

**CAUSE NO. 2022-CI-06061**

TEXAS DISPOSAL SYSTEMS  
LANDFILL, INC.,

Plaintiff,

VS.

CITY OF SAN ANTONIO, TEXAS,

Defendant.

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IN THE DISTRICT COURT

288<sup>TH</sup> JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**CITY OF SAN ANTONIO'S INITIAL DISCLOSURES**

Pursuant to Texas Rule of Civil Procedure 194.2, Defendant CITY OF SAN ANTONIO (“COSA” or “Defendant”) serves its Initial Disclosures. COSA reserves the right to amend or supplement its Initial Disclosures in accordance with the Texas Rules of Civil Procedure.

Respectfully submitted,

DYKEMA GOSSETT PLLC  
112 East Pecan Street, Suite 1800  
San Antonio, Texas 78205  
(210) 554-5500 – Telephone  
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By: /s/ Bonnie K. Kirkland

Bonnie K. Kirkland  
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*Attorneys for Defendant City of San Antonio, Texas*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record via email, according to the Texas Rules of Civil Procedure on this the 20th day of June, 2022:

James A. Hemphill  
GRAVES, DOUGHERTY, HEARON & MOODY, P.C.  
401 Congress Avenue, Suite 2700  
Austin, Texas 78701

Via E-Mail: [jhemphill@gdhm.com](mailto:jhemphill@gdhm.com)

***Attorney for Plaintiff***

*/s/ Bonnie K. Kirkland*

Bonnie K. Kirkland

## **DEFENDANT COSA'S INITIAL DISCLOSURES**

### **TRCP 194.1 -- Duty to Disclose; Production**

#### **RESPONSE:**

Please see the documents produced with Defendant's Initial Disclosures as COSA 000001-000292.

### **TRCP 194.2 – Initial Disclosures/Content**

#### **(1): The correct names of the parties to the lawsuit.**

#### **RESPONSE:**

To the best of COSA's knowledge, the parties are correctly named.

#### **(2): The name, address, and telephone number of any potential parties.**

#### **RESPONSE:**

COSA is not presently aware of any additional persons or entities who may be potential parties to this lawsuit. COSA will supplement this disclosure in accordance with the Texas Rules of Civil Procedure if it learns otherwise.

#### **(3): The legal theories, and, in general, the factual bases of the responding party's claim or defenses.**

#### **RESPONSE:**

COSA generally denies the allegations in Plaintiff's Original Petition. Additionally, COSA asserts the following additional and/or affirmative defenses:

1. Plaintiff's claims are barred, in whole or in part, by laches.
2. Plaintiff's claims are barred, in whole or in part, by estoppel.
3. Plaintiff's claims are barred, in whole or in part, by waiver.
4. Plaintiff has failed to mitigate its damages, if any.
5. Plaintiff's claims are barred, in whole or in part, by limitations.
6. Plaintiff's claims are barred, in whole or in part, by Plaintiff's unclean hands.

7. Plaintiff's claims are barred, in whole or in part, by Plaintiff's breach, prior breach, anticipatory revocation, repudiation and/or discharge. Plaintiff breached, anticipatorily or otherwise, the contract and has failed to perform obligations thereunder, and therefore, cannot enforce the remaining terms of the agreements against COSA. Plaintiff committed material breaches of the contract which discharged or excused COSA from performing under the same.

8. Plaintiff's claims are barred, in whole or in part, by the doctrine of governmental immunity, including both immunity from suit and immunity from liability. Plaintiffs have failed to plead a valid waiver and COSA affirmatively pleads and asserts the defense of governmental immunity.

COSA more specifically refers Plaintiff to its most recently filed answer for additional information. COSA expressly reserves the right to assert such other additional and/or affirmative defenses that may subsequently become known and/or available to him.

**(4): The amount and any method of calculating economic damages.**

**RESPONSE:**

COSA is not currently seeking damages. COSA will supplement this disclosure in accordance with the Texas Rules of Civil Procedure if it learns otherwise.

