

LAINIE WHITMIRE and
RAY WHITMIRE
Plaintiffs,

v.

NATIONAL CUTTING HORSE
ASSOCIATION,
Defendant.

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IN THE DISTRICT COURT OF
TARRANT COUNTY, TEXAS
236TH JUDICIAL DISTRICT

FILED
TARRANT COUNTY
2008 JAN 31 PM 3:24
MINDY A. WILDER
DISTRICT CLERK

**PLAINTIFF'S EMERGENCY MOTION TO
COMPEL AND MOTION FOR SANCTIONS**

Plaintiff Lainie Whitmire files this Emergency Motion to Compel and Motion for Sanctions as follows:

**I.
INTRODUCTION**

Defendant has engaged in conduct that is in clear violation of the Texas Rules of Civil Procedure which has materially impaired Plaintiff's ability to obtain discovery to which she is entitled. Defendant's misconduct has not been limited to isolated infractions in a single deposition, but constitutes a pattern and practice of obstructing discovery that has been exhibited in several recent depositions. For example, witnesses have refused to answer countless questions based on Defendant's counsel's improper instructions. One deposition was interrupted by multiple improper comments of Mr. Eldridge Goins who was observing a deposition, but was not the attorney presenting the witness. Additionally, Defendant's counsel has repeatedly resorted to improper speaking objections which have impaired Plaintiff's ability to obtain untainted answers to proper deposition questions. Moreover, the misconduct of Defendant's counsel appears to have emboldened witnesses to be evasive and non-responsive to numerous questions.

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