

CAUSE NO. 2018528740

DOLCEFINO COMMUNICATIONS, \* IN THE DISTRICT COURT OF  
LLC, d/b/a DOLCEFINO \*  
CONSULTING, \*

Plaintiff, \*  
\*

v. \* 99TH JUDICIAL DISTRICT  
\*

TEXAS TECH UNIVERSITY and \*  
DR. LAWRENCE SCHOVANEC, IN \*  
HIS OFFICIAL CAPACITY AS \*  
THE PRESIDENT OF TEXAS \*  
TECH UNIVERSITY, \*

Defendants. \* LUBBOCK COUNTY, TEXAS

\*\*\*\*\*

ORAL DEPOSITION OF

JUSTIN GORDON

Thursday, August 22, 2019

ORAL DEPOSITION OF JUSTIN GORDON, produced as  
a witness at the instance of the Plaintiff, and duly  
sworn, was taken in the above styled and numbered cause  
on Thursday, August 22, 2019, from 9:09 a.m. to  
10:02 a.m., before KIMBERLEE SCHROEDER, CSR, RPR, CCRR,  
reported via Machine Shorthand at the law offices of  
Howry, Breen & Herman, 1900 Pearl Street, Austin, Texas,  
pursuant to the Texas Rules of Civil Procedure and/or  
any provisions stated on the record or attached hereto.

APPEARANCES

COUNSEL FOR PLAINTIFF:

THE PETTIT LAW FIRM  
2101 Cedar Springs, Suite 1540  
Dallas, Texas 75201  
(T) 214-329-0151  
By: JULIE PETTIT, Esq.  
jpettit@pettitfirm.com

LYNN, PINKER, COX & HURST, LLP  
2100 Ross Avenue  
Suite 2700  
Dallas, Texas 75201  
(T) 214-981-3835  
By: MICHAEL K. HURST, Esq.  
mhurst@lynnllp.com

COUNSEL FOR DEFENDANT TEXAS TECH UNIVERSITY SYSTEM:

OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
Financial Litigation and Charitable Trusts  
Division  
P.O. Box 12548  
Austin, Texas 78711  
(T) 512-475-4470  
By: CYNTHIA A. MORALES, Esq.  
cynthia.morales@texasattorneygeneral.gov

COUNSEL FOR WITNESS - OPEN RECORDS DIVISION OF THE  
OFFICE OF THE ATTORNEY GENERAL OF TEXAS:

OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
Administrative Law  
P.O. Box 12548  
Austin, Texas 78711  
(T) 512-475-4166  
By: ROSALIND L. HUNT, Esq.  
rosalind.hunt@texasattorneygeneral.gov  
ROBYN GLASSNER, Esq.  
robyn.glassner@texasattorneygeneral.gov  
KIMBERLY FUCHS, Esq.  
kimberly.fuchs@texasattorneygeneral.gov

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APPEARANCES

ALSO PRESENT:

NATHAN CHRISTOPHER, Assistant General Counsel  
Texas Tech University System

VIDEOGRAPHER:

AARON HAGEL, Videographer

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1 P R O C E E D I N G S

2 Thursday, August 22, 2019

9:10 a.m.

3 ---oOo---

4 (Exhibit No. 1 was marked for identification.)

5 THE VIDEOGRAPHER: Today is Thursday,  
6 August 22nd, 2019. The time is now 9:10 a.m. We're on  
7 the record.

8 Would the Court Reporter please swear in the  
9 witness?

10 JUSTIN GORDON,

11 having taken an oath to tell the truth, the whole truth,  
12 and nothing but the truth, was examined and testified as  
13 follows:

14 EXAMINATION

15 BY MS. PETTIT:

16 Q. Good morning. Can you state your full name  
17 for the record?

18 A. Yes. My name is Justin Gordon.

19 Q. I'm going to show you what I've marked as  
20 Exhibit 1. Take a look at this and tell me if you've  
21 seen this before.

22 Have you seen Exhibit 1 before?

23 A. Yes. This looks like the subpoena.

24 Q. Are you appearing pursuant to the subpoena  
25 marked as Exhibit 1?

1           A.    I am.

2           **Q.    Let me ask you this:  Have you reviewed the**  
3 **topics that are listed on page 15 of 15 of the subpoena**  
4 **marked as Exhibit 1?**

5           A.    I have.

6           **Q.    And are you prepared to testify as to these**  
7 **topics today?**

8           A.    Yes.

9           **Q.    What is your title?**

10          A.    I'm the Open Records Division Chief at the  
11 Texas Attorney General's Office.

12          **Q.    You're a lawyer; is that correct?**

13          A.    That's correct.

14          **Q.    What are your duties and responsibilities as**  
15 **the Chief?**

16          A.    I have a number of duties as the Chief.  But  
17 primarily, I am the administrative head of that  
18 division, and we have statutory duties under the Public  
19 Information Act that I ensure are completed by the  
20 attorneys and the staff in my division.

21          **Q.    How many attorneys and staff are in your**  
22 **division?**

23          A.    There are 60 total.  It ranges between 40, 44  
24 attorneys, depending how many we have in openings and 14  
25 to 16 staff.

1 Q. And how long have you had that position?

2 A. I started in 2015.

3 Q. Where were you --

4 A. January 1st of 2015.

5 Q. Where were you prior to that?

6 A. I was at the Texas Governor's Office.

7 Q. What did you do there?

8 A. I was an assistant general counsel.

9 Q. So when you came to the AG's Office, did you  
10 come in as Chief?

11 A. Yes.

12 Q. And 40 to 44 attorneys on your staff, what are  
13 their primary roles in this division?

14 A. Sure. So we have a handful of different types  
15 of attorneys, but primarily, our attorneys handle the  
16 open records ruling process under the Public Information  
17 Act. So when a government body requests a ruling from  
18 our office, those come in and are assigned to an  
19 attorney. And the bulk of our attorneys handle that  
20 process, either drafting those or reviewing those.

21 We also have other attorneys who handle other  
22 educational enforcement duties. Some of those go across  
23 attorneys. Sometimes they do more than one thing. But  
24 those handle complaints, education, our open government  
25 hotline. And that's about it. That's the bulk of it.

1           **Q.    When a complaint or a request or a file comes**  
2 **in, is it assigned to one attorney, and that attorney**  
3 **stays on the case all the way through? Or does it**  
4 **sometimes shift which attorney's in charge?**

5           A.    It sometimes shifts. Generally speaking,  
6 after it comes in and it is reviewed and routed, that  
7 attorney is assigned to it. It's their -- their file.

