

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JENNIFER ECKLUND, RECEIVER,

Plaintiff,

v.

BEDAZZLED, INC., et al.

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Ancillary Civil Action No. 4:18-cv-360

JOINT REPORT ON RULE 26(f) CONFERENCE

Jennifer Ecklund, in her capacity as the Court-appointed Receiver (the “**Receiver**”) for Defendants Thurman P. Bryant, III (“**Bryant**”) and Bryant United Capital Funding, Inc. (“**BUCF**”) (Bryant and BUCF, collectively, the “**Bryant Defendants**”) and Defendant Arthur F. Wammel (“**Wammel**”), Defendant Wammel Group, LLC (the “**Wammel Group**”), and Wammel Group Holdings Partnership (“**WGHP**”) (together Wammel, Wammel Group, and WGHP, the “**Wammel Defendants**”) receivership estates (together, the “**Receivership Estate**” or the “**Receivership**”), and Defendants Joe Mackey¹, Enmotion Enterprises, Inc., Christel Such, Bellagio Interiors, LP, and Joe Michetti (collectively, the “**Participating Transferees**”) hereby jointly submit this *Joint Report on Rule 26(f) Conference* with respect to the matters set out in the Court’s *Order Governing Proceedings* [Dkt. No. 36]. The Receiver and Participating Transferees conferred by telephone on August 2, 2018, and make the following Joint Report in accordance with this Court’s Order and Rule 26(f).

All Defendants who have made an appearance participated in the Rule 26(f) conference.

¹ Joe Mackey was represented on the 26(f) conference by his non-attorney advisor Irene Bamundaga. At the time of the 26(f) conference, Joe Mackey had not filed his answer or response in this case.

1. A brief factual and legal synopsis of the case.

This case arises out of, and is ancillary to, a lawsuit brought by the Securities and Exchange Commission (“SEC”) against the Bryant Defendants and the Wammel Defendants for claims related to an alleged Ponzi scheme created, organized, and operated by the Bryant Defendants and the Wammel Defendants. That lawsuit is styled *SEC v. Thurman P. Bryant, III, et al.*, No. 4:17-cv-00336-ALM, and is pending in the United States District Court for the Eastern District of Texas, Sherman Division (“SEC v. Thurman P. Bryant, III, et al.”).

In the present matter before the Court, the Receiver alleges that certain persons and entities, identified herein as the “**Transferees**,” collectively received more than \$3.5 million (the “**Transfers**”) from the Bryant Defendants and Wammel Defendants by, or at the discretion of, Bryant or Wammel, which expressly violated Bryant’s and Wammel Group’s promises to investors about how their money would be invested.

Specifically, the Receiver alleges that the following Transferees received approximately \$593,740 from the Bryant Defendants:

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|------------------------|------------------|
| Bedazzled, Inc. | \$25,904 |
| Christel Such | \$18,452 |
| Bellagio Interiors, LP | \$230,126 |
| Joe Mackey | \$64,770 |
| Domingo Rodriguez | \$199,750 |
| ProLiquidation LLC | \$54,738 |
| Total | \$593,740 |

The Receiver further alleges that the following Transferees received more than \$2.9 million from the Wammel Defendants:

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|-------------------------------------|--------------------|
| Joe Michetti | \$758,709 |
| MNE Financial Services, Inc. | \$548,431 |
| Baldwin's Industrial Services, Inc. | \$533,299 |
| Tracey Murray | \$134,585 |
| C&C Flowers and Landscaping, LLC | \$94,000 |
| Sean Lester | \$35,143 |
| Patrick Finley | \$35,000 |
| Fresh Start Legal Advocates, Inc. | \$27,500 |
| Ed Curtiss | \$25,901 |
| All American Automotive, LLC | \$18,662 |
| Debbie Davidson | \$18,600 |
| Harrington Carbone & Allison, LLP | \$12,000 |
| Chris Castillo | \$8,000 |
| Sean Fitzmaurice | \$34,500 |
| ESPI Motors, Inc. | \$552,906 |
| Enmotion Enterprises, Inc. | \$75,000 |
| Total | \$2,912,236 |

The Receiver alleges that the Bryant Defendants and Wammel Defendants paid the Transferees above and beyond any services rendered, if any, or goods provided, if any, by the particular Transferees themselves. The Receiver alleges that the Transferees provided no

reasonably equivalent value in exchange for the Transfers and have no legitimate claims to the monies, which were misappropriated from unwitting investors. The Receiver alleges that she has no information to suggest that the Transferees had any involvement with the Ponzi scheme, but that the Transferees were recipients of favored payments that were fraudulent and comprised of diverted funds for which the Transferees did not provide reasonably equivalent value, and that BUCF and Wammel Group were insolvent, or became insolvent, shortly after the Transfers to the Transferees were made.