**(5): The names, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.**

**RESPONSE:**

Persons Having Knowledge of Relevant Facts	Connection with the Case
Corporate Representative of Texas Disposal Systems Landfill, Inc. c/o James A. Hemphill GRAVES, DOUGHERTY, HEARON & MOODY, P.C. 401 Congress Avenue, Suite 2700 Austin, Texas 78701	TDSL is the plaintiff in this case. Representatives of TDSL may have knowledge pertaining to the events that are the basis of this action against COSA.
Corporate Representative of COSA c/o Bonnie Kirkland Carrie Gorner DYKEMA GOSSETT PLLC 112 E. Pecan St., Suite 1800 San Antonio, Texas 78205 (210) 554-5500	COSA is the defendant in this case. Representatives of COSA may have knowledge pertaining to the events that are the basis of this action against COSA.
David Newman c/o Bonnie Kirkland Carrie C. Gorner DYKEMA GOSSETT PLLC 112 E. Pecan St., Suite 1800	Mr. Newman is the Solid Waste Management Director for COSA. Mr. Newman was involved in the events that are the basis of this action against

San Antonio, Texas 78205 (210) 554-5500	COSA and/or he may have knowledge related to those events.
Josephine Valencia c/o Bonnie Kirkland Carrie C. Gerner DYKEMA GOSSETT PLLC 112 E. Pecan St., Suite 1800 San Antonio, Texas 78205 (210) 554-5500	Ms. Valencia is the Deputy Solid Waste Management Director for COSA. Ms. Valencia was involved in the events that are the basis of this action against COSA and/or she may have knowledge related to those events.
Nicholas Galus c/o Bonnie Kirkland Carrie C. Gerner DYKEMA GOSSETT PLLC 112 E. Pecan St., Suite 1800 San Antonio, Texas 78205 (210) 554-5500	Mr. Galus is the Assistant Solid Waste Management Director for COSA. Mr. Galus was involved in the events that are the basis of this action against COSA and/or he may have knowledge related to those events.
Andrew Gutierrez c/o Bonnie Kirkland Carrie C. Gerner DYKEMA GOSSETT PLLC 112 E. Pecan St., Suite 1800 San Antonio, Texas 78205 (210) 554-5500	Mr. Gutierrez is the Assistant Solid Waste Management Director for COSA. Mr. Gutierrez was involved in the events that are the basis of this action against COSA and/or he may have knowledge related to those events.
Gilbert Ramirez c/o Bonnie Kirkland Carrie C. Gerner DYKEMA GOSSETT PLLC 112 E. Pecan St., Suite 1800 San Antonio, Texas 78205 (210) 554-5500	Mr. Ramirez is the Department Fiscal Administrator for the Solid Waste Department of COSA. Mr. Ramirez was involved in the events that are the basis of this action against COSA and/or he may have knowledge related to those events.
Salvador Ytarte c/o Bonnie Kirkland Carrie C. Gerner DYKEMA GOSSETT PLLC 112 E. Pecan St., Suite 1800 San Antonio, Texas 78205 (210) 554-5500	Mr. Ytarte is one of the Solid Waste Managers for COSA. Mr. Ytarte was involved in the events that are the basis of this action against COSA and/or he may have knowledge related to those events.
Alfonso Castillo c/o Bonnie Kirkland Carrie C. Gerner DYKEMA GOSSETT PLLC 112 E. Pecan St., Suite 1800 San Antonio, Texas 78205 (210) 554-5500	Mr. Castillo is one of the Solid Waste Managers for COSA. Mr. Castillo was involved in the events that are the basis of this action against COSA and/or he may have knowledge related to those events.
Matthew Stolze c/o Bonnie Kirkland	Mr. Stolze is an assistant Solid Waste Manager for COSA. Mr. Stolze was

