

CAUSE NO.: 2010-689-

FILED
2010 MAR -1 AM 11:58
KAREN C. MATKIN
DISTRICT CLERK
MCLENNAN CO. TX.
DEPUTY

IN RE FELIPE REYNA,

Petitioner

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IN THE DISTRICT COURT

JUDICIAL DISTRICT

MCLENNAN COUNTY, TEXAS

**PETITIONER FELIPE REYNA'S VERIFIED
PETITION TO TAKE DEPOSITION BEFORE SUIT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Petitioner Felipe Reyna (the "Petitioner") and asks the court for permission to take a deposition by video oral examination to obtain testimony in an anticipated civil suit, as allowed by Texas Rule of Civil Procedure 202, and would respectfully show the Court as follows:

I. INTRODUCTION

- A. The Petitioner Felipe Reyna is an individual who resides in McLennan County, Texas.
- B. The person(s) and entity(ies) sought to be deposed are:
 - 1. Texas BiPartisan Justice Committee, by and through its owners, principals, officers, employees, servants, and/or agents
1725 FM 2751
Longview, Texas 75605
Telephone: (903) 663-1533
 - 2. John Coppedge, M.D.
Individually, as Treasurer, and in any other capacity(ies) with the Texas BiPartisan Justice Committee and

Brazos County Physicians for Judge Scoggins ("BCPFJS")
1725 FM 2751
Longview, Texas 75605
Telephone: (903) 663-1533

3. Brazos County Physicians for Judge Scoggins ("BCPFJS") a political action committee ("PAC") created on or about February 22, 2010
1725 FM 2751
Longview, Texas 75605
Telephone: (903) 663-1533
4. Any and all person(s), entity(ies), and/or party(ies) who have participated in any way in the creation, drafting, editing, and/or publication of the below-mentioned defamatory statements about Felipe Reyna, whose identities and locations are well known to the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. at this time, but are unknown to the Petitioner Felipe Reyna at this time
5. Any and all person(s), entity(ies), and/or party(ies) who have conspired with and/or aided and abetted the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. in the publication of the below-mentioned defamatory statements about Felipe Reyna, whose identities and locations are well known to the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. at this time, but are unknown to the Petitioner Felipe Reyna at this time

II. FACTS

A. The Petitioner Felipe Reyna has a heartwarming story of overcoming adversity to achieve a position as a justice on the Tenth Court of Appeals. Felipe Reyna is the son of a migrant worker whose family followed the harvest every year from South Texas to the Panhandle. The oldest of five children, Felipe Reyna worked very hard to become the first person in his family to graduate from high school and was the valedictorian of his class. He went on to earn a bachelor's degree from Baylor University in 1968 and a juris doctor degree from Baylor University School of Law in 1972. To pay his way through Baylor Law School, he worked full time as a clerk and janitor for the Tenth Court of Appeals with duties of cleaning the courtroom, the justices' chambers and

the local bar association library. After hours, he would take his books into the courtroom to study for class and dream about one day serving as a justice on the Tenth Court of Appeals. Following law school, he served as a criminal prosecutor and, in 1977, was appointed as the McLennan County District Attorney. In 1978, he was elected to serve a 4-year term as the District Attorney. After leaving the District Attorney's office in 1983, he founded the law firm of Reyna & Reyna, P.C., where he practiced law for approximately two decades.

B. In late 2003, the Petitioner Felipe Reyna's dream finally came true and he was appointed by Governor Rick Perry as a justice on the Tenth Court of Appeals. Since his judicial appointment, Felipe Reyna has won the Republican Primary nomination, in a contested primary, on March 9, 2004. Later, on November 2, 2004, Felipe Reyna was elected to a 6-year term as a justice on the Tenth Court of Appeals, by an overwhelming vote, over his opponent in the General Election.

C. The Petitioner Felipe Reyna and his wife, Cheryl, are members of the United Methodist Church in Lorena, Texas. Moreover, Felipe Reyna served in the United States Naval Reserve from April 6, 1963 until April 1969 when he received his Honorable Discharge.