The Participating Transferees generally deny the claims alleged by the Receiver and dispute the amounts of the Transfers.

The Receiver brings this action to rescind the Transfers to the Transferees because the funds used allegedly were those of innocent, unwitting investors in the alleged Ponzi scheme. The Receiver alleges these Transfers should be avoided pursuant to TEX. BUS. & COMM. CODE § 24.005(a)(1), TEX. BUS. & COMM. CODE § 24.005(a)(2), and based on principles of justice, equity, and good conscience, as the Transferees were unjustly enriched. The Receiver further seeks the imposition of a constructive trust on the profits received by the Transferees, and the immediate turnover of such funds to the Receiver.

The Participating Transferees have filed their respective answers, or have been given an extension to file, and responded to the Receiver's allegations as set forth therein.

2. The jurisdictional basis for this suit.

This Court has subject-matter jurisdiction over the matters raised by this lawsuit pursuant to 28 U.S.C. § 1367 because this action is ancillary to *SEC v. Thurman P. Bryant, III, et al.* Moreover, Plaintiff Jennifer Ecklund was appointed Receiver for the Bryant Defendants by order of this Court signed May 15, 2017, and superseded by the Amended Order Appointing Receiver

(and including the Wammel Defendants in the Receivership) entered on July 19, 2017 (the “**Receivership Order**”), which are in the Court’s record and incorporated herein by reference. The Receiver contends that the money transferred to the Transferees, as described herein, constitutes a Receivership Asset, defined in the Receivership Order as “all property interests of the Receivership Defendants, including, including, but not limited to, monies, funds, securities, credits, effects, goods, chattels, lands, premises, leases, claims, rights and other assets, together with all rents, profits, dividends, interest or other income attributable thereto, of whatever kind, which the Receivership Defendant owns, possesses, has a beneficial interest in, or controls directly or indirectly.” Receivership Order, ¶ 7(A), p. 3. Defendant Enmotion Enterprises, Inc. denies that any money transferred to it constitutes a Receivership Asset.

Venue is proper in this Court because this action is ancillary to *SEC v. Thurman P. Bryant, III, et al.*, and pursuant to 28 U.S.C. §§ 754 and 1692, the Receiver may sue in the district in which she was appointed to enforce claims anywhere in the country.

3. A list of the correct names of the parties to this action and any anticipated additional or potential parties.

- Plaintiff Jennifer Ecklund, in her capacity as the Court-appointed Receiver for the Bryant Defendants and the Wammel Defendants;
- Defendant Bedazzled, Inc.;
- Defendant Christel Such;
- Defendant Joe Michetti;
- Defendant MNE Financial Services, Inc.;
- Defendant Baldwin’s Industrial Services, Inc.;
- Defendant Tracey Murray;
- Defendant C&C Flowers and Landscaping, LLC;

- Defendant Sean Lester;
- Defendant Patrick Finley;
- Defendant Fresh Start Legal Advocates, Inc.;
- Defendant Ed Curtiss;
- Defendant All American Automotive, LLC;
- Defendant Debbie Davidson;
- Defendant Harrington Carbone & Allison, LLP;
- Defendant Chris Castillo;
- Defendant Bellagio Interiors, LP;
- Defendant Joe Mackey;
- Defendant Domingo Rodriguez;
- Defendant Sean Fitzmaurice;
- Defendant ESPI Motors, Inc.;
- Defendant Enmotion Enterprises, Inc.; and
- Defendant ProLiquidation LLC.

The Receiver and the Participating Transferees have no anticipated additional or potential parties to add at this time.

4. A list of any cases related to this case pending in any state or federal court, identifying the case numbers and courts along with an explanation of the status of those cases.