8           **Q.    Is there normally one attorney in charge of**  
9 **each file, or multiple attorneys on a file?**

10          A.    There's usually one attorney who is drafting  
11 the file. I wouldn't say there's an attorney in charge  
12 of it, because it's kind of a -- they go through  
13 multiple levels of review. But at the end of the day,  
14 the attorney assigning it would be the attorney who is  
15 assigned to it. I'm not sure if I'd say in charge, but  
16 it is their file.

17          **Q.    In regard to the Dolcefino request, is there**  
18 **one attorney that's been assigned to all of those, or**  
19 **have his requests been split up amongst all attorneys?**

20          A.    His two requests are assigned to one attorney,  
21 to the same attorney.

22          **Q.    Are you aware --**

23          A.    Let me rephrase that.

24                The two requests at issue in the subpoena,  
25 yes.

1 Q. So you're aware there are additional requests  
2 that are not mentioned in the subpoena?

3 A. Yes.

4 Q. Do you know if those requests are assigned to  
5 different attorneys or the same attorney?

6 A. I do not know.

7 Q. So the two requests that are attached to the  
8 subpoena, do you know who those were assigned to?

9 A. Yes.

10 Q. Who's that?

11 A. Tamara Smith.

12 Q. She has both requests?

13 A. Yes.

14 Q. Is there anyone else working on those with  
15 Tamara Smith?

16 A. Yes. There are other attorneys in the  
17 Education and Enforcement Division who would be working  
18 on those and assisting her with them.

19 Q. So she's in the Education and Enforcement  
20 Division?

21 A. Section.

22 Q. Section. That's a section within the Open  
23 Records Division?

24 A. That's correct.

25 Q. How many sections are in the Open Records

1 **Division?**

2 A. Really, those are the two sections. We break  
3 it up by teams. So there is a Mail Processing Team and  
4 a File Processing Team. Those are administrative teams.  
5 So when it comes to a section, that's really just the  
6 Education and Enforcement Section.

7 **Q. So Education and Enforcement, that's one**  
8 **section or two?**

9 A. That's one section.

10 **Q. So what's the second section?**

11 A. There is no second section. That's the only  
12 subpart of the Division that is called a section. That  
13 aren't any other, but there are other teams.

14 **Q. Okay. So within the Open Records Division**  
15 **there's one section, and then there's other teams like**  
16 **the mail team or whoever it is?**

17 A. Correct.

18 **Q. What are teams are there in the Open Records**  
19 **Division?**

20 A. There's the Mail Processing Team and there's  
21 the File Processing Team.

22 **Q. Do you know why you were selected to be the**  
23 **corporate representative today?**

24 A. Because I'm the one who would have the most  
25 knowledge of the items that are at issue here. And

1 also, Tamara is out of town today.

2 **Q. Who do you report to?**

3 A. I report to Ryan Bangert who is the deputy for  
4 legal counsel at the Attorney General's Office.

5 **Q. How do you spell his last name?**

6 A. B-a-n-g-e-r-t.

7 **Q. I'm sorry, what is his title?**

8 A. He's the deputy for legal counsel at the Texas  
9 Attorney General's Office.

10 **Q. Have you reported to him during your entire  
11 time at the Attorney General's Office?**

12 A. No.

13 **Q. Who did you previously report to?**

14 A. Amanda Crawford who was the deputy for legal  
15 counsel. She had a slightly different title. But  
16 functionally equivalent from the standpoint of the Open  
17 Records Division.

18 **Q. Does Tamara Smith report to you?**

19 A. Yes.

20 **Q. What did you do to prepare for today's  
21 deposition?**

22 A. I did a number of things. I met with several  
23 attorneys in my office. I reviewed the cost complaints,  
24 did some legal research with respect to depositions and  
25 the use cost complaints. I reviewed all of the cost

1 complaints that were attached and compared them to the  
2 cost complaints that we had in our office.

3 I reviewed the other documents that were  
4 mentioned in the subpoena including our handbook, our  
5 rules, and a handful of other research topics that I was  
6 looking at with respect to the complaints, our cost  
7 rules, and then the deposition in general.

8 **Q. And who did you meet with?**

9 A. So I met with Ryan Bangert. I met with the  
10 three attorneys in our office, Robin, Rosalind, Kim.  
11 And I met with several attorneys in my division, Tamara  
12 Smith, Debbie Lee, Melanie Velarz, Sean Nottingham. I  
13 think that would be it. There may have been others, but  
14 they're not coming to my head immediately.

15 **Q. Sure. Did you review any other documents**  
16 **other than what you've mentioned?**

17 A. I mean, I reviewed a bunch of those, a bunch  
18 of different things that I didn't mention specifically  
19 when I was doing that legal research. So I looked at  
20 these cases. I looked at a couple of different  
21 websites, looked at the plaintiff's website, looked at  
22 our website. I looked at -- let me think.

23 I looked at our cost presentation that we use  
24 to brush up on the cost rules. There may have been  
25 other things that are not coming to me. That's the bulk

1 of what I reviewed.

2 Q. Have you ever given your deposition before?

3 A. I have not.

4 Q. Are you aware of anyone else in the AG's  
5 Office ever giving a deposition on topics related to  
6 cost complaints?

7 A. No, no.

8 Q. Have you ever taken depositions before?

9 A. No.

10 Q. All right. Let's talk about I know this is  
11 your -- so your division is the Open Records Division.

12 How many divisions are there at the AG's  
13 Office total?

14 A. I don't know.

15 Q. A lot?

16 A. There's a number of them.

17 Q. You think more than ten?

18 A. Yes.

19 Q. What is the relationship between your division  
20 and the General Litigation Division?

21 A. There is no relationship between us and the  
22 General Litigation Division.

23 Q. Other than you're both at the AG's Office?

24 A. Correct.

25 Q. What is your relationship between your

1 **division and the Financial Litigation and Charitable**  
2 **Trusts Division?**

3 A. There is no relationship. Well, I guess they  
4 often represent agencies against us in an adversarial  
5 capacity.

6 **Q. What's a scenario in which that would happen?**

7 A. So when a State agency wants to file a lawsuit  
8 against our office, they would request representation,  
9 and they would -- that is often from the Financial  
10 Litigation Division. They would file suit against our  
11 office in order to challenge an Open Records letter  
12 rule.

13 **Q. Do you interact regularly with the General**  
14 **Litigation Division?**

15 A. No.

16 **Q. What about the Financial Litigation and**  
17 **Charitable Trusts Division?**

18 A. No.

19 **Q. Have you ever previously worked or interacted**  
20 **with Enrique Varela?**

21 A. No.

22 **Q. What about Cynthia Morales?**

23 A. No.

24 **Q. Did you talk to Mr. Varela or Ms. Morales**  
25 **before today's deposition?**

1 A. No.

2 Q. Do you know if anyone in your office did?

3 A. In my division?

4 Q. Division?

5 A. No.

6 Q. You don't know, or you don't think they talked  
7 to them?

8 A. I don't think they talked to them. Not that  
9 I'm aware of.

10 Q. Let's talk about cost disputes generally.

11 Who in your division normally handles the cost  
12 dispute? Is it the attorney assigned to that case from  
13 the beginning?

