

Jared Woodfill; Steven F. Hotze; F.N. Williams, Sr.; and Max Miller <i>Plaintiffs,</i>	§ § §	In the District Court of
v.	§	Harris County, Texas
Annise D. Parker, Mayor; Anna Russell, City Secretary; and City of Houston <i>Defendants.</i>	§ § §	152 <sup>nd</sup> Judicial District Court

Notice of Intention to Subpoena  
Pastor David Welch to Produce Documents or Tangible Evidence

TO: Pastor David Welch, 5901 North Fry Road, Katy, TX 77449.

Andy Taylor (ataylor@andytaylorlaw.com) and Amanda Peterson (apeterson@andytaylorlaw.com), ANDY TAYLOR ASSOCIATES, P.C., 2668 Highway 36S, #288, Brenham, Texas 77833

Please take notice that ten (10) days after the service of this notice, the attached subpoena with exhibit will be served upon Pastor David Welch. The requested documents are to be used in the above cause as evidence upon trial.

The subpoena, as authorized by Texas Rule of Civil Procedure 205, commands that Pastor David Welch produce copies of designated documents or tangible things in the possession, custody, or control of said witness to counsel for the City of Houston as specified in the exhibit to the subpoena attached to this notice as Attachment A. The requested documents shall be produced at Susman Godfrey LLP, 1000 Louisiana Street, Suite 5100, Houston Texas 77002, on October 10, 2014 at 5:00 p.m., or at another mutually agreeable place, date, or time.

Dated: September 10, 2014

Respectfully submitted,

SUSMAN GODFREY L.L.P.

By: /s/ Kristen Schlemmer

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Telephone: (713) 651-9366

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*Lead Counsel for City of Houston*

*Of Counsel:*

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Telephone: (713) 547-2000  
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*Appellate Attorneys for All Defendants*

Certificate of Service

I certify that on September 10, 2014, a true and correct copy of this document properly was served on the following counsel of record in accordance with the Texas Rules of Civil Procedure via email by agreement with the parties:

ANDY TAYLOR & ASSOCIATES, P.C.

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668 Highway 36S, #288

Brenham, Texas 77833

*Attorneys for Plaintiffs*

/s/ Kristen Schlemmer

Kristen Schlemmer

**ATTACHMENT A**

Case No. 2014-44974

Jared Woodfill; Steven F. Hotze;  
F.N. Williams, Sr.; and Max Miller  
*Plaintiffs,*

v.

Annise D. Parker, Mayor; Anna Russell,  
City Secretary; and City of Houston  
*Defendants.*

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In the District Court of

Harris County, Texas

152<sup>nd</sup> Judicial District Court

Subpoena Requiring Production of Documents or Tangible Evidence

**STATE OF TEXAS**

**TO: Pastor David Welch, 5901 North Fry Road, Katy, TX 77449**

**YOU ARE COMMANDED** to appear and produce and permit inspection and copying of the documents identified in the attached "Exhibit A" at the offices of SUSMAN GODFREY LLP, 1000 Louisiana Street, Suite 5100, Houston Texas 77002, on October 10, 2014 by 5PM.

**CONTEMPT: FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY BE DEEMED A CONTEMPT OF THE COURT FROM WHICH THE SUBPOENA IS ISSUED OR A DISTRICT COURT IN THE COUNTY IN WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR CONFINEMENT, OR BOTH.**

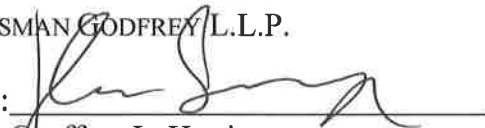
**Issued at the instance of the City of Houston, represented by the undersigned attorneys of record**

Issued on September 10, 2014 by:  
(Effective for service no sooner than September 20, 2014).

Respectfully submitted,

SUSMAN GODFREY L.L.P.

By:



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*Of Counsel:*

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*Appellate Attorneys for All Defendants*

Certificate of Service

I certify that on September 10, 2014, a true and correct copy of this document properly was served on the following counsel of record in accordance with the Texas Rules of Civil Procedure via email by agreement with the parties:

ANDY TAYLOR & ASSOCIATES, P.C.  
Andy Taylor  
ataylor@andytaylorlaw.com  
Amanda Peterson  
apeterson@andytaylorlaw.com  
668 Highway 36S, #288  
Brenham, Texas 77833  
*Attorneys for Plaintiffs*

  
\_\_\_\_\_  
Kristen Schlemmer



**RETURN OF SUBPOENA**

Came to hand the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ .m., and executed by delivering a copy of this Subpoena to the within named \_\_\_\_\_ in person at \_\_\_\_\_ in \_\_\_\_\_ County, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at \_\_\_\_\_ o'clock \_\_\_\_ .m., and tendered to the witness a fee of \$10.00.

