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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§ Chapter 11
	§
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§ Case No. 19-34054-sgj11
	§
Reorganized Debtor.	§
	§
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§
	§ Adv. Proc. No. 25-03055-bwo
Plaintiff/Counter-Defendant,	§
	§
v.	§
	§
PATRICK HAGAMAN DAUGHERTY,	§
	§
Defendant/Counter-Plaintiff.	§

¹ Highland’s last four digits of its taxpayer identification number are (8357). The headquarters and service address for Highland is 100 Crescent Court, Suite 1850, Dallas, TX 75201.



**DECLARATION OF HAYLEY R. WINOGRAD IN SUPPORT OF
HIGHLAND CAPITAL MANAGEMENT, L.P.’S MOTION TO COMPEL
PRODUCTION OF AUDIO RECORDINGS, TRANSCRIPTS,
AND RELATED DOCUMENTS**

I, Hayley R. Winograd, pursuant to 28 U.S.C. § 1746, under penalty of perjury, declare as follows:

1. I am an attorney at the law firm of Pachulski, Stang, Ziehl & Jones LLP, counsel to Highland Capital Management, L.P. (“Highland” or the “Debtor,” as applicable), plaintiff and counter-defendant in the above-captioned adversary proceeding (the “Adversary Proceeding”). I submit this declaration (the “Declaration”) in support of *Highland Capital Management, L.P.’s Motion to Compel Production of Audio Recordings, Transcripts, and Related Documents* (the “Motion”) being filed concurrently with this Declaration. This Declaration is based on my personal knowledge and review of the documents listed below.

2. Attached as **Exhibit 1** is a true and correct copy of the *Defendant’s Response to Plaintiff’s Sixth Motion to Compel* and Exhibits A-C and G-J thereto filed on November 17, 2025 in the case captioned *Scott Byron Ellington v. Patrick Daugherty*, Cause No. DC-22-00304 pending in the 101st Judicial District Court of Dallas County, Texas (the “Stalking Suit”).

3. Attached as **Exhibit 2** is a true and correct copy of excerpts from the transcript of Patrick Daugherty’s (“Daugherty”) deposition taken on August 28, 2025, in connection with the Stalking Suit.

4. Attached as **Exhibit 3** is a true and correct copy of *Plaintiff’s Sixth Motion to Compel* and Exhibits F-G thereto filed on October 28, 2025, in the Stalking Suit.

5. Attached as **Exhibit 4** is a true and correct copy of *Highland Capital Management, L.P.’s Requests for the Production of Documents Directed to Patrick Daugherty* dated October 24, 2025, served by Highland in the Adversary Proceeding.

6. Attached as **Exhibit 5** is a true and correct copy of *Patrick Daugherty's Amended Responses to Highland Capital Management, L.P.'s Requests for the Production of Documents* dated December 12, 2025, served by Daugherty in the Adversary Proceeding.

Dated: December 24, 2025

/s/ Hayley R. Winograd
Hayley R. Winograd

CERTIFICATE OF SERVICE

I hereby certify that, on December 24, 2025, a true and correct copy of the foregoing Declaration was served electronically via the Court's CM/ECF system upon all parties receiving electronic notice in this Adversary Proceeding.

/s/ Zachery Z. Annable
Zachery Z. Annable

EXHIBIT 1

CAUSE NO. DC 22-00304

SCOTT BYRON ELLINGTON	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
v.	§	101st JUDICIAL DISTRICT
	§	
PATRICK DAUGHERTY	§	
	§	
Defendant.	§	DALLAS COUNTY, TEXAS

DEFENDANT’S RESPONSE TO PLAINTIFF’S SIXTH MOTION TO COMPEL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Patrick Daugherty (“Daugherty”) files this Response (“Response”) to Plaintiff Scott Byron Ellington’s (“Ellington”) Sixth Motion to Compel (the “Motion”) and respectfully shows the Court as follows:

I. INTRODUCTION

1. To date, Daugherty has produced fifty-three-thousand-one-hundred-four (53,104) pictures, documents, communications, records, and other items of information in this litigation. The vast majority of which have nothing to do with Ellington’s spurious claims for Stalking and Invasion of Privacy by Intrusion. Still, Daugherty produced it all in compliance with his discovery obligations under the Rules and this Court’s orders compelling the same.

2. On August 28, 2025, Daugherty supplemented his production with a recording (sequentially marked “DEF053104”) of a discussion with a non-party, James Seery (“Seery”), that predominantly concerns matters in a bankruptcy proceeding in the Northern District of Texas and other litigation (the “Recording”). Daugherty produced the Recording after its review in connection with proceedings before the Bankruptcy Court late this summer. He produced it because it included a minor discussion of Ellington’s allegations in this lawsuit. The Recording

was created well after Daugherty's investigation of Ellington concluded and involved no information relevant to this dispute beyond Ellington's allegations and the scope of Daugherty's actions of which Ellington has long been aware. Furthermore, the Recording is cumulative and duplicative of the 53,103 pages of information Ellington had in his possession before August 28, 2025.

3. Ellington has been aware for years that Daugherty communicated with Seery about Ellington.¹ The Recording provides no new insight into that fact, this case, or any claim or defense in this litigation. Nevertheless, Daugherty produced the Recording to Ellington because of the minor discussion about Ellington's allegations in this lawsuit. Ellington now seeks to punish Daugherty for doing so. Indeed, Ellington has proven with his onerous discovery practice of both Daugherty and non-parties that he cannot be satisfied. Now he wants Daugherty to do something that is impossible: produce non-existent recordings that are either (1) about any Ellington Party, Location or Recording, or (2) that are responsive to certain Requests for Production. This is something Daugherty cannot do since they do not exist. *See* Motion at Ex. G at 105:12-20.² Therefore, Daugherty respectfully requests the Court deny Ellington's Motion in its entirety.

II. RELEVANT FACTUAL BACKGROUND

4. Daugherty has testified—three times now—that his physical investigation into Ellington, which gave rise to Ellington's specious claims, began in January 2021 after he learned at a hearing in another proceeding that Ellington destroyed his cell phone during the pendency of other litigation between the parties. *See e.g.*, Ex. A (2022.09.01 Temp. Inj. Trans.) at 70:1-5; Ex.

¹At a minimum, Ellington has been aware of Daugherty's communications with Seery since July 2022. *See* Exhibit K at 60:8-61:2 (Daugherty's Deposition, dated July 2022) ("Q: To whom did you provide these emails and compilations? [Daugherty]: [...] And then to Jim Seery, who is the CEO of Highland.").

² (Daugherty's Deposition, dated August 28, 2025) ("...Q: Are there any other recordings that you have between you and Mr. Seery? [Daugherty]: Yes. ... Q: Do any of them involve Mr. Ellington? [Daugherty]: No.") (cleaned up, objections omitted).

K at 57:4-61:18. Daugherty's investigation ended in December of 2021. Ex. A at 42:2-5 (G. Brandstatter Testimony), 119:9-121:3 (Daugherty Testimony).

5. On January 11, 2022, Ellington filed his Original Petition, Application for Temporary Restraining Order, Temporary Injunction on January 11, 2022. Ellington asserted two causes of action: (1) Stalking under the Tex. Civ. Prac. & Rem. Code § 85.002, and (2) Invasion of Privacy by Intrusion.

6. In August 2022, Daugherty produced nearly 18,000 pages of documents. Ex. B. That production included documents, photos, communications, and text messages that Daugherty exchanged with others during his investigation, including exchanges with Seery. Ellington also issued roughly 20 subpoenas duces tecum, the bulk of which were issued in fall of 2022, to various non-parties that he believed would produce evidence to support his baseless claims. Despite the extremely broad nature of those requests, the non-parties responses to those requests effectively mirrored Daugherty's August 2022 production.

7. Nevertheless, in August 2023, Ellington filed his fourth motion to compel seeking additional text messages Daugherty exchanged with Seery that far exceeded the scope of relevant discovery in this dispute. In reviewing that motion and exhibits, Daugherty identified one additional relevant and responsive text message not previously produced and provided a supplemental production of the text, sequentially labeled DEF018015, on August 31, 2023. Ex. C. On September 1, 2023, after a hearing on the same, the Court granted Plaintiff's Fourth Motion to Compel but appropriately limited the order's scope to texts regarding Ellington and "the stalking issues." Ex. D. Given his voluminous prior productions and the August 31 supplemental production, Daugherty had no additional texts to produce in response to the Court's order.

8. On March 19, 2025, the Court issued orders on six motions between the parties that had been pending before the Court for some time, which granted and denied various relief to both

sides. In response, Daugherty produced an additional 30,000+ pages of documents and communications, along with reproductions of his prior 18,000+ pages of documents for Plaintiff's convenience. Ex. E (production links redacted).

9. In August and September 2025, non-parties Marcia Maslow (August 27) and Stephanie Archer (August 29), and parties Daugherty (August 28) and Ellington (September 8)³ sat for court-ordered second depositions. On August 27, the morning of her deposition, Maslow produced over 50 pages of text messages. Ex. G. Indeed, Daugherty and Maslow both provided supplemental productions the morning of their depositions—Daugherty produced the Recording on August 28.

10. On October 28, Ellington filed his Sixth Motion to Compel seeking unwarranted relief, and Daugherty respectfully requests the Court deny the same.

III. STANDARD

11. Though the scope of discovery is broad, it has boundaries. It is limited by legitimate interests in avoiding overly broad requests. *In re Nat'l Lloyds Life Ins. Co.*, 449 S.W.3d 486, 488 (Tex. 2014) (orig. proceeding) (per curiam); *Axelson, Inc. v. McIlhany*, 798 S.W.2d 550, 553 (Tex. 1990) (orig. proceeding).

12. Irrelevant information is not discoverable. *See* Tex. Rule of Civ. P. 192.3(a); *see also In re Nat'l Lloyds Life Ins. Co.*, 532 S.W.3d 794, 816 (Tex. 2017) (orig. proceeding) (per curiam) (holding documents that are “irrelevant ... [are] not discoverable”); *In re Union Pac. Res. Co.*, 22 S.W.3d 338, 341 (Tex. 1999) (orig. proceeding) (per curiam) (holding that information was irrelevant, and therefore not discoverable); *In re Sun Coast Resources, Inc.*, 562 S.W.3d 138, 150

³Notably, on September 9, 2025, Daugherty filed a Motion for Sanctions against Ellington for his failure to appear for deposition before August 29, 2025, despite a Court order and Rule 11 agreement among counsel for the same. Ex. F.

