

EX PARTE	§	IN THE DISTRICT COURT
	§	TARRANT COUNTY, TEXAS
BARTON R. GAINES	§	213TH JUDICIAL DISTRICT

Applicant's Notice Of Deposition On Written Questions for **Andrew S. Horvath**

To: **Andrew S. Horvath**, 1170 Legend Oak Dr, Fountain, El Paso County, Colorado

80817-2322, (817) 584-2005, Emails ajhoover1105@gmail.com

andrew.horvath11@gmail.com andrew.horvath1@yahoo.com cowgrilrebel@yahoo.com

adamnoelhorvath@hotmail.com rosiehorvath@charter.net cherylhorvath57@gmail.com

1. Please take notice that, under *Texas Rule of Civil Procedure* 200.1, Applicant, Barton R. Gaines, will take the deposition on written questions of **Andrew S. Horvath** on (date): _____, at (time): _____, at 401 W. Belknap St., Ft. Worth, TEXAS 76196, in the aforementioned Judicial District Court.
2. The deposition will continue from day to day until completed.
3. The deposition will be taken by the 213th Judicial District Court's Court Reporter, Shelia Walker.

Respectfully submitted,

By: _____
BARTON R. GAINES, Pro Se
244 Siesta Court
Granbury, Texas 76048
Tel.: 682-500-7326
Email bartongaines@gmail.com

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The State of Texas Subpoena Deposition

To: Any sheriff or constable of the State of Texas or other person authorized to serve and execute subpoenas as provided in Texas Rule of Civil Procedure 176.5.

You are commanded to summon **Andrew S. Horvath**, who may be found at **1170 Legend Oak Dr, Fountain, El Paso County, Colorado 80817-2322, (817) 584-2005, Emails ajhoover1105@gmail.com andrew.horvath11@gmail.com andrew.horvath1@yahoo.com cowgrilrebel@yahoo.com adamnoelhorvath@hotmail.com rosiehorvath@charter.net cherylorvath57@gmail.com** or wherever found, to appear at 401 W. Belknap St., Ft. Worth, TEXAS 76196, in the aforementioned Judicial District Court, on (date): _____, at (time): _____, to attend and give testimony at a deposition in this case on behalf of the Applicant, and to remain in attendance from day to day until lawfully discharged.

Duties of Person Served with Subpoena. You are advised that under Texas Rule of Civil Procedure 176, a person served with a subpoena has certain rights and obligations. Rule 176.6 provides the following:

(a) Compliance required. Except as provided in this subdivision, a person served with a subpoena must comply with the command stated therein unless discharged by the court or by the party summoning such witness. A person commanded to appear and give testimony must remain at the place of deposition, hearing, or trial from day to day until discharged by the court or by the party summoning the witness.

(b) Organizations. If a subpoena commanding testimony is directed to a corporation, partnership, association, governmental agency, or other organization, and the matters on which examination is requested are described with reasonable particularity, the organization must designate one or more persons to testify on its behalf as to matters known or reasonably available to the organization.

(c) Production of documents or tangible things. A person commanded to produce documents or tangible things need not appear in person at the time and place of production unless the person is also commanded to attend and give testimony, either in the same subpoena or a separate one. A person must produce documents as they are kept in the usual course of business or must organize and label them to correspond with the categories in the demand. A person may withhold material or information claimed to be privileged but must comply with Rule 193.3. A nonparty's production of a document authenticates the document for

use against the nonparty to the same extent as a party's production of a document is authenticated for use against the party under Rule 193.7.

(d) Objections. A person commanded to produce or permit inspection or copying of designated documents and things may serve on the party requesting issuance of the subpoena - before the time specified for compliance - written objections to producing any or all of the designated materials. A person need not comply with the part of a subpoena to which objection is made as provided in this paragraph unless ordered to do so by the court. The party requesting the subpoena may move for such an order at any time after an objection is made.

