



GOBIERNO DE
MÉXICO



PEMEX



2020
LEONA VICARIO
BENIGNITA MADRE DE LA PATRIA

Legal Department
Legal Department Northwest Region
Legal Representation Poza Rica

Poza Rica Veracruz, January 10, 2020
DJ-GJRNE-RJPR-CESR-0118-2020
(Intern file) - 17289

TOCA CIVIL No. _____

ORDINARY CIVIL TRIAL NO.
75/2015

BISELL CONSTRUCCIONES E
INGENIERIA S.A. DE C.V. AND MWS
MANAGEMENT INC.

VS.

PEMEX EXPLORATION AND
PRODUCTION

ISSUE: GRIEVANCES ARE MADE

**H. UNITARY COURT OF THE SEVENTH CIRCUIT
IN TURN WITH RESIDENCE IN BOCA DEL RÍO,
VERACRUZ.
PRESENT.-**

LIC. LILIANA LARA LAG UNES, in my capacity as Legal Representative of PEMEX EXPLORATION AND PRODUCTION, hereinafter only PEP, a personality that I certify in terms of the certified copy of the testimony of Public Deed number 184, 017 dated June 17, 2016, passed before the faith of Notary Public number 116 of Mexico City, Lic. Ignacio R. Morales Lechuga, which I exhibit in certified copies and simple copies, which I exhibit in certified copy and simple copy for comparison, for which I request that you the certificates are returned whenever they are useful to me for other matters, before you with all due respect I appear and state:

Pursuant to the order dated December 27, 2019 and based on the provisions of articles 87, 231, 232, 233 and other relatives of the Federal Code of Civil Procedures, I come in due time and form on behalf of PEP to continue with the APPEAL against the agreement dated December 11, 2019, notified to my client on December 12, 2019; Therefore, in this context, it is good to formulate the following:

GRIEVANCES:



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FIRST. · The A quo caused grievances to my represented PEMEX EXPLORATION AND PRODUCTION, since it illegally discarded the evidence offered by my principal, when they had been admitted and are part of the file, since they are in the proceedings of Ordinary Civil Trial No. 75/2015, therefore, for greater precision to what has been stated, I am pleased to cite the paragraph that violates my rights:

"Regarding the documentaries marked with the numbers, I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV and XVI, based on articles 331 of the Federal Code of Civil Procedures, in relation to numerals 323 and 324, of said ordinance, are discarded, since they were not announced in a timely manner in their response to the extension of the claim (pages 874 to 878).

In the context of the aforementioned, the A quo contravenes the principle of Procedural Acquisition, since by means of an agreement dated September 19, 2018, the Eleventh District Court, had agreed to the admission of the evidence that in the agreement dated eleven December 2019, that same Authority discarded; as I transcribe below:

"1. DOCUMENTARIES. Consisting of those transcribed in his brief submitted to the Common Correspondence Office of the Courts of District, based in this city, on August 22 of the current year (pages 829 to 834); in the points marked with the numbers I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV and XVI.

The previous documentaries are admitted and released due to their own special nature in the terms in which they were exhibited."

In this sense, it is illegal because it violates articles 79, 93, 337, 338 and others related to the Federal Code of Civil Procedures, since the A quo determines the rejection of means of proof that were exhibited and admitted at the appropriate procedural moment, said this, results in a clear violation of the principle of Procedural Acquisition, since this is essentially based on the fact that all the evidence provided by both parties in a process, once admitted, is part of it and therefore, it is evident that said hypothesis is configured every time that tests 1, 11, 111, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV and XVI, were admitted by agreement dated September 19, 2018; Therefore, in this context, it is a violation of the principle of Procedural Acquisition that by agreement dated December 11, 2019, the same Authority discards the evidence already admitted.

In this sense, it is illegal for the A quo to have discarded the evidence already admitted, since it has the procedural obligation to assess all the evidence offered and admitted by the parties, to support its determinations, in the event that otherwise, my principal would be left defenseless, causing a violation of the rights of PEP, which are articles 14, 16 and 17 of the Political Constitution of the United Mexican States, same as I quote:

"Article 14. No law will be given retroactive effect to the detriment of any person. No one may be deprived of liberty or of their property, possessions or rights, except through a trial followed before the courts, previously



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established, in which the essential formalities of the procedure are fulfilled and in accordance with the Laws issued with prior to the fact."