(Tex. App.—Houston [14th Dist.] 2018, no pet.) (overturning portion of trial court’s order for production of documents that were irrelevant).

13. As such, discovery requests “must be reasonably tailored to include only matters relevant to the case.” *In re Jay Mgmt. Co., LLC*, Cause No. 09-19000159-CV, 2019 WL 3720102, at *4 (Tex. App.—Beaumont Aug. 8, 2019, no pet. h.) (quoting *In re Alford Chevrolet-Geo*, 997 S.W.2d 173, 180 (Tex. 1999) (orig. proceeding)); *see also In re Nat’l Lloyds*, 449 S.W.3d at 488 (same). A discovery request or order is “overbroad if it could have been more narrowly tailored to avoid including superfluous information.” *In re Toyota Motor Sales, U.S.A., Inc.*, Cause No. 05-18-007340-CV, 2018 WL 3484280, at *2 (Tex. App.—Dallas July 19, 2018, no pet.) (quoting *In re CSX Corp.*, 124 S.W.3d 149, 153 (Tex. 2003) (orig. proceeding) (per curiam)).

14. “Overbroad requests for irrelevant information are improper whether they are burdensome or not[.]” *In re Jay*, 2019 WL 3720102, at *4 (quoting *In re Allstate Cty. Mut. Ins. Co.*, 227 S.W.3d 667, 670 (Tex. 2007) (orig. proceeding)); *In re Nat’l Lloyds*, 449 S.W.3d at 488. And a “discovery order that compels production beyond the rules of procedure is an abuse of discretion for which mandamus is the proper remedy.” *Id.* (citing *In re Deere & Co.*, 299 S.W.3d 819, 820 (Tex. 2009) (orig. proceeding) (per curiam)).

15. Crucially, “[l]imits on time and location will not render irrelevant information discoverable.” *In re Jay*, 2019 WL 3720102, at *4 (citing *In re Nat’l Lloyds Ins. Co.*, 449 S.W.3d at 488-89).

IV. ARGUMENT AND AUTHORITIES

A. DAUGHERTY PRODUCED THE RECORDING.

16. On August 28, 2025, Daugherty produced the Recording before beginning his deposition. Importantly, just the day before, Marcia Maslow (who is represented by Ellington's counsel) produced over 50 pages of text messages as her deposition began. Ex. G. The text messages were exchanges between Marcia Maslow and Gregory Brandstatter, both of whom are represented by Ellington's counsel, and both of whom are under a Court order, and have been for some time (circa 2022), to produce all responsive documents to non-party subpoenas issued to them seeking communications about Daugherty. *See e.g.*, Ex. H, I, and J.

17. Daugherty produced the Recording after receiving Maslow's supplemental production the day before and considering whether any additional information needed to be produced in accordance with his discovery obligations. *See* Ex. G. It was determined by Daugherty and his Counsel that the Recording should be produced after it had recently percolated up for review and discussion in connection with unrelated proceedings before the Bankruptcy Court of the Northern District of Texas, where Daugherty is now adverse to Seery and Highland Capital Management, L.P. (reorganized debtor) in connection with Daugherty's proof of claim.

B. THE RECORDING IS DATED AFTER THE CONCLUSION OF DAUGHERTY'S INVESTIGATION.

18. Daugherty produced the recording because it references "Ellington," but the Recording (dated May 2022) came six months after the conclusion of Daugherty's investigation giving rise to this litigation (December 2021). Substantively, it merely concerns the content of this proceeding, Ellington's bad acts in other forums, and unrelated matters before the Bankruptcy Court. *See* Def's Motion at Ex. F. The Recording does not comprise a part of Daugherty's investigation, which ended in December 2021. *See* Ex. A at 42:2-5 (G. Brandstatter Testimony), 119:9-121:3 (Daugherty Testimony). Additionally, the Recording merely includes discussion

between Daugherty and Seery that is detailed ad nauseum in the 50,000+ pages of production, and hours upon hours of testimony that Ellington has from Daugherty, Seery, and others in this proceeding. *Compare e.g.*, Ex. A at 97:14-23, 110:4 – 113:19 (Daugherty Testimony) *with* Motion at Ex. F (Recording Transcript). Even so, cumulative or not, in accordance with the Rules and this Court’s orders, Daugherty produced the Recording when its responsiveness became apparent after review and discussion concerning Seery’s testimony in light of separate bankruptcy proceedings.

C. DAUGHERTY HAS AND CONTINUES TO COMPLY WITH HIS DISCOVERY OBLIGATIONS.

19. The mere fact that Daugherty produced the recording is evidence of his continued compliance with his discovery obligations in this proceeding. Daugherty produced over 18,000 pages of documents in August 2022. Ex. B. Daugherty supplemented text messages with Seery. Ex. C. Daugherty produced an additional 30,000+ pages of documents that merely reference “Ellington” in response to this Court’s March 2025 orders despite their general lack of relevance to the claims and defenses in this litigation. Ex. E. Despite it all, Ellington’s oppressive discovery practice continues with this most recent Motion seeking to further punish Daugherty’s compliance with the Rules and this Court’s orders.

20. Simply put, despite a mountain of production from Daugherty, over 20 non-party subpoenas duces tecum and responses, and hours upon hours of deposition testimony from non-parties for a dispute that is, by its very nature, between Ellington and Daugherty alone—Ellington incessantly demands more. Daugherty produced the Recording precisely because of his obligation under the Rules and this Court’s orders. There are no other recordings that are otherwise responsive to Ellington’s Requests for Production. Motion at Ex. G at 105:12-20. Enough is enough. Ellington’s Motion is unwarranted and should be denied.

PRAYER

WHEREFORE PREMISES CONSIDERED, Defendant Patrick Daugherty prays the Court denies Plaintiff's Sixth Motion to Compel in its entirety, and for all further relief, at law or in equity, the Court deems necessary.

Respectfully submitted,

GRAY REED

By: /s/ Andrew K. York

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ATTORNEYS FOR PATRICK DAUGHERTY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was duly furnished to the following counsel of record (1) through the electronic filing manager (www.efiletexas.gov), and/or (2) via e-mail on this 17th day of November 2025:

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ATTORNEYS FOR PLAINTIFF

/s/ Andrew K. York

ANDREW K. YORK

EXHIBIT A

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REPORTER'S RECORD
VOLUME 1 OF 1
TRIAL COURT CAUSE NO. DC-22-00304

SCOTT BYRON ELLINGTON) IN THE DISTRICT COURT
)
Plaintiff,)
)
VS.) DALLAS COUNTY, TEXAS
)
PATRICK DAUGHERTY,)
)
Defendant.) 101ST DISTRICT COURT

TEMPORARY INJUNCTION
which was heard on
THURSDAY, SEPTEMBER 1, 2022

On the 1st of September, 2022, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable STACI WILLIAMS, Judge Presiding, held in Dallas, Dallas County, Texas.

Proceedings reported by machine shorthand utilizing computer-assisted realtime transcription. Proceedings had via Zoom videoconference.

APPEARANCES:

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PLAINTIFF'S WITNESS LIST

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1 A. Yes.

2 Q. Looking at the meta data in this Exhibit 20,
3 what is the most recent time that you have a record of
4 Mr. Daugherty making a pass by an Ellington property?

5 A. December 11th, 2021.

6 Q. Are you seeing that in line 229?

7 A. And 230.

8 Q. Okay, 229 and 230.

9 A. Yes.

10 Q. Mr. Brandstatter, based on your experience,
11 what is your opinion about Mr. Daugherty's drive-bys of
12 the Ellington properties?

13 A. It's not that he'd be stalking Mr. Ellington
14 and then he's conducting surveillance. It's a
15 pre-attack indicator. I think he's conducting
16 surveillance in succession of an attack. It's a
17 precursor to a violent crime.

18 Q. When you say pre-attack surveillance, what do
19 you mean by that?

20 A. It goes back to the attack cycle again where
21 the person picks the target. Mr. Daugherty already did
22 that. And then the first thing an attacker does or a
23 terrorist does is conduct surveillance. They make their
24 plan from surveillance. They rehearse their plan, and
25 then they'll execute their plan and have an escape

1 A. Yeah, I have no idea whose car that is.

2 Q. And that's appropriate behavior in your mind,
3 correct?

4 A. Yeah, I don't think there's anything wrong
5 with that.

6 Q. It's kind of defiant, isn't it?

7 A. No, it's just taking a picture of a car.

8 Q. And this is part of your so-called
9 investigation; is that right?

10 A. Yeah, I mean, I would call it part of the
11 investigation that didn't lead anywhere.

12 Q. Okay. Self-help investigation?

13 A. I'm sorry, you broke up on me.

14 Q. I apologize. Self-help investigation; is that
15 right?

16 A. Not sure what you mean by that, but I
17 conducted an investigation that included the research of
18 cars, license plates, the human beings associated
19 therewith that, as I told you before, I cross referenced
20 that to other business entities, et cetera, that got
21 cross referenced to other business entities in the
22 Cayman Islands, Bermuda, et cetera, where assets had
23 been transferred.

24 Q. Okay. Would you call this vigilanteism?

25 A. No.

1 A. Just so I could either take a picture or
2 understand what was going on or see if there was a new
3 car that I didn't recognize before.

4 Q. Were you driving by these properties with the
5 intention of taking pictures of people?

6 A. No.

7 Q. Now, there's been some testimony that you took
8 a picture of Mr. Ellington?

9 A. That is correct.

10 Q. How many pictures of Mr. Ellington through the
11 course of your investigation over this approximately
12 eight months or so, how many pictures of Mr. Ellington
13 did you take?