- *SEC v. Thurman P. Bryant, III, et al.*, No. 4:17-cv-00336-ALM, pending in the United States District Court for the Eastern District of Texas, Sherman Division. On May 15, 2017, the SEC filed its Complaint against the Bryant Defendants and Relief Defendants Wammel, WGHP, Wammel Group, Bryant, Jr., and Goodspeed. Jennifer Ecklund was appointed as Receiver for the Bryant Defendants by order of this Court signed May 15, 2017, and superseded by the Amended Order Appointing Receiver (and including the Wammel Defendants in the Receivership) entered on July 19, 2017. On August 15, 2017, this Court entered its Memorandum Opinion and Order describing the Bryant Defendants and the Wammel Defendants web of interlocking entities and finding that there is “sufficient evidence to establish a Ponzi scheme.” On February 13, 2018, this Court entered the Second Amended Scheduling Order, which, in part, provides for a final pre-trial conference on September 27, 2018 and trial setting to be determined thereafter. Additionally, in 2018, the SEC filed its First Amended Complaint (naming Wammel, Wammel Group, and Goodspeed as Defendants). Further, the Court has entered judgments against Bryant, BUCF, Wammel, and Wammel Group, LLC. Defendant Enmotion Enterprises, Inc. does not admit the truth of any matters contained in such orders or judgments nor their binding effect as to Enmotion, as it is not a party to that case.
- *USA v. Thurman P. Bryant, III, et al.*, No. 4:17-cr-213, pending in the United States District Court for the Eastern District of Texas, Sherman Division. On December 13, 2017, Bryant and Wammel were indicted and charged with one count of conspiracy to commit wire fraud. Bryant had his initial appearance on December 20, 2017 and was arraigned on January 17, 2018. Wammel had his initial appearance and arraignment on December 28, 2017. The pretrial conferences for both Bryant and Wammel were set for April 2, 2018.
- *Receiver v. Thurman P. Bryant, Jr, et al.*, No. 4:17-cv-00856, pending in the United States District Court for the Eastern District of Texas, Sherman Division. On December 14, 2017, the Receiver filed its Complaint against Goodspeed and Bryant, Jr. Mediation was conducted on May 29, 2018.
- *Receiver v. Robert and Sandra Bailey, et al.*, No. 4:18-cv-359, pending in the United States District Court for Eastern District of Texas, Sherman Division. On May 15, 2018, the Receiver filed her Complaint against certain Winning Investors.
- *Receiver v. Wells Fargo Bank, N.A.*, No. 4:18-cv-00452, pending in the United States District Court for the Eastern District of Texas, Sherman Division. On June 26, 2018, the Receiver, represented by the Potts Law Firm as limited Counsel to the Receiver effective as of June 22, 2018, filed her Complaint against Wells Fargo Bank. On August 6, 2018, the Court granted and appointed Timothy Micah Dortch of the Potts Law Firm to serve as Special Receiver.

5. Confirm that initial mandatory disclosure required by Rule 26(a)(1) and this order has been completed.

To date, Initial Disclosures have been served by the following parties: the Receiver and Defendant Enmotion Enterprises, Inc. As of the filing of this Joint Report, the Receiver has not received any other Initial Disclosures from Defendants.

6. Proposed scheduling order deadlines. Appendix 1 has the standard deadlines. Explain any deviations from standard schedule. Now is the time to inform the Court of any special complexities or need for more time before the trial setting. The standard schedule is planned so that there is time to rule on dispositive motions before parties begin final trial preparation.

The Receiver and the Participating Transferees have agreed on a discovery/case management plan. *See* Proposed Scheduling Order attached hereto as **Exhibit A**.

The Receiver and the Participating Transferees discussed and respectfully propose five deviations from the standard schedule. The standard deadlines provide the following:

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| <p><u>November 14, 2018</u> (10 weeks after mgmt. conf.)</p> | <p>Plaintiff’s disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b)</p> |
| <p><u>November, 28, 2018</u> (12 weeks after mgmt. conf.)</p> | <p>Deadline for Plaintiff’s final amended pleadings (A motion for leave to amend is required.)</p> |
| <p><u>December 12, 2018</u> (14 weeks after mgmt. conf.)</p> | <p>Defendant’s disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b)</p> |
| <p><u>December 12, 2018</u> (14 weeks after mgmt. conf.)</p> | <p>Deadline for Defendant’s final amended pleadings (A motion for leave to amend is required.)</p> |
| <p><u>December 12, 2018</u> (14 weeks after mgmt. conf. but not later than 110 days prior to deadline for submission of Joint Final Pretrial Order)</p> | <p>Deadline for motions to dismiss, motions for summary judgment, or other dispositive motions.</p> |

The Receiver and Participating Transferees respectfully request and propose that the five deadlines be moved to the following dates to prevent any conflict with the coinciding holidays.

