

FILED

CAUSE NO. C-1174-07-E

IN RE  
DOMINGO (MINGO) VILLARREAL, JR.  
AND ELMA GARZA,  
*Petitioners*

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2007 MAY 16 P 3:50

CLERK  
IN THE DISTRICT COURT  
HIDALGO COUNTY

275 BY \_\_\_\_\_ DEPUTY  
\_\_\_\_\_ JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

**PETITIONERS' DOMINGO (MINGO) VILLARREAL, JR. AND ELMA GARZA'S  
VERIFIED PETITION TO TAKE DEPOSITION BEFORE SUIT**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Domingo (Mingo) Villarreal, Jr. and Elma Garza, Petitioners, and file this petition pursuant to Texas Rule of Civil Procedure 202 requesting that this Court grant Petitioners permission to take depositions by oral videotaped testimony in order to properly investigate a claim.

**I.**  
**Introduction**

- 1.1 Domingo (Mingo) Villarreal, Jr., Petitioner, is an individual who resides in Penitas, Hidalgo County, Texas.
- 1.2 Elma Garza, Petitioner, is an individual who resides in Sullivan City, Hidalgo County, Texas.
- 1.2 The persons sought to be deposed are the following:
  - a. Sofia Villarreal, 1903 W. 41<sup>st</sup>, Palmview, Texas, the early voting judge for the La Joya Independent School District 2007 election;
  - b. Aida Rivas, 700 Tammy Circle, Palmview, Texas, the early voting clerk (Judge) at the Bentsen Elementary School in Palmview during the 7-day early voting period and at E.B. Reyna Elementary School on election day, May 12, 2007.
  - c. Irene Garcia, of 4800 W. Expressway 83, Palmview, Texas, a politiquera that was actively supporting the candidacies of Arturo Gonzalez and Esperanza Ochoa.

- d. Alcida Saldana, of 550 S. La Homa, Palmview, Texas, an employee of the city of Palmview that was selected to work as an election clerk during the La Joya Independent School District 2007 election at the Bentsen Elementary and the E.B. Reyna Elementary School polling places;
- e. Gloria Amador , of 614 Goodwin Acres Rd, Palmview, Texas, an election clerk during the La Joya Independent School District 2007 election at the Bentsen Elementary and the E.B. Reyna Elementary School polling places;
- f. Maximiliano Montclongo, of 3500 Clamboya, Penitas, Texas, a politiquero for Arturo Gonzalez and Esperanza Ochoa;
- g. Isaac V. Sulemana, of Cuevitas, Texas, a poll watcher for Arturo Gonzalez and Esperanza Ochoa;
- h. Linda Tijerina of 7114 W. Mile 5 Rd, Palmview, Texas, an election clerk during the La Joya Independent School District 2007 election at the Bentsen Elementary and the E.B. Reyna Elementary School polling places;
- i. Ana Farias, of 500 FM 86, Sullivan City, Texas, an election Judge during the La Joya Independent School District 2007 election;
- j. Amalia Duque, of 629 Ricardo Avenue, Palmview, Texas, an employee of the La Joya Independent School District working at E.B. Reyna Elementary School on election day;
- k. Ana Salinas Solis, of 224 W. 4<sup>th</sup> Street, La Joya, Texas, an Assistant Postmaster at the La Joya Post Office.
- l. Ricardo Ochoa, of 501 S. Green Road, Mission, Texas and Arturo Gonzalez of La Joya, Texas, the campaign treasurers for the campaigns of Arturo Gonzalez and Esperanza Ochoa
- m. Executive Director of radio station FM 89.1, 1201 N. Jackson, Suite 900, McAllen, Texas 78501, to bring copies of all radio ads and copies of all invoices that involve ads placed by the Arturo Gonzalez and Esperanza Ochoa Campaign.
- n. Arturo Gonzalez of Rt 7, Box 2931, La Joya, Texas.
- o. Rita Uresti of Southwest corner of Breyfogle & 495, Palmview, Texas.

## II.

### Facts

This petition is filed in Hidalgo County, where all of the Defendants reside.

Petitioners seeks to obtain the deposition testimony of each of the above-named individuals in order to investigate a potential suit by Petitioners involving complaints of criminal conduct, fraudulent conduct, and tortious conduct involving election officials and other individuals involved in the conduct of the 2007 La Joya Independent School District election. Such conduct had the effect of materially affecting the true outcome of the election and of causing damages to Petitioners herein.

## III.

### Request to Depose

Petitioners contend that each of the above-named individuals has knowledge on all or some of the criminal, fraudulent, and tortious conduct that occurred during the 2007 La Joya Independent School District School Board elections.

Petitioners request that each of the named individuals be ordered to produce any and all documents, memos, notes, checks, invoices, campaign reports, as well as any and all documents in their possession that in any way relate to any matter involving the 2007 La Joya Independent School District School Board elections and is in the best interest of justice.

The likely benefit of allowing Petitioners to take the requested depositions to investigate potential claims involving criminal conduct, fraudulent conduct, and tortious conduct for outweighs the burden or expense of the procedure. TEX. R. CIV. P. 202.4(a)(2).