D. The Petitioner Felipe Reyna is running for re-election as a justice on the Tenth Court of Appeals and his opponent is Judge Al Scoggins. The Texas BiPartisan Justice Committee ("TBPJC"), which John Coppedge, M.D. heads and serves as treasurer, has a website located at <http://votesmarttexas.com> and the TBPJC, on its website, has published an endorsement of Judge Al Scoggins in his campaign against Justice Reyna for election to the Tenth Court of Appeals.

E. The Texas BiPartisan Justice Committee's website article (<http://votesmarttexas.com/10thCourt.html>) on the Judge Scoggins endorsement to the Tenth Court of Appeals is followed by an article about Justice Reyna. It contains statements about Justice

Reyna, including the following:

Since assuming office, Reyna has been a disaster on the court. Reyna's opinions are those of a classic liberal judicial activist. He is the most frequently reversed appellate judge in Texas. His opinions, in our estimation, favor criminals in criminal cases and plaintiffs in civil ones. Because of the extremely high number of his opinions that have been reversed by Texas' two highest courts, Reyna has cost the taxpayers of Texas, and especially those living in his district, millions of dollars.

The TBPJC website article on Justice Reyna is followed by links to four webpages, three of which include the following: (1) CRIMINAL CASE REVIEWS: <http://votesmarttexas.com/reynacriminalcasereviews.html>; (2) CIVIL CASE REVIEWS: <http://votesmarttexas.com/reynacivilcasereviews.html>; and (3) 2006 REVERSALS: <http://votesmarttexas.com/reyna2006reversals.html>.

F. On or about a period of time prior to February 13, 2010, the Texas BiPartisan Justice Committee ("TBPJC") website article and webpages about the Petitioner Felipe Reyna contain the above-mentioned statements which are defamatory (libelous) statements relating to Felipe Reyna's official conduct and/or performance of his official duties as a justice on the Tenth Court of Appeals which the TBPJC has published on the world wide web. The published article about Felipe Reyna's official conduct or performance of his official duties as a justice on the Tenth Court of Appeals and the above-mentioned three published websites (case summaries and citations) contain false and defamatory (libelous) statements, including without limitation, statements that are false and defamatory (libelous) per se because:

1. The article contains statements that "[S]ince assuming office, Reyna has been a disaster on the court," which falsely state, suggest or imply that he is not a fair and impartial jurist in criminal and civil cases appealed to the Tenth Court of Appeals.
2. The article contains statements that Justice Reyna's "opinions are those of a classic liberal judicial activist" which falsely state, suggest or imply that he

is not a fair and impartial jurist in criminal and civil cases appealed to the Tenth Court of Appeals.

3. The article about Felipe Reyna, the webpage names and the summaries and lists, falsely suggest or imply that Justice Reyna was the author of the majority opinions in all of the reversed cases.
4. The article contains statements that Justice Reyna's opinions "favor criminals in criminal cases, and plaintiffs in civil ones" which falsely state, suggest or imply that he is not a fair and impartial jurist in criminal and civil cases appealed to the Tenth Court of Appeals.
5. The article contains statements that "[B]ecause of the extremely high number of his opinions that have been reversed by Texas' two highest courts, Reyna has cost the taxpayers of Texas, and especially those living in his district, millions of dollars" which falsely state, suggest or imply that not only has Justice Reyna cost the taxpayers of Texas and his district "millions of dollars," due to his reversed opinions, but that he is not a fair, impartial, and competent judge as well.
6. The TBPJC's publication of the above-mentioned defamatory (libelous) statements about Justice Reyna seeks to bring about Justice Reyna's removal from office as a justice on the Tenth Court of Appeals by convincing a majority of the voters in his district to vote for his opponent, Judge Scoggins, instead of voting for Justice Reyna.

G. On or about February 13, 2010, the Petitioner Felipe Reyna, by and through his attorney, sent a letter to John Coppedge, M.D. and the TBPJC demanding that (1) Dr. Coppedge and the TBPJC immediately retract, remove or correct the above-mentioned defamatory statements, suggestions or implications from its website and webpages by (a) removing these webpages and all links thereto or identifying the author of each of the cases summarized and cited and (b) prepare and publish on the TBPJC website, for as long as such webpages are posted on said website, a notice of such removal, retraction or correction and an apology to Felipe Reyna for publishing such defamatory statements and that the TBPJC and Dr. Coppedge take such action on or before 5:00 p.m. C.S.T. on February 17, 2010 or within two (2) calendar days of TBPJC and his receipt of such letter, whichever occurred first; and (2) the TBPJC and Dr. Coppedge prepare

a written retraction of the above-mentioned defamatory statements in the above-stated website and webpages and publish such retraction on the TBPJC website and that the TBPJC and Dr. Coppedge take such action on or before 5:00 p.m. C.S.T. on February 17, 2010.

