individuals. The use of a spit cover shall be only in response to the behavior exhibited or the immediate threat made by the person. Only department-issued spit covers shall be used. Spit covers shall be applied as described below:

- a. Officers shall first handcuff the person before attempting to apply the spit cover.
- b. When practicable, officers shall wear protective gloves when applying and removing a spit cover.
- c. When applying a spit cover, officers should safely approach the individual from the rear and place the spit cover over the person's head. This is best accomplished with at least two officers.
- d. The suspect's head gear and eyewear should be removed prior to a spit cover being applied.
- e. Officers shall ensure that the spit cover is in a position to allow the suspect adequate ventilation for nasal breathing and sight afforded by the mesh.

Spit covers shall not be used on anyone who is vomiting, having difficulty breathing, bleeding profusely from the mouth or nose area, or exhibiting signs of lethargy or drowsiness.

Spit covers shall not be used on anyone who has been sprayed with oleoresin capsicum (OC) and who has not been properly decontaminated.

Under no circumstances shall a person wearing a spit cover be left unattended; officers shall constantly monitor the suspect due to the risk of asthmatic attack, vomiting, and/or suffocation.

If a suspect should spit on an officer or other public servant, the officer shall contact the appropriate district attorney's office to discuss possible felony harassment charges. Officers are reminded that the use of spit covers constitutes a response to resistance and shall be reported as described in General Order 600-17, ***Response to Resistance***. Transporting officers shall notify jail personnel in the event a spit cover was used on a suspect.

Spit covers are to be used once and then disposed. Officers shall not reapply a used spit cover. If a subsequent application is required for the same individual, a new spit cover shall be used. Due to possible biological contamination, spit covers shall be disposed of properly as described in General Order 300-21, ***Communicable Disease Policy***.

If a spit cover has been applied to an individual who subsequently dies in custody, the spit cover shall be placed in an evidence bag pursuant to the evidentiary property procedures outlined in General Order 700-01, ***Property and Evidence Control Regulations***.

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## 5 SEARCH

### Persons

#### **Terry Frisk/Pat Down:**

When an officer temporarily detains a person without probable cause because the officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime *and* has a reasonable belief that the person may be armed and presently dangerous, the officer may perform a limited protective search for weapons of the outer clothing and of those areas which may be within the suspect's wingspan and therefore pose a danger to the officer.

#### **High Risk Search:**

Persons who must be immediately transported out of the area for the safety of an officer shall be handcuffed behind the back and searched for weapons. This high risk search shall include the outer garments, waist, groin, hip areas, ankles, and feet. Immediately upon reaching a safer environment, the officer shall stop and perform a *systematic search* of the person.

If a weapon is located on a person being searched, steps should be immediately taken to prevent the person from gaining access to it. Once it is safe to do so, the weapon shall be removed from the person.

#### **Search Incident to Arrest:**

Whenever practicable, person searches shall be performed by employees of the same sex or *gender identity* as the prisoner. When an officer of the opposite sex or *gender identity* searches a prisoner, that officer shall document the justification for the search in an incident or supplement report.

If the gender of an individual needing to be searched comes into question, officers should respectfully inquire as to whether the individual identifies as *transgender*. When an individual self-identifies as *transgender*, officers shall not question this identity absent articulable, compelling reasons; nor shall an officer inquire about intimate details of an individual's anatomy to determine gender. Officers needing to search a person who identifies as *transgender*, should, when practicable, conduct the search based on the gender with which the individual identifies.

An employee who searches a person shall document the search and the results in an incident or supplement report. Whenever practicable, officers should have a witness to the search. An officer taking custody of a prisoner shall search the prisoner for weapons and contraband even if the prisoner was searched by another officer.

If an officer becomes aware of the presence of contraband or evidence on a person, whether as the result of a search, Terry pat down, or the receipt of credible information, the officer shall attempt to safely secure the contraband or evidence.

#### **Evidence or Contraband in Sensitive Areas:**

If an officer has reasonable suspicion that evidence, contraband, or a weapon is located in a sensitive area of a person's body, including the person's genitalia, breasts, or buttocks, the

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officer may conduct an inspection, which includes questioning, to determine the nature of the contraband and whether it poses a danger to the person or the officer.

An inspection of the sensitive area may be conducted either in the field or in a City facility. Officers shall take steps to ensure that the privacy and dignity of the person being searched is maintained and, if necessary, the person should be shielded from public view.

If contraband cannot be easily and safely removed, a supervisor shall be called to the scene. The supervisor shall determine if the removal of the contraband in the field can be safely accomplished and if not, shall then consider the effectiveness of conducting a *strip search*. The supervisor shall have the person transported to a police or jail facility by a two-officer unit and the person shall be handcuffed and closely monitored.

If the suspect is under arrest and there continues to be reasonable suspicion that a weapon or contraband is being concealed, a strip search may be conducted in compliance with the parameters set out in this General Order.

If the suspect is not under arrest, but fully-documented consent is obtained, a strip search may be conducted in compliance with the parameters set out in this General Order. If the suspect does not give consent and there is reasonable suspicion that a weapon or contraband is being concealed, the supervisor shall contact the district attorney's office to determine if the facts support an exigency that would serve as an exception to the warrant requirement.

**Strip Search:**

Permission to perform a *strip search* shall be obtained from a supervisor prior to the search.

Strip searches shall be conducted:

- a. Discreetly and with the utmost respect for the suspect's privacy and dignity.
- b. By an officer of the same sex or *gender identity* as the prisoner.
- c. In a private and secure room. Public strip searches are prohibited.
- d. With the minimum number of police personnel necessary during the strip search. Whenever practicable, officers should have a witness to the search. Nonpolice personnel should be present only as an extreme necessity.

Following a strip search, an incident or supplemental report shall be generated and shall include the result of the search and the names and identifying information of all persons who witnessed or participated in the search.

**Body Cavity Search:**

*Body cavity searches* may be conducted only subsequent to an arrest when there is probable cause to believe that weapons, contraband, or other evidence of a crime has been concealed in a body cavity. Only medical personnel at medical facilities shall conduct body cavity searches.

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A supervisor shall be notified of the necessity to conduct a body cavity search prior to the search. Upon approval from the supervisor, the prisoner shall be transported to the closest available hospital. The supervisor shall ensure that all necessary documents (e.g., consent form, search warrant) are presented to medical personnel with the prisoner.

A police officer shall accompany the prisoner to the hospital and take possession of any weapons, contraband, or evidence discovered during the search. The prisoner shall be booked into jail by the police officer when the search is completed.

Body cavity searches shall be conducted privately and with the suspect's dignity as a consideration. A minimum number of medical and police personnel shall be present.

Whenever a body cavity search is conducted, an incident report shall be initiated or supplemented containing the following information:

- a. The name of the supervisor who authorized the search.
- b. The probable cause for the search.
- c. The date, time, and location of the search.
- d. The names and identifying information of all persons who witnessed or participated in the search.
- e. Results of the search.

### **Vehicles**

Officers may search a vehicle when at least one of the following applies:

- a. There is probable cause to believe that there is evidence of a crime within the person's reach.
- b. The officer reasonably believes a search is necessary for the officer's own safety (weapon).
- c. Contraband is found in plain view.
- d. The search is related to the suspect's arrest.

Inventory of a vehicle is required when a vehicle is to be towed.

### **Property**

Officers may search a residence or other premises without a search warrant or consent when any of the following exigent circumstances apply:

- a. A person is in imminent danger.
- b. The escape of a suspect.
- c. Reasonable belief that a suspect poses a danger to the public and/or officers on a scene.

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- d. A welfare check of the property for persons who may need medical assistance.
- e. Reasonable belief that contraband or evidence is about to be destroyed.

The above is not an exhaustive list of exigent circumstances. Officers shall continuously assess the situation as the scene develops and additional factors are revealed in order to make the appropriate decision in regards to searches.