## 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.

Petitioners further contend that the time to conduct this hearing be shortened pursuant to Texas Rule of Civil Procedure 202.3(b)(2)(d) because of the timing limitations involved in these type of complaints from 15 days to 5 days and that this Court enter an order setting this hearing for Monday, May 20, 2007.

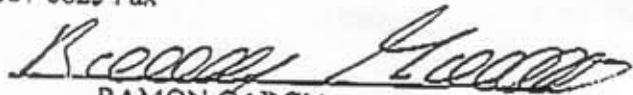
V.  
Prayer

WHEREFORE, Petitioners respectfully request that this Court set this petition for hearing and, after the hearing, order the depositions of Sofia Villarreal, Aida Rivas, Irene Garcia, Aleida Saldana, Gloria Amador, Maximiliano Montelongo, Isaac V. Sulemana, Linda Tijerina, Ana Farias, Amalia Duque, Ana Salinas Solis, Ricardo Ochoa, Arturo Gonzalez, Rita Uresti and Executive Director of radio station FM 89.1, be taken as soon as possible within 10 days from the date of the hearing and that the production of documents listed in this petition be ordered to be produced.

**LAW OFFICE OF RAMON GARCIA, P.C.**

222 West University Drive  
Edinburg, Texas 78539  
(956) 383-7441  
(956) 381-0825 Fax

By:



RAMON GARCIA  
State Bar No. 07641800

**ATTORNEY FOR PETITIONERS**

VERIFICATION

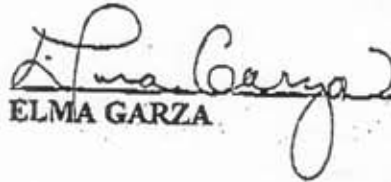
STATE OF TEXAS

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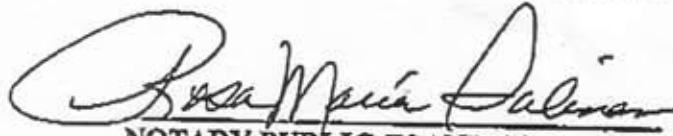
COUNTY OF HIDALGO

Before me, the under signed notary, on this day personally appeared **ELMA GARZA**, persons whose identity is known to me. After I administered an oath to affiant, affiant testified:

"My name is Elma Garza and I am capable of making this verification. I read Petitioners Domingo (Mingo) Villarreal, Jr. and Elma Garza's Verified Petition to Take Deposition Before Suit and that the facts stated in it are within my personal knowledge and are true and correct."

  
ELMA GARZA

SUBSCRIBED and SWORN TO BEFORE ME, by **ELMA GARZA** on this the 16<sup>th</sup> day of May, 2007.

  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



CAUSE NO. C-1174-07-E

IN RE  
DOMINGO (MINGO) VILLARREAL, JR.  
AND ELMA GARZA,  
*Petitioners*

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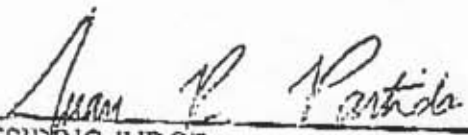
IN THE DISTRICT COURT  
275<sup>th</sup> JUDICIAL DISTRICT  
HIDALGO COUNTY, TEXAS

**ORDER SETTING HEARING DATE**

The Court has considered Petitioners Domingo (Mingo) Villarreal, Jr. and Elma Garza's Verified Petition to Take Deposition Before Suit as authorized by Texas Rules of Civil Procedure 202.2 and 202.3 and finds that the best interest of justice will be served by shortening the time to conduct the requested hearing; it is therefore

ORDERED that a hearing on Petitioners Domingo (Mingo) Villarreal, Jr. and Elma Garza's Verified Petition to Take Deposition Before Suit is hereby set for the 21<sup>st</sup> day of May, 2007, at 9:00 a.m. in the 275<sup>th</sup> District Court of Hidalgo County, Edinburg, Texas.

EXECUTED this 16<sup>th</sup> day of May, 2007.

  
PRESIDING JUDGE  
*RRG*

cc:  
Ramon Garcia, Law Office of Ramon Garcia, 222 W. University Drive, Edinburg, Texas 78539

VERIFICATION

STATE OF TEXAS

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COUNTY OF HIDALGO

Before me, the under signed notary, on this day personally appeared **DOMINGO (MINGO) VILLARREAL, JR.**, a person whose identity is known to me. After I administered an oath to affiant, affiant testified:

"My name is Domingo (Mingo) Villarreal, Jr. and I am capable of making this verification. I read Petitioners Domingo (Mingo) Villarreal, Jr. and Elma Garza's Verified Petition to Take Deposition Before Suit and that the facts stated in it are within my personal knowledge and are true and correct."

*Domingo Villarreal Jr.*  
DOMINGO (MINGO) VILLARREAL, JR.

SUBSCRIBED and SWORN TO BEFORE ME, by **DOMINGO (MINGO) VILLARREAL, JR.** on this the 18<sup>th</sup> day of MAY, 2007.

*Rosa Maria Salinas*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