H. On or about February 17, 2010, the Texas BiPartisan Justice Committee's website article (<http://votesmarttexas.com/10thCourt.html>) on the Judge Scoggins endorsement to the Tenth Court of Appeals continued to be followed by an article about the Petitioner Felipe Reyna. It contains statements and some minor revised statements, which are italicized for emphasis below, about Justice Reyna, including the following:

Since assuming office, Reyna has been a disaster on the court. Reyna's opinions are those of a classic liberal judicial activist. He is *arguably* the most frequently reversed appellate judge in Texas. His opinions, in our estimation, favor criminals in criminal cases and plaintiffs in civil ones. Because of the extremely high number of his opinions that have been reversed by Texas' two highest courts, Reyna has cost the taxpayers of Texas, and especially those living in his district, *lots of money. We reach this opinion reluctantly, and it is not reached because of one or two – or even ten opinions but upon sober reflection of the entire public record (Emphasis added).*

The TBPJC website article on Justice Reyna is still followed by links to four webpages, three of which include the following: (1) CRIMINAL CASE REVIEWS: <http://votesmarttexas.com/reynacriminalcasereviews.html>; (2) CIVIL CASE REVIEWS: <http://votesmarttexas.com/reynacivilcasereviews.html>; and (3) 2006 REVERSALS: <http://votesmarttexas.com/reyna2006reversals.html>.

I. On or about February 17, 2010 to the present, the Texas BiPartisan Justice Committee ("TBPJC") website article and webpages about the Petitioner Felipe Reyna contain the above-mentioned statements which are defamatory (libelous) statements relating to Felipe Reyna's official conduct and/or performance of his official duties as a justice on the Tenth Court of Appeals

which the TBPJC has published on the world wide web. The published article on or about February 17, 2010, and thereafter, about Felipe Reyna's official conduct or performance of his official duties as a justice on the Tenth Court of Appeals and the above-mentioned three published websites (case summaries and citations) continue to contain false and defamatory (libelous) statements, including without limitation, statements that are false and defamatory (libelous) per se because:

1. The article contains statements that "[S]ince assuming office, Reyna has been a disaster on the court," which falsely state, suggest or imply that he is not a fair and impartial jurist in criminal and civil cases appealed to the Tenth Court of Appeals.
2. The article contains statements that Justice Reyna's "opinions are those of a classic liberal judicial activist" which falsely state, suggest or imply that he is not a fair and impartial jurist in criminal and civil cases appealed to the Tenth Court of Appeals.
3. The article about Felipe Reyna, stating that he "is arguably the most frequently reversed appellate judge in Texas," the webpage names and the summaries and lists, falsely state, suggest or imply that Justice Reyna was the author of the majority opinions in all of the reversed cases and falsely state, suggest or imply that Justice Reyna is the most frequently reversed appellate judge in Texas.
4. The article contains statements that Justice Reyna's opinions "favor criminals in criminal cases, and plaintiffs in civil ones" which falsely state, suggest or imply that he is not a fair and impartial jurist in criminal and civil cases appealed to the Tenth Court of Appeals.
5. The article contains statements that "[B]ecause of the extremely high number of his opinions that have been reversed by Texas' two highest courts, Reyna has cost the taxpayers of Texas, and especially those living in his district, lots of money" which falsely state, suggest or imply that not only has Justice Reyna cost the taxpayers of Texas and his district "lots of money," due to his reversed opinions, but that he is not a fair, impartial, and competent judge as well.
6. The article contains statements that "[W]e reach this opinion reluctantly, and it is not reached because of one or two – or even ten opinions but upon sober reflection of the *entire public record* [of Justice Reyna]" which falsely state, suggest or imply that Justice Reyna's "entire public record" reflects that he is not a fair and impartial jurist in criminal and civil cases appealed

to the Tenth Court of Appeals.

