

**From:** [David Peeples](#)  
**To:** [Kevin Haynes](#)  
**Cc:** [Nick Ware](#); [ataylor@andytaylorlaw.com](mailto:ataylor@andytaylorlaw.com); [sonya@sonyaaston.com](mailto:sonya@sonyaaston.com); [santonmattei@pulaskilawfirm.com](mailto:santonmattei@pulaskilawfirm.com); [Rosie Trejo](#); [Eric Hawley](#); [Marc Carter](#)  
**Subject:** Re: Lunceford v. Craft  
**Date:** Saturday, July 29, 2023 2:59:49 PM

---

**Caution:** This email originated from outside our organization. DO NOT click on any images or links, or open any attachments, unless you have verified the sender and determined the content is safe.

All overruled. I'll deal with objections to those witnesses and their testimony when they are testifying in the courtroom.

On Jul 29, 2023, at 1:30 PM, Kevin Haynes <[khaynes@kherkhergarcia.com](mailto:khaynes@kherkhergarcia.com)> wrote:

Judge Peeples,

Thank you for communicating your rulings below.

With that being said, when might we expect rulings on Craft's objections to Lunceford's summary-judgment evidence?

Respectfully,

[<image008.png>](#)

---

**From:** [dpeeples99@gmail.com](mailto:dpeeples99@gmail.com) <[dpeeples99@gmail.com](mailto:dpeeples99@gmail.com)>  
**Sent:** Saturday, July 29, 2023 1:27 PM  
**To:** Nick Ware <[NWare@kherkhergarcia.com](mailto:NWare@kherkhergarcia.com)>; [ataylor@andytaylorlaw.com](mailto:ataylor@andytaylorlaw.com); [sonya@sonyaaston.com](mailto:sonya@sonyaaston.com)  
**Cc:** Kevin Haynes <[khaynes@kherkhergarcia.com](mailto:khaynes@kherkhergarcia.com)>; [santonmattei@pulaskilawfirm.com](mailto:santonmattei@pulaskilawfirm.com); Rosie Trejo <[rtrejo@kherkhergarcia.com](mailto:rtrejo@kherkhergarcia.com)>; Eric Hawley <[ehawley@kherkhergarcia.com](mailto:ehawley@kherkhergarcia.com)>; Marc Carter <[mcarter@KherkherGarcia.com](mailto:mcarter@KherkherGarcia.com)>  
**Subject:** RE: Lunceford v. Craft

**Caution:** This email originated from outside our organization. DO NOT click on any images or links, or open any attachments, unless you have verified the sender and determined the content

is safe.

Counsel:

After some reading and thinking, here are a few rulings.

**1. MSJ.** The motion for summary judgment is respectfully **denied**. I hasten to say that my understanding of the issues is better and deeper now than it was two days ago. I look forward to assessing the evidence at trial and discussing the law further in the days ahead. Even if some arguments may be stronger than others, I think it is best not to grant a partial SJ on some issues while leaving others for trial.

**2. Objections and motions to exclude.** We will deal with objections to the testimony of each witness as it is offered at trial.

**3. Deposition testimony.** I will consider and rule on objections to deposition testimony (video or written) at trial when each Q and A is offered. So Mr. Taylor, go ahead and prepare your video offers (or regular depo evidence) as you desire. Play each video (or read the Q and A), and I will deal with objections as they come—at trial and not before. For the depositions on written questions to the 30-plus declarants, let's talk about that again.

**4. Tatum deposition.** Mr. Taylor, offer what you choose from Mr. Tatum's depo, and then I will allow Mr. Haynes to offer optional completeness and cross-examination contained in the deposition itself on the issues covered in Taylor's offer. In other words Mr. Haynes, no other Tatum testimony, either live or from deposition, until your case in chief. Of course if Mr. Taylor wants to call Mr. Tatum live in his case in chief, as he suggested in an earlier email, he may do so, and there would be wide-open cross.

**5. Notice of next day's witnesses.** Concerning Lunceford's Tuesday witnesses, Mr. Taylor will tell Mr. Haynes by tomorrow evening which witnesses he will call on Tuesday. For witnesses on Wednesday, we'll deal with that when we finish on Tuesday. Ditto for each day until the end of the trial. In other words, notice of next day's witnesses at the end of each day, not 24 hours before.

**6. Streaming.** I am still leaning against streaming. We'll revisit Tuesday morning.

Regards, dp

---

**From:** Nick Ware <[NWare@kherkhergarcia.com](mailto:NWare@kherkhergarcia.com)>

**Sent:** Friday, July 28, 2023 10:59 PM

**To:** [ataylor@andytaylorlaw.com](mailto:ataylor@andytaylorlaw.com)

**Cc:** [dpeeples99@gmail.com](mailto:dpeeples99@gmail.com); Kevin Haynes <[khaynes@kherkhergarcia.com](mailto:khaynes@kherkhergarcia.com)>; [santonmattei@pulaskilawfirm.com](mailto:santonmattei@pulaskilawfirm.com); Rosie Trejo <[rtrejo@kherkhergarcia.com](mailto:rtrejo@kherkhergarcia.com)>; Eric Hawley <[ehawley@kherkhergarcia.com](mailto:ehawley@kherkhergarcia.com)>; Marc Carter <[mcarter@KherkherGarcia.com](mailto:mcarter@KherkherGarcia.com)>

**Subject:** Lunceford v. Craft

Andy,

Contestee's offers as to the deposition of Kelley Hubenak-Flannery and Elizabeth Kocurek are attached. Please note that these have already been E-filed with the Court; however, I have included Judge Peeples on this email to make sure he receives them.

Regards,

[<image009.png>](#)

[<image010.png>](#)

[<image011.png>](#)

[<image012.png>](#)

[<image013.png>](#)

[<image014.png>](#)

[<image015.png>](#)

RETRIEVED FROM DEMOCRACYDOCKET.COM

## Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Steve Kherkher on behalf of Kevin Haynes

Bar No. 24055639

skherkher-team@kherkhergarcia.com

Envelope ID: 78123537

Filing Code Description: No Fee Documents

Filing Description: Contestee Tamika Craft's Trial Brief Regarding Voir

Dire Examination of Experts at Trial

Status as of 8/2/2023 11:57 AM CST

### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Steven Joseph Kherkher	11375950	SKherkher-Team@KherkherGarcia.com	8/2/2023 11:02:29 AM	SENT
William A. Taylor	19727600	ataylor@andytaylorlaw.com	8/2/2023 11:02:29 AM	SENT
Sonya Aston	787007	sonya@sonyaaston.com	8/2/2023 11:02:29 AM	SENT
Andy Drumheller		adrumheller@dhmiaw.com	8/2/2023 11:02:29 AM	SENT
Kristin Hagen		khagen@dhmiaw.com	8/2/2023 11:02:29 AM	SENT
Tiffany Bingham		tiffany.bingham@harriscountytexas.gov	8/2/2023 11:02:29 AM	SENT
Jonathan Fombonne		jonathan.fombonne@harriscountytexas.gov	8/2/2023 11:02:29 AM	SENT
Christopher Garza		Christopher.Garza@harriscountytexas.gov	8/2/2023 11:02:29 AM	SENT
Jacqueline Bauerband		jacqueline.bauerband@harriscountytexas.gov	8/2/2023 11:02:29 AM	SENT
Sadi Antonmattei-Goitia		santonmattei@pulaskilawfirm.com	8/2/2023 11:02:29 AM	SENT