Not executed as to the witness \_\_\_\_\_ for the following reasons:

\_\_\_\_\_

**ACCEPTANCE OF SERVICE OF SUBPOENA OR SUBPOENA BY WITNESS PER  
BY WITNESS PER RULE 176.5(b)(1) T.R.C.P. RULE 176.5(b)(2) T.R.C.P.**

I hereby accept service of the attached subpoena and will produce those documents on said date and time directed in this subpoena

BY \_\_\_\_\_  
Person who is not a party and is  
Not less than 18 years of age

\_\_\_\_\_  
Witness

Per Rule 176.5(b)(2) T.R.C.P.

\_\_\_\_\_  
Date

**EXHIBIT A TO SUBPOENA ON PASTOR DAVID WELCH**

WOODFILL V. PARKER  
CAUSE NO. 2014-44974 IN THE 152<sup>ND</sup> JUDICIAL DISTRICT COURT,  
HARRIS COUNTY, TEXAS

I. DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions apply to the document requests listed below:

1. If you or your lawyers find any of these requests vague or confusing, or if you want to discuss these requests, please call Kristen Schlemmer at (713) 653-7885. We may be able to resolve any concerns or objections over the phone. Thank you.

2. The terms “You,” “Your,” or “Yours” shall mean and refer to you, David Welch, your agents, employees, representatives, and/or any person or entity authorized to act on your behalf.

3. “Document” and “documents,” mean all documents and tangible things, in the broadest sense allowed by Rule 192.3(b) and comment 2 of the Texas Rules of Civil Procedure, and include, but are not limited to, any writings, drawings, graphs, charts, photographs, phonograph records, tape recordings, notes, diaries, calendars, checkbooks, books, papers, accounts, *electronic or videotape recordings*, and any computer-generated, computer-stored, or electronically-stored matter that constitute or contain matters relevant to the subject matter of this lawsuit. The terms include, but are not limited to, *emails, instant messages, text messages*, or other responsive data or information that exists in electronic or magnetic form, and such responsive data should be produced pursuant to Rule 196.4 of the Texas Rules of Civil Procedure.

4. “Communications” means every direct or indirect disclosure, receipt, transfer, or exchange of information, inquiry or opinion, however made, whether oral, visual, in writing or

otherwise, including without limitation any conversation or discussion by means of letter, note, package, invoice, statement, notice, memorandum, inter-office correspondence, telephone, telegraph, *email, telex, telecopies, text message, instant message*, cable communicating data processors, or some other electronic or other medium.

5. “City” means the City of Houston and any official, employee, agent or representative of the City of Houston, and any department, office, or division of the City of Houston.

6. “Plaintiffs” means Jared Woodfill, Steve F. Hotze, F.N. Williams, Sr., and Max Miller and any of their affiliates, parents, subsidiaries, employees, agents or representatives, and each person acting or authorized to act on their behalf, and certainly includes but is not limited to Jared Woodfill, Steve F. Hotze, F.N. Williams, Sr., and Max Miller.

7. “HERO” means the equal rights ordinance passed by the City Council of the City of Houston on June 3, 2014.

8. “Petition” means the referendum petition submitted to the City on July 3, 2014.

9. “Petition Circulator” means any person who signed, attempted to sign, or filled out the affidavit located on the bottom portion of the Petition.

10. You are to produce all documents, as defined above, that are in Your possession, control or custody or in the possession, control or custody of any attorney for You. Without limiting the term “control,” a document is deemed to be within Your control if You have ownership, possession or custody of the document, or the right to secure the document or copy thereof from any person or public or private entity having physical possession thereof.

11. All duplicates or copies of documents are to be provided to the extent they have handwriting, additions, or deletions of any kind different from the original document being

produced.

12. The term “and/or,” “or,” and “and” are used inclusively, not exclusively.

13. The terms “refer,” “refers to,” “related to,” “referring to,” and “relating to” include, without limitation, concerning, alluding to, responding to, connected with, commenting on, regarding, explaining, supporting, discussing, summarizing, demonstrating, showing, studying, describing, considering, reflecting, analyzing, constituting.