14 A. One.

15 Q. And that's the one we've heard about, correct?

16 A. Correct.

17 Q. Now, did you take a picture of anybody else
18 associated with Mr. Ellington?

19 A. Yes.

20 Q. Okay. Who was that of?

21 A. As I mentioned, that picture was Mr.
22 Ellington, and it had Trevor Smith in it. So that was
23 the same picture.

24 Q. That's the same picture. Any other pictures
25 of anybody else?

1 A. His girlfriend/fiance.

2 Q. All right. Who's that?

3 A. Stephanie Archer.

4 Q. How did you come to take Stephanie Archer's
5 picture?

6 A. The first time I took her picture she had
7 chased, if not followed, me or followed, if not chased,
8 me around the corner of some street that I can't
9 remember the name of -- Levy. Levy. And I had tried --

10 Q. You told us about that. Is that when you took
11 a picture of her when she was in her car?

12 A. Yes. I was taking a picture of her, and she
13 was taking a picture of me. I was in the parking lot,
14 and she was in the street.

15 Q. She was in her car?

16 A. She was in her car.

17 Q. And you were in your car?

18 A. That is correct.

19 Q. Other than that picture of Ms. Archer, did you
20 take any other pictures of his girlfriend or fiance,
21 Stephanie Archer?

22 A. There's only one occasion when she was up the
23 ramp in the warehouse.

24 Q. Tell me about that.

25 A. I had driven by, and I had slowed down to take

1 pictures of the car. She was standing quite a distance
2 away, and she said and then there's this guy. She said
3 who are you? And I said I'm Pat. She goes Matt, what
4 are you doing? I said I'm taking pictures, and I just
5 drove off.

6 Q. Okay. You took her picture on that occasion?

7 A. I did.

8 Q. Okay. So other than those pictures you
9 described of Ms. Archer, one in her car and one on the
10 ramp of the warehouse, the picture of Ellington that you
11 talked about in his front yard, did you take any other
12 pictures of people associated with Mr. Ellington in
13 these eight months?

14 A. The woman that was his former secretary
15 dropping off documents.

16 Q. Tell us about that.

17 A. Sarah Bell-Goldsmith. That was, I don't know,
18 in January/February 2021. I took, I guess, a couple
19 pictures of her.

20 Q. Did you have any dialogue with her at that
21 time?

22 A. Briefly.

23 Q. Tell me what was said between the two of you.

24 A. I asked her if Scott was back yet, and she
25 said she didn't know. She was just moving these

1 documents because he'd asked her to.

2 Q. Is that the extent of every word you can
3 recall that was said between you and Ms. Bell?

4 A. Pretty much.

5 Q. Have you told us every word that you can
6 recall was said between you and Ms. Archer?

7 A. Yes.

8 Q. Other than those words you exchanged with the
9 assistant, Sarah Bell, and Stephanie Archer, did you
10 ever talk to or have a conversation with anybody else in
11 the course of this investigation where you're taking
12 pictures?

13 A. Not that I can recall.

14 Q. So only two times were any words exchanged at
15 all between you and someone else in connection with this
16 investigation?

17 A. Just the two examples that I mentioned.

18 Q. Did you ever at anytime have words or talk to
19 Mr. Ellington at all?

20 A. No.

21 Q. When's the last time you and Mr. Ellington
22 even spoke to each other?

23 A. We were going up an elevator, and the Judge
24 may not want to hear this, but there was another
25 bankruptcy of another Highland entity called Aces and we

1 Q. Are they motion activated?

2 A. From what I understand.

3 Q. And do you know if that's when they obtained
4 information about times that you would go by there when
5 they would go through all those videos in those animal
6 cameras and see if they could see you or your car? Do
7 you know if that's how that worked?

8 A. Yeah, from what I understand.

9 Q. Now, in November/December 2021, did you stop
10 driving by these Ellington locations we've identified
11 and taking pictures?

12 A. Yes.

13 Q. Why?

14 A. My settlement with Highland had been pretty
15 much finalized in November, and I think it was
16 publicized in December, and I felt like I'd gotten all
17 the information that I could have gotten from those
18 cars. I know the judge doesn't want me to go into
19 details, but we found a lot of missing assets in the
20 entities in the Cayman Islands. I'll put it that way.

21 Q. So you stopped why?

22 A. Because I felt like the task was complete at
23 least from my end. I'd gotten all the information I was
24 going to need.

25 Q. Did you stop weeks or even months before this

1 lawsuit was filed against you?

2 A. Yes.

3 Q. And since the lawsuit's been filed, have you
4 driven by, taken any pictures, taken any observations of
5 these properties since that time?

6 A. No.

7 Q. Why?

8 A. I guess the task was completed and that part
9 of the investigation, from my perspective, was through.

10 Q. The lawsuit was filed January 11th, and on
11 January 12th the Court entered a Temporary Restraining
12 Order against you, correct?

13 A. Yes.

14 Q. And by the terms of that order it was in
15 effect for some period of time, and I think the parties
16 had an extension. So let's just say the next month or
17 two months or three months you certainly would have been
18 subject to a restraining order in connection with your
19 conduct, correct?

20 A. I think it was two weeks, but, yes.

21 Q. But at some point the restraining order expired
22 and has not been in existence for months and months,
23 correct?

24 A. Correct.

25 Q. Although it has not been in existence, have

1 you taken any action to drive by, take pictures or make
2 observations of the Ellington properties?

3 A. No.

4 Q. After Mr. Ellington filed his lawsuit on
5 January 11th of this year, 2022, did he then file an
6 objection to your settlement with Highland in the
7 bankruptcy case and refer to that lawsuit and the fact
8 that you had been stalking --

9 MR. HURST: Excuse me. Objection, relevance.
10 Objection, leading.

11 THE COURT: I'll sustain it. Guys, I've been
12 very liberal with my time. It's going on 5:00 o'clock,
13 and, frankly, I've probably heard ten minutes worth of
14 testimony that would assist me in reaching the decision.
15 The other stuff is interesting, but I've got some five
16 inch notebooks over here of interesting cases that I
17 need to prep for tomorrow, so if we could really just
18 kind of get to the chase. Like I said, it's very
19 interesting, but just time-wise I'm not sure we're
20 really using the Court's time as efficiently as it could
21 be.

22 MS. DANIELS: Your Honor, I think I'm about
23 finished up with everything I needed to establish with
24 Mr. Daugherty. Let me check my notes real quick.

25 I'll pass the witness, Your Honor.

1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3

4 I, Terri Etekoachay, Official Court Reporter
5 in and for the 101st District Court of Dallas County,
6 State of Texas, do hereby certify that the above and
7 foregoing contains a true and correct transcription of
8 all portions of evidence and other proceedings requested
9 orally by counsel for the parties to be included in this
10 volume of the Reporter's Record in the above-styled and
11 numbered cause, all of which occurred in open court and
12 were reported by me.

13 I further certify that this Reporter's Record
14 of the proceedings truly and correctly reflects the
15 exhibits, if any, offered by the respective parties.

16

17 WITNESS MY HAND this 22nd day of September,
18 2022.

19



20

Terri Etekoachay, Texas CSR #8283
Certificate Expires: 1-31-2023
Email: terri.etekochay@dallascounty.org
Official Reporter, 101st District Court
George Allen Sr. Courts Building
600 Commerce Street, 6th Floor
Dallas, Texas 75202-4631

21

22

23

24

25

EXHIBIT B

From: [Laura DeBerg](#)
To: [MHurst@lynnllp.com](#); [mnix@lynnllp.com](#); [BCongdon@lynnllp.com](#); [jpettit@pettitfirm.com](#); [pperkins@pettitfirm.com](#)
Cc: [Drake Rayshell](#); [Ruth Ann Daniels](#); [Drew K. York](#); [Monica Flores-Moreno](#); [Suzy Langley](#)
Subject: Ellington v. Daugherty; DC-22-00304
Date: Monday, August 29, 2022 6:33:26 PM
Attachments: [2022.08.29 Defendant's First Supplemental Responses to Rogs.pdf](#)

Dear Counsel:

Attached please find a courtesy copy of Defendant’s First Supplemental Responses to Plaintiff’s First Set of Interrogatories, a copy of same has also been E Served. Below please find a link for Defendant’s supplemental production bate labeled DEF000265 – DEF018014. If you have any trouble accessing this link please let me know.

Thank you
Laura



Laura DeBerg
Paralegal
Tel 469.320.6060 | Fax 469.320.6858 | ldeberg@grayreed.com
1601 Elm St., Suite 4600 | Dallas, TX 75201
[grayreed.com](#) | [Connect with me on LinkedIn](#)



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EXHIBIT C

From: [Laura DeBerg](#)
To: [Julie Pettit](#)
Cc: [Michael K. Hurst](#); [Michele Naudin](#); durteago@pettifirm.com; [Drew K. York](#); [Drake Rayshell](#)
Subject: Ellington v. Daugherty; DC-22-00304
Date: Thursday, August 31, 2023 4:59:32 PM
Attachments: [2023.08.31 Ltr to OC re Supplemental Production.pdf](#)

Dear Counsel,

Attached please find a letter from Mr. Rayshell in the above matter. Also, below please find a link for the corresponding document bate labeled DEF 018015. If you have any trouble accessing this document please let me know.

Thank you

Laura

Laura DeBerg

Paralegal

Tel [469.320.6060](tel:469.320.6060) | Fax [469.320.6858](tel:469.320.6858) | ldeberg@grayreed.com

1601 Elm St., Suite 4600 | Dallas, TX 75201

grayreed.com | [Connect with me on LinkedIn](#)



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EXHIBIT G

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CAUSE NO. DC-22-00304

SCOTT BYRON ELLINGTON) IN THE DISTRICT COURT
)
)
versus) 101ST JUDICIAL DISTRICT
)
)
PATRICK DAUGHERTY) DALLAS COUNTY, TEXAS

ORAL AND VIDEOTAPED DEPOSITION

MARCIA MASLOW

AUGUST 27, 2025

V O L U M E II

ANSWERS AND ORAL VIDEOTAPED DEPOSITION OF
MARCIA MASLOW, a witness produced at the instance of
the Defendant, was taken in the above-styled and
numbered cause on the 27TH day of AUGUST 2025, from
11:25 a.m. to 12:10 p.m., before VANESSA S. ROBERTSON,
CSR in and for the State of Texas, reported by machine
shorthand, at the offices of Lynn, Pinker, Hurst &
Schwegmann, 2100 Ross Avenue, Suite 2700, Dallas,
Texas, pursuant to the Texas Rules of Civil Procedure.