"Article 16. No one can be disturbed in his person, family, home, papers or possessions, except by virtue of a written order of the competent authority, which founds and motivates the legal cause of the procedure. In trials and proceedings followed in the form of trials in which that orality is established as a rule, it will suffice that there be evidence of them in any medium that gives certainty of their content and of the compliance with the provisions of this paragraph."

"Article 17. No person may do justice for themselves, or exercise violence to claim their right. Every person has the right to be administered justice by courts that will be expedited to impart it within the terms and terms established by law, issuing their decisions promptly, completely and impartially. His service will be free, consequently, legal costs are prohibited."

In this argument, it is reiterated that the A quo had to have admitted tests I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV and XVI since These were already clearly admitted through the agreement dated September 19, 2018.

[...]

SECOND. - The A quo causes grievances to my principal since in the agreement dated December 11, 2019, it violates individual guarantees and human rights enshrined in the Magna Carta, since it is unconstitutional for contrary to the principles of consistency and exhaustiveness that must prevail in any process, attentive to what is established in articles 14 and 17 of the Political Constitution of the United Mexican States; this, because the A quo, under an incorrect appreciation or lack of congruence, discards tests I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV and XVI, illegally, since they had already been admitted by agreement dated September 19, 2018; Therefore, in this context, it is a violation of the principle of Consistency and Completeness, since the Eleventh District Court enters a notorious contradiction of determinations.

In this sense, the distribution of procedural burdens is inequitable, thus transferring a damage of "negative" effects and consequences, against my principal, since the A quo is no longer consistent, being that said adjective must be part of his obligation procedural, which was reflected through a rejection of evidence that had already been offered and admitted first hand, which said assertion generates that it was considered discarded and above all, not to be considered within the litigation, even when these are already work in civil file records.

Therefore, I have kindly quoted the following theses to further strengthen the above:

PRINCIPLE OF CONGRUENCE. WHICH SHOULD PREVAIL IN ALL JUDICIAL RESOLUTION.

[...]



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It is argued that such action is not correct, since each subject of the procedural legal relationship has the right that, as long as the evidence is offered in a timely manner, it must be admitted and taken into consideration when resolving the question raised. Therefore, the A quo, by rejecting the means of evidence offered by my principal, even when these had already been admitted for having been offered in accordance with the law, leaves PEP in a totally defenseless state.

From the above transcribed, it is then that the A quo should have taken into account that articles 79, 93, 337, 338 and others related to the Federal Code of Civil Procedures, oblige it to admit the evidence provided, as long as these they have been offered at the appropriate procedural moment, which was done notoriously, since by agreement dated September 19, 2018, the Eleventh District Court, considered them admitted; Therefore, regardless of whether the act that attacks PEP is irreparable, no less important is that my client's human right to due process was violated, which fails to contravene articles 8, numeral 1 and 2 of the American Convention on Human Rights, which provide for the right of every person to effective judicial protection; that is, to a trial that contemplates the means of proof offered, as well as impartiality, which the A quo fails to take into consideration said legal frameworks, which contravenes the fundamental rights recognized by the Political Constitution of the United Mexican States. , the Law or the Convention itself.

[...]

For all of the above and based on this document, you are requested C. Magistrate:

FIRST. - Consider the personality that I hold in my capacity as Legal Representative of PEMEX EXPLORATION AND PRODUCTION as recognized, indicating addresses to hear and receive notifications, in the same way that the indicated professionals are authorized, taking the APPEAL REMEDY as continued in due time and form.

SECOND. - The request for the return of the certified copy of the testimony of Public Deed number 184, 017 dated June 17, 2016 is granted, prior comparison and certification with the simple ones, authorizing the LICs for this purpose. ARMANDO MEJIA SALGADO, MARÍA DE LOURDES VÁZQUEZ RUIZ, AMERICA GONZÁLEZ BÁEZ, ALBERTO ESTEBAN BAEZ PALMA, MIGUEL GONZÁLEZ, HECTOR ROBERTO HERNANDEZ TREVIÑO AND/OR HUGO RENE DOMINGUEZ GUERRERO.

THIRD. - Have us express the grievances formulated in the body of this document, indicating as records that make up this appeal, those mentioned in letter number DJ GJRNE-RJPR-CESR-5759-2019 where the Appeal is filed.

I PROTEST WHAT IS NECESSARY

LIC. LILIANA LARA LAGUNES

ATTORNEY OF PEMEX EXPLORATION AND PRODUCTION

JAIL/CESR/JJAC•