14 A. That would be the folks that I described  
15 earlier, Tamara Smith and the Education and Enforcement  
16 Section. And there are two other attorneys who handle  
17 complaints. Did you say just cost complaints or  
18 complaints in general?

19 Q. Well, let's talk about cost complaints right  
20 now.

21 A. Cost complaints would be Tamara Smith or  
22 Jahanna Ward would be the two primary attorneys who work  
23 on cost complaints on a day-to-day basis.

24 Q. So do the two of them handle any cost  
25 complaint that would come through your division?

1           A.    They would handle most of the cost complaints  
2 that would come into our division.

3           Q.    So if a request was in your division for one  
4 reason or another and then it turned into a cost  
5 complaint, it would move from that attorney to either  
6 Tamara or Jahnna?

7           A.    I don't know I would ever phrase it that way  
8 that a file would turn into a cost complaint. They come  
9 to us as cost complaints. They are submitted to us.  
10 They start off as cost complaints.

11          Q.    Well, for example, the first complaint that's  
12 attached to the subpoena --

13          A.    No.

14          Q.    -- came to the AG's Office for a ruling --

15          A.    Correct.

16          Q.    -- on whether or not documents needed to be  
17 turned over.

18          A.    That's right.

19          Q.    The AG's Office said yes, they need to be  
20 turned over. So it went back to Texas Tech who prepared  
21 an estimate.

22          A.    M-hm.

23          Q.    Would Tamara have been involved from day one  
24 on that file, or when it first came in for a ruling  
25 would it have gone to someone else?

1           A.    It would have gone to someone else, the  
2 attorney who drafted that ruling.

3           **Q.    So does Tamara ever draft rulings, or does**  
4 **Tamara just do cost complaints?**

5           A.    She rarely drafts rulings.  I don't know the  
6 last time she drafted rulings, but she has in the past  
7 drafted rulings.

8           **Q.    Do you know who drafted the rulings of the two**  
9 **complaints that were attached to this subpoena?**

10          A.    Let me look.

11                    So they're all signed.  So Cole Hutchison is  
12 the one who signed on 3138.  And let's see if there's  
13 the other one back in the back.  And Claire Sloan  
14 drafted the 12889.

15          **Q.    Okay.  So then when Dolcefino Consulting**  
16 **disputed the charge, it came in and went to Tamara?**

17          A.    Correct.

18          **Q.    Okay.  How many cost disputes have you**  
19 **handled?**

20          A.    Have I handled from start to finish?

21          **Q.    M-hm.**

22          A.    I've not handled -- I can't think of any I've  
23 handled completely start to finish.

24          **Q.    At what point with Tamara or Jahanna bring you**  
25 **in when there's a cost complaint issue going on?**

1           A.    They would usually bring me in if there's  
2 something wild or crazy, something unusual, a complex  
3 issue.  If it's a very large cost complaint that we're  
4 going to be -- that's getting approved, then we will  
5 look at that.  Those are typically the contexts that I  
6 would come in on.

7           **Q.    Had you -- prior to the subpoena being served,**  
8 **had you been brought in on either of Mr. Dolcefino's**  
9 **cost complaints?**

10          A.    I tried to think about that.  They may have  
11 mentioned them to me when they came in based on their  
12 size, but I had not looked at them in any detail.  It  
13 would have just been a heads up.

14          **Q.    On average when a cost complaint comes in to**  
15 **Tamara or Jahna, how long does it take for them to**  
16 **resolve the issue and decide whether or not the cost was**  
17 **excessive or not?**

18          A.    I don't know.  There's not really an average  
19 for that.  They're all so different.  We've never  
20 calculated an average.

21          **Q.    If you had to just make your best estimate, is**  
22 **it normally a month?  Is it normally a year?**

23          A.    Certainly less than a year.  I really don't  
24 know because they're all so different.  If you told  
25 me -- if I got to look at a complaint, I might be able

1 to give you a better guess based on what they came in.  
2 Some we are able to handle very quickly. Others take a  
3 long time.

4 There's also issues we deal with with -- not  
5 to mention the complexity, but we're dealing with other  
6 parties. So when the ruling comes to us, we don't have  
7 everything we need to rule on. So we've got to go out  
8 and get that information. So it's just -- I can't tell  
9 you on average, but months. Certainly months.

10 **Q. There's no deadline by which the AG's Office**  
11 **has to make that type of decision; is that correct?**

12 A. That's correct.

13 **Q. The two cost complaints that are attached to**  
14 **the subpoena, if you had just seen those come in the**  
15 **door, what would have been your estimate as far as how**  
16 **long it would take to get an answer on those?**

17 A. Months.

18 **Q. Why would you say "months"?**

19 A. They're very complex.

20 **Q. What about them makes them complex in your**  
21 **mind?**

22 A. They've got -- they're for large amounts.  
23 They're involving multiple requests. They involve  
24 ruling requests that have already been issued. There's  
25 also underlying litigation that is -- these are involved

1 with that was noted in the cost complaints. They  
2 involve what appears to be issues that are legally  
3 complex as well as factually complex.

4 Q. The items that you just mentioned that you say  
5 make these complex, what is the relevance to those  
6 things as to whether or not it's too expensive for Texas  
7 Tech to review some phone records and produce them?

8 A. I'm not sure what I'm --

9 Q. M-hm. The items that you just mentioned, that  
10 there's litigation involved, that they are larger  
11 amounts, that it involves a prior ruling, what about  
12 that is relevant to whether or not Texas Tech is  
13 overcharging to produce some phone records?

14 A. Oh, well, we have to decide what the  
15 appropriate charges are. So if there's a lot of  
16 records, then we need -- it's going to be complex to  
17 review and determine how did those -- how are the  
18 amounts in the cost complaint, you know, how do they  
19 come up. And you've got issues with respect to  
20 procedural where the cost estimates were sent after the  
21 rulings. We already have a ruling that's underlying it.  
22 So that takes longer to analyze and changes the typical  
23 procedures.

24 We also had these cost estimates are hundreds  
25 of pages long. So just the reviewing them to make sure

1 we get them right and we're catching all of the issues  
2 that are raised makes them -- makes them more complex.  
3 And you've got -- if you have a lot of records, that's  
4 going to make things more complex. If the records are  
5 in lots of places, if the records have to be redacted,  
6 if the records have to be obtained or organized or put  
7 together, all of those things take time and are what go  
8 into the -- into the cost estimate.