Page 2

A P P E A R A N C E S

1
2

FOR THE PLAINTIFF:

3
4 MR. MICHAEL HURST
5 LYNN PINKER HURST & SCHWEGMANN, LLP
6 2100 ROSS AVENUE
7 SUITE 2700
8 DALLAS, TEXAS 75201
9 (214) 981-3800
10 mhurst@lynnllp.com

FOR THE PLAINTIFF:

11
12 MS. JULIE PETTIT
13 THE PETTIT LAW FIRM
14 1900 PEARL STREET
15 SUITE 1740
16 DALLAS, TEXAS 75201
17 (214) 329-0151
18 jpettit@pettitfirm.com

FOR THE DEFENDANT:

19
20 MR. ANDREW YORK
21 GRAY REED
22 1601 ELM STREET
23 SUITE 4600
24 DALLAS, TEXAS 75201
25 (214) 954-4135
dyork@grayreed.com

ALSO PRESENT:

MR. GREGORY LEE, VIDEOGRAPHER
MR. PATRICK DAUGHERTY
MR. MAX CHORIEV, SECURITY

Page 4

P R O C E E D I N G S

1
2 THE VIDEOGRAPHER: Good morning.

3 This is the video recorded proceeding of witness Marcia
4 Maslow, taken by counsel for the defendant, Patrick
5 Daugherty, in the matter of Scott Byron Ellington
6 versus Patrick Daugherty, filed in the District Court,
7 the 101st Judicial District, Dallas County, Texas.
8 This proceeding is being held at 2100 Ross Avenue,
9 Suite 2700, Dallas, Texas 75201.

10 My name is Gregory Lee. I am the
11 videographer on behalf U.S. Legal Support located at
12 16825 North Drive [sic], Suite 900, Houston, Texas
13 77060. I am not related to any party in the action nor
14 am I financially interested in the outcome. The court
15 reporter is Vanessa Robertson, also here on behalf of
16 U.S. Legal Support.

17 Counsel will state their appearance
18 for the record, after which, the court reporter will
19 enter the statement for the proceedings into the record
20 and swear in the witness.

21 MR. YORK: Drew York on behalf of
22 the defendant, Patrick Daugherty.

23 MS. PETTIT: Julie Pettit for the
24 plaintiff.

25 MR. HURST: Michael Hurst here on

Page 3

T A B L E O F C O N T E N T S

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APPEARANCES	2
MARCIA MASLOW	
EXAMINATION BY MR. YORK	5
SIGNATURE AND CHANGES	43
REPORTER'S CERTIFICATE	45
* * *	
E X H I B I T S	
	PAGE
Exhibit 1 Text Messages	7

Page 5

1 behalf of Scott Ellington, the plaintiff.

2 MARCIA MASLOW,

3 having being first duly sworn, testified as follows:

4 MR. HURST: That is Max, he's

5 security.

6 MR. YORK: Security?

7 MR. HURST: Yes.

8 MR. YORK: Okay.

9 * * * E X A M I N A T I O N * * *

10 BY MR. YORK:

11 Q Ms. Maslow, my name is Drew York, I represent

12 Mr. Daugherty. You understand you're ordered to appear

13 for a second deposition in this case?

14 A Yes.

15 Q You understand you're still under oath?

16 A Yes.

17 Q This gentleman Max that's here, is he your

18 personal security?

19 A No.

20 Q No? Who is he security for, do you know?

21 A I'd asked to have security here today.

22 Q You asked to have security here today --

23 A Yes, I did.

24 Q -- in the deposition?

25 A Yes.

Page 6

1 Q You requested that of Mr. Hurst and
2 Ms. Pettit?
3 A Yes.
4 Q Okay. Why did you do that?
5 A Because I don't feel safe being in a room with
6 someone that is accused of stalking me.
7 Q All right. You didn't bring your husband down
8 here today with you?
9 A No.
10 Q All right. You gave a deposition in this case
11 back in July of 2023, correct?
12 A Yes.
13 Q And is there anything from your prior
14 testimony you wish to change today?
15 A No.
16 Q All right. Since your deposition, have you
17 provided any documents to Mr. Hurst or Ms. Pettit?
18 A I provided text messages this morning.
19 Q This morning?
20 A Yes.
21 Q Did you -- did they bring them with them to
22 the deposition?
23 MS. PETTIT: They're being printed
24 now. We'll have them shortly.
25 MR. YORK: Okay. Why don't we take

Page 7

1 a break and let me see them and then we can go back on
2 the record, make it more efficient.
3 THE VIDEOGRAPHER: We are going off
4 the record. The time is 11:27 a.m.
5 (A recess was taken from 11:27 to 11:33.)
6 (Exhibit No. 1 was marked.)
7 THE VIDEOGRAPHER: We're going back
8 on the record. The time 11:33 a.m.
9 Q (By Mr. York) All right. Ms. Maslow, before
10 we went off the record, you mentioned that you provided
11 text messages to Mr. Hurst and Ms. Pettit that you
12 brought with you today. I've marked what your counsel
13 handed to me at the break as Exhibit 1. It's Bates
14 stamped Maslow 2 through 53.
15 Is this a copy of the text messages
16 that you provided to Mr. Hurst and Ms. Pettit?
17 A Yes, it seems to be.
18 Q When did you provide them to your counsel?
19 A I don't know the exact time. I sent them this
20 morning.
21 Q You sent them this morning?
22 A Yes.
23 Q How did you send them to your counsel?
24 A I E-mailed them.
25 Q Okay. So these were not actually -- did

Page 8

1 you -- did you take screenshots and send them the
2 screenshots?
3 A Yes.
4 Q All right. So you didn't provide your phone
5 and have it imaged, correct?
6 A Correct.
7 Q Okay. And had you been asked at any point
8 since your deposition in July of 2023 by your counsel
9 to provide any -- and supplement your production in
10 response to the subpoena you were previously served
11 with?
12 A Yes.
13 Q Okay. And you -- am I correct that Exhibit 1
14 that we have here includes text messages from June of
15 2023 through last Thursday, is that correct, with
16 Mr. Brandstatter?
17 A Correct.
18 Q And just to be clear, since your deposition on
19 July 11th of 2023 until today, you had not supplemented
20 to your counsel any of these text messages that are
21 marked in Exhibit 1; is that correct?
22 A Correct.
23 Q Now, other than these text messages, have you
24 had any other written communications with
25 Mr. Brandstatter since your deposition?

Page 9

1 A No.
2 Q No E-mails?
3 A No.
4 Q All right. Are you paying Mr. Brandstatter to
5 continue to place the cameras around your house and
6 obtain the footage off of them?
7 A No.
8 Q Is Mr. Brandstatter, to your knowledge, still
9 being paid by your brother Scott Ellington for that
10 service?
11 A I don't know how he's paid.
12 Q You don't know?
13 A No.
14 Q Okay. Is he doing it for free as far as you
15 know?
16 A I don't know.
17 Q All right. Since your last deposition in July
18 of 2023, have you taken any notes relating to the
19 issues in this case?
20 A No.
21 Q Okay. Other than the text messages with
22 Mr. Brandstatter, have you had any text messages with
23 your brother about the issues in this lawsuit since
24 your deposition?
25 A No.

Page 42

1 (Deposition concluded at 12:10 p.m.)

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Page 44

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6 I, MARCIA MASLOW, have read the foregoing

7 deposition and hereby affix my signature that same is

8 true and correct, except as noted above:

9 _____

10 MARCIA MASLOW

11 THE STATE OF _____)

12 COUNTY OF _____)

13

14 Before me, _____, on

15 this day personally appeared MARCIA MASLOW, known to me

16 (or proved to me under oath or through

17 _____) (description of identity card or

18 other document) to be the person whose name is

19 subscribed to the foregoing instrument and acknowledged

20 to me that they executed the same for the purposes and

21 consideration therein expressed.

22

23 Given under my hand and seal of office this

24 _____ day of _____, 20__.

25 _____

NOTARY PUBLIC IN AND FOR
THE STATE OF _____

Page 43

1 CHANGES AND SIGNATURE

2 WITNESS NAME: MARCIA MASLOW

3 DATE OF DEPOSITION: AUGUST 27, 2025

4 PAGE LINE CHANGE REASON

5 _____

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Page 45

1 CAUSE NO. DC-22-00304

2 SCOTT BYRON ELLINGTON) IN THE DISTRICT COURT

3)

4 versus) 101ST JUDICIAL DISTRICT

5)

6 PATRICK DAUGHERTY) DALLAS COUNTY, TEXAS

7)

8 _____

9 REPORTER'S CERTIFICATION

10 DEPOSITION OF MARCIA MASLOW

11 AUGUST 27, 2025

12 _____

13 I, VANESSA S. ROBERTSON, Certified Shorthand

14 Reporter in and for the State of Texas, hereby certify

15 to the following:

16 That the witness, MARCIA MASLOW, was duly sworn by

17 the officer and that the transcript of the oral

18 deposition is a true record of the testimony given by

19 the witness;

20 That the deposition transcript was submitted on

21 _____, 2025 to MS. JULIE PETTIT for

22 examination, signature and return to me by

23 _____, 2025.

24 That the amount of time used by each party at the

25 deposition is as follows:

Page 46

1 MR. ANDREW YORK - 35 minutes

2 That pursuant to information given to the

3 deposition officer at the time said testimony was

4 taken, the following includes counsel for all parties

5 of record:

6 MR. MICHAEL HURST, Attorney for Plaintiff.

7 MR. ANDREW YORK, Attorney for Defendant.

8 MS. JULIE PETTIT, Attorney for Plaintiff.

9 I further certify that I am neither counsel for,

10 related to, nor employed by any of the parties or

11 attorneys in the action in which this proceeding was

12 taken, and further that I am not financially or

13 otherwise interested in the outcome of the action.

14 Further certification requirements pursuant to

15 Rule 203 of TRCP will be certified to after they have

16 occurred.

