

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

JENNIFER ECKLUND, RECEIVER,

Plaintiff,

v.

ROBERT AND SANDRA BAILEY, et al.

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Ancillary Civil Action No. 4:18-cv-359

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 Robert Bailey, Sandra Bailey, Stephen Garrett, Chelsea Hughes, Kenneth Hughes, Teresa Ezell¹, and Blair Knapp² (collectively, the “**Participating Winning Investors**”) 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. 25]. The Receiver and Participating Winning Investors conferred by telephone on August 3, 2018, and make the

¹ Jack Ezell was present on the Rule 26(f) conference with Defendants Chelsea Hughes, Kenneth Hughes, and Teresa Ezell.

² An additional Rule 26(f) conference was held on August 6, 2018 between the Receiver and Blair Knapp, as Ms. Knapp was unable to attend the Rule 26(f) conference on August 3, 2018.

following Joint Report in accordance with this Court's Order and Rule 26(f). Defendant Stephen Garrett objects to the Receiver's use of the term "Winning Investors."

The Receiver made multiple attempts to contact all counsel of record, and parties that appeared *pro se*, regarding scheduling the Rule 26(f) conference. See July 26, 2018 Email to Counsel attached hereto as **Exhibit A**; July 31, 2018 Email to Counsel attached hereto as **Exhibit B**. Defendants Roland Maldonado, Holly Maldonado, and Hossein Seddighi, by and through their counsel Howard Marc Spector of SPECTOR & JOHNSON, PLLC, did not participate in the Rule 26(f) conference.

Accordingly, this Joint Report only reflects the conference of the Receiver and Participating Winning Investors.

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 investors, identified herein as the "**Winning Investors**," invested with the Bryant Defendants and Wammel Defendants and received purported interest payments over and above the amounts they initially invested (the "**Transfers**").

Specifically, the Receiver alleges that the following Winning Investors received more than \$1 million from the Bryant Defendants:

Roland and Holly Maldonado	\$731,200
Hossein Seddighi	\$109,900
Kenneth and Chelsea Hughes	\$89,452
Teresa Ezell	\$30,000
Randi Cahill	\$23,500
Blair Knapp	\$20,750
Total	\$1,004,802

The Receiver further alleges that the following Winning Investors received approximately \$340,081 from the Wammel Defendants:

Robert and Sandra Bailey	\$177,315
Stephen Garrett	\$162,766
Total	\$340,081

The Receiver alleges that the Winning Investors not only received from the Bryant Defendant and Wammel Defendants sums equal to their “principal” investments, but they also collectively received approximately \$1.4 million in payments in excess of their respective investments. The Receiver alleges that the Transfers received as purported return on investment or interest, which were actually just the principal of other investors, amount to fraudulent transfers. The Receiver alleges that the Winning Investors provided no reasonably equivalent value in exchange for the Transfers and have no legitimate claims to the monies, which were misappropriated from other unwitting investors. The Receiver alleges that she has no information to suggest that the Winning Investors had any direct involvement with the Ponzi scheme, but that the Winning Investors were recipients of favored payments that were fraudulent and comprised of

diverted funds for which the Winning Investors did not provide reasonably equivalent value, and that BUCF and Wammel Group were insolvent, or became insolvent, shortly after the Transfers to the Winning Investors were made.

The Participating Winning Investors generally deny the claims alleged by the Receiver and dispute the amounts of the Transfers and that said transfers were for no reasonably equivalent value.

The Receiver brings this action to rescind the Transfers to the Winning Investors 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 Winning Investors were unjustly enriched. The Receiver further seeks the imposition of a constructive trust on the profits received by the Winning Investors, and the immediate turnover of such funds to the Receiver.

The Participating Winning Investors 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 Winning Investors, 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. The Defendants deny that the Transfers constitute a Receivership Asset, however they do not contest the subject-matter jurisdiction of the court. Defendant Stephen Garrett also denies that the money transferred to him 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;
- Defendants Robert and Sandra Bailey;
- Defendants Roland and Holly Maldonado;
- Defendant Hossein Seddighi;
- Defendants Kenneth and Chelsea Hughes;
- Defendant Randi Cahill;
- Defendant Blair Knapp; and
- Defendant Stephen Garrett.

The Receiver and the Participating Winning Investors 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 Stephen Garrett does not admit the truth of any matters contained in such orders or judgments nor their binding effect as to him, as he 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. Bedazzled, Inc., et al.*, No. 4:18-cv-360, pending in the United States District Court for the Eastern District of Texas, Sherman Division. On May 15, 2018, the Receiver filed her Complaint against certain Transferees.
- *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, Defendants Robert & Sandra Bailey, Defendant Stephen Garrett, Defendant Teresa Ezell, Defendant Chelsea Hughes, Defendant Kenneth Hughes, and Defendant Blair Knapp. 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 Winning Investors have agreed on a discovery/case management plan. *See* Proposed Scheduling Order attached hereto as **Exhibit C**.