9 **Q. So the first cost estimate or the first**  
10 **dispute, I guess, that's attached to the subpoena, we**  
11 **are just talking about cell phone records; right?**

12 A. Correct.

13 **Q. What about redacting cell phone records in**  
14 **your mind makes that a complex issue?**

15 A. Well, the cell phone records in this case,  
16 they're maintained -- the way they're maintained is  
17 unknown to us. So I don't know what -- how they have  
18 them. I'm kind of -- we don't have the information we  
19 need to make that determination. But there's lots of  
20 things that go into making redaction of records  
21 time-consuming: the amount of the records, the  
22 complexity in determining whether or not a particular  
23 piece of information is confidential or if it's accepted  
24 from disclosure.

25 So if you've got a lot of records, that's

1 time-consuming. If you've got very dense, complex  
2 records on the face, that can be very time-consuming, or  
3 it might not be. Right? So there's a determination  
4 that needs to be made with respect to if they're  
5 complex, why? If the redactions are being made, what  
6 are the redactions being made? All of those things kind  
7 of go into it.

8 **Q. You said that you don't have enough**  
9 **information on these requests to make a determination;**  
10 **is that correct?**

11 A. That's correct.

12 **Q. What information are you lacking?**

13 A. So we are -- when we do a cost estimate -- I'm  
14 sorry -- when we do a cost complaint, unless it's very  
15 straight forward on its face, which is not the case in  
16 this instance, we're going to send out and ask the  
17 governmental body to answer questions about the records.

18 So on the face, all we have is the -- we've  
19 got the labor, and we've got the different, the itemized  
20 charges, but we need to know how those charges were  
21 calculated, what went into them, who's going to be  
22 handling it and how those things are going to be  
23 handled, in order to ensure the request is being  
24 provided with the correct cost estimate.

25 **Q. In this case, have you all sent that request**

1       **for additional information to Texas Tech?**

2           A.    No, not yet.

3           **Q.    Why not?**

4           A.    As I mentioned earlier, it's a really complex  
5 case with a lot of things going on in it.  It just has  
6 not made it through the queue yet to get issued.

7           **Q.    When do you expect that to happen?**

8           A.    I would expect it to happen within the next  
9 couple of weeks.

10          **Q.    So is there any additional information other**  
11 **than what you just mentioned that's lacking in order for**  
12 **the AG's Office to make a decision on those two**  
13 **requests?**

14          A.    There could be a whole lot of different  
15 information.  When you are handling these cost  
16 complaints, when you answer those questions, you never  
17 know what you're going to get back.  In this instance,  
18 we may get comments back that raise other issues.  We  
19 may get comments from Texas Tech that raise other  
20 issues.  And/or the answers we get back may not be  
21 satisfactory or may raise more issues.

22                So typically, we're able to respond to a cost  
23 estimate or a cost complaint on the first round of  
24 questions.  But that doesn't mean that's the last round  
25 of questions, and it's not always the case.

1           **Q.    So once either Tamara or Jahanna are ready to**  
2 **make a decision, is there anyone who has to approve that**  
3 **decision, or do they have the final say?**

4           A.    On a cost estimate of this size, I would  
5 review that also.

6           **Q.    That's what you anticipate would happen in**  
7 **this case?**

8           A.    That's what I anticipate will happen in this  
9 case.

10          **Q.    Do you have the final say?**

11          A.    Can I clarify that a little bit?

12          **Q.    Sure, sure.**

13          A.    If it is a large cost estimate, that is where  
14 I would certainly get involved.  If we have a cost  
15 estimate that's going to be over \$5,000, then they will  
16 always ask me about that.  That's a large cost estimate.  
17 And we would want to make sure that that has yet another  
18 set of eyes on top of the internal review that is  
19 handled between Jahanna and Tamara.

20                They check each other's work, and then we have  
21 another set of eyes that would check a large cost  
22 estimate like that.  Now, if it came back and we said  
23 all of these charges were impermissible and now the cost  
24 estimate could be \$50, that may not get reviewed by me.

25          **Q.    Do you have the final say on any cost estimate**

1 or any cost dispute?

2 A. Within the Open Records Division, yes.

3 Q. You understand that Dolcefino is in litigation  
4 with Texas Tech; correct?

5 A. Yes.

6 Q. You understand that the AG's Office represents  
7 Texas Tech in that litigation; correct?

8 A. Correct.

9 Q. So Texas Tech is essentially a client of the  
10 AG's Office; correct?

11 A. Correct.

12 Q. And you understand that the AG's Office is  
13 also responsible for now deciding whether or not Texas  
14 Tech's cost estimates are excessive or not; is that  
15 correct?

16 A. That's correct.

17 Q. As a lawyer, you understand what it means to  
18 have a conflict of interest; correct?

19 A. Correct.

20 Q. What does it mean?

21 A. Well, that means that you're going to have  
22 a -- you're going to have an interest that -- you're  
23 going to have one client whose interest is going to  
24 conflict with another client which prohibits you from  
25 acting in the best action -- in the best interest of

1 both clients.

2 Q. Do you think that the AG's Office has a  
3 conflict of interest when it's acting both as Texas  
4 Tech's lawyer and also as the one that decides if Texas  
5 Tech's behavior is appropriate?

6 MS. HUNT: Objection. Form.

7 THE WITNESS: No, not in this context.

8 MS. PETTIT: Q. Why not?

9 A. The handling of the litigation and the  
10 handling of the cost estimate are separate, and they  
11 don't -- they don't overlap.

12 Q. But it's both the AG's Office in both  
13 instances; correct?

14 A. Well, you have -- technically speaking, it  
15 would be the Attorney General's Office. But the  
16 Attorney General's Office, as you mentioned earlier,  
17 have a number of divisions that are all separate. There  
18 are hundreds of attorneys and a number of different  
19 divisions. Those divisions also operate up through  
20 separate chains of command. And we are -- we are able  
21 to put a separation between the handling of one and the  
22 handling of another.

23 Q. What do you mean by "separate"?

24 A. They're different divisions.

25 Q. Are they legally separate entities?

1           A.    I'm not sure what you mean by that.

2           **Q.    Well, is it legally a separate entity when**  
3 **it's just one division versus another?**

4           **MS. HUNT:**  Objection.  This is outside the  
5 scope of the deposition notice, and the deponent is not  
6 authorized to speak on the agency's behalf on items that  
7 weren't noticed.

8           **MS. PETTIT:**  This is just general background  
9 information about the Open Records Division.

10          **MS. HUNT:**  I just want to put that on the  
11 record.

12          **MS. PETTIT:**  Q.  Do you know if the different  
13 divisions at the AG's Office are separately  
14 incorporated?