17

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Page 48

1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 The original deposition was/was not returned to

3 the deposition officer on _____;

4 If returned, the attached Changes and Signature

5 page contains any changes and the reasons therefor;

6 If returned, the original deposition was delivered

7 to MR. ANDREW YORK, Custodial Attorney;

8 That \$_____ is the deposition officer's

9 charges to the Defendant for preparing the original

10 deposition transcript and any copies of exhibits.

11 That the deposition was delivered in accordance

12 with Rule 203.3, and that a copy of this certificate

13 was served on all parties shown herein on and filed

14 with the Clerk.

15 Certified to by me this ____ day of _____,

16 2025.

17

18

19

20 _____

21 VANESSA S. ROBERTSON

22 TEXAS CSR 4930

23 EXPIRATION DATE: 04/30/2026

24 FIRM REGISTRATION No. 112

25 U.S. LEGAL SUPPORT

16285 NORTHCHASE DRIVE

SUITE 900

HOUSTON, TEXAS 77060

(713) 653-7100

Page 47

1 Certified to by me this ____ day of _____,

2 A.D., 2025.

3

4

5

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10 _____

11 VANESSA S. ROBERTSON

12 TEXAS CSR 4930

13 EXPIRATION Date: 04/30/2026

14 FIRM REGISTRATION No. 112

15 U.S. LEGAL SUPPORT

16 16285 NORTHCHASE DRIVE

17 SUITE 900

18 HOUSTON, TEXAS 77060

19 (713) 653-7100

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EXHIBIT H

CAUSE NO. DC 22-00304

SCOTT BYRON ELLINGTON,

Plaintiff,

v.

PATRICK DAUGHERTY,

Defendant.

§
§
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IN THE DISTRICT COURT

101st JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

**ORDER DENYING PLAINTIFF'S MOTION TO QUASH
AND MOTION FOR PROTECTION**

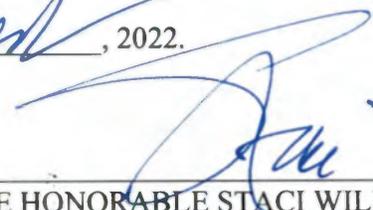
On this day, the Court considered Plaintiff Scott Byron Ellington's Motion to Quash and Motion for Protection from Notices of Deposition for Reese Morgan, Byron Ellington, Marcia Maslow, Stephanie Archer, and Greg Brandstatter (the "Motion"), Defendant's Response to the same, other materials in the record of this case, and any argument of counsel. The Court finds that (1) Plaintiff identified Reese Morgan, Byron Ellington, Marcia Maslow, Stephanie Archer, and Greg Brandstatter (the "Subpoenaed Non-Parties") as persons having knowledge of relevant facts in Plaintiff's initial disclosures served in the above-styled litigation; (2) Defendant is entitled to discover the information in possession of the Subpoenaed Non-Parties; (3) Plaintiff's Motion to Quash did not stay the Subpoenaed Non-Parties obligation to respond to Defendant's document requests contained in Subpoenas Duces Tecum issued to each of the Subpoenaed Non-Parties; and (4) Defendant is entitled to depose his accusers, the Subpoenaed Non-Parties, before the Temporary Injunction hearing in this matter. Therefore, the Court is of the opinion that the Motion should, in all things, be DENIED.

Accordingly, it is ORDERED, ADJUDGED, and DECREED that Plaintiff's Motion is DENIED;

It is further ORDERED, ADJUDGED, and DECREED that the Subpoenaed Non-Parties appear for deposition ~~before August 26, 2022,~~ *within 4 days of the date of the Order* unless another date is agreed upon by the parties' counsel;

It is further ORDERED, ADJUDGED, and DECREED that the Subpoenaed Non-Parties respond and produce all non-privileged, responsive information to the document requests in each of their respective Subpoenas Duces Tecum within ~~seven (7) days~~ *(4 days)* of the date of the Court's order without objection.

SIGNED on this *25th* day of *August*, 2022.



THE HONORABLE STACI WILLIAMS

EXHIBIT I

CAUSE NO. DC-22-00304

SCOTT BRYON ELLINGTON,

Plaintiff,

v.

PATRICK DAUGHERTY

Defendant.

§
§
§
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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

101st JUDICIAL DISTRICT

**NON-PARTY MARCIA MASLOW’S OBJECTIONS AND RESPONSES
TO DEFENDANT’S SUBPOENA DUCES TECUM**

TO: Defendant Patrick Daugherty, by and through its attorneys of record, Ruth Ann Daniels, Andrew K. York, and Drake M. Rayshell, Gray Reed, 1601 Elm Street, Suite 4600; Dallas, Texas 75201.

Non-Party Marcia Maslow serves the following objections and responses to Defendant Patrick Daugherty’s subpoena duces tecum (“Subpoena”).

GENERAL OBJECTIONS

Ms. Maslow makes the following general objections to Patrick Daugherty’s Requests for Production in the Subpoena, which are hereby incorporated by reference and made part of Ms. Maslow’s responses to each request:

1. Ms. Maslow objects to the term “Investigation” (a) given that subsequent to the filing of Plaintiff’s Petition and the Declaration of Greg Brandstatter, Plaintiff has characterized his stalking, surveillance, and other examination of Mr. Ellington and his family as an “investigation,” and (b) use of the term “Investigation” as used in Requests therefore would be ambiguous, confusing, and would suggest that the efforts of Mr. Ellington to identify and document Mr. Daugherty’s stalking is somehow equivalent to Mr. Daugherty’s tortious “investigation”. Therefore, as it relates to responses to these Requests, Ms. Maslow will use the term “Counter-Investigation” in substitute for the term “Investigation” as defined in these

Requests.¹

2. Ms. Maslow objects to the Requests to the extent they seek information that is not within her possession, custody, or control.

3. Ms. Maslow objects to the Requests to the extent they seek the production/provision of documents or information protected from disclosure by privilege, including, without limitation, by the attorney-client privilege, attorney work product doctrine, the party communication privilege, the consulting expert privilege, the investigative privilege, the joint interest privilege, the common interest privilege, or any other applicable privileges.

4. Ms. Maslow objects to the Requests to the extent that they can be interpreted as requiring Ms. Maslow to create or produce documents that are not in existence.

5. Ms. Maslow is currently engaging in the discovery process, and reserves her right to amend or supplement these responses, if necessary.

6. All responses to the Requests are expressly subject to these General Objections, and such General Objections are incorporated into each individual response.

OBJECTIONS AND RESPONSES TO PRODUCTION OF DOCUMENTS

Marcia Maslow objects and responds to each of the Requests for Production in the Subpoena as follows:

1. Produce any and all Communications between You and Scott Byron Ellington evidencing, referring, or related to Patrick Daugherty.

RESPONSE: Ms. Maslow objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame, nor is this Request sufficiently tailored to the allegations in this dispute. Ms. Maslow objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving her objections, Ms. Maslow will produce documents, if any, relevant to Mr. Daugherty's actions as alleged in the Petition.

2. Produce any and all Communications between You and Byron Ellington (Scott Ellington's Father) evidencing, referring, or related to Patrick Daugherty.

RESPONSE: Ms. Maslow objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame, nor is this Request sufficiently tailored to the

¹ Accordingly, "Counter-Investigation" shall mean the investigation and counter surveillance operation concerning Patrick Daugherty that Gregory Allen Brandstatter opened on February 4, 2021 at Scott Ellington's request as referenced in paragraph 7 of the Deel. of Greg Brandstatter.

allegations in this dispute. Ms. Maslow objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving her objections, Ms. Maslow will produce documents, if any, relevant to Mr. Daugherty's actions as alleged in the Petition.

3. Produce any and all Communications between You and Stephanie Archer evidencing, referring, or related to Patrick Daugherty.

RESPONSE: Ms. Maslow objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame, nor is this Request sufficiently tailored to the allegations in this dispute. Ms. Maslow objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving her objections, Ms. Maslow will produce documents, if any, relevant to Mr. Daugherty's actions as alleged in the Petition.

4. Produce any and all Communications between You and Greg Brandstatter evidencing, referring, or related to Patrick Daugherty.

RESPONSE: Ms. Maslow objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame, nor is this Request sufficiently tailored to the allegations in this dispute. Ms. Maslow objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving her objections, Ms. Maslow will produce documents, if any, relevant to Mr. Daugherty's actions as alleged in the Petition.

5. Produce any and all Communications between You and Reese Morgan evidencing, referring, or related to Patrick Daugherty.

RESPONSE: Ms. Maslow objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame, nor is this Request sufficiently tailored to the allegations in this dispute. Ms. Maslow objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving her objections, Ms. Maslow will produce documents, if any, relevant to Mr. Daugherty's actions as alleged in the Petition.

6. Produce any and all Communications between You and any attorney or law firm representing Scott Byron Ellington evidencing, referring, or related to Patrick Daugherty.

RESPONSE: Ms. Maslow objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame, nor is this Request sufficiently tailored to the allegations in this dispute. Ms. Maslow objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving her objections, Ms. Maslow will produce documents, if any, relevant to Mr. Daugherty's actions as alleged in the Petition.

7. To the extent no included in any of the above requests, produce any and all Communications between You and any third parties evidencing, referring, or related to Patrick Daugherty.

RESPONSE: Ms. Maslow objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame, nor is this Request sufficiently tailored to the allegations in this dispute. Ms. Maslow objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving her objections, Ms. Maslow will produce documents, if any, relevant to Mr. Daugherty's actions as alleged in the Petition.

8. Produce any and all photographs in your possession allegedly depicting Patrick Daugherty outside Your home or business.

RESPONSE: Ms. Maslow objects to this Request to the extent it seeks discovery from a non-party that could be obtained through party discovery. Subject to, and without waiving such objection, Ms. Maslow will search for, and produce, any non-privileged responsive documents in her possession, custody, or control.

9. Produce any and all video in your possession allegedly depicting Patrick Daugherty outside Your home or business.

RESPONSE: Ms. Maslow objects to this Request to the extent it seeks discovery from a non-party that could be obtained through party discovery. Subject to, and without waiving such objection, Ms. Maslow will search for, and produce, any non-privileged responsive documents in her possession, custody, or control.