## 6 CONSENT SEARCH

Both federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. Consent to search is considered a waiver of what would otherwise be a warrant requirement and, as such, the waiver must be voluntary and knowing. When a person consents to a search the officer shall remember the following:

- a. A person with a possessory or proprietary interest in the property or place to be searched may give consent.
- b. A person can refuse to consent to a search. However, if consent is granted, the person remains in control of the search and may limit the scope of the search or revoke the consent entirely.
- c. All searches shall be conducted with dignity and courtesy. Officers shall also explain to the person being searched the reason for the search and how the search will be conducted.
- d. When the search involves property, the property being searched, when feasible, shall be returned to its original condition prior to the search.

### Search Protocol

The following search protocols and supervisor responsibilities apply, except in those instances for which a divisional standard operating procedure addressing searches has been specifically approved by the Chief of Police.

When practicable, the voluntary consent should be obtained in written or audio recorded form. Non-written or non-recorded consent shall be fully documented in an incident report if one is generated. When an incident report is not generated, such as a traffic stop, full documentation must be included in the required database entry.

Officers shall utilize only department approved *Consent to Search* forms located in the *Departmental Forms* section on the HPD Intranet Portal. Any exceptions require approval by the Chief of Police.

A consent form for biological searches (*Voluntary Consent to Give Specimen or Specimens*) and a consent form for searches of computer or other electronic devices (*Voluntary Consent to Search Computers*) are located on the HPD Intranet Portal. Employees are reminded that these types of searches have specific protocols, may require specific training, and shall be conducted in consultation with the concerned division and the district attorney's office. These specific types of consensual searches shall always be documented in the appropriate incident report.

If the person granting consent is not present during the search, as in the case of electronic or digital devices that are removed to a police facility for examination, the case investigator shall provide the owner of the property a telephone number where the investigator may be contacted. If the property to be searched is being removed by officers not assigned to the division handling the investigation, those officers shall provide the person granting consent the telephone number to the proper concerned investigative division.

### **On-Scene Supervisor Responsibilities**

On-scene supervisors shall:

- a. Make the scene of all consent searches of residences, buildings, businesses, and other premises. Vehicle searches do not require the presence of a supervisor.
- b. Supervise the entire consent to search process once they arrive on the scene.
- c. Ensure the citizen giving consent to search has the authority to give a consent to search.
- d. Ensure any consent to search form is accurate and complete. Supervisors shall ensure the signature of the individual giving consent is obtained and documented on the form.
- e. Review any consent to search form and sign the completed form.

If a supervisor is unable to be at the scene in a reasonable amount of time, the officer shall, with approval from the supervisor, continue the investigation. The supervisor, however, is expected to arrive on the scene as soon as practicable and shall supplement the original incident report documenting the circumstances.

## **7 DOCUMENTATION OF CONSENT**

Documentation of consent may be necessary in defending the search in court.

### **Verbal Consent**

When an officer receives only verbal consent to proceed with a search, the officer shall document the outcome of that consent to search request (granted, refused, withdrawn) in the Demographic Tracking Database in RMS as a "non-vehicle" entry and in the incident report if an incident report is created. In the case of a vehicle at a traffic stop, supporting documentation shall be found in the entry made in either the Demographic Tracking Database or an Electronic Ticket Writer device.

### **Recorded Documentation**

Audio/video recordings shall be handled under the appropriate department guidelines, depending on the type of audio/video recording. Examples include, but are not limited to, mobile video, body worn cameras, and/or personal recording devices. See General Orders 400-28, **Body Worn Cameras** and 400-23, **Mobile Video Equipment**. If an officer records a verbal consent to search request, the officer shall document the outcome of that consent to

search request (granted, refused, withdrawn) in the Demographic Tracking Database as a "non-vehicle" entry and in the incident report if an incident report is created.

### **Consent Form Disposition**

If a consent form is completed and no charges are filed and no contraband or evidence is seized, the original consent to search form shall be submitted at the end of the shift with the officer's work card or placed in the case file. If the original is placed in the case file then a copy shall be forwarded to the division commander's administrative office. The consent request, including the outcome of that consent to search request (granted, refused, withdrawn), shall be documented in the Demographic Tracking Database as a "non-vehicle" entry. A copy or the original shall be kept in the division commander's administrative office for two years.

If a consent form is completed and the person is arrested and/or contraband or evidence is seized, the original consent to search form shall be scanned into the incident report and tagged in the Property Room under the appropriate incident number.

### **Data Collection**

All consensual searches involving vehicles relating to traffic stops shall be documented in either the Demographic Tracking Database or an Electronic Ticket Writer device, but not both.

All consent to search requests involving non-traffic related incidents shall be documented in the Demographic Tracking Database. When an officer completes a written consent form, receives verbal consent, or records consent on a recording device, the officer shall document the outcome of that consent to search request (granted, refused, withdrawn) in the Demographic Tracking Database as a "non-vehicle" entry.

### **Data Reporting**

The Office of Planning shall compile and place consent to search data into an annual report.

## **8 TRESPASS AFFIDAVITS**

The trespass affidavit, which assists the department with enforcing trespass laws, continues to be a valuable law enforcement tool. It is in no way mandatory that a particular location have a trespass affidavit on file and officers shall provide a consistent level of service to all locations. Given the proven usefulness of these affidavits, divisions should feel free to encourage citizens, especially owners or the agents of owners of apartment complexes and businesses, to execute and keep a current trespass affidavit on file with the HPD patrol division having jurisdiction over the location.

Officers utilizing trespass affidavits shall follow the current *Guidelines for Obtaining and Maintaining Trespass Affidavits* found on the department's Intranet Portal to assist citizens who wish to file a trespass affidavit with HPD.

Each patrol division shall maintain original trespass affidavits for the division's jurisdiction as well as a database listing locations for which citizens have supplied trespass affidavits. Each

patrol division shall review existing trespass affidavits and corresponding complainant data sheets for the division's jurisdiction to verify that the information in each document is up to date.

Any time an arrest is made that directly or indirectly involves the use of a trespass affidavit for a location, the on-scene officer shall verify that a trespass affidavit for the location is on file with the concerned patrol division and notify a field supervisor that a trespass affidavit was used in an arrest. In addition, officers shall scan the trespass affidavit, if utilized, into the incident report and complete a detailed report. The original affidavit shall be placed back in the divisional trespass affidavit files.

Trespass affidavits shall be kept at the division commander's administrative office and retained according to the division's records retention schedule.

## 9 RESTRICTIONS

Off-duty officers shall not initiate traffic stops using a non-HPD marked police vehicle equipped with emergency equipment unless the officer suspects felony activity (not including Evading as a state jail felony) and the officer's vehicle meets the requirements as stated in General Order 600-04, **Motor Vehicle Pursuits**. If an off-duty officer does initiate a traffic stop using a motor vehicle qualified by this policy, the officer shall immediately notify dispatch of the stop location and request that a supervisor respond to the scene.

Off-duty officers shall not arrest traffic violators on sight unless the violation poses an immediate threat of bodily injury.

An officer, whether on or off duty, shall not arrest any person involved in a personal dispute involving the officer or a member of the officer's family unless there is an immediate threat of serious bodily injury or death. If police action is required, the officer shall contact Emergency Communications Division and request that a police unit and a supervisor be dispatched to the scene to investigate the incident. Also, if police action is required and the suspect's identity is unknown or cannot be determined, the officer may detain such person.

Officers shall not communicate in any manner, directly or indirectly, information that may delay an arrest. Officers shall not enable persons who have committed criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.

Officers shall not exercise police authority while under the influence of any drug, medicine, alcoholic beverage, or substance that affects the normal use of mental or physical faculties, unless under an exception outlined in a division's standard operating procedures. In the case of alcohol, "under the influence" means having any measurable concentration of alcohol in one's blood, breath, or urine.