7. The TBPJC's publication of the above-mentioned defamatory (libelous) statements about Justice Reyna seeks to bring about Justice Reyna's removal from office as a justice on the Tenth Court of Appeals by convincing a majority of the voters in his district to vote for his opponent, Judge Scoggins, instead of voting for Justice Reyna.

J. Furthermore, on or about and after February 17, 2010, the TBPJC and Dr.

Coppedge failed and refused to retract, remove, or correct the above-mentioned defamatory statements, suggestions, or implications from the TBPJC website and webpages as of February 13, 2010, failed to prepare and publish a written retraction of the above-mentioned defamatory statements in the TBPJC website as of February 13, 2010, and failed to prepare and publish on the TBPJC website an apology to the Petitioner Felipe Reyna for publishing such defamatory statements as demanded in the letter of February 13, 2010 from Felipe Reyna's attorney to the TBPJC and Dr. Coppedge. Instead, on or about and after February 17, 2010, the TBPJC and Dr. Coppedge continued to publish the TBPJC website and webpages which contain the above-mentioned defamatory statements about Felipe Reyna which falsely state, suggest, or imply that Felipe Reyna is not fit for public office as a justice in that he has not been a fair and impartial justice on the Tenth Court of Appeals, and TBPJC and Dr. Coppedge have prepared and published letters and materials to the public and/or individuals, including without limitation, letters dated February 26, 2010 from the TBPJC and Dr. Coppedge to "Republican Primary Voters" recommending Judge Scoggins over incumbent Felipe Reyna for election to the Tenth Court of Appeals and containing defamatory statements which state, suggest, or imply that Felipe Reyna is not fit for public office as a justice in that he has not been a fair and impartial justice on the Tenth Court of Appeals, and it refers the readers to the TBPJC's above-mentioned website and webpages which contain defamatory statements about Justice Reyna as set forth above. Moreover, the

TBPJC's publication of the above-mentioned defamatory statements about Felipe Reyna continue to seek to bring about his removal from office as a justice on the Tenth Court of Appeals by convincing a majority of the voters in his district to vote for his opponent, Judge Scoggins, a state district court judge in Ellis County, Texas, instead of voting for Felipe Reyna, an incumbent justice with approximately seven years of service to the public on the Tenth Court of Appeals.

K. Prior to the publication of the Texas BiPartisan Justice Committee's above-mentioned article and webpages, the Petitioner Felipe Reyna had a good reputation for fairness and impartiality as a sitting justice on the Tenth Court of Appeals in the communities in the Waco, Texas area and in the areas of the eighteen counties served by the Tenth Court of Appeals, including, Bosque, Brazos, Burleson, Coryell, Ellis, Falls, Freestone, Hamilton, Hill, Johnson, Leon, Limestone, Madison, McLennan, Navarro, Robertson, Somervell and Walker counties.

L. The defamatory statements in the Texas BiPartisan Justice Committee's publication of the above-mentioned article and webpages on the Petitioner Felipe Reyna have caused and continue to cause injury to the reputation of Justice Reyna and falsely state, suggest or imply that he is not fit for office in that he has not been a fair and impartial justice on the Tenth Court of Appeals; in that he favors "criminals" in criminal cases and thus, he does not recognize and protect the rights of victims of crimes as well as criminal defendants, and that he favors "plaintiffs" in civil cases, and thus, he does not recognize and protect the rights of civil law defendants as well as plaintiffs; in that his reversed opinions have cost the taxpayers of Texas and his district "millions of dollars;" and in that he has been a "disaster," rather than a credit, on the Tenth Court of Appeals. Moreover, the TBPJC's publication of the above-mentioned defamatory (libelous) statements about Justice Reyna seeks to bring about Justice Reyna's removal from office as a justice on the Tenth

Court of Appeals by convincing a majority of the voters in his district to vote for his opponent, Judge Scoggins, instead of voting for Justice Reyna.

M. The publication of the Texas BiPartisan Justice Committee's above-mentioned article and webpages resulted in injuries and damages to Petitioner Felipe Reyna in that he has suffered, and will likely suffer in the future, shame, embarrassment, humiliation, and mental pain and anguish. Additionally, the Petitioner Felipe Reyna is and will likely in the future be seriously injured in his good name and reputation in the above-mentioned communities, and/or other relevant communities, and be exposed to the hatred, contempt, and ridicule of the above-mentioned communities and/or other relevant communities, as well as other recoverable damages under applicable law.