15          A.    No, I do not know.

16          **Q.    Is it your understanding that they're under**  
17 **the same umbrella?**

18          A.    Under the same umbrella, I don't know.  They  
19 would be under the same elected official.

20          **Q.    Do you think it's reasonable for the Attorney**  
21 **General's Office to represent Texas Tech and then also**  
22 **make decisions about Texas Tech's cost estimates?**

23          **MS. MORALES:**  Form.

24          **MS. HUNT:**  Objection.  This is outside of the  
25 scope of the deposition notice.  This witness has not

1       been designated to speak on these topics and will not be  
2       binding on the agency.

3               **MS. PETTIT:** Are you instructing him not to  
4       answer, or are you just making an objection?

5               **MS. HUNT:** I'm making an objection.

6               **MS. PETTIT:** Q. Okay. You can answer.

7               **THE WITNESS:** So, I'm sorry, would you say the  
8       question again?

9               **MS. PETTIT:** Q. Sure.

10              Do you think it's reasonable for the AG's  
11       Office to represent Texas Tech in this litigation  
12       against Dolcefino and then also make decisions about  
13       whether Texas Tech's cost estimates in regard to  
14       Dolcefino are accurate or excessive?

15              A. Sure. What we have is a division who's  
16       representing a state governmental body, and you have a  
17       separate division that is handling, as statutorily  
18       required, the cost estimates. Those divisions are  
19       separate. Yes, I personally believe that that's  
20       reasonable.

21              Q. What if it was a law firm, do you think it  
22       would be reasonable in litigation for one partner in a  
23       law firm to represent someone and then have the --  
24       excuse me. Let's assume instead of the open records,  
25       the Texas Tech litigation and -- let me back up on this

1 **question.**

2 **Do you think two partners in a law firm should**  
3 **represent adverse parties in litigation?**

4 **MS. HUNT:** Objection. Form. And this is also  
5 outside the scope of the deposition.

6 **THE WITNESS:** I really don't know. I would  
7 have to -- I would have to do some additional research  
8 on what is permissible for different partners to do in a  
9 law firm and what is permissible as far as procedurally  
10 setting up a wall or a separation between them. I  
11 really don't know.

12 **MS. PETTIT:** Q. If you hired a partner at a  
13 law firm to represent you in litigation, would you want  
14 that partner's law partner representing the adverse  
15 party if it was you?

16 **MS. HUNT:** Objection. Form. Also outside the  
17 scope of the deposition.

18 **MS. PETTIT:** Q. You can answer.

19 A. I would have to -- I just don't know the  
20 circumstances. That hypothetical is really difficult to  
21 answer based on the circumstances that you set up. I  
22 could think of a lot of different circumstances where  
23 yes, I would be disappointed in that. I can think of  
24 other circumstances where it wouldn't bother me  
25 depending on how I was notified and how the procedures

1 were laid out for me.

2 That's a real difficult call to make. It  
3 would have to depend on the circumstances.

4 **Q. Who would be the best -- let me ask you this:**  
5 **The question I just asked, do you know if there's any**  
6 **conflict of interest rules that as lawyers we have to**  
7 **abide by in that regard?**

8 A. I'm sure that there are under Texas Rules of  
9 Disciplinary Procedure.

10 **Q. Do you know if that would be applicable in a**  
11 **situation where you've got two law partners representing**  
12 **parties?**

13 **MS. HUNT:** Objection. Form.

14 **MS. MORALES:** Outside the scope of the  
15 deposition.

16 **THE WITNESS:** I don't personally know. I  
17 could research that. It certainly raises a question  
18 that I would have to look at.

19 **MS. PETTIT:** Q. Who would be the best person  
20 at the AG's Office to answer questions regarding the  
21 legal separateness of the divisions?

22 **MS. HUNT:** This is outside the scope of the  
23 deposition.

24 **THE WITNESS:** I don't know.

25 **MS. PETTIT:** Q. If you had a question, who

1 would you ask about -- if you just at the AG's Office  
2 had a question about the legal separateness of the  
3 entities, who would you go to?

4 **MS. HUNT:** Objection. Form.

5 **MS. MORALES:** And outside the scope of the  
6 deposition.

7 **THE WITNESS:** I don't know. I would have to  
8 review our -- I would have to review our procedures and  
9 find out who the best person would be. Typically I  
10 would start with our General Counsel.

11 **MS. PETTIT:** Q. All right. The two cost  
12 estimates at dispute in this case, will you be the one  
13 that ultimately decides whether or not those costs are  
14 reasonable?

15 A. Probably.

16 **Q. And have you already met with Tamara and**  
17 **discussed whether or not you all initially think those**  
18 **costs are reasonable or not?**

19 A. That's going to be attorney/client privileged.

20 **Q. To be clear, I'm not asking the substance.**  
21 **I'm just asking if you all have met.**

22 A. Sure. We have met. As I described earlier,  
23 after receiving the deposition, I met with Tamara about  
24 these cost estimates at length.

25 **MS. PETTIT:** Let's look at what I'm going to

1 mark as Exhibit 2.

2 (Exhibit No. 2 was marked for identification.)

3 **MS. PETTIT:** Q. What I'm handing you is  
4 Government Code 552.262. I'm guessing you've reviewed  
5 this before.

6 A. I have seen this section before.

7 Q. And in Section A, it says, "The Attorney  
8 General shall adopt rules for use by governmental body  
9 in determining charges..." Then it goes on.

10 Has the AG's Office adopted rules under this  
11 section?

12 A. Yes.

13 Q. Where is the best place to find those rules?

14 A. In the Texas Administrative Code.

15 Q. Are there any -- other than the rules in the  
16 Texas Administrative Code, are there any other rules  
17 that have been adopted by the AG's Office pursuant to  
18 this section?

19 A. No, not that I'm aware of.

20 Q. Are there any unwritten rules that you're  
21 aware of?

22 A. Unwritten rules?

23 Q. Yes.

24 A. No.

25 Q. In your experience, what is the greatest cost

1 estimate that you've ever seen that's disputing --  
2 rephrase that.

3 What's the greatest cost dispute you've seen  
4 in your experience?

5 MS. MORALES: Objection. Outside the scope.

6 MS. PETTIT: Q. You can answer.

7 A. By "greatest," you mean the largest? I can't  
8 remember, but I've seen one over a million dollars.

9 Q. Do you recall who that was with?

10 MS. MORALES: Objection. Outside the scope of  
11 the deposition.

12 THE WITNESS: No. I don't remember who that  
13 was with. It was a city, but I don't remember who it  
14 was.

15 MS. PETTIT: Q. Okay. Approximately how many  
16 cost estimates per year go through your office? Cost  
17 disputes, I should say.