Art Acevedo  
Chief of Police

COH\_BAY AREA\_000056

# EXHIBIT E



\*\* Renew Online at <https://online.tabc.texas.gov> \*\*

APPLICATION FOR TWO-YEAR RENEWAL OF  
BEER RETAILER'S ON PREMISE LICENSE (BE) AND  
WINE AND BEER RETAILER'S PERMIT (BG)

FORM BEER-ON  
(03/2018)

LICENSE/PERMIT NUMBER: BG665825

EXPIRES: 07/17/2018

CAREFULLY READ ALL INSTRUCTIONS

1. Mailing Address:  
Drink Houston Better LLC  
1750 Harold  
Houston TX 77098

2. Trade Name:  
Antidote Coffee

3. Location Address:  
729 Studewood  
  
Houston Harris TX

4. Mailing Address:  
1750 Harold  
  
Houston TX 77098

LICENSE/PERMIT NUMBER	ISSUE DATE	TWO-YEAR FEE	TWO-YEAR SURCHARGE	LATE FEE	TOTAL FEES DUE
BG665825	07-18-2018				
BOND INFORMATION				REGISTRY NO.	

5. Business Owner/Applicant (Name of license/permit entity or individual owner filing renewal application)

Drink Houston Better LLC

Limited Liability Company

This does not represent the entire business entity structure on file with the Texas Alcoholic Beverage Commission. The license/permit holder is responsible for notifying TABC of any organizational changes at any level of your business structure. Failure to do so may result in the cancellation of your license/permit.

QUALIFICATIONS

6. Is this application being made by you for the benefit of someone else? If "YES," indicate below or attach explanation. 6. ☐ YES ☒ NO
7. Has the applicant, applicant's spouse, partner, officer, director or stockholders, of the licensed entity become disqualified by law or by facts and conditions from holding a license or permit under the Texas Alcoholic Beverage Code? If "YES," indicate below or attach explanation. 7. ☐ YES ☒ NO
8. Have there been changes since your original application that have not been reported on this or previous applications? If "YES," indicate below or attach explanation. 8. ☐ YES ☒ NO



LICENSE/PERMIT NUMBER: BG665825

FORM BEER-ON

9. Provide last 12 months of sales data.

Alcoholic Beverage Sales: \$ 67,000. Other Sales: \$ 4,800.00  
 Food Sales: \$ 839,200. Total Sales: \$ 911,200.00

## CHANGE OF CLASS ONLY

10. Are you applying for a change of class?

If "YES," FROM Wine and Beer Retailer's Permit (BG) TO Wine and Beer Retailer's Off-Premise Permit (BQ)  
 or, FROM Beer Retailer's On-Premise License (BE) TO Beer Retailer's Off-Premise License (BF).

10. ☐ YES ☒ NO  
☐ BG TO BQ  
☐ BE TO BF

## FOR BREWPUBS (BP) APPLICANT ONLY

11. Do you, the applicant, intend to sell your alcoholic product directly to other retailers?

11. ☐ YES ☐ NO

12. Do you, the applicant, intend to sell your alcoholic product to wholesalers/distributors?

12. ☐ YES ☐ NO

## APPLICANT CONTACT INFORMATION

Business Phone #

Alternate Phone #

Cell Phone # (optional)

E-mail (optional)

713-861-7400

**WARNING:** Sec. 101.69 of the Texas Alcoholic Beverage Code is as follows: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years."

IMPORTANT

If Applicant is:

Who Must Sign:

Individual

Individual Owner

Partnership

Partner

Corporation

Officer

Limited Partnership

General Partner

Limited Liability Partnership

General Partner

Limited Liability Company

Officer or Manager

## ACKNOWLEDGMENT

PRINT NAME

HERE

Scott Repass

APPLICANT: PRINT NAME

SIGN

HERE

APPLICANT: SIGN NAME AS SHOWN ABOVE

8th

June

day of June, 2018 the person whose

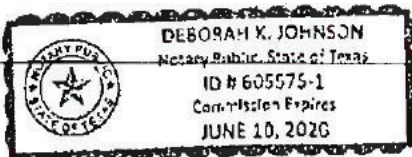
name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SEAL

SIGN

HERE

NOTARY PUBLIC



\*\* Renew Online at <https://online.tabc.texas.gov> \*\*

TEXAS ALCOHOLIC  
BEVERAGE COMMISSION  
Seal Adopted by Amendment 10, Proposition 13

APPLICATION FOR TWO-YEAR RENEWAL OF  
BEER RETAILER'S ON PREMISE LICENSE (BE) AND  
WINE AND BEER RETAILER'S PERMIT (BG)

FORM BEER-ON  
(03/2018)

LICENSE/PERMIT NUMBER: BG665825

EXPIRES: 07/17/2020

CAREFULLY READ ALL INSTRUCTIONS

1. Mailing Address:

Drink Houston Better LLC  
1750 Harold  
Houston TX 77098

2. Trade Name:

Antidote Coffee

3. Location Address:

729 Studewood

Houston Harris TX

4. Mailing Address:

1750 Harold

Houston TX 77098

LICENSE/PERMIT NUMBER	ISSUE DATE	TWO-YEAR FEE	TWO-YEAR SURCHARGE	LATE FEE	TOTAL FEES DUE
BG665825	07-18-2020	1500.00	553.00		

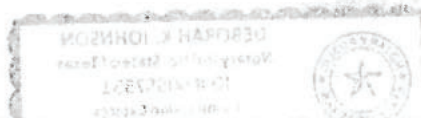
BOND INFORMATION

REGISTRY NO.

5. Business Owner/Applicant (Name of license/permit entity or individual owner filing renewal application)

Drink Houston Better LLC

Limited Liability Company



This does not represent the entire business entity structure on file with the Texas Alcoholic Beverage Commission. The license/permit holder is responsible for notifying TABC of any organizational changes at any level of your business structure. Failure to do so may result in the cancellation of your license/permit.

QUALIFICATIONS

6. Is this application being made by you for the benefit of someone else? If "YES," indicate below or attach explanation.

6. ☐ YES ☒ NO

7. Has the applicant, applicant's spouse, partner, officer, director or stockholders, of the licensed entity become disqualified by law or by facts and conditions from holding a license or permit under the Texas Alcoholic Beverage Code? If "YES," indicate below or attach explanation.

7. ☐ YES ☒ NO

8. Have there been changes since your original application that have not been reported on this or previous applications? If "YES," indicate below or attach explanation.

8. ☐ YES ☒ NO



LICENSE/PERMIT NUMBER: BG665825

FORM BEER-ON

9. Provide last 12 months of sales data.

Alcoholic Beverage Sales: \$

51,870 -

Other Sales: \$

1320 -

Food Sales: \$

697,870 -

Total Sales: \$

749,872

## CHANGE OF CLASS ONLY

10. Are you applying for a change of class?

If "YES," FROM Wine and Beer Retailer's Permit (BG) TO Wine and Beer Retailer's Off-Premise Permit (BQ)  
or, FROM Beer Retailer's On-Premise License (BE) TO Beer Retailer's Off-Premise License (BF).10. ☐ YES ☒ NO☐ BG TO BQ☐ BE TO BF

## FOR BREWPUBS (BP) APPLICANT ONLY

11. Do you, the applicant, intend to sell your alcoholic product directly to other retailers?

11. ☐ YES ☐ NO

12. Do you, the applicant, intend to sell your alcoholic product to wholesalers/distributors?

12. ☐ YES ☐ NO

## APPLICANT CONTACT INFORMATION

Business Phone #

Alternate Phone #

Cell Phone # (optional)

E-mail (optional)

713-861-7400

antidotecoffee@hotmail.com

**WARNING:** Sec. 101.69 of the Texas Alcoholic Beverage Code is as follows: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years."