N. Furthermore, based upon information and belief, the Petitioner Felipe Reyna asserts that Dr. Coppedge, individually, has conspired with and/or aided and abetted the TBPJC and/or Dr. Coppedge has caused, contributed, and/or brought about the publication of the Texas BiPartisan Justice Committee's website article and webpages on the world wide web about Justice Reyna that contain the above-mentioned statements which are defamatory (libelous) statements relating to Justice Reyna's official conduct and/or performance of his official duties as a justice on the Tenth Court of Appeals. Hence, the Petitioner Felipe Reyna anticipates that he may assert that Dr. Coppedge, along with the TBPJC, BCPFJS and other potentially responsible person(s), entity(ies) and party(ies), have probably caused and/or contributed to cause him to experience the above-mentioned past, and probable future, injuries and damages.

O. The Petitioner Felipe Reyna, by and through his attorneys, seeks to take the video oral depositions of the below-listed entity(ies) and person(s) for use in an anticipated civil suit in which the Petitioner Felipe Reyna may be a party, as follows:

1. Texas BiPartisan Justice Committee, by and through its owners, principals, officers, employees, servants, and/or agents
2. John Coppedge, M.D. Individually, as Treasurer, and in any other capacity(ies) with the Texas BiPartisan Justice Committee and Brazos County Physicians for Judge Scoggins
3. Brazos County Physicians for Judge Scoggins ("BCPFJS") a political action committee ("PAC") created on or about February 22, 2010
4. Any and all person(s), entity(ies), and/or party(ies) who have participated in any way in the creation, drafting, editing, and/or publication of the below-mentioned defamatory statements about Felipe Reyna, whose identities and locations are well known to the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. at this time, but are unknown to the Petitioner Felipe Reyna at this time
5. Any and all person(s), entity(ies), and/or party(ies) who have conspired with and/or aided and abetted the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. in the publication of the below-mentioned defamatory statements about Felipe Reyna, whose identities and locations are well known to the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. at this time, but are unknown to the Petitioner Felipe Reyna at this time

P. The Petitioner Felipe Reyna anticipates the institution of a civil suit in which he may be a party plaintiff. See Tex. R. Civ. P. 202.2(d)(1).

Q. The subject matter of the anticipated suit is one for defamation against the TBPJC, Dr. Coppedge, BCPFJS, and any and all other potentially responsible person(s), entity(ies), and/or party(ies), as set forth above in paragraph II, A through N of this petition.

R. The TBPJC, Dr. Coppedge, BCPFJS, and other potentially responsible person(s), entity(ies) or party(ies) are expected to have an interest adverse to the Petitioner Felipe Reyna's interest for the above-stated reasons. See Tex. R. Civ. P. 202.2(f)(1).

S. This petition is filed in McLennan County, Texas where venue of the anticipated civil suit may lie. See Tex. R. Civ. P. 202.2(b)(1).

III. REQUEST TO DEPOSE

A. The Petitioner Felipe Reyna asks the court to issue an order authorizing him to examine the following person(s) and entity(ies) by video oral deposition: Texas BiPartisan Justice Committee, John Coppedge, M.D., Brazos County Physicians for Judge Scoggins, and any and all other potentially responsible person(s), entity(ies), and/or party(ies).