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| <u>December 14, 2018</u> (10 weeks after mgmt. conf.) | Plaintiff's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b) |
| <u>December 28, 2018</u> (12 weeks after mgmt. conf.) | Deadline for Plaintiff's final amended pleadings (A motion for leave to amend is required.) |
| <u>January 14, 2019</u> (14 weeks after mgmt. conf.) | Defendant's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b) |
| <u>January 14, 2019</u> (14 weeks after mgmt. conf.) | Deadline for Defendant's final amended pleadings (A motion for leave to amend is required.) |
| <u>January 14, 2019</u> (14 weeks after mgmt. conf. but not later than 110 days prior to deadline for submission of Joint Final Pretrial Order) | Deadline for motions to dismiss, motions for summary judgment, or other dispositive motions. |

7. Describe in accordance with Rule 26(f):

- i. The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.**

The Receiver and Participating Transferees agreed that it was not necessary to conduct discovery in phases and that all discovery should be completed by February 20, 2019, the standard deadline.

The Receiver expects that discovery may be needed on the following topics:

- Each Transferees' communications with the Bryant Defendants regarding transfers of funds from the Bryant Defendants to each Transferee;
- Each Transferees' communications with the Wammel Defendants regarding transfers of funds from the Wammel Defendants to each Transferee;

- Documentation regarding transfers of funds from the Bryant Defendants to each Transferee;
- Documentation regarding transfers of funds from the Wammel Defendants to each Transferee;
- Documentation regarding current financial condition of each Transferee;
- Identification of bank accounts relating to the funds at issue for each Transferee;
- Net worth of each Transferee;
- Any communications with other recipients of funds from the Bryant Defendants or Wammel Defendants;
- Correspondence that would purport to show reasonably equivalent value for funds transferred between the Bryant Defendants or Wammel Defendants and each Transferee; and
- Documentation that would purport to show reasonably equivalent value for funds transferred between the Bryant Defendants or Wammel Defendants and each Transferee.

Defendant Enmotion Enterprises, Inc. expects that discovery may be needed on the following topics:

- Each Transferees' communications with the Wammel Defendants regarding transfers of funds to the Wammel Defendants from each Transferee;
- Documentation regarding transfers of funds to the Wammel Defendants from each Transferee;
- Documentation regarding transfers of funds to the Wammel Defendants from Stephen Garrett and/or any entity owned or controlled by him;
- Identification of bank or other accounts relating to funds at issue for the Wammel Defendants;
- Documentation regarding the financial condition of the Wammel Defendants, including but not limited to net worth, assets, debts, liabilities, and any other documentation regarding the alleged deficiency or inability of the Receivership Estate to satisfy debts and/or obligations of the Wammel Defendants;
- Net worth of the Wammel and Bryant Defendants;

- Documentation purporting to establish that the investments and/or funds at issue were part of a Ponzi scheme; and
 - Documentation purporting to show the Wammel Defendants' involvement in any alleged Ponzi scheme.
- ii. Any issues relating to disclosure or discovery of electronically stored information (“ESI”), including the form or forms in which it should be produced (whether native or some other reasonably usable format) as well as any methodologies for identifying or culling the relevant and discoverable ESI. Any disputes regarding ESI that counsel for the parties are unable to resolve during conference must be identified in the report.**

None at this time. During the Rule 26(f) conference, the Participating Transferees indicated a willingness to locate all potentially relevant ESI and to preserve such ESI for purposes of anticipated discovery in this case. The Receiver and the Participating Transferees agree to work together going forward regarding the scope and format of the production of ESI in this case.