IMPORTANT

If Applicant Is:	Who Must Sign:
Individual	Individual Owner
Partnership	Partner
Corporation	Officer
Limited Partnership	General Partner
Limited Liability Partnership	General Partner
Limited Liability Company	Officer or Manager

## ACKNOWLEDGMENT

PRINT NAME

HERE

Scott Repass

APPLICANT: PRINT NAME

SIGN

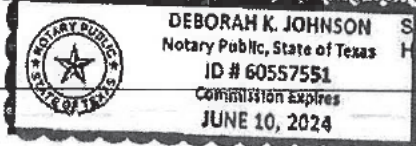
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[Signature]

APPLICANT: SIGN NAME AS SHOWN ABOVE

Before me, the undersigned authority, on this 23rd day of June, 2020, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SEAL



SIGN

HERE

[Signature]  
NOTARY PUBLIC

≡ Reports



Antidote Coffee

Sales Trends

Jan. 1, 2017–Dec. 31, 2017

Payment Methods

Item Sales

Category Sales

Team Sales

Labor vs Sales

Discounts

Modifier Sales

Comps

Voids

Taxes

Service Charges

Transaction Status

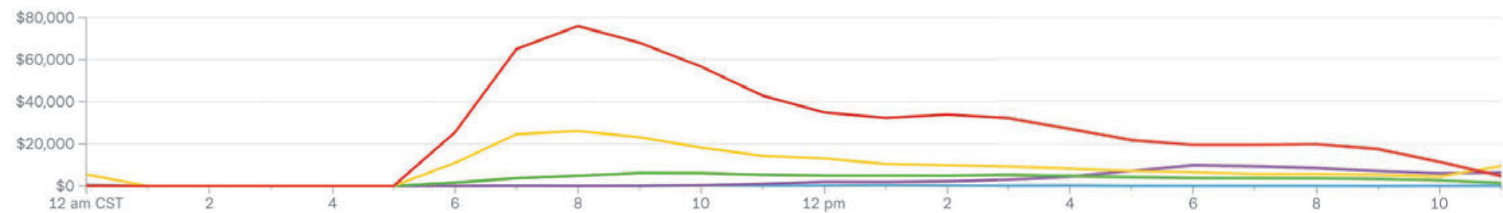
Gift Cards

Custom Reports

Disputes

### Top 5 Categories: Gross Sales

● Coffee \$609,604.19
 ● Food \$217,923.25
 ● Non-Alcoholic Drinks \$75,783.25
 ● Alcohol \$70,389.25
 ● Gift certs,Tshirts,etc \$2,506.14



Category	Items Sold	Gross Sales +
Uncategorized	592	\$1,831.19
Alcohol	14,100	\$70,389.25
Coffee	186,776	\$609,604.19
Food	58,759	\$217,923.25
Gift certs,Tshirts,etc	124	\$2,506.14
Non-Alcoholic Drinks	26,038	\$75,783.25
<b>Total</b>	<b>286,389</b>	<b>\$978,037.27</b>

CONFIDENTIAL  
ANTIDOTE000043

≡ Reports



Antidote Coffee

Sales Trends

Jan. 1, 2018–Dec. 31, 2018

Payment Methods

Item Sales

Category Sales

Team Sales

Labor vs Sales

Discounts

Modifier Sales

Comps

Voids

Taxes

Service Charges

Transaction Status

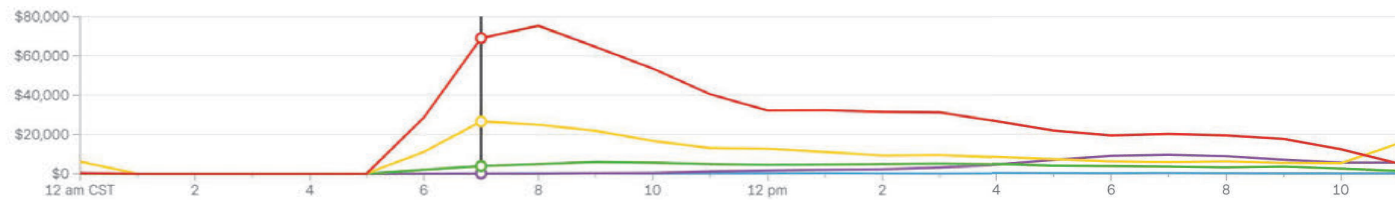
Gift Cards

Custom Reports

Disputes

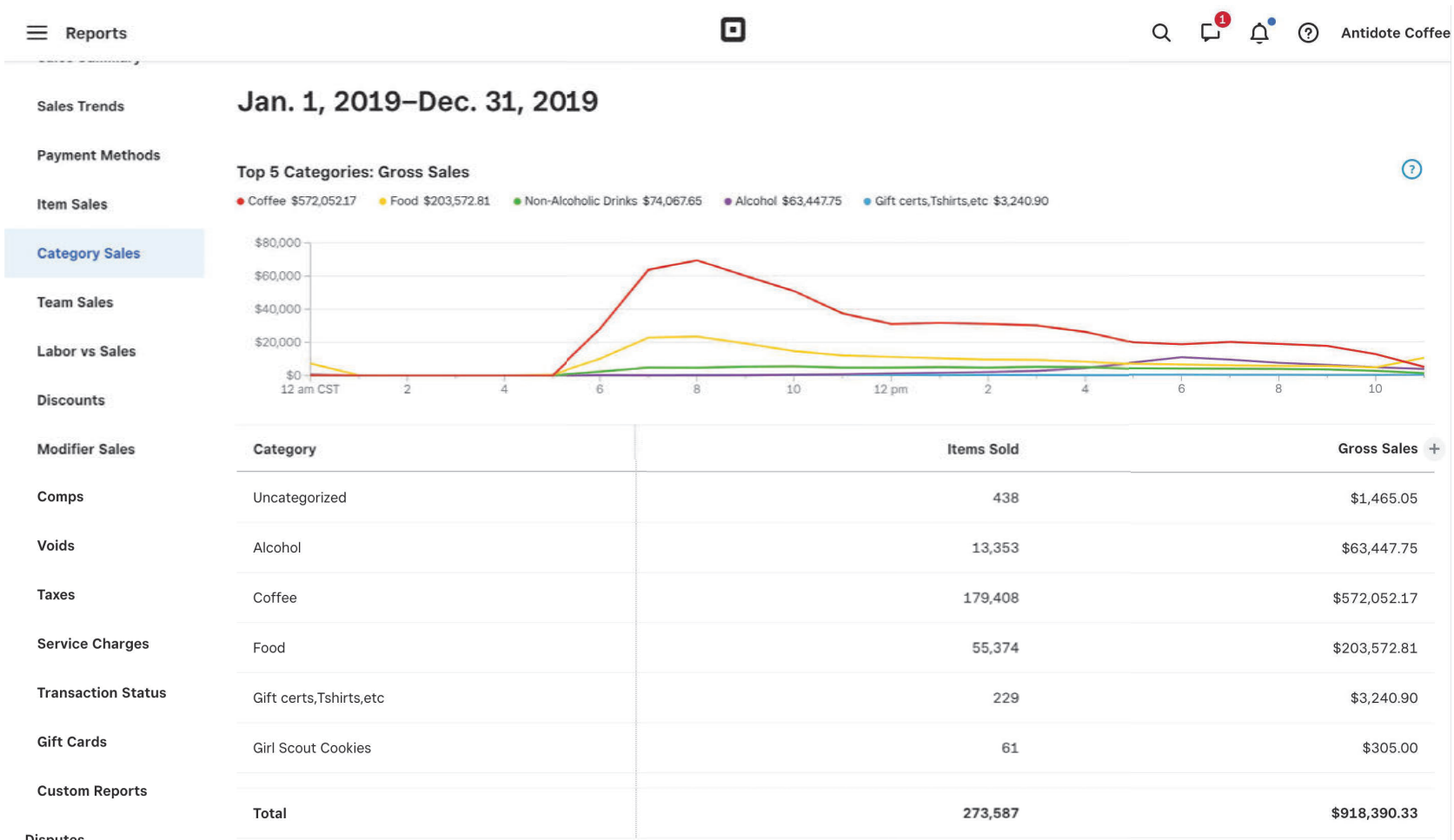
### Top 5 Categories: Gross Sales

● Coffee \$69,089.72 
 ● Food \$26,656.25 
 ● Non-Alcoholic Drinks \$3,932.20 
 ● Alcohol \$143.00 
 ● Gift certs,Tshirts,etc \$101.00



Category	Items Sold	Gross Sales
Uncategorized	482	\$2,026.84
Alcohol	14,255	\$68,386.25
Coffee	185,795	\$601,805.47
Food	60,431	\$223,088.83
Gift certs,Tshirts,etc	154	\$2,726.56
Girl Scout Cookies	89	\$356.00
<b>Total</b>	<b>286,033</b>	<b>\$971,632.70</b>