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

<u>November 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>November, 28, 2018</u> (12 weeks after mgmt. conf.)	Deadline for Plaintiff's final amended pleadings (A motion for leave to amend is required.)
<u>December 12, 2018</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>December 12, 2018</u> (14 weeks after mgmt. conf.)	Deadline for Defendant's final amended pleadings (A motion for leave to amend is required.)

<p style="text-align: center;"><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>
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The Receiver and Participating Winning Investors respectfully request and propose that the five deadlines be moved to the following dates to prevent any conflict with the deadlines in *Jennifer Ecklund, Receiver v. Bedazzled, Inc., et al.*, Ancillary Civil Action No. 4:18-cv-00360.

<p style="text-align: center;"><u>January 14, 2019</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 style="text-align: center;"><u>January 28, 2019</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 style="text-align: center;"><u>February 12, 2019</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 style="text-align: center;"><u>February 12, 2019</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 style="text-align: center;"><u>February 12, 2019</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>

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

The Participating Winning Investors expect that discovery may be needed on the following topics:

- Documentation regarding transfers from the Wammel Defendants to Wammel Group;
- Documents reflecting the record-keeping by the Wammel Group of the accounts for the Wammel Defendants;
- Documents reflecting trading activities of Wammel Group; and
- Documents reflecting the Receiver's handling of any open trades.

Defendant Stephen Garrett expects that discovery may be needed on the following topics:

- Documentation, including contracts or other agreements, pertaining to the initiation of the Investor Defendants' investments with the Wammel Defendants;
- Communications between the Wammel Defendants and the Investor Defendants regarding the investments at issue;
- Communications between or among the Wammel and Bryant Defendants regarding the funds or investments at issue;
- Communications between the Wammel Defendants and the Investor Defendants regarding transfers to and from the Investor Defendants;
- Documentation regarding transfers from the Investor Defendants to the Wammel Defendants;
- Documentation of any transfers between the Wammel and Bryant Defendants relating to funds or accounts of Investor Defendants;
- Documentation of investments, returns, and losses by the Wammel and/ or Bryant Defendants with funds provided by Investor Defendants;
- Identification of bank or other accounts relating to funds at issue for the Wammel and Bryant 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 Winning Investors 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 Winning Investors 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 Winning Investors discussed the required preservation of all discoverable information, including ESI. The Participating Winning Investors affirmed their intent to preserve all discoverable information. The Receiver and Participating Winning Investors discussed the possibility that Participating Winning Investors 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 Winning Investors 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 Winning Investors in this lawsuit for depositions. The Receiver reserves the right to notice additional dispositions as appropriate during the course of discovery.

The Participating Winning Investors expect to notice Arthur Wammel and Jennifer Ecklund. The Participating Winning Investors reserve 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 Winning Investors estimate that trial, if necessary, would take three days. Defendant Stephen Garrett 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;
- Kevin Powers of Porter & Powers, PLLC for Robert and Sandra Bailey;
- Dinesh H. Singhal and Geoffrey E. Riddle of The Singhal Law Firm for Stephen Garrett;
- Kenneth Hughes, *pro se*;
- Chelsea Hughes, *pro se*;
- Blair Knapp, *pro se*;
- Teresa Ezell, *pro se*;
- Howard Marc Spector of Spector & Johnson, PLLC for Roland and Holly Maldonado; and
- Howard Marc Spector of Spector & Johnson, PLLC for Hossein Seddighi.

The Receiver recently served the following defendant:

- Randi Cahill, *pro se*.³

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.

³ The Receiver served Mr. Cahill on August 3, 2018. *See* Dkt. No. 32.

