

Docket No.: **75/2015**Date of Order: **30/11/2020**Date of publication:
01/12/2020**Synthesis:**

In view of the actuarial reason signed by the judicial clerk of the assignment, from which the reasons for which it was not possible to notify the order of September twenty-eighth, two thousand and twenty, to the plaintiff, can be seen; be added to the records for 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, the said notification, as well as the subsequent notifications of a personal nature, in accordance with the rules established for those that should not be personal, until such time as a new domicile is indicated to hear and receive notifications...ORDER OF SEPTEMBER TWENTY-EIGHTH, TWO THOUSAND AND TWENTY.-In view of; the status of the present proceedings, noting that on July thirty-first, two thousand twenty, General Agreement 21/2020 of the Plenary of the Federal Judiciary Council was published in the Official Gazette of the Federation, regarding the resumption of deadlines and the staggered return in the jurisdictional bodies due to the contingency caused by the Covid-19 virus, approved in an extraordinary session of July 28, 2020, in which the operation of the jurisdictional bodies in charge was resumed in its entirety 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 and 18/2020, of the Plenary of the Federal Judiciary Council, was lifted, reactivating the procedural deadlines for the physical processing of all types of requests, claims, incidents, appeals and other promotions. Consequently, the suspension of the deadlines and procedural terms in the present lawsuit is hereby LIFTED, and they are RESUMED at the point where they were paused. Without the need for personal notification of this decision, since in accordance with Article 88 of the Federal Code of Civil Procedures, it is a notorious fact that on July 31 of this year, General Agreement 21/2020 of the Plenary of the Federal Judiciary Council was published in the Official Gazette of the Federation, regarding the resumption of deadlines and the staggered return of the jurisdictional bodies due to the contingency caused by the Covid-19 virus, for which reason it is an event of public knowledge that the Federal Judiciary Council has resumed the entirety of the procedural terms, It is therefore a matter of public knowledge that the Federal Judiciary Council has fully resumed the operation of the jurisdictional bodies under its responsibility, by reactivating the procedural deadlines and the physical processing of all types of applications, claims, incidents, appeals and other promotions, so that since it is fully known to society in general and the legal community, having been published in an organ of national circulation, it is unnecessary to make this fact known to the procedural parties through a personal notification. In addition, it is a situation known to all that the pandemic continues to be a danger to the health of all, so that the reactivation does not take place in a context of "normality", which implies that the measures of healthy distance and reduction of mobility necessary to face the contingency continue to be in place, Therefore, it must be ensured that the jurisdictional work is carried out in conditions that do not put at risk either the parties or the personnel of this jurisdictional body, being unquestionable that the practice of a considerable number of personal notifications entails a high risk of contagion for the clerks who carry them out, which will be avoided if the reactivation is notified by means of a list. On the other hand, in view of the official letter 103/2020 sent by the Secretary of the Fourth Unitary Court of the Seventh Circuit, with residence in Veracruz, Veracruz, to which she attaches the records of the ordinary civil trial 75/2015, in which we are acting, nine evidence notebooks, as well as the testimony of the resolution pronounced on September twenty-third, two thousand twenty, in the civil case 1/2020-II, whose operative paragraphs are of the following tenor: "FIRST. The relative part of the resolution issued on December eleventh, two thousand nineteen, in the ordinary civil trial 75/2015, of the index of the Eleventh District Court in the State of Veracruz, with residence in Poza Rica, is MODIFIED to be in the terms specified in the final part of the last recital of this resolution. SECOND: Notify the appellant Pemex Exploración y Producción by electronic means; by letter to the plaintiffs "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, prior digitalization of the relevant evidence and, in due course, file the present case file". The official letter and annex of merit shall be attached to the file, the receipt shall be acknowledged to the officiating Court via interconnection, the necessary annotations shall be made in the corresponding government book and, for a better handling of the present file, only the original evidence contained

