

Subject to her claims, objections and complaints that this removal proceeding is unlawful, as pleaded in Case 2:26-cv-00111 *Guajardo v. City of Corpus Christi, Texas*, in the United States District Court for the Southern District of Texas, and without waiving same,

MAYOR GUAJARDO'S MOTION TO STRIKE PLEADING

NOW COMES, Paulette M. Guajardo through counsel to submit this motion to strike the Articles of Impeachment in this action for failing to comply with due process under United States and Texas law.

A removal proceeding is required to provide both adequate notice of allegations against a party and then sufficient process to contest those allegations before a deprivation occurs. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Failure to provide that notice renders any deprivation a nullity for failing to respect due process of law. *See id.* Under Texas law, a civil pleading must include a statement of the cause of action that gives fair notice of the claim involved. Tex. R. Civ. P. 47. A pleading can be insufficient even when a cursory reference to a claim is made if details of that claim are not stated. *Eikon King St. Manager, L.L.C. v. LSF King St. Manager, L.L.C.*, 109 S.W.3d 762, 771 (Tex. App. – Dallas 2003, pet. denied) (finding no fair notice despite single sentence allegation). Fraud allegations are reviewed particularly closely for fair notice sufficiency. *See Freeman v. Harleton Oil & Gas, Inc.*, 528 S.W.3d 708, 736 (Tex. App. – Texarkana 2017, pet. denied). “Texas follows a ‘fair notice’ standard for pleading, which looks to whether the opposing party can ascertain from the pleading the nature and basic issues of the controversy and what testimony will be relevant.” *See id.*

Date Filed 5-14-26


Rebecca Huerta
City Secretary

The Articles of Impeachment claims against the mayor are conclusory because instead of providing fair notice of what crime or fraudulent acts were committed the document baldly asserts “There was a “crime”” numerous times throughout the document without stating that crime in a meaningful way. The Articles of Impeachment then tries to bootstrap that quotation allegation with a complex maze of exhibits that were not, nor have they ever been made part of, the petition or Articles of Impeachment through attachment. Conclusory allegations with a maze of footnotes to absent exhibits does not meet the fair notice requirement under Texas law and they do not meet the standard for sufficient notice for due process under the United States Constitution. *See Mathews*, 424 U.S. at 333. Without adequate notice of the allegations a meaningful opportunity to challenge the allegations cannot be made. *See id.* Accordingly, the impeachment petition should be struck as inadequate.

Respectfully submitted,

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**ATTORNEYS FOR
PAULETTE M. GUAJARDO**

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2026, the foregoing document was emailed to the City Secretary.

/s/ John Flood
John Flood