CONFIDENTIAL  
ANTIDOTE000044



≡ Reports



Antidote Coffee

Sales Trends

Payment Methods

Item Sales

Category Sales

Team Sales

Labor vs Sales

Discounts

Modifier Sales

Comps

Voids

Taxes

Service Charges

Transaction Status

Gift Cards

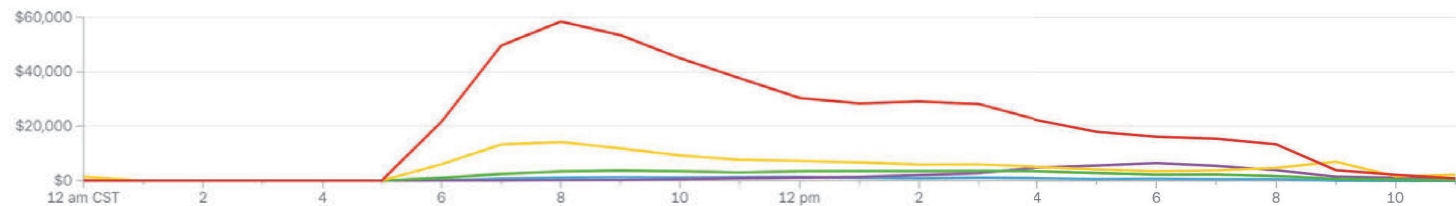
Custom Reports

Disputes

Jan. 1, 2020–Dec. 31, 2020

Top 5 Categories: Gross Sales

● Coffee \$473,825.50
 ● Food \$121,347.03
 ● Non-Alcoholic Drinks \$44,778.85
 ● Alcohol \$38,878.75
 ● Gift certs,Tshirts,etc \$13,539.32



	Category	Items Sold	Gross Sales +
Comps	Uncategorized	551	\$1,107.63
Voids	Alcohol	7,279	\$38,878.75
Taxes	Coffee	142,540	\$473,825.50
Service Charges	Food	33,812	\$121,347.03
Transaction Status	Gift certs,Tshirts,etc	1,980	\$13,539.32
Gift Cards	Girl Scout Cookies	148	\$740.00
Custom Reports			
	Total	201,415	\$694,217.08

CONFIDENTIAL  
ANTIDOTE000046

≡ Reports



Antidote Coffee

Sales Summary

Sales Trends

Payment Methods

Item Sales

Category Sales

Team Sales

Labor vs Sales

Discounts

Modifier Sales

Comps

Voids

Taxes

Service Charges

Transaction Status

Gift Cards

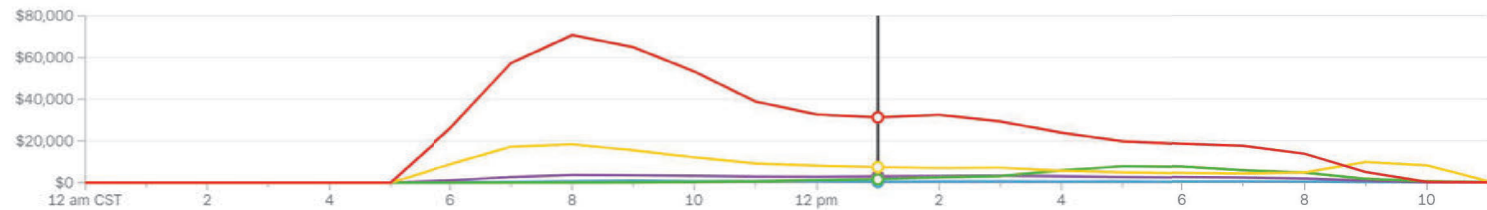
Custom Reports

Discounts

Jan. 1, 2021–Dec. 31, 2021

Top 5 Categories: Gross Sales

● Coffee \$31,325.50 ● Food \$7,479.42 ● Alcohol \$1,669.25 ● Non-Alcoholic Drinks \$3,103.90 ● Gift certs,Tshirts,etc \$474.92



Category	Items Sold	Gross Sales +
Uncategorized	2,587	\$2,771.40
Alcohol	8,839	\$44,139.25
Coffee	143,132	\$536,045.25
Food	40,619	\$154,296.96
Gift certs,Tshirts,etc	1,406	\$8,794.82
Girl Scout Cookies	369	\$1,844.00
Total	211,525	\$791,807.73

CONFIDENTIAL  
ANTIDOTE000047



SALES

June 30, 2021 - May 31, 2022

Antidote Coffee

Alcohol	\$	35,023	4%
Other	\$	748,892	96%
TOTAL	\$	783,915	100

[Back](#)

[Export to Excel](#)

[Print Results](#)

<b>License #:</b>	BG665825		
<b>Trade Name:</b>	ANTIDOTE COFFEE		
<b>Owner:</b>	DRINK HOUSTON BETTER LLC		
<b>Location Address:</b>	729 STUDEWOOD HOUSTON , TX 77007	<b>Mailing Address:</b>	1750 HAROLD HOUSTON , TX 77098
<b>County:</b>	Harris	<b>Orig. Issue Date:</b>	7/18/2007
<b>Status:</b>	Current	<b>Exp. Date:</b>	7/17/2020
		<b>Wine Percent:</b>	17
<b>Location Phone No.:</b>	7138617400		
<b>Subordinates:</b>			
<b>Related To:</b>		<b>Gun Sign:</b>	BLUE

---

ANTIDOTE000049

# EXHIBIT F

1	CORRECTION PAGE			
2	WITNESS NAME: DAWN CALLAWAY		DATE: 06/01/2022	
3	PAGE	LINE	CHANGE	REASON
4	16	21	Change "50" to "15"	Misheard
5	20	23	Add "and one Section 30.05 sign prohibiting permitless carry"	Misspoke
6				
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NELL McCALLUM &amp; ASSOCIATES, INC.

## SIGNATURE PAGE

I, DAWN CALLAWAY, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted on the correction page.

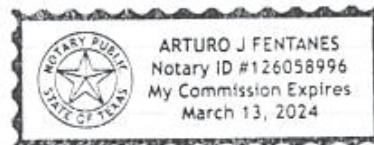
  
DAWN CALLAWAY

THE STATE OF TEXAS )  
COUNTY OF HARRIS )

Before me ARTURO J. FENTANES on this day personally appeared DAWN ALIENE CALLAWAY known to me [or proved to me on the oath of \_\_\_\_\_ or through TX DRIVERS LICENSE (description of identity card or other document)] to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 28<sup>th</sup> day of June, 2022.

  
NOTARY PUBLIC IN AND FOR  
THE STATE OF T E X A S



My Commission Expires:

March 13, 2024

1 A. On the --

2 Q. -- that would be visible to people entering.

3 Sorry.

4 A. I have the 1330 -- I mean 30.06 and 30.07. I  
5 have an alarm sign currently. And I have signs in the  
6 window, I think they say coffee, tea, beer, wine.

7 Q. And how long have you had the 30.06 and 30.07  
8 signs?

9 A. Since shortly after the law went into place.

10 Q. And which law would that be?

11 A. The law that I needed -- the law that required  
12 that I put them up to prevent someone with a concealed  
13 handgun or open carry to enter my business.

14 Q. And you mentioned beer and wine. Do you sell  
15 alcohol at Antidote?

16 A. Yes, I do.

17 Q. And what percentage of your revenue would you say  
18 is from alcohol sales?

19 A. Oh, gosh. I would have to look at paperwork  
20 these days; but if I was to -- if I was to guess, I'd  
21 say about 50 percent.