18 A. It varies. It depends greatly. Any answer I  
19 give would be kind of a shot because they change up and  
20 down and tend to increase. But ballpark, we're going to  
21 receive over a hundred this year.

22 Q. And those --

23 A. Well over a hundred.

24 Q. And those are able to be managed by Tamara and  
25 Jahanna?

1 A. That's correct.

2 Q. And of the ones that you've been involved with  
3 in your time at the AG's Office, how many have been  
4 litigated?

5 A. I don't know. I don't know that -- I'm not  
6 sure any of them have. I'm trying to think about it. I  
7 don't know.

8 Q. Are you aware of any instances in which a  
9 Court has ordered records to be produced over the AG's  
10 objections?

11 A. Over the AG's objections?

12 Q. Well, objections or orders saying that  
13 documents did not have to be produced.

14 A. In a cost estimate or a regular ruling?

15 Q. We'll take either.

16 A. Okay. Not in a cost estimate, but certainly  
17 in a ruling.

18 Q. How many times have you seen that happen?

19 A. I don't know. I don't know. It would be a  
20 significant number. But I don't have any idea. There's  
21 so many in litigation, and those take a significant  
22 amount of time. It would be hard to nail that down.  
23 But yes, I've seen that.

24 Q. Will you explain for the Jury the difference  
25 between a cost estimate -- will you explain the

1 **difference for the Jury between an AG ruling and an AG**  
2 **ruling on a cost estimate?**

3 A. So the difference is would be the enabling  
4 authority. Our rulings under cost estimates are issued  
5 under a separate section of the Public Information Act  
6 that allows requesters to challenge cost estimates  
7 they've received. That is in a particular section.

8 And then we have a separate statutory  
9 authority or statutory duty in order to issue decisions  
10 on open records ruling requests where governmental  
11 bodies are seeking to withhold information. So those  
12 would just be -- they would be separate. The  
13 difference, if I'm explaining it to a jury, would be  
14 that cost estimates only, you know, are challenging the  
15 charges that a governmental body is attempting to charge  
16 a requester, and the ruling requests are attempting --  
17 are making a determination on whether or not a  
18 governmental body is permitted or required to withhold  
19 information that they think or believe that they must or  
20 may withhold under the Public Information Act from a  
21 requester.

22 **Q. So the two requests in dispute, just to**  
23 **confirm, the AG's Office has received those cost**  
24 **disputes; correct?**

25 A. Yes.

1 Q. They've been assigned to an attorney; correct?

2 A. Correct.

3 Q. The AG's Office says it does not have  
4 sufficient information to make a decision on the cost  
5 estimate; correct?

6 MS. HUNT: Objection. Leading.

7 THE WITNESS: At this time, no.

8 MS. PETTIT: Q. But the AG's Office has not  
9 sent a request to Texas Tech to provide additional  
10 information about those requests; correct?

11 A. We have not yet sent those letters to Texas  
12 Tech. Yes, that's correct.

13 Q. At the same time, the AG's Office is acting as  
14 counsel for Texas Tech in the litigation; correct?

15 A. That is my understanding, that there is a  
16 separate division that is litigating those cases for  
17 Texas Tech.

18 Q. And you think there's no conflict of interest  
19 in that regard; correct?

20 MS. HUNT: Objection, leading. Objection,  
21 form. And outside the scope of the deposition notice.

22 THE WITNESS: As I discussed earlier, the way  
23 things are separated, I don't feel -- I feel the way  
24 they're being handled is reasonable.

25 MS. PETTIT: Q. As the Chief of the Open

1       Records Division, you stand behind the subdivision to  
2       have the AG's Office both represent Texas Tech in the  
3       litigation and make decisions on those requests  
4       estimates?

5               **MS. HUNT:**  Objection, form, and outside the  
6       scope of the deposition notice as this witness hasn't  
7       been designated to speak on this topic, and his  
8       statements can't be binding on the agency.

9               **THE WITNESS:**  I don't have -- I don't have a  
10       position to stand behind in that regard.  I certainly  
11       stand behind the decisions made by my division.  It's  
12       not position or authority to stand behind the decisions  
13       that are made by another division.  However, as I  
14       described earlier, the way they are set up and the way  
15       my division is handling it I believe is reasonable.

16               **MS. PETTIT:**  Q.  Who at the AG's Office would  
17       be the one to make a determination about whether there's  
18       a conflict of interest?

19               **MS. HUNT:**  Objection, form.

20               **THE WITNESS:**  I don't.

21               **MS. PETTIT:**  Q.  Do you think it would be the  
22       Attorney General?

23               A.  I don't know.

24               **MS. PETTIT:**  All right.  We reserve our  
25       remaining questions for trial.



1 decision, on a request for -- when that information is  
2 excepted from disclosure.

3 **MS. MORALES:** Q. Of the charge that you have  
4 to review open records, make decisions regarding whether  
5 information should be released, and on cost estimates,  
6 is that a statutory duty imposed on you by the  
7 legislature?

8 A. The cost complaints and the letter rulings,  
9 the decision requests?

10 Q. Yes.

11 A. Yes. Those are statutory.

12 Q. Does the Public Information Act provide that  
13 your decision on cost estimates is subject to any sort  
14 of judicial review?

15 **MS. PETTIT:** Objection, leading.

16 THE WITNESS: Whether or not the cost  
17 estimates are subject to being challenged?

18 **MS. MORALES:** Q. No, I'm sorry. Let me  
19 rephrase the question.

20 We've spoken earlier about your process in  
21 reviewing cost estimates when there is a complaint.

22 A. M-hm.

23 Q. Does the PIA, the Public Information Act,  
24 permit a lawsuit against your division or against anyone  
25 else challenging your decision on cost estimates?

1           A.    I don't know.  I'm not aware of our office  
2           ever being sued on a cost estimate.  But I would have to  
3           go back and review the statute to see if I thought there  
4           was any authority to challenge -- to challenge a cost  
5           estimate after it's been made.

6           **Q.    Are you familiar with Public Information Act**  
7           **552.321, the mandamus provisions?**

8           A.    Yes.

9           **Q.    Under 552.321, a requester can sue seeking the**  
10          **release of documents; is that correct?**

11          **MS. PETTIT:**  Objection, leading.

12          THE WITNESS:  I just want to make sure it's  
13          correct.  I'm just going to go to the statute.

14          "A requester may file suit for a writ of  
15          mandamus compelling a governmental body to make  
16          information available for public inspection.  If a  
17          governmental body refuses to request an Attorney  
18          General's decision as provided by subchapter (g) or  
19          refuses to supply public information or information that  
20          the Attorney General has determined is public  
21          information that is not excepted from disclosure under  
22          subchapter (c)."

23          **MS. MORALES:**  Q.  So the relief is you get  
24          the public information?  That is, if a requester brings  
25          suit and prevails, the relief is that they get the

1 information?

