

3/12/2020

See complete synthesis

SISE

R-0071-ENG

Record Number: 75/2015

Notification Date: 30/11/2020

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Synthesis:

Considering the actuarial reason signed by the judicial clerk of the secondment, of which the reasons for which it was not possible to notify the provided of September twenty-eighth of two thousand and twenty, to the plaintiff; be added to the records so that it takes its corresponding legal effects and by virtue of the foregoing, based on the provisions of articles 306 and 316 of the Federal Code of Civil Procedures, make said notification, as well as the subsequent ones of a personal nature, in accordance with the rules provided for those that should not be personal, until a new address is indicated to hear and receive notifications... ORDER OF SEPTEMBER TWENTY-EIGHT, TWO THOUSAND AND TWENTY.- Seen; the status of these records, noting that on July 31, 2020, General Agreement 21/2020, of the Plenary of the Federal Judicial Council, was published in the Official Gazette of the Federation, regarding the resumption of deadlines and the staggered return in the courts in the face of the contingency due to Virus Covid-19, approved in an extraordinary session of July 28, 2020, in which the operation of the courts was completely re-muted to its position and the suspension of the deadlines and terms decreed from March 18 to July 31, 2020, in the various General Agreements 4/2020, 6/2020, 8/2020, 10/2020, 13/2020, 15/2020, 2020 and 18/2020, of the Plenary of the Federal Judicial Council, reactivating the procedural deadlines for the physical processing of all types of requests, demands, incidents, appeals and other promotions. Consequently, the suspension of the procedural deadlines and terms in this trial is LIFTED, and they are RESUMED at the point at which they were paused.

Without the need for personal notification of this provided, because in accordance with article 88 of the Federal Code of Civil Procedures, it is a notorious fact that on July 31 of the current year, it was published in the Official Gazette of the Federation , General Agreement 21/2020, of the Plenary of the Federal Judicial Council, regarding the resumption of deadlines and the staggered return in the jurisdictional bodies in the face of the contingency due to the Covid-19 virus, so it is an event in the public domain That the Federal Judicial Council fully resumed the operation of the jurisdictional bodies under its responsibility, by reactivating the procedural deadlines and the physical processing of all types of requests, lawsuits, incidents, appeals and other promotions, so that since it is fully known to society in general and to the legal community, as it has been published in a national publication, it is unnecessary to give make such fact known to the procedural parties through a personal notification. In addition, it is a situation known to all that the pandemic persists as a danger to the health of all, so that the reactivation is not carried out in a context of "normality", which implies that the measures of healthy distance and reduction of mobility necessary to face the contingency, so it must be monitored that the jurisdictional work is carried out in conditions that do not put the litigable persons or the personnel of this jurisdictional body at risk, being unquestionable that the practice of a number Considerable number of personal notifications entails a high risk of contagion for the actuaries who practice them, which will be avoided if the resumption is notified by list. On the other hand, having seen official letter 103/2020 sent by the Clerk of the Fourth Unitary Court of the Seventh Circuit, residing in Veracruz, Veracruz, to which it attaches the records of ordinary civil trial 75/2015, in which nine notebooks of evidence, as well as the testimony of the resolution pronounced on September 23, 2020, in civil order 1/2020-II, whose operative paragraphs are as follows:

"FIRST. The relative part of the agreement issued on December 11, two thousand and nineteen, in the ordinary civil trial 75/2015, of the index of the Eleventh District Court in the State of Veracruz, residing in Poza Rica, is MODIFIED to remain in the terms specified in the final part of the last recital of this resolution. SECOND. Notify the appellant legal entity Pemex Exploración y Producción electronically, by means of a label to the plaintiff legal entities "Bisen Construcciones e Ingeniería", Sociedad Anónima de Capital Variable and "MWS Management Inc."; by official letter to the A quo, to whom the records must be returned, after digitizing the leading records and, when appropriate, file this file." Gloss to the documents the document and annex of merit, acknowledge receipt to the officiating Court via interconnection, make the rigorous annotations in the corresponding government book and for a better management of this file, add only the original records that are in the notebook of antecedents, without it being considered necessary to gloss the aforementioned notebook in its entirety, taking into account that they only deal with certified copies of the present matter. However, in strict compliance with the guidelines established by the Superiority, the relative part of the contested agreement of December 11, two thousand and nineteen will be modified, so that it remains as follows: "[.] As regards the documentaries marked with the numbers I, 11, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV and XVI, based on articles 79 and 87 of the Federal Code of Procedures Civilians, are considered admitted and relieved, taking into account their own and special nature[.]" However, taking into consideration that in the document of December twenty-seventh of two thousand and nineteen, the date indicated in the contested order was left without effect. December 11, two thousand and nineteen, for the confessional evidence, as well as the terms granted to the parties, until the merit appeal is resolved, and given that the foregoing has already occurred, IT IS ORDERED TO RESUME THE PROCEEDING. Likewise, to maintain the due procedural balance and that the parties are able to prove the facts they claim, based on the provisions of articles 79, 339 and 340 of the aforementioned Federal Code of Civil Procedures and given that, as already stated, In the preceding paragraph, the terms granted to the parties in the contested order were left without effect, the term of twenty days granted for their relief and admission of evidence, said term is closed and the undersigned grants an extraordinary period of TWENTY BUSINESS DAYS, only for the relief of the confessional evidence offered by the defendant, and regarding the above, it provides: 1. Confessional. In charge of the plaintiff RAÚL LOPEZ GALLEGOS, legal representative of the plaintiffs BISELL CONSTRUCCIONES e INGENIERÍA, Sociedad Anónima de Capital Variable and MWS MANAGEMENT INC, it is admitted, and for its relief, ELEVEN HOURS AND THIRTY MINUTES OF OCTOBER TWENTY-EIGHT, TWO THOUSAND TWENTY, consequently, summon the plaintiff at the address indicated in the case file, to appear before this court to acquit positions, pursuant to the document exhibited by the defendant, prior qualification of legal, with valid identification, located at Avenida Palmas, Esquina Preparatoria, no number, Colonia Las Palmas, Poza Rica, Veracruz, being warned that if he does not appear without just cause, he will be considered a confessor, the above based on Articles 104, 105, 109 of the Federal Code of Procedures civilians. Finally, taking into consideration that this court is the one who cites the hearing in which the admitted evidence will be released; under these conditions, with the support of article 61 of General Agreement 21/2020, issued by the Plenary of the Federal Judicial Council, regarding the resumption of terms and the staggered return in the jurisdictional bodies in the face of the contingency due to the COVID-19 virus. 19, the SISE Legal Analyst is instructed to carry out the necessary technical steps and in accordance with the guidelines set by the Federal Judicial Council and to do the following: *Record in "Agenda 01", the date and time proposed for the hearing in which the admitted evidence will be presented, that is, ELEVEN HOURS AND THIRTY MINUTES OF OCTOBER TWENTY-EIGHT, TWO THOUSAND TWENTY. *Generate the QR codes of the parts mentioned below: a). Plaintiff: BISELL CONSTRUCCIONES e INGENIERÍA, Sociedad Anónima de Capital Variable and MWS MANAGEMENT INC, through its legal representative. b). Defendant: Pemex Exploración y Producción, through its legal representative, "QR Codes" that must be presented in person at the entrance of this courthouse, when attending the proceeding for which they have been summoned. In

the same way, the secretary of the court in charge of attending in person is instructed that the QR Codes must be delivered to any of the assigned actuaries, so that they in turn attach them to the aforementioned persons, to the time of notification.

CALL FOR IMPROVING COMMUNICATION WITH THE PARTIES

In accordance with article 22 of General Agreement 21/2020, of the Plenary of the Federal Judicial Council, regarding the resumption of deadlines and the staggered return in the jurisdictional bodies in the face of the contingency due to the Covid-19 virus, the parties to: If deemed pertinent, go to the action scheme from the Online Services Portal. Propose special and expedited forms of contact, such as emails and instant messaging services, both their own and those of other individuals who are part of the process, through which non-procedural communications can be established, which means that it cannot be practiced. No notification through these means, they are only to establish contact. The content of these contacts must be recorded and, if necessary, incorporated into the file after the corresponding certification.

CONSULTATION OF THE ELECTRONIC FILE WITHIN THE COURT

The parties are informed that if they wish to consult the electronic file on the computer equipment that is available to them in this court, they must make an appointment through an automated process available on the Online Services Portal. of the Judiciary of the Federation, in which they will be granted a QR Code that will allow them and, where appropriate, another person authorized in the respective file, to enter the court, fully identified and registered, said code may be submitted electronically on a mobile device or may be printed, with the understanding that the appointment will last a maximum of twenty-five minutes, in accordance with articles 3, 6, section II, and 8, of the aforementioned General Agreement 21/2020.

DIGITIZATION AND ELECTRONIC FILE

In observance of the joint General Agreements-1/2009 and 1/2013 of the Plenary Sessions of the National Supreme Court of Justice and the Federal Judicial Council, as well as the various General Agreement 12/2020, of the Plenary Session of the Council of the Federal Judiciary, which regulates the integration and processing of electronic files and the use of videoconferences in all matters within the jurisdiction of the jurisdictional bodies in charge of the Council itself, which in the third transitory section specifies that Title Four, On services, is repealed of the CJF, of the joint General Agreement 1/2015 of the Supreme Court of Justice of the Nation and of the Federal Judicial Council, and article 3 of the Amparo Law, the creation of the electronic file and the digitization of the essential proofs for its due integration.