22 Q. So are you familiar with the Texas Alcohol  
23 Beverage Commission?

24 A. Of course.

25 Q. Are you required to post any signs by the Texas

# EXHIBIT G

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

BAY AREA UNITARIAN )  
UNIVERSALIST CHURCH; DRINK )  
HOUSTON BETTER, LLC d/b/a )  
ANTIDOTE COFFEE; PERK YOU )  
LATER, LLC )  
)  
VS. ) CIVIL ACTION NO:  
) 4:20-cv-3081  
)  
KIM OGG, District Attorney for )  
Harris County, in her official )  
capacity; ED GONZALEZ, County )  
Sheriff for Harris County, in )  
his official capacity; PETE )  
BACON, Acting Chief of Police )  
for the Webster Police )  
Department, in his official )  
Capacity; TROY FINNER, Chief )  
of the Houston Police )  
Department, in his official )  
capacity )

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION

ISAAC J. DUPLCHAIN

AUGUST 31, 2022

VOLUME 1

(REPORTED REMOTELY)

\*\*\*\*\*



1 ORAL AND VIDEOTAPED DEPOSITION of ISAAC J. DUPLECHAIN,  
2 produced as a witness at the instance of the Plaintiffs, and  
3 duly sworn, was taken in the above-styled and numbered cause on  
4 the 31st day of August, 2022, from 10:05 a.m. to 1:16 p.m.,  
5 before Rhonda K. Ashman, CSR, RPR, in and for the State of  
6 Texas, reported by stenographic means via Zoom, at City of  
7 Houston Legal Department, 900 Bagby Street, Houston, Texas,  
8 pursuant to the Federal Rules of Civil Procedure and the  
9 provisions or agreements, if any, as stated on the record or  
10 attached hereto.

11  
12 A P P E A R A N C E S

13 FOR THE PLAINTIFFS:

14 Ms. Calland Ferraro, Esq.

JONES DAY

15 North Point

901 Lakeside Avenue

16 Cleveland, Ohio 44114

Phone (216) 586-1190

17 cferraro@jonesday.com

18 - and -

19 Ms. Lesley Roe, Esq.

Ms. Charlotte H. Taylor, Esq.

20 JONES DAY

51 Louisiana Avenue, N.W.

21 Washington, D.C. 20001

Phone (202) 879-3939

22 Lroe@jonesday.com

Ctaylor@jonesday.com

1 A P P E A R A N C E S (CONTINUED)  
2 FOR THE DEFENDANT, CITY OF WEBSTER THROUGH CHIEF PETER BACON  
3 Mr. Justin C. Pfeiffer, Esq.  
4 LEWIS BRISBOIS BISGAARD SMITH LLP  
24 Greenway Plaza  
Suite 1400  
Houston, Texas 77046  
Phone (713) 659-6767  
justin.pfeiffer@lewisbrisbois.com  
6 FOR THE DEFENDANTS, KIM OGG, DISTRICT ATTORNEY FOR HARRIS  
7 COUNTY, and ED GONZALEZ, COUNTY SHERIFF FOR HARRIS COUNTY:

8  
9 Ms. Heena Kepadia, Esq.  
HARRIS COUNTY ATTORNEY'S OFFICE  
1019 Congress Street  
Suite 1519  
Houston, Texas 77002  
Phone (713) 274-5390  
Heena.kepadia@harriscountytexas.gov

12  
13 FOR THE DEFENDANT, TROY FINNER, CHIEF OF THE HOUSTON POLICE  
DEPARTMENT:

14  
15 Ms. Melissa Azadeh, Esq.  
CITY OF HOUSTON LEGAL DEPARTMENT  
900 Bagby Street  
16 4th Floor  
Houston, Texas 77002  
17 Phone (832) 393-6491  
Melissa.azadeh@houstontexas.gov

18  
19  
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21 ALSO PRESENT:  
Pete Jennings, Videographer

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1                   **MS. AZADEH:** I am going to make the same  
2 objection. It may be relevant, but it's not specified.

3           A. Will you repeat the question for clarity?

4           **Q. (BY MS. FERRARO)** Sure. Can you please just  
5 generally describe the responsibilities of the Houston Police  
6 Department?

7                   **MS. AZADEH:** Objection. Same objection.

8           A. The main responsibility of the Department is to  
9 ensure the safety of its citizens and the City of Houston.

10           **Q. (BY MS. FERRARO)** Okay. Let's go to Tab 2. And for  
11 purposes of this deposition, we can mark it as Exhibit 2. So  
12 I'll represent to you that this document is a screenshot of the  
13 Houston Police Department's website.

14                   Does this generally look familiar to you?

15           A. Yes, ma'am.

16           **Q.** And on the first page, you'll see a mission  
17 statement. And it says: The mission of the Houston Police  
18 Department is to enhance the quality of life in the city of  
19 Houston by working cooperatively with the public and within the  
20 framework of the U.S. Constitution to enforce the laws,  
21 preserve the peace, reduce fear and provide for a safe  
22 environment.

23                   Did this -- did I read that right?

24           A. Yes, ma'am.

25           **Q.** And if we go to the second page, at the bottom it

1 says, The role of the police is to resolve problems through the  
2 enforcement of laws.

3 Did I read that correctly?

4 MS. AZADEH: Objection, form.

5 A. Yes, that's what it says.

6 Q. (BY MS. FERRARO) So is one of the roles of the  
7 Houston Police Department to enforce the law?

8 MS. AZADEH: Objection. Exceeds the scope of  
9 the topics noticed. And any answer should not be considered on  
10 behalf of the City.

11 MS. FERRARO: And we object to that objection.

12 Q. (BY MS. FERRARO) You can answer.

13 A. Again, I think we're going to have to discuss the  
14 meaning of the word "enforce." In a colloquial sense, this  
15 being law enforcement, the role of the police is to resolve  
16 problems through the enforcement of law.

17 However, in the legally-operative sense, we are  
18 not the ones that enforce it, per se. We are actually -- if we  
19 were to be a little more precise with this language, we would  
20 be saying that we investigate, resolve problems through the  
21 investigations of laws, the detention of persons, and then the  
22 bringing them to the proper parties for, per se, enforcement.

23 Q. So when you say the detention of parties, what do you  
24 mean?

25 A. As part of an investigation into potential violation

1 of crime, Texas peace officers have the ability to temporarily  
2 detain persons. And if charges are accepted and they become  
3 arrested, they -- we have the authority to then transport them  
4 over to a location where they can eventually see a magistrate.

5 **Q. Is it the role of the Houston Police Department to**  
6 **detain individuals for potential violations of the Texas Penal**  
7 **Code?**

8 **MS. AZADEH:** Objection, form.

9 A. We can investigate violations of the Texas Penal  
10 Code, yes, and that may result in the detention of persons.

11 **Q. (BY MS. FERRARO) Okay. So let's go to Tab 3. For**  
12 **purposes of this deposition can mark as Exhibit 3.**

13 **Do you recognize this document?**

14 A. Yes, ma'am.

15 **Q. Is this a General Order of the Houston Police**  
16 **Department such like the one we mentioned -- like the ones we**  
17 **mentioned previously?**

18 A. Yes, ma'am.

19 **Q. And you said the General Orders of the police**  
20 **department are the rule book for officers within the Houston**  
21 **Police Department?**

22 **MS. AZADEH:** Objection, form.

23 A. The General Orders are an internal document intended  
24 to provide officers with notice as to the expectations of the  
25 Department and the expectations regarding their conduct as well

1 as specific instructions on how to deal with certain  
2 situations.

3 Q. (BY MS. FERRARO) You mentioned expectations of their  
4 conduct. What -- are those expectations that they generally  
5 follow these General Orders in the course of their duties?

6 MS. AZADEH: Objection, form.

7 A. It is our expectation that people will follow our  
8 General Orders as if they've been given to them by the chief of  
9 police.

10 Q. (BY MS. FERRARO) And, in fact, are they given to  
11 them by the chief of police?

12 A. The chief of police is the authority that -- that  
13 signs off on them and sends them out. They are signed by the  
14 chief of police at the end. So, yes, they come from the chief  
15 of police.

16 Q. And are police officers within the Houston Police  
17 Department required to read these General Orders?

18 MS. AZADEH: Objection, form.

19 A. Yes.

20 Q. (BY MS. FERRARO) Are they required to understand  
21 these General Orders?

22 MS. AZADEH: Objection, form.

23 A. They're required to read and follow the General  
24 Orders. The question of understanding, I believe, would  
25 require some degree of speculation.



1 Q. (BY MS. FERRARO) Sure. So this particular order  
2 says, This General Order applies to classified employees only.

3 Do you see that? The last line under Policy.

4 A. Yes, ma'am.

5 Q. What are classified employees?

6 A. In the context of the General Orders, they mean peace  
7 officers, specifically peace officers employed by the Houston  
8 Police Department.