14. Except where to do so would exclude information from a response to an interrogatory, use of the singular shall be taken to include the plural and vice-versa.

## II. REQUESTED DOCUMENTS

YOU ARE REQUIRED TO PRODUCE THE FOLLOWING RECORDS:

1. All documents or communications to, from, CCing, BCCing, or forwarded to you, or otherwise in your possession, relating or referring to any of the following in connection in any way with HERO, the Petition:

- a. Plaintiffs,
- b. Annise Parker or the Mayor’s office,
- c. Anna Russell or the City Secretary’s office,
- d. David Feldman or the City Attorney’s office,
- e. HERO or any drafts of HERO,
- f. the Petition, or any drafts of the Petition, including any discussions relating to the language included at the top of the Petition,
- g. the legal requirements for petitions under Texas, Houston municipal, or any other law,
- h. Petition signers,

- i. Petition Circulators,
  - j. affidavits filled out by Petition Circulators, including the notarization of the affidavits,
  - k. the payment of Petition Circulators,
  - l. funding of the Petition or petition drives,
  - m. the topics of equal rights, civil rights, homosexuality, or gender identity,
  - n. language relating to restroom access,
  - o. language related to restroom access being or having been removed from a version of HERO, including any communications related to the removal of that language,
  - p. any discussion about whether or how HERO does or does not impact restroom access.
2. All communications to or from Plaintiffs.
  3. All communications with the City regarding HERO or the Petition.
  4. All communications with members of your congregation regarding HERO or the Petition.
  5. All communications with Joe La Rue or anyone else at the “Alliance Defending Freedom” regarding HERO or the Petition.
  6. All drafts of the Petition.
  7. All lists of Petition Circulators.
  8. All communications to or from Petition Circulators.
  9. Any documents relating to the payment of Petition Circulators, including but not limited to:

- a. budgets related to the payment of Petition Circulators,
- b. check stubs or check registers reflecting payments to Petition Circulators,
- c. copies of checks made out to Petition Circulators,
- d. tax forms relating to the payment of Petition circulators,
- e. documents explaining calculation of payment to Petition Circulators,
- f. documents referencing incentives given to Petition Circulators for obtaining certain numbers of signatures or completing a certain number of pages.

10. Any documents relating to funding and funding sources of the Petition and Petition-related activities.

11. All training materials prepared for Petition Circulators or anyone else involved in the collection of any signatures for the Petition.

12. All speeches, presentations, or sermons related to HERO, the Petition, Mayor Annise Parker, homosexuality, or gender identity prepared by, delivered by, revised by, or approved by you or in your possession.

13. All documents, studies, information, communications, or other data relied on in connection with the Petition to check, confirm, or ensure the truthfulness and accuracy of the statements made in the Petition, including but not limited to the statements in the Petition (or in any training materials prepared for Petition Circulators or anyone else involved in the collection of any signatures for the Petition) that “Biological males ARE IN FACT allowed to enter women’s restrooms in Houston under Mayor Annise Parker’s “Equal Rights Ordinance”, thereby threatening the physical and emotional safety of our women and children!” and that “Her ERO creates UNequal Rights for a tiny group of people by taking away rights of safety and privacy for the vast majority of our women and children!”) (emphasis in original).

14. All documents, studies, information, communications, or other data that you believe support or demonstrate the truthfulness and accuracy of the statements made in the Petition, including but not limited to the statements in the Petition (or in any training materials prepared for Petition Circulators or anyone else involved in the collection of any signatures for the Petition) that “Biological males ARE IN FACT allowed to enter women’s restrooms in Houston under Mayor Annise Parker’s “Equal Rights Ordinance”, thereby threatening the physical and emotional safety of our women and children!” and that “Her ERO creates UNequal Rights for a tiny group of people by taking away rights of safety and privacy for the vast majority of our women and children!”) (emphasis in original).

15. All communications with anyone at or associated with the Houston Area Pastor Council referring or relating to HERO, restroom access in connection with HERO, the Petition, or this litigation.

16. All documents or communications reflecting or relating to the validity of signatures on the Petition or the validity of any Petition Pages, including but not limited to correspondence, notes, spreadsheets, or other documents regarding:

- a. the validity of signatures,
- b. the registered-voter status of any signatories,
- c. the number of valid signatures,
- d. the validity of Petition pages,
- e. the validity of Circulator Oaths.

17. Your updated résumé or curriculum vitae.