- iii. Any agreements or disputes relating to asserting claims of privilege or preserving discoverable information, including electronically stored information and any agreements reached under Federal Rule of Evidence 502 (such as the potential need for a protective order and any procedures to which the parties might agree for handling inadvertent production of privileged information and other privilege waiver issues). A party asserting that any information is confidential should immediately apply to the Court for entry of a protective order.**

The Receiver and Participating Transferees discussed the required preservation of all discoverable information, including ESI. The Participating Transferees affirmed their intent to preserve all discoverable information. The Receiver and the Transferees discussed the possibility that the Transferees may wish to redact bank records, e.g., to hide wholly unrelated transactions and to reveal only partial account numbers. The parties agreed that they would discuss this in more detail and work together if and when the need arises.

- iv. **Any changes that should be made in the limitations on discovery imposed by the Rules, whether federal or local, and any other limitations that should be imposed.**

None at this time.

- v. **Whether any other orders should be entered by the Court pursuant to Federal Rule of Civil Procedure 26(c) or 16(b), (c).**

None at this time.

8. **State the progress made toward settlement, and the present status of settlement negotiations, including whether a demand and offer has been made. If the parties have agreed upon a mediator, also state the name, address, and phone number of that mediator, and a proposed deadline for mediation. An early date is encouraged to reduce expenses. The Court will appoint a mediator if none is agreed upon.**

The Receiver expressed her openness to all settlement discussions. The Receiver and Participating Transferees have engaged in preliminary discussions regarding settlement. At this time, no settlement has been reached, but good faith settlement discussions will be ongoing.

9. **The identity of persons expected to be deposed.**

The Receiver expects to notice the named Transferees in this lawsuit for depositions. The Receiver reserves the right to notice additional dispositions as appropriate during the course of discovery.

Defendant Enmotion Enterprises, Inc. expects to notice Arthur Wammel and Jennifer Ecklund. Defendant Enmotion Enterprises, Inc. reserves the right to notice additional depositions as appropriate during the course of discovery.

10. **Estimated trial time and whether a jury demand has been timely made.**

The Receiver and Participating Transferees estimate that trial, if necessary, would take three days. Defendant Enmotion Enterprises, Inc. intends to make a timely jury demand if no other party has already done so.

11. The names of the attorneys who will appear on behalf of the parties at the management conference (the appearing attorney must be an attorney of record and have full authority to bind the client).

- Tim Hudson and Mackenzie Salenger of Thompson & Knight LLP for Plaintiff Jennifer Ecklund, the Court-appointed Receiver for the Bryant Defendants and the Wammel Defendants;
- Luke Motley, IV of Law Offices of Luke Motley, P.C. for Defendant Bellagio Interiors, LP;
- Dinesh H. Singhal and Geoffrey E. Riddle of The Singhal Law Firm for Defendant Enmotion Enterprises, Inc.;
- Robert D. Loventhal of Robert D. Loventhal Law Offices for Defendant Joe Michetti; and
- David Shuster of Julian, Crowder & Shuster, P.C. for Defendant Christel Such;

The Receiver has either recently served, or continues to make attempts to serve², the following defendants:

- All American Automotive, LLC;
- Baldwin's Industrial Services, Inc.;
- Bedazzled, Inc.
- C&C Flowers and Landscaping LLP;
- Chris Castillo;
- Ed Curtiss;
- Debbie Davidson;
- ESPI Motors, Inc.;
- Patrick Finley;
- Sean Fitzmaurice;
- Fresh Start Legal Advocates, Inc.;

² The Receiver filed a motion in this case requesting an extension of the deadline to serve the remaining defendants. *See* Dkt. No. 58. The motion is currently pending.

- Sean Lester;
- MNE Financial Services, LLC;
- Tracey Murray;
- Joe Mackey;
- ProLiquidation LLC; and
- Domingo Rodriguez.

12. Whether the parties jointly consent to trial before the magistrate judge.

The parties do not jointly consent to trial before a magistrate judge.

13. Any other matters that counsel deem appropriate for inclusion in the joint conference report or that deserve the special attention of the Court at the management conference.

None at this time.

Dated: August 20, 2018.

Respectfully submitted,

By: /s/ Timothy E. Hudson

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Counsel for Christel Such

CERTIFICATE OF SERVICE

On August 20, 2018, I electronically submitted the foregoing document to the Clerk of the Court for the United States District Court for the Eastern District of Texas using the electronic case filing system of the Court.