2 **MS. PETTIT:** Objection, leading.

3 **THE WITNESS:** The remedy would be a mandamus  
4 compelling a governmental body to make information  
5 available for public inspection.

6 **MS. MORALES:** Thank you. Pass the witness.

7 **MS. HUNT:** We don't have any questions.

8 **FURTHER EXAMINATION**

9 **BY MS. PETTIT:**

10 **Q. You and Ms. Morales, the one that just asked**  
11 **you these questions, have the same boss; isn't that**  
12 **correct?**

13 **A.** That's not correct.

14 **Q. Do you both report to Ken Paxton?**

15 **A.** Oh, sure. Yes. I'm sorry. I have a  
16 different boss. My boss is the deputy for legal  
17 counsel. But we have the same -- yes, General Paxton  
18 would be the Attorney General over both of our  
19 divisions, ultimately.

20 **Q. Would you consider the AG's Office in a case**  
21 **like this to be the judge, jury, and executioner?**

22 **MS. HUNT:** Objection, form and outside the  
23 scope of the deposition notice.

24 **THE WITNESS:** What do you mean "in a case like  
25 this"?

1           **MS. PETTIT:** Q. In a case where the AG's  
2 Office is representing Texas Tech in litigation and then  
3 also making decisions about cost estimates and open  
4 records, whether or not they should be made available.

5           In a situation like that where the AG's Office  
6 is representing or has two different hats on, do you  
7 think the AG's Office is acting as the judge, jury, and  
8 executioner?

9           **MS. HUNT:** Objection, form and it's outside  
10 the scope of the deposition notice.

11           **THE WITNESS:** So under the Texas Public  
12 Information Act, which is relatively unique, the State  
13 of Texas has an intermediate step when it comes to  
14 challenging open records decisions.

15           In many states and often on the federal level,  
16 if those challenges are made, then the entity is the one  
17 who makes the final decision. Then it has to be  
18 challenged in court.

19           In Texas, we are come in between that decision  
20 and the Court. So once the governmental body has made  
21 that decision, then our office is an automatic review  
22 and check on that decision. However, our decisions are  
23 reviewable in court and are routinely challenged in  
24 court.

25           Now, the cost estimates, I don't -- I can't

1 think of an example that a cost estimate has been  
2 challenged in court. But our decisions are  
3 administrative decisions that are viewed according to  
4 court cases as precedential, but they are not the final  
5 decision.

6 **MS. PETTIT:** Objection. Nonresponsive.

7 **Q. Do you think in this case the AG's Office is**  
8 **acting as the judge, jury, and executioner?**

9 **MS. HUNT:** Objection, form and outside the  
10 scope of the deposition notice, and this witness is not  
11 authorized to speak on the agency's behalf.

12 **THE WITNESS:** So as I just mentioned, our  
13 cases -- our division, the Open Records Division, is in  
14 between the, in this case, the governmental body's  
15 decision and the decision of a Court. In this case, the  
16 Court has already ruled on some of these documents.

17 We don't necessarily make the final decision.  
18 If the requester wants to challenge that decision in  
19 court, as would be the case in many other jurisdictions.  
20 Saying that we're the judge, jury, and executioner is  
21 ignoring the fact, in my opinion, that there's a judge  
22 after us, an actual judge.

23 **MS. PETTIT:** Q. Well, even you just testified  
24 a moment ago that you're not aware of anything under the  
25 Act nor are you aware of any instance in which someone

1 has sued the AG's Office based on cost estimates;  
2 correct?

3 A. That's correct.

4 **MS. HUNT:** Objection, leading. Objection,  
5 form.

6 **MS. PETTIT:** Q. If a requester disagrees with  
7 the AG's decision on a cost estimate, what remedy have  
8 you seen a requester have?

9 **MS. HUNT:** Objection, leading.

10 **THE WITNESS:** I don't know.

11 **MS. PETTIT:** Q. You're not aware as the Chief  
12 of the division of any remedy that a requester has if  
13 they disagree with the AG's decision on a cost estimate?

14 A. Correct. I'm not aware of any remedy that  
15 I've seen that has been a challenge to a cost estimate  
16 other than a couple of court cases that reviewed them  
17 but in a different context than the context you're  
18 laying out. So courts have reviewed and looked at cost  
19 estimates. There's a couple of references in the  
20 subpoena notice. But as far as challenges to the  
21 Attorney General's Office, I'm not aware of the Attorney  
22 General's Office ever having been sued on a cost  
23 estimate.

24 **Q. What remedy does a requester have if they**  
25 **disagree with the AG's decision on a cost estimate?**

1           A.    As I just mentioned, I'm not sure. I haven't  
2           seen that in the past. They may have a number of  
3           remedies that exist in the Public Information Act or  
4           outside. But I'm not sure because those things haven't  
5           come up and I've just never seen them.

6           **Q.    So as the Chief of the division, you're not**  
7           **aware of any remedy a requester would have if they**  
8           **disagreed with your Office's decision; correct?**

9           **MS. HUNT:**  Objection, form.

10          **MS. MORALES:**  Objection, form.

11          **MS. PETTIT:**  Q.  You can answer.

12          A.  No.  I'm not aware of any certain remedy.  
13          There may be remedies; I just don't know of them.

14          **Q.    So then as far as you're aware, the AG's**  
15          **Office is the final say on a cost estimate; correct?**

16          **MS. HUNT:**  Objection.  Form.

17          **THE WITNESS:**  As far as I'm aware, we're the  
18          final -- the question is as far as I'm aware we're the  
19          final say on a cost estimate?  I don't know.  Yes, I  
20          would have to say I'm not aware of the next step that a  
21          requester would take in order to challenge.  They may  
22          file a mandamus against the requester.  They may file  
23          some other cause of action that I'm not aware of.  But I  
24          have not ever seen that happen.

25          **MS. PETTIT:**  Q.  If you are not aware, who

1 would be aware?

2 A. I'm not sure. I would suggest -- if a person  
3 called the hotline and asked that question, we would  
4 recommend they talk to their attorney.

5 Q. In your office, if you wanted to know the  
6 answer to that question, who would you ask?

7 A. I don't know.

8 Q. Because you're the Chief; right?

9 A. So our office only handles the administrative  
10 rulings, and we don't handle the litigation in our  
11 cases. So, again, we're the administrative side of it.  
12 So if we're going to have a lawsuit filed defensively,  
13 I'm not sure. I guess I could contact my lawyers in  
14 ALD. I could contact General Counsel. I'm not sure. I  
15 would have to guess.

16 Q. As the Chief of the division, as far as you  
17 are aware, a requester has no remedy if the requester  
18 disagrees with the Attorney General's decision on a cost  
19 estimate; correct?