<p>Carrie C. Gorner  DYKEMA GOSSETT PLLC  112 E. Pecan St., Suite 1800  San Antonio, Texas 78205  (210) 554-5500</p>	<p>involved in the events that are the basis of this action against COSA and/or he may have knowledge related to those events.</p>
<p>George Urrutia  c/o Bonnie Kirkland  Carrie C. Gorner  DYKEMA GOSSETT PLLC  112 E. Pecan St., Suite 1800  San Antonio, Texas 78205  (210) 554-5500</p>	<p>Mr. Urrutia is an assistant Solid Waste Manager for COSA. Mr. Urrutia was involved in the events that are the basis of this action against COSA and/or he may have knowledge related to those events.</p>
<p>Aaron Weathers  c/o Bonnie Kirkland  Carrie C. Gorner  DYKEMA GOSSETT PLLC  112 E. Pecan St., Suite 1800  San Antonio, Texas 78205  (210) 554-5500</p>	<p>Mr. Weathers is an assistant Solid Waste Manager for COSA. Mr. Weathers was involved in the events that are the basis of this action against COSA and/or he may have knowledge related to those events.</p>
<p>David McDaniel  c/o Bonnie Kirkland  Carrie C. Gorner  DYKEMA GOSSETT PLLC  112 E. Pecan St., Suite 1800  San Antonio, Texas 78205  (210) 554-5500</p>	<p>Mr. McDaniel is a Special Project Manager for COSA. Mr. McDaniel was involved in the events that are the basis of this action against COSA and/or he may have knowledge related to those events.</p>
<p>David McCrary  c/o Bonnie Kirkland  Carrie C. Gorner  DYKEMA GOSSETT PLLC  112 E. Pecan St., Suite 1800  San Antonio, Texas 78205  (210) 554-5500</p>	<p>Mr. McCrary is an Assistant City Manager for COSA. Mr. McCrary was involved in the events that are the basis of this action against COSA and/or he may have knowledge related to those events.</p>
<p>Chris Hebner  c/o Bonnie Kirkland  Carrie C. Gorner  DYKEMA GOSSETT PLLC  112 E. Pecan St., Suite 1800  San Antonio, Texas 78205  (210) 554-5500</p>	<p>Mr. Hebner is an Assistant City Attorney for COSA. Mr. Hebner was involved in the events that are the basis of this action against COSA and/or he may have knowledge related to those events.</p>
<p>Rafael Lozano  c/o Bonnie Kirkland  Carrie C. Gorner  DYKEMA GOSSETT PLLC  112 E. Pecan St., Suite 1800  San Antonio, Texas 78205</p>	<p>Mr. Lozano is a Fiscal Manager for COSA. Mr. Lozano was involved in the events that are the basis of this action against COSA and/or he may have knowledge related to those events.</p>

(210) 554-5500	
Marjorie Harrell c/o Bonnie Kirkland Carrie C. Gorer DYKEMA GOSSETT PLLC 112 E. Pecan St., Suite 1800 San Antonio, Texas 78205 (210) 554-5500	Ms. Harrell is a Fiscal Manager for COSA. Ms. Harrell was involved in the events that are the basis of this action against COSA and/or she may have knowledge related to those events.
Bob Gregory c/o James A. Hemphill GRAVES, DOUGHERTY, HEARON & MOODY, P.C. 401 Congress Avenue, Suite 2700 Austin, Texas 78701	Mr. Gregory is President and CEO of TDSL. Mr. Gregory may have knowledge pertaining to the events that are the basis of this action against COSA.
Rebecca Hilt c/o James A. Hemphill GRAVES, DOUGHERTY, HEARON & MOODY, P.C. 401 Congress Avenue, Suite 2700 Austin, Texas 78701	Ms. Hilt is an employee of TDSL. Ms. Hilt may have knowledge pertaining to the events that are the basis of this action against COSA.

**(6): A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the responding party has in its possession, custody, or control, and may use to support its claims or defenses, unless the use would be solely for impeachment.**

**RESPONSE:**

Please see the documents produced with Defendant's Initial Disclosures as COSA 000001–000292.

**(7): Any indemnity and insuring agreements described in Rule 192.3(f).**

**RESPONSE:**

None.

**(8): Any settlement agreements described in Rule 192.3(g).**

**RESPONSE:**

None.

**(9): Any witness statements described in Rule 192.3(h).**

**RESPONSE:**

None.

**(10): In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.**

**RESPONSE:**

Not applicable.

**(11): In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the party making this request.**

**RESPONSE:**

Not applicable.

**(12): The name, address, and telephone number of any person who may be designated as a responsible third party.**

**RESPONSE:**

COSA is not presently aware of any persons or entities that may be designated as responsible third parties in this lawsuit, but will supplement this response in accordance with the Texas Rules of Civil Procedure if it learns otherwise.