

Evan Brown  
PO Box 31  
Cranfills Gap  
TX 76637  
(254)796-2416

December 26, 2001

Ms. Carolyn Cain, Court Administrator  
219<sup>th</sup> District Court  
Collin County Courthouse  
322 Courthouse  
210 South McDonald Street  
McKinney, TX 75069

Re: *DSC Communications Corporation n/k/a Alcatel Marketing USA. V. Evan Brown;*  
Cause No. 199-00596-97 in the 219<sup>th</sup> Judicial District of Collin County, Texas

Dear Ms. Cain:

Enclosed is a document that need to be filed among the papers of the court:

Please set this motion for hearing in Judge Henderson's 219<sup>th</sup> District Court.

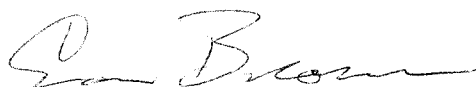
Please return the date and time of the hearing to Defendant in the stamped self addressed envelop enclosed.

By copy of this letter, Sue Maienschein, will be served with same.

If you have any questions, please do not hesitate to contact me.

Thank you for your assistance in these matters.

Sincerely,



Evan Brown

Enclosures

cc: Via CMRRR and First Class Mail  
Sue Maienschein  
219<sup>th</sup> District Court  
210 South McDonald, Suite 414  
McKinney, TX 75069

|                                      |   |                         |
|--------------------------------------|---|-------------------------|
| DSC Communications Corporation n/k/a | § | IN THE DISTRICT COURT   |
| Alcatel Marketing USA, Inc.,         | § |                         |
| Plaintiff                            | § |                         |
|                                      | § | OF COLLIN COUNTY, TEXAS |
| V.                                   | § |                         |
|                                      | § |                         |
| Evan Brown,                          | § | 219TH JUDICIAL DISTRICT |
| Defendant.                           |   |                         |

DEFENDANT'S MOTION TO COMPEL  
SUE MAIENSCHN, COURT REPORTER FOR THE 219<sup>TH</sup> STATE DISTRICT COURT TO  
PRODUCE THE TRANSCRIPT OF DEFENDANT'S MOTION FOR SUMMARY  
JUDGEMENT HEARD BY JUDGE HENDERSON ON AUGUST 5, 1997

Defendant asks the court to compel Sue Maienschein to produce the transcript as per Defendant's request. Defendant agrees to pay appropriate fees for the production of said transcript.

A. Introduction

1. Plaintiff is DSC Communications Corporation n/k/a Alcatel Marketing USA, Inc.; defendant is Evan Brown.
2. Plaintiff sued defendant for Breach of Contract, Promissory Estoppel, Misappropriation of Trade Secrets, Unfair Competition and Breach of Fiduciary Duty or Confidential Relationship.
3. Discovery in this suit is governed by a Level 3 discovery control plan. The discovery period will end on June 28, 2002.
4. This case is set for trial on August 5, 2002.

B. Facts

5. On October 12, 2001, Defendant mailed a letter (Exhibit 1) to Sue Maienschein requesting a transcript for Defendant's Motion for Summary Judgement heard by Judge Henderson on August 5, 1997.
6. Defendant received a telephone call from Sue Maienschein confirming receipt of Defendant's request and she informed Defendant that she had a backlog of requests due to a Capitol Murder trial but that she would get to it and let Defendant know what the charges would be.

7. Defendant attaches affidavits to this motion to establish facts not apparent from the record and incorporates them by reference.

C. Argument & Authorities

8. The purpose of discovery is to seek the truth, so that disputes may be decided by what the facts reveal, not by what facts are concealed. *Axelson, Inc. v. McIlhany*, 798 S.W.2d 550, 555 (Tex. 1990). Discovery may be obtained about any matter relevant to the subject matter of the case. Tex. R. Civ. P. 192.3. Information is discoverable as long as it appears “reasonably calculated to lead to the discovery of admissible evidence.” *Id.*

9. Defendant’s discovery requests are reasonably calculated to lead to the discovery of admissible evidence. Specifically, they seek arguments made by Plaintiff in response to Defendant’s Motion for Summary Judgement. This information is necessary because Plaintiff now files its Motion for Summary Judgement on the same issues of fact.

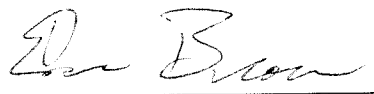
D. Conclusion

10. The Court should Compel Sue Maienschein, Court Reporter for the 219th State District Court, to produce the transcript of the August 5, 1997 hearing before Judge Henderson's 219th State District Court on the Defendants Motion for Summary Judgement.

E. Prayer

11. For these reasons, Defendant asks the court to set this motion for hearing and, after the hearing, compel Sue Maienschein to produce the transcript as per Defendant’s request.

Respectfully submitted,

By:   
Evan Brown  
PO Box 31  
Cranfills Gap, Texas 76637  
Tel. (254) 796-2416

CERTIFICATE OF CONFERENCE

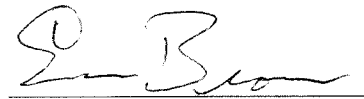
I certify that a reasonable effort was made to resolve the dispute without the necessity of court intervention, and the effort failed.

Date: 12/26, 2001

  
Evan Brown, Pro Se

CERTIFICATE OF SERVICE

I certify that I mailed a copy of Defendants Motion to Compel by certified U.S. Mail, return receipt requested, to Sue Maienschein, Court Reporter for the 219<sup>th</sup> State District Court, and whose address is 210 South McDonald, Suite 414, McKinney, Texas, 75069, on December 26, 2001.

  
Evan Brown, Pro Se

Evan Brown  
PO Box 31  
Cranfills Gap  
TX 76637  
(254) 796-2416

Sue Maienschein  
219th District Court  
210 South McDonald, Suite 414  
McKinney, TX 75069

October 12,2001

Dear Sue,

I need a transcript for the "Motion for Summary Judgement" heard by Judge Henderson on August 5,1997.

My case (199-00596-97) was assigned to Judge Henderson's court back on June 27,1997.

It would help me is you could provide me with copies of these transcripts on either CDROM or floppy disks along with the hard copy.

Please provide me with an estimate of the charges and when you will be able to create a transcript for this hearing.

Thank you for your time and assistance.

Evan Brown