in the background notebook shall be added, without it being deemed necessary to gloss the the referred notebook in its entirety, taking into account that they are only certified copies of the present case. Now, in strict compliance with the guidelines established by the Superiority, we modify the relative part of the challenged resolution of December eleventh, two thousand nineteen, as follows: "[.] Regarding the documents marked with the numbers I, II, 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 Civil Procedures, are deemed to have been admitted and presented, in view of their own special nature [.] Now, taking into consideration that in the order of December twenty-seventh, two thousand nineteen, the date indicated in the contested order of December eleventh, two thousand nineteen, for the confessional evidence was left without effect, as well as the terms granted to the parties, until the appeal of merit was resolved, and given that the above has already occurred, IT IS ORDERED TO RESUME THE PROCEEDINGS. Likewise, in order to keep the due procedural balance and that the parties are in a position 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 annulled, the term of twenty days granted for the disclosure and admission of evidence, said term is closed and the undersigned grants an extraordinary period of TWENTY BUSINESS DAYS, only for the disclosure of the confessional evidence offered by the defendant, and as to the foregoing, it is hereby provided: 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 hearing it is set for ELEVEN HOURS AND THIRTY MINUTES ON OCTOBER TWENTY EIGHT TWO THOUSAND AND TWENTY, consequently, the plaintiff is summoned to appear in this court to absolve positions, according to the document exhibited by the defendant, prior legal qualification, with valid identification, located at Palmas Avenue, corner of Preparatoria, without number, colonia Las Palmas, Poza Rica, Veracruz, being warned that if he does not appear without just cause, he will be considered as confessed, the above based on Articles 104, 105, 109 of the Federal Code of Civil Procedures. Finally, taking into consideration that this jurisdictional body is the one who summons the hearing in which the admitted evidence will be presented; in these conditions, with support in Article 61 of General Agreement 21/2020, issued by the Plenary of the Federal Judiciary Council, regarding the resumption of deadlines and the staggered return in the jurisdictional bodies due to the contingency caused by the COVID-19 virus, the SISE Legal Analyst is instructed to carry out the necessary technical steps and in accordance with the guidelines set forth by the Federal Judiciary Council and to do the following: *Record in the "Agenda OJ", the date and time proposed for the hearing in which the admitted evidence will be presented, that is, the ELEVEN HOURS AND THIRTY MINUTES OF OCTOBER TWENTY EIGHT, TWO THOUSAND AND 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, S.A. de C.V., through its legal representative. c). Defendant: Pemex Exploración y Producción, through its legal representative, "QR Codes" that must be presented personally at the entrance of this judicial precinct, at the time of attending the proceedings to which they have been summoned. Likewise, the clerk of the court in charge of attending in person is instructed that the QR Codes must be given to any of the assigned clerks, so that they in turn will attach them to the aforementioned persons, at the time the corresponding notification is made to them. CALL FOR IMPROVED COMMUNICATION WITH THE PARTIES Pursuant to Article 22 of General Agreement 21/2020, of the Plenary of the Federal Judiciary Council, regarding the resumption of deadlines and the staggered return in the jurisdictional bodies in view of the contingency caused by the Covid-19 virus, the parties are invited to: If they deem it pertinent, transition to the scheme of action from the Online Services Portal. Propose special and expeditious forms of contact, such as e-mails and instant messaging services, both their own and those of other individuals who are parties to the process, through which non-procedural communications may be established, which means that no notification may be made 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 RECORD WITHIN THE JURISDICTIONAL BODY It is specified to the parties that in case they wish to consult the electronic file in the computer equipment available to them in this jurisdictional body, they must generate an appointment through an automated process available in the Online Services Portal of the Federal Judiciary, in which they will be given a QR Code that will allow them and, if applicable, another person authorized in the respective file, to enter the court, fully identified and registered, such a code may be submitted electronically on a mobile device or may be brought printed, with the understanding that the appointment will last for the duration of

twenty-five minutes, in accordance with articles 3, 6, section II, and 8 of the aforementioned General Agreement 21/2020. DIGITALIZATION AND ELECTRONIC FILING In observance of the joint General Agreements 1/2009 and 1/2013 of the Plenary of the Supreme Court of Justice of the Nation and the Federal Judicature Council, as well as the diverse General Agreement 12/2020, of the Plenary of the Federal Judicature Council, which regulates the integration and processing of electronic filing and the use of videoconferences in all matters under the jurisdiction of the jurisdictional bodies in charge of the Council itself, which in the third transitory provision specifies that Title Four, On the electronic services of the CJF, of the joint General Agreement 1/2015 of the Supreme Court of Justice of the Nation and the Council of the Federal Judicature, and Article 3 of the Amparo Law, is repealed, and orders the creation of the electronic file and the digitalization of the indispensable evidence for its due integration.