9 Q. Okay. So let's go to the bottom of this page.  
10 You'll see under Jurisdiction, it says, Officers may exercise  
11 full police -- full police powers within the city limits of  
12 Houston.

13 What are full police powers?

14 MS. AZADEH: Objection, form.

15 A. Police powers are the powers that are granted to us  
16 by the laws of the State of Texas that are granted to peace  
17 officers. I believe that they are laid out in the Occupations  
18 Code and the Code of Criminal Procedure.

19 Q. (BY MS. FERRARO) Do police powers include arresting  
20 individuals for violation of the Texas Penal Code?

21 MS. AZADEH: Objection, form.

22 A. Again, we'll have to discuss the definition of the  
23 term "arrest." What do you mean by "arrest" in this -- the  
24 context of the question?

25 Q. (BY MS. FERRARO) Why don't I ask you. What do you

1     **understand the term "arrest" to mean?**

2           A.     So in common usage in the colloquial, arrest is  
3     the -- the entire process of the investigation, all the way to  
4     the -- through the detention to the point where there will be  
5     charges against them to the point where they're transported.  
6     That's the colloquial usage, which is the usage that's used  
7     here in this General Order.

8           However, I would like to distinguish that from  
9     the legally operative term of "arrest," which is distinct from  
10    the manner in which it is used here. Legally operative, the  
11    term "arrest" is a specific point in which they have -- the  
12    investigation has been -- proceeded to a point where they are  
13    now charged with violation of the Texas Penal Code or another  
14    violation -- another statute of Texas law.

15          **Q.     So in your understanding, the legally-operative term**  
16    **of "arrest" is -- involves charges for violation of the Texas**  
17    **Penal Code?**

18                 **MS. AZADEH:** Objection, form.

19          **Q.     (BY MS. FERRARO) I'm just trying to clarify.**

20           A.     The legally-operative term, yes.

21          **Q.     Okay.**

22           A.     Not the colloquial term necessarily.

23          **Q.     So the colloquial term that you're using for "arrest"**  
24    **is the term that's used in this General Order, correct? Is**  
25    **that what you said?**

# EXHIBIT H

[RESIDENTS](#) [BUSINESS](#) [VISITORS](#)[GOVERNMENT](#) [SERVICES](#) [CONTACT / SEARCH](#)

# HOUSTON POLICE DEPARTMENT

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## POLICE DEPARTMENT

### Mission Statement

**MISSION STATEMENT:** The mission of the Houston Police Department is to enhance the quality of life in the City of Houston by working cooperatively with the public and within the framework of the U.S. Constitution to enforce the laws, preserve the peace, reduce fear and provide for a safe environment.

## POLICE DEPARTMENT LINKS

[HPD HOME](#)[NEED HELP?](#)[ABOUT HPD](#)[OPPORTUNITIES](#)[CRIME STATISTICS](#)[TRANSPARENCY](#)

**CRIME PREVENTION****CONTACT HPD**

- ***Preserve and Advance Democratic Values***

*We shall uphold this country's democratic values as embodied in the Constitution and shall dedicate ourselves to the preservation of liberty and justice for all.*

- ***Improve the Quality of Community Life***

*We shall strive to improve the quality of community life through the provision of quality and equitable services.*

- ***Improve the Quality of Work Life***

*We shall strive to improve the working environment for the department's employees by engaging in open and honest communication and demonstrating a genuine concern for one another.*

- ***Demonstrate Professionalism***

*We shall always engage in behavior that is beyond ethical reproach and reflects the integrity of police professionals.*

- ***Principles***

*Life and individual freedoms are sacred.*

*All persons should be treated fairly and equitably.*

*The role of the police is to resolve problems through the enforcement of laws - not through the imposition of judgement or punishment.*

*The neighborhood is the basic segment of the community.*

*Because law enforcement and public safety reflect community wide concern, the police must actively seek the involvement of citizens in all aspects of policing.*

*The fundamental responsibility of the police is provision of quality services.*

*The department's employees are its most valuable asset.*

*Employee involvement in departmental activities is essential for maintaining a productive working environment.*

*Employees should be treated fairly and equitably in recognition of basic human dignity and as a means of enriching their work life.*

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# EXHIBIT I



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

BAY AREA UNITARIAN	:	
UNIVERSALIST CHURCH;	:	
DRINK HOUSTON BETTER,	:	
L.L.C., d/b/a ANTIDOTE	:	
COFFEE; PERK YOU	:	
LATER, L.L.C.,	:	
	:	
Plaintiffs,	:	
	:	
VS.	:	CIVIL ACTION NO. 4:20-cv-3081
	:	
KIM OGG, District	:	
Attorney for Harris	:	
County, in her official:	:	
capacity; ED GONZALEZ,	:	
County Sheriff for	:	
Harris County, in his	:	
official capacity; PETE:	:	
BACON, Acting Chief of	:	
Police for the Webster	:	
Police Department, in	:	
his official capacity;	:	
TROY FINNER, Chief of	:	
the Houston Police	:	
Department, in his	:	
official capacity,	:	
	:	
Defendants.	:	

\*\*\*\*\*

ORAL AND 30(b)(6) DEPOSITION OF  
HARRIS COUNTY  
BY AND THROUGH  
MICHELLE WILHELM  
AUGUST 24, 2022

\*\*\*\*\*

ORAL AND 30(b)(6) DEPOSITION OF HARRIS COUNTY  
BY AND THROUGH OF MICHELLE WILHELM, produced as a  
witness at the instance of the Plaintiffs, and duly

1 sworn, was taken in the above-styled and numbered cause  
2 on August 24, 2022, from 9:09 a.m. to 11:43 a.m., via  
3 Zoom videoconference, before PHYLLIS WALTZ, RMR, CRR,  
4 CRC, Texas CSR, TCRR, Louisiana CCR, in and for the  
5 State of Texas, recorded by machine shorthand, pursuant  
6 to the Federal Rules of Civil Procedure and the  
7 provisions stated on the record or attached hereto; that  
8 the deposition shall be read and signed before any  
9 Notary Public.

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ALSO PRESENT:

Mr. Pete Bacon

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1 MS. AZADEH: Objection; form.

2 Q. (BY MS. TAYLOR) Okay. How does the case --  
3 the case intake process get started?

4 A. It would be by a communication from law  
09:54 5 enforcement, primarily.

6 Q. And when law enforcement communicates, they --  
7 you mentioned that -- sorry, let me start that question  
8 again.

9 What is the content of an initial  
09:55 10 communication from law enforcement, as a general matter?

11 A. It would --

12 MR. MILLER: Objection; form.

13 Q. (BY MS. TAYLOR) Can you describe a typical  
14 example of an initial communication to the intake  
09:55 15 department from law enforcement?

16 A. It would vary, depending on the nature of the  
17 call; but, typically, it would be a phone call, as I  
18 described earlier, one of two ways, either on scene or  
19 follow-up investigation call to present the facts to us  
09:56 20 as the law enforcement personnel has been made aware or  
21 developed the evidence in a conversation to us about  
22 what evidence they've gathered.

23 Q. And what analysis would the Harris County  
24 District Attorney's Office perform on the evidence that  
09:56 25 have been gathered?

1           A.    Hypothetically, give -- in -- in a phone call  
2           wherein an officer presents facts to us, then our  
3           determination would be whether or not those facts are  
4           sufficient to meet the elements of an offense and  
09:56 5           whether or not it -- that evidence rises to the level  
6           sufficient for the arrest and prosecution of an accused,  
7           using our prosecutorial discretion.

8           **Q.    What do you mean by the term elements of the**  
9           **offense?**

09:57 10          A.    Every offense has criteria that must be met in  
11          order to be prosecuted, in order to be met, and so that  
12          you'd have to prove in a prosecution in court, and so  
13          each of those elements must have sufficient evidence for  
14          us to be able to prove in court. And as an officer  
09:57 15          relays evidence to us, we go down a checklist in our  
16          mind, given whatever hypothetical offense they're  
17          calling about.