10. Produce any and all notes, memoranda or other similar documents evidencing, referring or related to Patrick Daugherty.

RESPONSE: Ms. Maslow objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Ms. Maslow objects to this request on the grounds that it seeks documents protected by the attorney client and/or party communications privileges. Without waiving her objections, Ms. Maslow will produce documents, if any, relevant to Mr. Daugherty's actions as alleged in the Complaint.

11. Produce any and all notes, memoranda or other similar documents evidencing, referring or related to SAS Asset Recovery or its affiliates since April 1, 2014.

RESPONSE: Ms. Maslow objects to this Request as irrelevant, totally unrelated to the allegations in the case, made solely for improper purposes or the purposes of harassment, and further evidence of Mr. Daugherty's vigilante "investigation" into Mr. Ellington and his family.

12. Produce any and all notes, receipts, photos, videos or documents evidencing trips to the Cayman Islands that you participated in where Scott Byron Ellington was present from

April 1, 2014 to the present.

RESPONSE: Ms. Maslow objects to this Request as irrelevant, totally unrelated to the allegations in the case, made solely for improper purposes or the purposes of harassment, and further evidence of Mr. Daugherty's vigilante "investigation" into Mr. Ellington and his family.

13. Produce any and all documents related to CEV Holdings LLC and affiliates from April 1, 2014 to the present.

RESPONSE: Ms. Maslow objects to this Request as irrelevant, totally unrelated to the allegations in the case, made solely for improper purposes or the purposes of harassment, and further evidence of Mr. Daugherty's vigilante "investigation" into Mr. Ellington and his family.

14. Produce any and all Communications related to CEV Holdings LLC and affiliates from April 1, 2014 to the present.

RESPONSE: Ms. Maslow objects to this Request as irrelevant, totally unrelated to the allegations in the case, made solely for improper purposes or the purposes of harassment, and further evidence of Mr. Daugherty's vigilante "investigation" into Mr. Ellington and his family.

DATED: July 8, 2022

Respectfully submitted,

/s/ Michael Hurst

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**ATTORNEYS FOR NON-PARTY
MARCIA MASLOW**

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2022 a true and correct copy of this document was served on all counsel of record, via ECF.

/s/ Michele Naudin
Michele Naudin

EXHIBIT J

CAUSE NO. DC-22-00304

SCOTT BRYON ELLINGTON,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
v.	§	DALLAS COUNTY, TEXAS
	§	
PATRICK DAUGHERTY	§	
	§	
Defendant.	§	101st JUDICIAL DISTRICT

**NON-PARTY GREGORY ALLEN BRANDSTATTER’S OBJECTIONS AND
RESPONSES TO DEFENDANT’S SUBPOENA DUCES TECUM**

TO: Defendant Patrick Daugherty, by and through its attorneys of record, Ruth Ann Daniels, Andrew K. York, and Drake M. Rayshell, Gray Reed, 1601 Elm Street, Suite 4600; Dallas, Texas 75201.

Non-Party Gregory Allen Brandstatter serves the following objections and responses to Defendant Patrick Daugherty’s subpoena duces tecum (“Subpoena”).

GENERAL OBJECTIONS

Mr. Brandstatter makes the following general objections to Patrick Daugherty’s Requests for Production in the Subpoena, which are hereby incorporated by reference and made part of Mr. Brandstatter’s responses to each request:

1. Mr. Brandstatter objects to the term “Investigation” (a) given that subsequent to the filing of Plaintiff’s Petition and the Declaration of Greg Brandstatter, Plaintiff has characterized his stalking, surveillance, and other examination of Mr. Ellington and his family as an “investigation,” and (b) use of the term “Investigation” as used in Requests therefore would be ambiguous, confusing, and would suggest that the efforts of Mr. Ellington to identify and document Mr. Daugherty’s stalking is somehow equivalent to Mr. Daugherty’s tortious “investigation”. Therefore, as it relates to responses to these Requests, Mr. Brandstatter will use the term “Counter-Investigation” in substitute for

the term “Investigation” as defined in these Requests.¹

2. Mr. Brandstatter objects to the Requests to the extent they seek information that is not within his possession, custody, or control.
3. Mr. Brandstatter objects to the Requests to the extent they seek the production/provision of documents or information protected from disclosure by privilege, including, without limitation, by the attorney-client privilege, attorney work product doctrine, the party communication privilege, the consulting expert privilege, the investigative privilege, the joint interest privilege, the common interest privilege, or any other applicable privileges.
4. Mr. Brandstatter objects to the Requests to the extent that they can be interpreted as requiring Mr. Brandstatter to create or produce documents that are not in existence.
5. Mr. Brandstatter is currently engaging in the discovery process and reserves his right to amend or supplement these responses, if necessary.
6. All responses to the Requests are expressly subject to these General Objections, and such General Objections are incorporated into each individual response.

OBJECTIONS AND RESPONSES TO PRODUCTION OF DOCUMENTS

Gregory Brandstatter objects and responds to each of the Requests for Production in the Subpoena as follows:

1. Produce any and all Documents evidencing, referring, or related to the agreement between You and Scott Byron Ellington to conduct the Investigation.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term “Investigation” should be replaced with the term “Counter-Investigation.” Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty’s actions as alleged in the Complaint and the Counter-Investigation thereof.

2. Produce any and all Communications evidencing, referring or related to the agreement between You and Scott Byron Ellington to conduct the Investigation.

¹ Accordingly, “Counter-Investigation” shall mean the investigation and counter surveillance operation concerning Patrick Daugherty that Gregory Allen Brandstatter opened on February 4, 2021 at Scott Ellington's request as referenced in paragraph 7 of the Deel. of Greg Brandstatter.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty's actions as alleged in the Complaint and the Counter-Investigation thereof.

3. Produce any and all photographs allegedly containing Patrick Daugherty from February 4, 2021 to present, including specifically those taken in connection with Your Investigation. Photographs responsive to this Request should be produced in their native form, specifically including the responsive photograph's metadata, if available.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term "Investigation" should be replaced with the term "Counter-Investigation." Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty's actions as alleged in the Complaint and the Counter-Investigation thereof.

4. Produce any and all videos allegedly containing Patrick Daugherty from February 4, 2021 to present, including specifically those taken in connection with Your Investigation.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term "Investigation" should be replaced with the term "Counter-Investigation." Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty's actions as alleged in the Complaint and the Counter-Investigation thereof.

5. Produce any and all Documents identifying the make/model, VIN number and license plate number of the car(s) that you used to follow Patrick Daugherty from February 4, 2021 to present.

RESPONSE: Mr. Brandstatter objects to this Request to the extent that is assumes that Mr. Brandstatter "followed" Mr. Daugherty, Without waiving such objection, Mr. Brandstatter has no responsive documents.

6. Produce any and all Documents that evidence, reflect, or relate to any third-parties following Patrick Daugherty.

RESPONSE: Mr. Brandstatter objects to this Request to the extent that is assumes that any third-parties "followed" Mr. Daugherty, Without waiving such objection, Mr. Brandstatter has no responsive documents.

7. Produce any and all Communications that evidence, reflect, or relate to third-parties following Patrick Daugherty.

RESPONSE: Mr. Brandstatter objects to this Request to the extent that it assumes that any third-parties “followed” Mr. Daugherty, Without waiving such objection, Mr. Brandstatter has no responsive documents.

8. Produce any and all handwritten or type-written notes or memoranda, as well as any verbal dictations, You made in connection with Your Investigation.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term “Investigation” should be replaced with the term “Counter-Investigation.” Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty’s actions as alleged in the Complaint and the Counter-Investigation thereof.

9. Produce any and all Communications between You and Scott Byron Ellington in connection with Your Investigation.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term “Investigation” should be replaced with the term “Counter-Investigation.” Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty’s actions as alleged in the Complaint and the Counter-Investigation thereof.

10. Produce any and all Communications between You and Marcia Maslow in connection with Your Investigation.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term “Investigation” should be replaced with the term “Counter-Investigation.” Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty’s actions as alleged in the Complaint and the Counter-Investigation thereof.

11. Produce any and all Communications between You and Byron Ellington (Scott Ellington's Father) in connection with Your Investigation.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term “Investigation” should be replaced with the term “Counter-Investigation.” Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty’s actions as alleged in the Complaint and the Counter-Investigation thereof.

12. Produce any and all Communications between You and Reese Morgan evidencing, referring, or related to Patrick Daugherty.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term “Investigation” should be replaced with the term “Counter-Investigation.” Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty’s actions as alleged in the Complaint and the Counter-Investigation thereof.

13. Produce any and all of evidence that Daugherty has a history of anger issues.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty’s actions as alleged in the Complaint.

14. Produce any and all Communications between You and Stephanie Archer in connection with Your Investigation.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term “Investigation” should be replaced with the term “Counter-Investigation.” Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty’s actions as alleged in the Complaint and the Counter-Investigation thereof.

15. To the extent not included above, produce any and all Communications with any other third parties in connection with Your Investigation.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the

grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term “Investigation” should be replaced with the term “Counter-Investigation.” Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty’s actions as alleged in the Complaint and the Counter-Investigation thereof.

16. To the extent not included above, produce any and all Documents related to the Investigation.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term “Investigation” should be replaced with the term “Counter-Investigation.” Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty’s actions as alleged in the Complaint and the Counter-Investigation thereof.

17. Produce a copy of Your current resume or curriculum vitae.

RESPONSE: Mr. Brandstatter will produce a responsive document.

18. Produce a copy of all invoices issued by You to Scott Byron Ellington in connection with the Investigation.

RESPONSE: Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter further objects to this request being irrelevant and will not produce documents.

19. Produce any and all Documents evidencing or reflecting any payments made by Scott Byron Ellington to You in connection with Your Investigation.

RESPONSE: Mr. Brandstatter objects to this request being irrelevant and will not produce documents.

20. All drafts of the Decl. of Greg Brandstatter.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty’s actions as alleged in the Complaint.