B. The Petitioner expects to elicit the following testimony from the witnesses:

1. The Petitioner expects the Texas BiPartisan Justice Committee, by and through its owners, principals, officers, employees, servants, and/or agents, to testify regarding the subject matters set forth above in paragraph II, A through N of this petition as well as the identities and locations of any and all person(s), entity(ies), and/or party(ies) who have participated in any way in the creation, drafting, editing, and/or publication of the below-mentioned defamatory statements about Felipe Reyna and any and all person(s), entity(ies), and/or party(ies) who have conspired with and/or aided and abetted the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. in the publication of the below-mentioned defamatory statements about Felipe Reyna.
2. The Petitioner expects John Coppedge, M.D., individually, as treasurer and in any other capacity(ies) with the TBPJC and BCPFJS, to testify regarding the subject matters set forth above in paragraph II, A through N of this petition as well as the identities and locations of any and all person(s), entity(ies), and/or party(ies) who have participated in any way in the creation, drafting, editing, and/or publication of the below-mentioned defamatory statements about Felipe Reyna and any and all person(s), entity(ies), and/or party(ies) who have conspired with and/or aided and abetted the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. in the publication of the below-mentioned defamatory statements about Felipe Reyna.
3. The Petitioner expects Brazos County Physicians for Judge Scoggins, by and through its owners, principals, officers, employees, servants, and/or agents, to testify regarding the subject matters set forth above in paragraph II, A through N of this petition as well as the identities and locations of any and all person(s), entity(ies), and/or party(ies) who have

participated in any way in the creation, drafting, editing, and/or publication of the below-mentioned defamatory statements about Felipe Reyna and any and all person(s), entity(ies), and/or party(ies) who have conspired with and/or aided and abetted the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. in the publication of the below-mentioned defamatory statements about Felipe Reyna.

4. The Petitioner expects any and all person(s), entity(ies), and/or party(ies) who have participated in any way in the creation, drafting, editing, and/or publication of the below-mentioned defamatory statements about Felipe Reyna, whose identities and locations are well known to the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. at this time, but are unknown to the Petitioner Felipe Reyna at this time to testify regarding the subject matters set forth above in paragraph II, A through N of this petition as well as the identities and locations of any and all person(s), entity(ies), and/or party(ies) who have participated in any way in the creation, drafting, editing, and/or publication of the below-mentioned defamatory statements about Felipe Reyna and any and all person(s), entity(ies), and/or party(ies) who have conspired with and/or aided and abetted the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. in the publication of the below-mentioned defamatory statements about Felipe Reyna.
5. The Petitioner expects any and all person(s), entity(ies), and/or party(ies) who have conspired with and/or aided and abetted the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. in the publication of the below-mentioned defamatory statements about Felipe Reyna, whose identities and locations are well known to the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. at this time, but are unknown to the Petitioner Felipe Reyna at this time to testify regarding the subject matters set forth above in paragraph II, A through N of this petition as well as the identities and locations of any and all person(s), entity(ies), and/or party(ies) who have participated in any way in the creation, drafting, editing, and/or publication of the below-mentioned defamatory statements about Felipe Reyna and any and all person(s), entity(ies), and/or party(ies) who have conspired with and/or aided and abetted the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. in the publication of the below-mentioned defamatory statements about Felipe Reyna.

C. The Petitioner requires the video oral deposition testimony of Texas BiPartisan Justice Committee, John Coppedge, M.D., Brazos County Physicians for Judge Scoggins, and any and all other potentially responsible person(s), entity(ies), and/or party(ies), because the

Petitioner Felipe Reyna, by and through his attorneys, may be able to obtain additional and more specific information about the above-mentioned subject matter of his anticipated civil suit, the nature and extent of additional defamatory statements that have been published by the TBPJC, Dr. Coppedge, BCPFJS, and any and all other potentially responsible person(s), entity(ies), and/or party(ies) to the public and/or third parties, as well as the identities and locations of any and all other potentially responsible person(s), entity(ies), and/or party(ies). See Tex. R. Civ. P. 202.4(a)(1).

D. The Petitioner requests that the court order the following person(s) and entity(ies) to produce documents at the deposition:

1. The Petitioner requests that the court order the Texas BiPartisan Justice Committee, by and through its owners, principals, officers, employees, servants, and/or agents to produce all documents, records, and tangible things relating to the above-mentioned published website, webpages, letters, e-mails, and other communications concerning the above-stated subject matters.
2. The Petitioner requests that the court order John Coppedge, M.D., individually, as treasurer and in any other capacity(ies) with the TBPJC and BCPFJS, to produce all documents, records, and tangible things relating to the above-mentioned published website, webpages, letters, e-mails, and other communications concerning the above-stated subject matters.
3. The Petitioner requests that the court order Brazos County Physicians for Judge Scoggins, by and through its owners, principals, officers, employees, servants, and/or agents, to produce all documents, records, and tangible things relating to the above-mentioned published website, webpages, letters, e-mails, and other communications concerning the above-stated subject matters.
4. The Petitioner requests that the court order any and all person(s), entity(ies), and/or party(ies) who have participated in any way in the creation, drafting, editing, and/or publication of the below-mentioned defamatory statements about Felipe Reyna, whose identities and locations are well known to the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. at this time, but are unknown to the

Petitioner Felipe Reyna at this time to produce all documents, records, and tangible things relating to the above-mentioned published website, webpages, letters, e-mails, and other communications concerning the above-stated subject matters.