/s/ Timothy E. Hudson
Timothy E. Hudson

**IN THE UNITED STATES DISTRICT COURT
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Ancillary Civil Action No. 4:18-cv-360

PROPOSED SCHEDULING ORDER DEADLINES

The following actions shall be completed by the date indicated.¹

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| <u>September 12, 2018</u> (1 week after mgmt. conf.) | Deadline for motions to transfer |
| <u>October 17, 2018</u> (6 weeks after mgmt. conf.) | Deadline to add parties |
| _____ | Mediation must occur by this date. |
| _____ six weeks prior to mediation ddl | Deadline by which the parties shall notify the Court of the name, address, and telephone number of the agreed-upon attorney-mediator mediator, or request that the Court select a mediator, if they are unable to agree on one. |
| <u>December 14, 2018</u> | Plaintiff’s disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b) |
| <u>December 28, 2018</u> | Deadline for Plaintiff to file amended pleadings (A motion for leave to amend is required.) |
| <u>January 14, 2019</u> | Defendant’s disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b) |

¹ If a deadline falls on a Saturday, Sunday or a legal holiday as defined in Fed. R. Civ. P. 6, the effective date is the first federal court business day following the deadline imposed.

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| <p style="text-align: center;"><u>January 14, 2019</u></p> | <p>Deadline for Defendant’s final amended pleadings (A motion for leave to amend is required.)</p> |
| <p style="text-align: center;">6 weeks after disclosure of an expert is made</p> | <p>Deadline to object to any other party’s expert witnesses. Objection shall be made as a motion to strike or limit expert testimony and shall be accompanied by a copy of the expert’s report in order to provide the court with all the information necessary to make a ruling on any objection.</p> |
| <p style="text-align: center;"><u>January 14, 2019</u></p> | <p>Deadline for motions to dismiss, motions for summary judgment, or other dispositive motions.</p> |
| <p style="text-align: center;"><u>February 20, 2019</u> (24 weeks after mgmt. conf.)</p> | <p>All discovery shall be commenced in time to be completed by this date.</p> |
| <p style="text-align: center;"><u>June 21, 2019</u> (6 weeks before final pretrial conf.)</p> | <p>Notice of intent to offer certified records.</p> |
| <p style="text-align: center;"><u>June 21, 2019</u> (6 weeks before final pretrial conf.)</p> | <p>Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order and Joint Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in non-jury cases).</p> |

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| <p style="text-align: center;"><u>June 28, 2019</u></p> | <p>Video Deposition Designation due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those which cannot be resolved shall be presented to the Court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the Court's rulings on objections.</p> |
| <p style="text-align: center;"><u>July 3, 2019</u></p> | <p>Motions in limine due. File Joint Final Pretrial Order (See www.txed.uscourts.gov)</p> |
| <p style="text-align: center;"><u>July 19, 2019</u> (2 weeks before final pretrial conf.)</p> | <p>Response to motions in limine due.² File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order.³ (This does not extend deadline to object to expert witnesses.) File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law)</p> |
| <p style="text-align: center;">Date will be set by Court. Usually within 10 days prior to final pretrial conf.</p> | <p>If numerous objections are filed, the court may set a hearing to consider all pending motions and objections.</p> |

² Opposing counsel **shall confer** in an attempt to resolve any dispute over the motions in limine within five calendar days of the filing of any response. The parties shall notify the court of all the issues which are resolved.

³ Within five calendar days after the filing of any objections, opposing counsel **shall confer** to determine whether objections can be resolved without a court ruling. The parties shall notify the court of all issues which are resolved. The court needs a copy of the exhibit or the pertinent deposition pages to rule on the objection.

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| <p style="text-align: center;"><u>August 2, 2019</u></p> | <p>Final Pretrial Conference at 9:00 a.m. at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas. Date parties should be prepared to try case. All cases on the Court's Final Pretrial Conference docket for this day have been set at 9:00 a.m. However, prior to the Final Pretrial Conference date, the Court will set a specific time between 9:00 a.m. and 4:00 p.m. for each case, depending on which cases remain on the Court's docket.</p> |
| <p style="text-align: center;">Date will be set by Court.</p> | <p>10:00 a.m. Jury selection and trial (or bench trial) at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas. Cases that remain for trial following the Court's Pretrial docket will be tried between September 3, 2019, and September 27, 2019. A specific trial date in this time frame will be selected at the Final Pretrial Conference.</p> |

AGREED TO AS TO FORM AND SUBSTANCE

By: /s/ Timothy E. Hudson

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