21. All Communications between You and Scott Bryon Ellington regarding the Decl. of Greg Brandstatter or any drafts of the Decl. of Greg Brandstatter.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty's actions as alleged in the Complaint.

22. All Communications between You and any attorney representing Scott Byron Ellington regarding the Decl. of Greg Brandstatter or any drafts of the Decl. of Greg Brandstatter.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty's actions as alleged in the Complaint.

23. Produce any and all Documents evidencing your relationship with Scott Byron Ellington prior to launching the Investigation of Daugherty

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term "Investigation" should be replaced with the term "Counter-Investigation." Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty's actions as alleged in the Complaint and the Counter-Investigation thereof.

24. Produce any and all Documents evidencing any prior business with entities associated with Scott Byron Ellington prior to launching the Investigation of Daugherty.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Mr. Brandstatter specifically incorporates his first General Objection that the term "Investigation" should be replaced with the term "Counter-Investigation." Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty's actions as alleged in the Complaint and the Counter-Investigation thereof.

25. Produce any and all Documents evidencing, referring, or related to Communications regarding Patrick Daugherty to the Dallas Police.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty's actions as alleged in the Complaint.

26. Produce any and all Documents evidencing, referring, or related to Communications regarding Patrick Daugherty to the Highland Park Police.

RESPONSE: Mr. Brandstatter objects to this Request as overbroad and unduly burdensome because it is not limited to any relevant time frame. Mr. Brandstatter objects to this request on the grounds that it seeks documents protected by protected by attorney-client privilege, and work product privilege under Rule 192.5 of the Texas Rules of Civil Procedure. Without waiving his objections, Mr. Brandstatter will produce non-privileged, responsive documents, if any, relevant to Mr. Daugherty's actions as alleged in the Complaint.

DATED: July 8, 2022

Respectfully submitted,

/s/ Michael Hurst

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**ATTORNEYS FOR
NON-PARTY GREGORY ALLEN BRANDSATTER**

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2022 a true and correct copy of this document was served on all counsel of record, via ECF.

/s/ Michele Naudin

Michele Naudin

EXHIBIT 2



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CAUSE NO. DC-22-00304
SCOTT BYRON ELLINGTON) IN THE DISTRICT COURT
)
Plaintiff,)
)
VS.) 101ST JUDICIAL DISTRICT
)
PATRICK DAUGHERTY,)
)
Defendant.) DALLAS COUNTY, TEXAS

ORAL AND VIDEOTAPED DEPOSITION OF
PATRICK DAUGHERTY
AUGUST 28, 2025

ORAL AND VIDEOTAPED DEPOSITION OF PATRICK DAUGHERTY,
produced as a witness at the instance of the PLAINTIFF,
and duly sworn, was taken in the above-styled and
numbered cause on the 28th day of August, 2025, from
1:01 p.m. to 5:27 p.m., before Kristi Klund, CSR in and
for the State of Texas, reported by machine shorthand, at
the law offices of Gray Reed, 1601 Elm Street, Suite
4600, Dallas, Texas, 75201, pursuant to the Texas Rules
of Civil Procedure and the provisions stated on the
record or attached hereto.

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A P P E A R A N C E S

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ALSO PRESENT: Mr. Joe Willis (Videographer)

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1 THE VIDEOGRAPHER: Good afternoon. We're
2 going on the record at 1:01 p.m. on August the 28th,
3 2025. Please note the microphones are sensitive and they
4 may pick up whispering and private conversations. Please
5 mute your phones at this time. This is the video
6 recorded deposition of Patrick Daugherty, taken by
7 counsel in the matter of Scott Byron Ellington versus
8 Patrick Daugherty, filed in the District Court of Dallas
9 County, Texas. The Case Docket Number is 22-00304. The
10 location of the deposition is a 1601 Elm Street, Dallas,
11 Texas.

12 My name is Joe Willis representing Veritext. I am
13 the videographer. The court reporter is Kristi Klund
14 from the firm Veritext. I'm not related to any party in
15 this action, nor am I financially interested in the
16 outcome. If there are objections to proceeding, please
17 state them at the time of your appearance. Will counsel
18 and all present, including -- well, nobody is remote.
19 Please state your appearance and affiliation for the
20 record.

21 MS. PETTIT: Julie Pettit for the
22 Plaintiff.

23 MR. HURST: Michael Hurst for the
24 Plaintiff, Scott Ellington.

25 MR. YORK: Drew York for Patrick

1 Daugherty. And Ms. Pettit, just a quick clarification
2 question. So the Court's Order on this deposition that
3 we're here today was compartmentalized into two parts.
4 One being that there were questions that were asked at
5 Mr. Daugherty's deposition previously that he was
6 instructed to answer that he did not answer. And the
7 Court has allotted three hours -- up to three hours for
8 those questions for which he's not to be instructed not
9 to answer again. And then the remaining hour and 55
10 minutes from the original time available for the first
11 deposition may be used and is not limited in scope. Are
12 you intending to segment your examination into --

13 MS. PETTIT: Yes.

14 MR. YORK: -- these two parts?

15 MS. PETTIT: It will be in two parts.

16 MR. YORK: And which part are you
17 intending to do first?

18 MS. PETTIT: The unanswered questions.

19 MR. YORK: Okay. And would you let me --
20 I mean, I've got the list here but then just so that we
21 can try to keep this on task today, when we get to the
22 points those are done we can --

23 MS. PETTIT: I will let you know.

24 MR. YORK: Thank you.

25 MS. PETTIT: Yep.

1 MR. YORK: Okay.

2 PATRICK DAUGHERTY,

3 after having been first duly sworn, testified as follows:

4 EXAMINATION

5 BY MS. PETTIT:

6 Q. All right. Good afternoon, Mr. Daugherty. Can
7 you please state your name for the record?

8 A. Patrick Hagaman Daugherty.

9 Q. And in your last deposition we discussed a
10 company by the name of Corinthian Capital and you were
11 instructed not to answer who the owner was of that
12 company. Can you identify who the owner is?

13 A. I'm not familiar with Corinthian Capital.

14 Q. You've never heard of Corinthian Capital?

15 A. No. You want me to help you? I think it's
16 Corinthian Healthcare.

17 Q. Okay. Corinthian Healthcare. Who is the owner
18 of Corinthian Healthcare?

19 A. As I understand it, Judy McNeel.

20 Q. You said Judy --

21 A. McNeel?

22 Q. -- McNeel. And how do you know Ms. McNeel?

23 A. She is my mother-in-law.

24 Q. Okay. Does the owner of Corinthian have any
25 knowledge about your investigation of Mr. Ellington in

Page 7

1 MR. YORK: Object to form.

2 A. I guess somebody came down to the lobby to
3 greet me, a baldheaded guy that was tall, and a woman and
4 they brought me up and then I met with Seery up there,
5 some other people one time. I don't know. I just --

6 Q. (BY MS. PETTIT) Other than Seery, who did you
7 meet with?

8 A. I mean, do you count these people that -- this
9 one guy was an accountant and I think -- and the woman
10 was I want to say some level of administrative role. I
11 just -- I don't recall.

12 Q. Anyone else that you know by name?

13 A. No.

14 Q. What were the purposes of your meetings at the
15 Highland Capital offices?

16 A. To discuss settlement issues.

17 Q. Did you negotiate the agreements while you were
18 there in the office?

19 MR. YORK: Object to form.

20 A. I just don't -- I don't recall. I mean, the
21 negotiations took place starting in 2020 and went all the
22 way to November 2021. So various things got determined
23 at various times.

24 Q. (BY MS. PETTIT) Did you ever sign any
25 agreements while you were there?

1 A. No. I don't think so. If you have something
2 that can refresh my memory, but I don't recall signing
3 anything.

4 Q. Did you provide any information, such as the
5 data compilations during any of the meetings at
6 Highland's offices?

7 A. No. I think that had all been done before for
8 the most part. I mean, I don't know -- some of the data
9 compilations I resent when -- what's his name -- you
10 know, there's two phases. There's the Highland
11 bankruptcy where there was a creditor's committee and
12 then there was the emergence from bankruptcy which I want
13 to say was August 2021. And so, parts of my deal were
14 negotiated prior to that August -- oh, confirmation and
15 emergence. And then after August, the creditor's
16 committee went away and in came the claimant trust and
17 the claimant litigation trustee, if I'm recalling this
18 correctly, and -- so, yeah, I mean some were done before
19 and some were done after.

20 Q. Did you ever take any of your Ellington
21 Recordings, according to my definition, to your meetings
22 at the Highland offices?

23 MR. YORK: Object to form.

24 A. Yeah, I don't know what an Ellington Recording
25 is. I don't think I have any Ellington Recordings.

1 Q. (BY MS. PETTIT) Okay. So I'll represent to
2 you that we consider your photos that you produced in
3 this case Ellington Recordings, according to our
4 definition in Request For Production?

5 A. That's a weird definition. I don't agree with
6 it.

7 Q. Okay. I understand you don't agree with it,
8 but I'm asking you using that definition did you provide
9 or bring any Ellington Recordings with you to the
10 deposition -- excuse me -- to the meeting at Highland's
11 offices?

12 MR. YORK: Hold on. Object to form,
13 compound.

14 A. Yeah, look, I'm going to try and just cut
15 through it. Because I don't like the question. It
16 doesn't make much sense, but I didn't bring any pictures
17 of Ellington.

18 Q. (BY MS. PETTIT) Well, what about the other
19 photos that you produced in this case? Did you take any
20 of those pictures with you?

21 A. What photos are you talking about?

22 Q. Any photo that you've produced in this case.

23 A. I don't -- no. I didn't bring any photos to
24 their offices, no.

25 Q. Okay.

1 A. On those occasions.

2 Q. All right.

3 A. And by the way, I never sent them any photos.
4 The only photo that was sent was of Ellington standing in
5 the front yard when he'd gone AWOL.

