

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TEXAS DEMOCRATIC PARTY; BOYD L. §  
RICHIE, in his capacity as Chairman §  
of the Texas Democratic Party; HARRIS §  
COUNTY DEMOCRATIC PARTY; §  
GERALD BIRNBERG, in his capacity as §  
Chairman of the Harris County Democratic §  
Party; J. GOODWILL PIERRE; §  
ALEXANDRA GIBBS; JEFFREY T. § CAUSE NO. 4:08-CV-03332  
VANSCHOONHOVEN; BONI SUE §  
LESZCZUK; and ERIC J. GALLOWAY §  
Plaintiffs. §  
§  
§  
vs. §  
§  
LEO VASQUEZ, in his capacity as Harris §  
County Tax Assessor Collector and Harris §  
County Voter Registrar §

**DWAYNE BOHAC AND CAMPAIGN DATA SYSTEMS, L.L.C.’S  
REPLY TO DEFENDANT’S RESPONSE AND OBJECTION TO DWAYNE  
BOHAC AND CAMPAIGN DATA SYSTEMS, L.L.C.’S MOTION TO QUASH  
AND RESPONSE TO DEFENDANT’S REQUEST TO DISQUALIFY  
ANDY TAYLOR & ASSOCIATES, P.C.**

DWAYNE BOHAC and CAMPAIGN DATA SYSTEMS, L.L.C, nonparties in the above-referenced matter, file this Reply to Defendant’s Response and Objection to Dwayne Bohac and Campaign Data Systems, L.L.C.’s Motion to Quash and Response to Defendant’s Request to Disqualify Andy Taylor & Associates, P.C. and state as follows:

1. Andy Taylor and Associates, P.C. was counsel to Defendant, Leo Vasquez. However, in June of 2009, that relationship ended at the request of the County Attorneys’ Office, and over the objection of the Defendant. In August of 2009, Andy Taylor was contacted by Rep. Dwayne Bohac regarding two subpoenas that were served on Rep. Bohac and his company, Campaign Data Systems (“CDS”), by the Plaintiffs in

this matter. Before agreeing to represent Rep. Bohac and CDS, Andy Taylor contacted Defendant Leo Vasquez, his former client, and asked for Mr. Vasquez' permission to do so. Mr. Vasquez had no objection and fully consented, after full and informed disclosure, to the representation of these two non-parties. Therefore, a key fact that is left out of the Request to Disqualify is that Mr. Taylor had the permission of his former client, Mr. Vasquez, before he agreed to represent Rep. Bohac and CDS.

2. Additionally, Leo Vasquez was Mr. Taylor's former client, not the County Attorney Vince Ryan. As such, Vince Ryan has no independent ability or standing to object to Mr. Taylor's representation of Rep. Bohac and CDS. As explained above, Leo Vasquez had no objection to Mr. Taylor's representation of Rep. Bohac and CDS, and there is no adversity between Defendant Vasquez and the two non-parties.

3. On August 18, 2009, Mr. Taylor attended a meeting with Marc Hill, Assistant County Attorney. At that meeting, as a courtesy, Mr. Taylor informed Mr. Hill that he had been contacted by Rep. Bohac and CDS and was planning on filing a Motion to Quash the subpoenas that Plaintiffs had served on Rep. Bohac and CDS. Mr. Taylor also informed Mr. Hill that Leo Vasquez has consented to the representation. Although he had the opportunity to do so, Mr. Hill did not raise any conflict or voice any objection to Mr. Taylor's representation of Rep. Bohac and CDS at that meeting.

4. Based upon information and belief<sup>1</sup>, Defendant Vasquez continues to grant Mr. Taylor his permission to represent these non-parties, and has no opposition to the aforementioned Motions to Quash being granted. Interestingly, the County Attorney's Office did not consult or obtain the permission of Defendant Vasquez to file the Request to Disqualify that was supposedly filed on his behalf.