Respectfully submitted,

By: /s/ Timothy E. Hudson

Timothy E. Hudson
State Bar No. 24046120
Tim.Hudson@tklaw.com

William L. Banowsky
State Bar No. 01697125
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Mackenzie S. Wallace
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Dallas, Texas 75201
Telephone: (214) 969-1700
Facsimile: (214) 969-1751

COUNSEL TO RECEIVER

/s/ Kevin Powers

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Counsel for Robert and Sandra Bailey

/s/ Dinesh H. Singhal

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Counsel for Stephen Garrett

/s/ Kenneth Hughes

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Pro Se

/s/ Chelsea Hughes

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Pro Se

/s/ Blair Knapp

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Pro Se

/s/ Teresa Ezell

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6830 Alpine
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(281) 201-6859
Tkezell000@aol.com

Pro Se

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

EXHIBIT A

From: [Collier, Sydne](#)
To: [abknapp@sbcglobal.net](#); [chelseahughes1@yahoo.com](#); [khkh@sbcglobal.net](#); [hspector@spectorjohnson.com](#); [Tkezell000@aol.com](#); [dineshsinghal@gmail.com](#)
Cc: [Salenger, Mackenzie](#); [Hudson, Timothy E.](#)
Subject: Ecklund v. Robert and Sandra Bailey et al. - 4:18-cv-00359 - Rule 26(f) Conference
Date: Thursday, July 26, 2018 2:13:28 PM
Attachments: [Dkt. 25 - Order Governing Proceedings \(Bailey\) \(20849335\) \(1\).PDF](#)

All,

Pursuant to the Order Governing Proceedings (Dkt. 25), a rule 26(f) conference must be held on or before August 6, 2018.

Accordingly, a telephone conference will be held **Friday, August 3, 2018**, from **9:00 AM** to **11:00 AM**.

To participate in the conference, please use the following login:

Dial In Number: 888-857-4030

Passcode: 144 980

If you cannot attend the conference, please let me know and we can attempt to facilitate another time.

Sincerely,

Sydne K. Collier | Thompson & Knight LLP

Attorney

1722 Routh Street, Suite 1500, Dallas, Texas 75201

214.969.2138 (direct) | 214.999.9239 (fax) | sydne.collier@tklaw.com

This message may be confidential and attorney-client privileged. If received in error, please do not read. Instead, reply to me that you have received it in error and delete the message. Thank you.

Exhibit B

From: Collier, Sydne
To: abknapp@sbcglobal.net; chelseahughes1@yahoo.com; khkh@sbcglobal.net; hspector@spectorjohnson.com; Tkezell000@aol.com; dineshsinghal@gmail.com
Cc: [Salenger, Mackenzie](mailto:Salenger.Mackenzie@tklaw.com); [Hudson, Timothy E.](mailto:Hudson.Timothy.E@tklaw.com)
Subject: RE: Ecklund v. Robert and Sandra Bailey et al. - 4:18-cv-00359 - Rule 26(f) Conference
Date: Tuesday, July 31, 2018 3:02:57 PM
Attachments: [Dkt. 25 - Order Governing Proceedings \(Bailey\) \(20849335\) \(1\).PDF](#)

All,

As a reminder, a Rule 26(f) telephone conference will be held **Friday, August 3, 2018**, from **9:00 AM to 11:00 AM**.

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Dial In Number: 888-857-4030

Passcode: 144 980

Thank you.

Sydne K. Collier | Thompson & Knight LLP
Attorney

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From: Collier, Sydne
Sent: Thursday, July 26, 2018 2:13 PM
To: 'abknapp@sbcglobal.net' <abknapp@sbcglobal.net>; 'chelseahughes1@yahoo.com' <chelseahughes1@yahoo.com>; 'khkh@sbcglobal.net' <khkh@sbcglobal.net>; 'hspector@spectorjohnson.com' <hspector@spectorjohnson.com>; 'Tkezell000@aol.com' <Tkezell000@aol.com>; 'dineshsinghal@gmail.com' <dineshsinghal@gmail.com>
Cc: Salenger, Mackenzie <Mackenzie.Salenger@tklaw.com>; Hudson, Timothy E. <tim.hudson@tklaw.com>
Subject: Ecklund v. Robert and Sandra Bailey et al. - 4:18-cv-00359 - Rule 26(f) Conference

All,

Pursuant to the Order Governing Proceedings (Dkt. 25), a rule 26(f) conference must be held on or before August 6, 2018.

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If you cannot attend the conference, please let me know and we can attempt to facilitate another time.

Sincerely,

Sydne K. Collier | Thompson & Knight LLP

Attorney

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Thank you.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
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JENNIFER ECKLUND, RECEIVER,

Plaintiff,

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ROBERT AND SANDRA BAILEY, et al.

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Ancillary Civil Action No. 4:18-cv-359

PROPOSED SCHEDULING ORDER DEADLINES

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

<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>January 14, 2019</u>	Plaintiff’s disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b)
<u>January 28, 2019</u>	Deadline for Plaintiff to file amended pleadings (A motion for leave to amend is required.)
<u>February 12, 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.

<p style="text-align: center;"><u>February 12, 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>February 12, 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>

<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.

<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

Respectfully submitted,

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