5. The Petitioner requests that the court order any and all person(s), entity(ies), and/or party(ies) who have conspired with and/or aided and abetted the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. in the publication of the below-mentioned defamatory statements about Felipe Reyna, whose identities and locations are well known to the Texas BiPartisan Justice Committee and/or John Coppedge, M.D. at this time, but are unknown to the Petitioner Felipe Reyna at this time to produce all documents, records, and tangible things relating to the above-mentioned published website, webpages, letters, e-mails, and other communications concerning the above-stated subject matters.

E. The likely benefit of allowing the Petitioner Felipe Reyna, by and through his attorneys, to take the requested video oral depositions of the above-mentioned person(s), entity(ies) and/or party(ies) may prevent a failure or delay of justice in an anticipated civil suit because he will likely be able to discover the necessary additional factual information, documents, records and things in support of his anticipated civil suit based upon defamation, and to discover the identity and locations of any and all additional necessary and proper parties who may be joined as party defendants in his anticipated civil suit, and other good and valid reasons. See Tex. R. Civ. P. 202.4(a)(1).

IV. HEARING

After service of this petition and notice, Texas Rule of Civil Procedure 202.3(a) requires the court to hold a hearing on the petition.

V. PRAYER

For these reasons, the Petitioner Felipe Reyna asks the court to set this petition for hearing and, after the hearing, order the video oral depositions of Texas BiPartisan

Justice Committee, John Coppedge, M.D., Brazos County Physicians for Judge Scoggins, and any and all other potentially responsible person(s), entity(ies), and/or party(ies) and the production of documents as set forth above in this petition, and for such other and further relief to which the Petitioner Felipe Reyna is justly entitled.

RESPECTFULLY SUBMITTED,

**KEITH LAW FIRM, P.C.
1705 West Seventh Street
Fort Worth, Texas 76102
Telephone: (817) 338-1400
Telefax: (817) 870-2448
Toll Free: (877) 560-1400**

By:



**Darrell L. Keith, Attorney-In-Charge
SBT No.: 11186000
Arin K. Schall, Attorney of Record
SBT No.: 24037440**

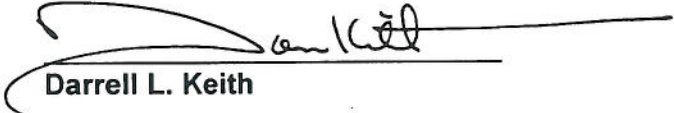
**ATTORNEYS FOR PETITIONER
FELIPE REYNA**

CERTIFICATE OF SERVICE

THIS CERTIFIES that a true and correct copy of the above and foregoing **Petitioner Felipe Reyna's Verified Petition to Take Deposition Before Suit**, was served on the below-named person(s) and entity(ies) at the below-stated address by United States certified mail, return receipt requested, on **March 1, 2010** in accordance with Texas Rule of Civil Procedure 21a.

John Coppedge, M.D.
Texas BiPartisan Justice Committee
1725 FM 2751
Longview, Texas 75605

John Coppedge, M.D.
Brazos County Physicians
for Judge Scoggins
1725 FM 2751
Longview, Texas 75605


Darrell L. Keith

VERIFICATION

STATE OF TEXAS §
 §
COUNTY OF MCLENNAN §

BEFORE ME, the undersigned notary, on this day, personally appeared Felipe Reyna, a person whose identity is known to me. After I administered an oath to him, upon his oath, he said he read *Petitioner Felipe Reyna's Verified Petition to Take Deposition Before Suit* and that the facts stated in it are within his personal knowledge and are true and correct.


Felipe Reyna

SWORN AND SUBSCRIBED before me on the 1 day of March, 2010.


Notary Public, State of Texas