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<sup>1</sup> See Exhibit A, attached hereto.

WHEREFORE PREMISES CONSIDERED, for the above stated reasons Dwayne Bohac and Campaign Data Systems, L.L.C. respectfully request that Dwayne Bohac and Campaign Data Systems, L.L.C.'s Motion to Quash be granted and Defendants' Request to Disqualify Andy Taylor & Associates, P.C. be denied.

Respectfully Submitted,

ANDY TAYLOR & ASSOCIATES, P.C.

BY: 

Andy Taylor  
State Bar No. 19727600  
Amanda Peterson  
State Bar No. 24032953  
405 Main Street, Suite 200  
Houston, Texas 77002  
713-222-1817 (telephone)  
713-222-1855 (facsimile)

ATTORNEYS FOR DWAYNE BOHAC  
AND CAMPAIGN DATA SYSTEMS,  
INC.

Certificate of Service

I hereby certify that on August 31, 2009, a true and correct copy of the above and foregoing Reply to Defendant's Response and Objection to Dwayne Bohac and Campaign Data Systems, L.L.C.'s Motion to Quash and Response to Defendant's Request to Disqualify Andy Taylor & Associates, P.C. has been served in accordance with the Federal Rules of Civil Procedure on the following:

Chad W. Dunn  
General Counsel  
Texas Democratic Party  
Brazil & Dunn  
4201 FM 1960 West, Suite 530  
Houston, TX 77068

F. Clinton Gambill, II  
Sr. Assistant County Attorney  
1019 Congress, 15<sup>th</sup> Floor  
Houston, TX 77002

Mike Prather  
Preis & Roy  
24 Greenway, Ste 2050  
Weslayan Tower  
Houston, TX 77046

  
Amanda Peterson

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County Voter Registrar §

**ORDER**

This Court has considered Defendant's Request to Disqualify and is of the opinion that said request should be denied.

IT IS THEREFORE ORDERED that the Request to Disqualify Andy Taylor & Associates is DENIED.

Signed this \_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_

Judge Presiding



**LEO VASQUEZ**  
Harris County Tax Assessor - Collector  
[www.hctax.net](http://www.hctax.net)

August 31, 2009

Hon. Vince Ryan  
Harris County Attorney  
1019 Congress, 15<sup>th</sup> Floor  
Houston, TX 77002-1700

**RE: Directive to Withdraw Unauthorized Motion**

Dear Vince:

Contrary to our agreement to cooperate in the defense and resolution of the pending Federal lawsuit filed against my office by the *Texas Democratic Party, et. al.*, your office has filed a "Response and Objection" with the Court without first obtaining my explicit approval or your having informed or consulted with any member of my staff of your contemplated filing. Furthermore, your unauthorized request to the Court to deny the Motion in question is completely adverse to your duty to protect the interests of your client, and I believe is so egregious that it could be grounds for referral to the State Bar of Texas for review.

You gave me and the members of the Harris County Commissioners Court your personal promise to vigorously defend my Office in this litigation. Your actions via this filing have evidenced a clear breaking of that promise.

**I HEREBY DIRECT YOU TO IMMEDIATELY WITHDRAW THE FILING MADE THIS MORNING.**

Furthermore, this letter serves to reclarify that all future filings, negotiations or offers of resolution must first be approved explicitly by me prior to submission and with adequate time for complete review, consideration and approval or rejection.

Very best regards,

A handwritten signature in cursive script, appearing to read "Leo Vasquez".

Leo Vasquez  
Harris County Tax Assessor-Collector  
& Voter Registrar

CC: Harris County Judge Ed Emmett  
Harris County Commissioner El Franco Lee  
Harris County Commissioner Sylvia R. Garcia  
Harris County Commissioner Steve Radack  
Harris County Commissioner Jerry Eversole

1001 Preston • Suite 100 • Houston, Texas 77002 • (713) 368-2500 • Fax (713) 368-2699

**Exhibit A**