

Belinda Blessingame

**CAUSE NO. 18238**

**REPUBLICAN PARTY OF TEXAS,**

**Plaintiff,**

**v.**

**GUEST AND GRAY, P.C.,  
ELIZABETH ALVAREZ, AND  
SCOTT GRAY,**

**Defendants.**

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**IN THE DISTRICT COURT OF**

**MITCHELL COUNTY, TEXAS**

**32<sup>ND</sup> JUDICIAL DISTRICT**

**DEFENDANTS GUEST AND GRAY, P.C., ELIZABETH ALVAREZ,  
AND SCOTT GRAY’S MOTION TO TRANSFER VENUE AND,  
SUBJECT THERETO, ORIGINAL ANSWER**

Defendants Guest and Gray, P.C., Elizabeth Alvarez, and Scott Gray (collectively “Defendants”) file this Motion to Transfer Venue and, Subject Thereto, Original Answer to Plaintiff’s Original Petition for Fraud:

**I.  
MOTION TO TRANSFER VENUE**

1. Plaintiff filed its Original Petition in this Court on December 1, 2023. Defendants hereby object to Plaintiff’s choice of venue in Mitchell County, Texas. This Motion is timely.

2. Rule 86 of the Texas Rules of Civil Procedure provides the requirements for a motion to transfer venue to another county:

The motion, and any amendments to it, shall state that the action should be transferred to another specified county of proper venue because:

- (a) The county where the action is pending is not a proper county; or
- (b) Mandatory venue of the action in another county is prescribed by one or more specific statutory provisions which shall be clearly designated or indicated.

The motion shall state the legal and factual basis for the transfer of the action and request transfer of the action to a specific county of mandatory or proper venue. Verification of the motion is not required. The motion may be accompanied by

supporting affidavits as provided in Rule 87.

*Tex. R. Civ. P.* 86.

3. Section 15.001 *et. seq.* of the Texas Civil Practice and Remedies Code provides the statutory basis for determining venue for actions filed in the State of Texas. *Tex. Civ. Prac. & Rem Code* §15.001. The plaintiff has the first choice to fix venue in a **proper** county by bringing the action in the county of his choice. *In re Masonite Corp.*, 997 S.W.2d 194, 197 (Tex. 1999)(emphasis added).

4. Here, the only connection to Mitchell County, Texas is that it is the county where a former Executive Director of Plaintiff resides. None of the parties are in Mitchell County, Texas including the Plaintiff. In fact, pursuant to its bylaws, Plaintiff's permanent headquarters and executive office "shall be in Travis County, Texas." More importantly, the individual Defendants reside in Kaufman County, Texas, and the law firm Defendant's principal office is in Kaufman County, Texas. There are no events or omissions giving rise to the claims in Mitchell County, Texas, much less, a substantial part of the events or omissions. Therefore, venue is not proper in Mitchell County, Texas, and the action should be transferred to Kaufman County, Texas where Defendants reside.

5. Defendants request that the Court set this motion for hearing, grant Defendants' Motion to Transfer Venue and transfer the pending matter to the District Court of Kaufman County, Texas, taxing costs incurred herein against Plaintiff; and that Defendants have such other and further relief to which it may be justly entitled.


**II.**  
**GENERAL DENIAL**

6. Subject to their Motion to Transfer Venue and pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants deny each and every, all and singular, of the claims in Plaintiff's Original Petition for Fraud and related filings and demand strict proof thereof.

**III.**  
**PRAYER**

Defendants request that after hearing, the Court grant Defendants' Motion to Transfer Venue and transfer the pending matter to the District Court of Kaufman County, Texas, taxing costs incurred herein against Plaintiff; and that Defendants have such other and further relief to which it may be justly entitled. Subject to Defendants' Motion to Transfer Venue, Defendants further request that Plaintiff take nothing by way of its causes of action, that Defendants be awarded their costs in this action, their reasonable and necessary attorneys' fees as are equitable and just, and for such other and further relief Defendants show themselves justly entitled.

Respectfully Submitted,



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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I certify that on January 8, 2024, a copy of the foregoing document was sent to all parties and counsel of record pursuant to Texas Rule of Civil Procedure 21a.



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**ROBERT A. McNIEL**

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