(e) Protective orders. A person commanded to appear at a deposition, hearing, or trial, or to produce and permit inspection and copying of designated documents and things, and any other person affected by the subpoena, may move for a protective order under Rule 192.6(b) - before the time specified for compliance - either in the court in which the action is pending or in a district court in the county where the subpoena was served. The person must serve the motion on all parties in accordance with Rule 21 a. A person need not comply with the part of a subpoena from which protection is sought under this paragraph unless ordered to do so by the court. The party requesting the subpoena may seek such an order at any time after the motion for protection is filed.

(f) Trial subpoenas. A person commanded to attend and give testimony, or to produce documents or things, at a hearing or trial, may object or move for protective order before the court at the time and place specified for compliance, rather than under paragraphs (d) and (e).

Contempt. Failure by any person without adequate excuse to obey a subpoena served on the 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. Tex. R. Civ. P. 176.8(a).

DO NOT FAIL to return this writ to [identify court in which case is pending] with either the attached officer's return showing the manner of execution or the witness's signed memorandum showing that the witness accepted the subpoena.

' This subpoena was issued at the request of Applicant Barton R. Gaines, whose attorney of record is Barton R. Gaines, 244 Siesta Court, Granbury, Texas, 76048, Tel: 682-500-2753. You may contact Barton R. Gaines's attorney to arrange another time and date.

ISSUED on _____, 2021.

By: _____
Deputy District Clerk
_____, District Clerk
Tarrant Co., Tex.
401 W. Belknap
Ft. Worth, Texas. 76196

Return of Service of Subpoena

I, _____, delivered a copy of this subpoena to **Andrew S. Horvath** in person at _____, in _____, County, Texas, on _____, 2021, at _____ o'clock __.m., and tendered to the witness a fee of \$_____ in cash.

I, _____, was unable to deliver a copy of this subpoena to **Andrew S. Horvath** for the following reasons: _____

By Deputy:_____

Sheriff/Constable_____

Tarrant County, Texas

Acceptance of service of subpoena by Witness under Texas Rule of Civil Procedure 176

I accept service of this subpoena.

Witness

Date

FEE FOR SERVICE OF SUBPOENA: \$ _____

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Deposition on Written Questions for Andrew Stockton Horvath

(1. Who was released from the hospital first?)

Back early 2002 when Michael Williams, or Mike, and Andrew Horvath, or Andy, were both robbed and shot by Jason Tucker, Barton R. Gaines, or Bart, and Daniel Aranda. Who was released from the hospital first, Mike or Andy?

(2. Redo or add to original affidavits?)

Upon Mike's and Andy's individual and separate releases (i.e., from the hospital), the Ft. Worth PD noted that they separately and individually provided the Ft. Worth PD sworn statements relating the events leading up to their eventual robbery and shooting. Were these statements ever updated or added to as more information came to light: regarding the suspects, i.e., who they were, what they did, etc.?

(3. When identify the suspects?)

Did both Mike and Andy take turns trying to identify the Ft. Worth PD's suspects together on the same day, separate on the same day, or separate and on different days?

(4. Paul Griffin; FWPD, & who's #?)

Mike said he used one of the suspect's cell phones to call his dealer and Paul Griffin in search of one of the suspect's a pound of marihuana, and Paul had the guy's (the suspect's) cell phone number on his caller-ID from when Mike called him looking for the pound of marihuana. If known, was the Ft. Worth PD ever able to get a hold of the number and call it, etc., and if yes, who did it dial up, the suspect?

(5. Mike identify Jason; same day as Bart?)

The Ft. Worth PD noted that Mike was unable to identify one of the suspect's, Jason, at the time he (Mike) identified the other suspect, Bart. If known, was Mike ever even asked to try to identify the one suspect, Jason, and if yes, was it apart and separate from the time it had him try to identify Bart, or together?

(6. Where did Mike's identification procedure take place?)

The Ft. Worth PD noted that Andy was able to identify both Jason and Bart on the same day at his house. Did Mike identify, or try to identify, Jason and Bart on the same day and at his house too? If not, then where and when?