20 MS. HUNT: Objection, form. Objection,  
21 leading.

22 THE WITNESS: I think I've answered this  
23 question, and I'm trying to answer it consistently. But  
24 I have never seen a challenge of a cost estimate in the  
25 Open Records Division. I've never considered whether or

1 not it could be challenged or not.

2 It's possible that there are challenges. I'm  
3 just not personally aware of them. Our office handles  
4 those administrative determinations, the litigation  
5 matters, and certainly we don't file litigation  
6 ourselves so -- or do litigation ourselves. So  
7 litigation remedy, I'm just not aware of it.

8 **MS. PETTIT:** Q. And so we can agree that the  
9 AG's Office, as far as you're aware, has the final say  
10 on a cost estimate; correct?

11 **MS. HUNT:** Objection, leading. Objection,  
12 form.

13 **MS. PETTIT:** Q. I'm just looking for a yes or  
14 no.

15 A. Yeah, could you explain how that question is  
16 different than the question I just answered? I'm just  
17 not sure if I'm not answering your question. I feel  
18 like I've answered your question, so I'm trying to find  
19 out if there's something I'm not getting at.

20 **Q.** For the record, I'm trying to get a "yes" or  
21 "no" answer. My question is: As the Chief of the Open  
22 Records Division at the AG's Office, you are not aware  
23 of any remedy that a requester has if they disagree with  
24 the cost estimate as determined by the AG's Office;  
25 correct?

1           **MS. HUNT:** Objection, leading. Objection,  
2 form.

3           **THE WITNESS:** That's correct. I'm not aware  
4 of what a requester would do if they disagreed in  
5 litigation with our cost estimate.

6           **MS. PETTIT:** Q. At the same time with the  
7 authority to make the final say on a cost estimate,  
8 isn't it true that the AG's Office also represents Texas  
9 Tech in litigation regarding open records request?

10          **MS. HUNT:** Objection, leading. Objection,  
11 form. Outside the scope of the deposition notice.

12          **THE WITNESS:** As I mentioned earlier, there is  
13 a separate division that follows a separate chain of  
14 command that represents the -- that represents -- there  
15 is a separate division that represents the Texas Tech  
16 University in these cases that is in the Attorney  
17 General's Office, that is correct.

18          **MS. PETTIT:** All right. We reserve our  
19 remaining questions.

20          **MS. MORALES:** I have none.

21          **THE VIDEOGRAPHER:** The time is now 10:01 a.m.  
22 We are off the record concluding this deposition.

23          **THE REPORTER:** Would you like to order a  
24 certified copy of the transcript?

25          **MS. HUNT:** We are not. If you send it to me

1 for him to review.

2 Cynthia, are you ordering a transcript?

3 **MS. MORALES:** Yeah, I want to order a  
4 transcript.

5 (Deposition adjourned at 10:02 a.m.)

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THE STATE OF \_\_\_\_\_ )  
BEFORE ME, \_\_\_\_\_, on  
this day personally appeared JUSTIN GORDON, known to me  
(or proved to me under oath or through \_\_\_\_\_)  
(description of identity card or other document) to be  
the person whose name is subscribed to the foregoing  
instrument and acknowledged to me that they executed  
same for the purposes and consideration therein  
expressed.

Given under my hand and seal of office on  
this, the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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CAUSE NO. 2018528740

DOLCEFINO COMMUNICATIONS, \* IN THE DISTRICT COURT OF  
 LLC, d/b/a DOLCEFINO \*  
 CONSULTING, \*  
 \*  
 v. \* LUBBOCK COUNTY, TEXAS  
 \*  
 TEXAS TECH UNIVERSITY and \*  
 DR. LAWRENCE SCHOVANEC, IN \*  
 HIS OFFICIAL CAPACITY AS \*  
 THE PRESIDENT OF TEXAS \*  
 TECH UNIVERSITY. \* 99TH JUDICIAL DISTRICT

\*\*\*\*\*

REPORTER'S CERTIFICATION  
 ORAL DEPOSITION OF JUSTIN GORDON  
 Taken on Thursday, August 22, 2019

I, KIMBERLEE SCHROEDER, Certified Shorthand Reporter, in and for the State of Texas, No. 10925 and in and for the State of California, No. 11414, hereby certify to the following:

That the witness, JUSTIN GORDON, was duly sworn by me, and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on \_\_\_\_\_ to the witness or to the attorney for the witness for examination, signature, and return to me by \_\_\_\_\_;

That the amount of examination time used by

1 each party at the deposition is as follows:

2 **BY MS. PETTIT:** 00:46

3 **BY MS. MORALES:** 00:05

4 **MS. HUNT:** 00:00

5  
6 That pursuant to information given to the  
7 deposition officer at the time said testimony was taken,  
8 the following includes counsel for all parties of  
9 record:

10 JULIE PETTIT and MICHAEL HURST: Counsel for  
11 Plaintiff;

12 ROSALIND HUNT, ROBYN GLASSNER and KIMBERLY  
13 **FUCHS:** Counsel for Witness;

14 **CYNTHIA MORALES:** Counsel for Defendant Texas  
15 Tech University System;

16 I further certify that I am neither counsel  
17 for, related to, nor employed by any of the parties or  
18 attorneys in the action in which this proceeding was  
19 taken, and further that I am not financially or  
20 otherwise interested in the outcome of the action.

21 Further certification requirements pursuant to  
22 Rule 203 of TRCP will be certified to after they have  
23 occurred.

24 Certified to by me this day, this 15th of  
25 September, 2019.

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KIMBERLEE SCHROEDER, CSR, RPR, CCRR  
TX CSR No. 10925 - Exp: 01/30/2021  
CA CSR No. 11414  
WORLDWIDE COURT REPORTERS, INC.  
3000 Wesleyan, Suite 245  
Houston, Texas 77027  
713-572-2000; FIRM # 223

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FURTHER CERTIFICATION UNDER RULE 203, TRCP

The original deposition/errata sheet was / was not returned to the deposition officer on \_\_\_\_\_;

If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to MS. PETTIT, Esq., Custodial Attorney;

That \$\_\_\_\_\_ is the deposition officer's charges to the Plaintiff for preparing the original deposition transcript and copies of exhibits, if any;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on \_\_\_\_\_ and filed with the Clerk.

Certified to by me on \_\_\_\_\_.

\_\_\_\_\_  
KIMBERLEE SCHROEDER, CSR, RPR, CCRR  
TX CSR No. 10925 - Exp: 01/30/2021  
CA CSR No. 11414  
WORLDWIDE COURT REPORTERS, INC.  
3000 Wesleyan, Suite 245  
Houston, Texas 77027  
713-572-2000; FIRM # 223

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