18          **Q.    And if there -- the officer did not convey to**  
19          **you evidence that would meet one of those elements, what**  
09:58 20          **would the next step be?**

21          A.    In a hypothetical situation, it may be a  
22          conversation about what other evidence we would need,  
23          where they're falling short in their presentation.  
24          Sometimes it's just a conversation and they have that  
09:58 25          evidence and they didn't relay it in the initial recount

1 of what evidence they have. It may be what -- a  
2 conversation about what can be done to develop that  
3 evidence. Maybe they need a subpoena for something,  
4 they need a search warrant for something, they need to  
09:58 5 conduct more investigation. And we will direct that or  
6 suggest that as alternatives and in a determination of  
7 whether or not they can meet that element of proof.

8 **Q. And if there was sufficient evidence on every**  
9 **element, then what would the next step be?**

09:59 10 A. In a hypothetical, the next step would be we  
11 would make a determination as applied to the law whether  
12 or not, using our prosecutorial discretion, a charge is  
13 warranted, and we would accept that charge; and the  
14 officer would then proceed with the filing of that  
09:59 15 charge.

16 **Q. So any prosecutor in your office must**  
17 **understand the elements of crimes in Texas, correct?**

18 A. Every prosecutor in the office must meet their  
19 burden of proof in prosecuting a crime sufficient so  
10:00 20 that evidence exists for each and every element.

21 **Q. To perform -- an Assistant District Attorney**  
22 **working in the intake process must understand the**  
23 **elements of the crimes that -- you know, the crime that**  
24 **they are considering charging; is that correct?**

10:00 25 A. You may review a crime in the penal code and



1           **Q.**    So if the facts available to the intake, the  
2           **Assistant District Attorney** handling the intake process  
3           **indicated that the owner had given consent for the**  
4           **person to enter the vehicle, would that prosecutor be**  
10:04 5           **permitted to move forward with charges for a violation**  
6           **of Section 30.04?**

7           A.    A prosecutor would need to be made aware that  
8           each and every element, in this instance to include  
9           effective consent -- without effective consent had been  
10:04 10           met and made, based on the evidence, in order to  
11           consider charging a particular person with that -- with  
12           that offense.

13           **Q.**    So if there were evidence -- if there were no  
14           **evidence of the lack of consent, they would not be**  
10:05 15           **permitted to consider a charge?**

16           A.    If there was no -- if there was no evidence  
17           regarding consent or the lack thereof presented to the  
18           D.A., the D.A. at that time would not accept a charge,  
19           and may direct further investigation or may decline a  
10:05 20           charge.

21           **Q.**    Thank you. Okay. Let's look at  
22           **Section 30.06, which is on Page 13 of the same exhibit.**  
23           **Begins at the bottom of Page 13.**

24                   Can you tell us the name of the crime defined  
10:05 25           **by Section 30.06?**

1 A. It is "TRESPASS BY LICENSE HOLDER WITH A  
2 CONCEALED HANDGUN."

3 Q. And can you tell me how this crime is defined  
4 by the statute?

10:06 5 A. A license holder commits an offense if the  
6 license holder:

7 (1) carries a concealed handgun under the  
8 authority of Subchapter H, Chapter 411, of the  
9 Government Code, on property of another without  
10:06 10 effective consent; and

11 (2) received notice that entry on the property  
12 by a license holder with a concealed handgun was  
13 forbidden.

14 Q. Thank you. So is one element of that crime  
10:06 15 that a person must carry a concealed handgun on the  
16 property of another?

17 A. Yes.

18 Q. And is another element of that crime that the  
19 handgun must be carried under the authority of  
10:07 20 chapter -- Subchapter H, Chapter 411 of the Texas  
21 Government Code?

22 A. Yes, that the handgun must be carried pursuant  
23 to that section of the Government Code.

24 Q. And is another element that the -- sorry, let  
10:07 25 me start over.

1           Is another element that the handgun be carried  
2           on the property of the owner without the owner's  
3           "confective" -- effective consent?

4           A.     It is.

10:07 5           Q.     And is the last element that the person must  
6           have received notice that entry on the property by a  
7           license holder with a concealed handgun was forbidden?

8           A.     It is.

9           Q.     So let's say, again, if one of those elements  
10:07 10          were missing, would the Assistant District Attorney move  
11          forward with charging a 30.06 offense in the intake  
12          process?

13          A.     Was your question if one of those elements was  
14          missing?

10:08 15          Q.     Correct.

16          A.     If not all of the elements are met based on  
17          the evidence, as applied to the law, the prosecutor  
18          would not proceed at that time with the prosecution and  
19          may direct further investigation in this hypothetical or  
10:08 20          may decline the charge at that time, based on the  
21          evidence as provided by the officer relaying them.

22          Q.     Just -- I had a -- your screen froze for me.  
23          Am I the only one who had that issue in that answer?

24                  THE REPORTER: I heard the answer just  
10:09 25          fine.

1                   **MS. TAYLOR:** Do you mind reading it back  
2 to me, Ms. Waltz?

3                   **THE REPORTER:** Sure.

4                   (The last answer was read by the  
10:10 5 reporter.)

6                   **MS. TAYLOR:** Thank you.

7           **Q. (BY MS. TAYLOR)** So if the person never  
8 received notice that entry with a concealed handgun was  
9 forbidden, would the prosecutor in your office be  
10:10 10 permitted to charge the individual with a violation of  
11 **Section 30.06?**

12           A. In the hypothetical one of the elements of the  
13 offense of 30.06 is effect- -- without effective  
14 consent, and if that element is not met, a prosecutor  
10:10 15 would not proceed with the prosecution at that time with  
16 the acceptance of charges and would direct further  
17 investigation or may decline charges if that evidence  
18 doesn't exist, as relayed by the officer.

19           **Q. Thank you.**

10:10 20           So that speaks to the element of entering  
21 without effective consent. Under 30.06 (a)(2), there is  
22 also a requirement that the license holder receive  
23 notice that entry on the property by a license holder  
24 with a concealed handgun was forbidden. And we  
10:11 25 discussed previously that that notice requirement is

1 another element of the crime. So if the person never  
2 received notice that entry was forbidden, would the  
3 prosecutor be permitted to charge the individual with a  
4 violation of 30.06?

10:11 5 A. In this hypothetical, the facts are that,  
6 as -- as you are relaying, that no notice was given,  
7 that's an element of the offense, a prosecutor would  
8 then either direct further investigation or decline  
9 charges based on the known evidence as relayed by the  
10:12 10 officer at that time.

11 Q. Thank you.

12 Section 30.06 defines notice; is that correct?

13 A. It does.

14 Q. Can you read out loud the subsection where it  
10:12 15 defines notice, please?

16 A. "For purposes of this section, a person  
17 receives notice if the owner of the property or someone  
18 with apparent authority to act for the owner provides  
19 notice to the person by oral or written communication."

10:12 20 Q. And does Section 30.06 define written  
21 communication?

22 A. It does.

23 Q. Can you please read out loud how it defines  
24 written communication?

10:12 25 A. "'Written communication' means:

1           "(A) a card or other document on which is  
2       written language identical to the following: 'Pursuant  
3       to Section 30.06, Penal Code (trespass by license holder  
4       with a concealed handgun), a person licensed under  
10:13 5       Subchapter H, Chapter 411, Government Code (handgun  
6       licensing law), may not enter this property with a  
7       concealed handgun'; or

8           "(B) a sign posted on the property that:

9           "(i) includes the language described by  
10:13 10       Paragraph (A) in both English and Spanish;

11          "(ii) appears in contrasting colors with block  
12       letters at least one inch in height; and.

13          (iii) is displayed in a conspicuous manner  
14       clearly visible to the public."

10:13 15           **Q.    Thank you.  So in order for a prosecutor in**  
16       **your office to assess whether an individual has**  
17       **committed a crime under Section 30.06, would the**  
18       **prosecutor have to assess whether the individual**  
19       **received notice as defined by the statute?**

10:14 20           A.    Yes, whether there -- the offender received  
21       personal, oral, or written communication.

22           **Q.    And if the notice was written, would the**  
23       **prosecutor have to assess whether the written**  
24       **communication met the statutory requirements?**

10:14 25           A.    Yes.