6 Q. That's the only photo you sent to Jim Seery?

7 A. Of -- of Ellington? Of Ellington?

8 Q. Of any photo that was produced in this case.

9 A. Oh, no. I mean, I sent the Highland employee
10 that was -- what was her name -- Sarah Beth Goldsmith or
11 she was Sara Bell back then. Yeah, she was a Highland
12 employee. Ellington had been fired for over a month and
13 I'm like, oh, by the way, your employee's over here at
14 Ellington's place. And she's like, she's no longer an
15 employee, blah, blah, blah. And that was like two days
16 before; and I think he even mentioned in his deposition
17 it was kind of suspicious why -- why she was over there.
18 I did send him those pictures.

19 Q. Okay.

20 A. And -- and, look, if you have others, just
21 remind me. Stop trying to trick me.

22 Q. Okay. I have not had a chance yet to listen to
23 the exhibit or the document recording that you-all
24 produced labeled DEF53104, but can you just tell me
25 generally what that is?

1 A. Seery's lying.

2 Q. And what is he lying about?

3 A. Not knowing about my investigation, not knowing
4 about multiple things.

5 Q. And when was this recording made?

6 A. I want to say May 2022.

7 Q. So was it before or after his deposition?

8 A. Who's deposition?

9 Q. Mr. Seery?

10 A. Before.

11 Q. So you have a recording of Mr. Seery prior to
12 his deposition which is now inconsistent, you're saying,
13 with his deposition?

14 A. Correct.

15 Q. Okay. And why did you make that recording at
16 the time?

17 A. Oh, because people lie, deny and die.

18 Q. What does that mean?

19 A. What do you think it means? It means what it
20 says. People lie, you know, like Mr. Hurst to a jury or
21 Mr. Seery in this case; and people deny, like Ellington,
22 et cetera and lie and some people die -- some witnesses
23 die over time. And so I made that recording to do -- to
24 just trust but verify, you know. I didn't want there to
25 be a situation where somebody turned on me and said, hey,

1 I had no idea and that's kind of what happened in that
2 deposition. And we gave him every opportunity to set the
3 record straight and he chose not to.

4 Q. What do you mean by you gave him every
5 opportunity?

6 A. We asked him to clarify.

7 Q. During the deposition?

8 A. I think so --

9 Q. Okay.

10 A. -- yeah, and he dug in -- foolishly so, in my
11 opinion.

12 Q. Are there any other recordings that you have
13 between you and Mr. Seery?

14 A. Yes.

15 MR. YORK: Object to form.

16 A. I'm sorry, yes.

17 Q. (BY MS. PETTIT) Do any of them involve
18 Mr. Ellington?

19 MR. YORK: Objection to form.

20 A. No.

21 Q. (BY MS. PETTIT) Is there any other -- was this
22 recording made at an in-person meeting or over the phone?

23 A. Phone. He was in New York. I was in Dallas.

24 Q. Do you know if New York is a one or two-party
25 state?

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EXHIBIT 3

CAUSE NO. DC-22-00304

SCOTT BYRON ELLINGTON

Plaintiff,

V.

PATRICK DAUGHERTY,

Defendant.

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§
§
§
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§

IN THE DISTRICT COURT

101st JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

PLAINTIFF’S SIXTH MOTION TO COMPEL

Plaintiff Scott Byron Ellington (“Plaintiff” or “Ellington”) files this Sixth Motion to Compel against Defendant Patrick Daugherty (“Defendant” or “Daugherty”) pursuant to Texas Rule of Civil Procedure 215.1. Plaintiff respectfully shows the Court as follows:

I. SUMMARY

Ellington once again seeks the Court’s assistance to obtain discovery responses from Daugherty, who continues to play games with the production of documents and information. On August 28, 2025, Daugherty produced for the first time a 26-minute audio recording (the “Recording”) of a May 4, 2022 conversation between himself and Jim Seery, in which Plaintiff Scott Ellington and other Ellington Parties are discussed in detail. The Recording is plainly responsive to multiple outstanding discovery requests that have already been the subject of a Court Order compelling compliance. Defendant’s delayed production of this highly relevant Recording demonstrates that Defendant has either (1) withheld responsive recordings in violation of Court orders, or (2) failed to conduct an adequate search for such recordings.

This Motion seeks to compel production of all additional responsive recordings in Defendant's possession, custody, or control, and information sufficient to verify whether additional recordings exist.

II. PROCEDURAL BACKGROUND

1. Plaintiff has served multiple sets of Requests for Production seeking, among other things, all recordings, documents, and communications related to the surveillance, observation, or investigation of the Ellington Parties and Ellington Locations.

2. On June 14, 2022, Defendant served responses to several of these Requests, including:

- *RFP No. 2*: All documents and communications containing or referencing any Ellington Recording sent to or received from any person or entity.
- *RFP No. 3*: All documents and communications with any person or entity regarding the Ellington Recordings and/or the surveillance, observation, recordation, or investigation of any Ellington Party or Location.
- *RFP No. 4*: All electronic or handwritten notes, memoranda, or other documents related to or evidencing such surveillance, observation, recordation, or investigation.
- *RFP No. 8*: All documents and communications sufficient to show any individual or entity, other than Defendant, who was aware of or involved in those efforts. *See Exhibit A*, Defendant's June 14, 2022 Responses.

3. On October 10, 2022, Defendant provided further responses, including to:

- *RFP No. 15*: All documents and communications referencing any Ellington Party, Location, or Recording sent to or received from Jim Seery.
- *RFP No. 26*: All documents and communications referencing any Ellington Party, Location, or Recording sent to or received from any person or entity.

- *RFP No. 29*: All documents and communications from third parties relating to any notes, memoranda, commentary, or other documents evidencing or discussing Defendant's surveillance, observation, recordation, or investigation of Ellington Parties or Locations. *See Exhibit B*, Defendant's October 10, 2022 Responses.

4. On July 7, 2023 Plaintiff filed its Third Motion to Compel, requesting Defendant completely and fully produce documents in Defendant's possession, custody, or control that are responsive to Plaintiff's Discovery Requests. *See Exhibit C*, Plaintiff's Third Motion to Compel.

5. On March 19, 2025, this Court entered an Order compelling Defendant to fully respond to, among others, Requests for Production Nos. 2, 3, 8, 15, 26, and 29.¹ *See Exhibit D*, March 19, 2025 Order.

6. At the time of that Order, Daugherty was in possession of the Recording taken on May 4, 2022 that is clearly responsive to at least Requests for Production Nos. 2, 3, 4, 8, 15, 26, and 29. *See Exhibit F*, transcript of the Recording.

7. The twenty-six minute and eleven second (26:11) Recording appears to be a conversation between Defendant Daugherty and Jim Seery. The recording specifically discusses Mr. Daugherty taking photographs of, among others, Mr. Ellington and his then fiancé, now wife, Stephanie Archer, at or around the 14:22 mark. There are further discussions of Mr. Ellington on the Recording.

¹ While Request for Production No. 4 is not included in the Order, Daugherty stated that he would produce copies of non-privileged documents responsive to this request, if any, within his possession, custody or control on a rolling basis in his June 14, 2022 Responses to Plaintiff's First Requests for Production. *See Exhibit A*.

8. Despite the Court's Order, Defendant failed to produce the May 4, 2022 Recording until August 28, 2025, after multiple discovery deadlines and less than three weeks before the then-current trial setting. Mr. Daugherty was set for his supplemental deposition on August 28, 2005. Moments before the deposition, Mr. Daugherty's counsel handed the Recording on a flash-drive to Plaintiff's counsel. Mr. Daugherty then made it clear at the deposition that he produced the recording because it exposes that Jim Seery lied about not knowing about Mr. Daugherty's "investigation" of Mr. Ellington. *See* Exhibit G (Daugherty August 28, 2025 deposition) at 102:22 - 103:11. That is, he produced this recording now because it's suddenly beneficial to him – not because it should have been produced long ago both in response to requests for production and this Court's March 19, 2025 Order.

9. Trial in this matter was originally scheduled for September 5, 2023, and has since been reset several times: first to June 3, 2024, then to August 5, 2025, and again to September 16, 2025. It is now set for April 27, 2026. The May 4, 2022 Recording was not produced until after both the original and several reset trial dates, underscoring Defendant's continued noncompliance with his discovery obligations.

10. On August 29, 2025, Plaintiff's counsel issued a letter demanding the production of all additional responsive recordings, identification of all devices used to create or store the May 4, 2022 Recording, and an explanation for the delayed production. *See* **Exhibit E**, Plaintiff's August 29, 2025 Letter.

11. To date, Defendant has provided neither an explanation of the prior failure to produce the Recording nor any additional recordings. Accordingly, Plaintiff is forced

to file this additional Motion to Compel regarding the same subject matter as the Court's March 19, 2025 Order.

III. ARGUMENTS & AUTHORITIES

A. **Standard.**

The Texas Rules of Civil Procedure emphasize full transparency in discovery. The purpose of discovery is to seek the truth so that disputes may be decided by what facts are revealed, not by what facts are concealed. *Crosstex Energy Services, L.P. v. Pro Plus, Inc.*, 430 S.W.3d 384, 394 (Tex. 2014). When responding to written discovery, a party must make a complete response, based on all information reasonably available to the responding party or its attorney at the time the response is made. Tex. R. Civ. P. 193.1.

Timely supplementation of incomplete discovery is a continuing obligation under Texas law. A party must make a full and complete response to proper discovery requests and must timely supplement those responses as needed – no later than thirty days before trial. *See Branham v. Brown*, 925 S.W.2d 365, 370 (Tex. App. – Houston [1st Dist.] 1996, no writ); Tex. R. Civ. P. 193.5(b). While Rule 193.5 presumes that supplements made less than thirty days before trial are untimely, courts have made clear that no opposite presumption exists for supplements made more than thirty days before trial. *See Snider v. Stanley*, 44 S.W.3d 713, 715 (Tex. App. – Beaumont 2001, pet. denied). Rather, a party must supplement “reasonably promptly” after discovering the need to do so. Tex. R. Civ. P. 193.5(b).

Whether a response is reasonably prompt depends on the circumstances, and Dallas courts have found supplementation untimely where the responding party had the materials in their possession for an extended period, was clearly on notice of their relevance, and failed to provide any justification for the delay. *See Interest of A.R.M.*, 593 S.W.3d 358, 375 (Tex. App. – Dallas 2018, pet. denied) (holding supplementation was not reasonably prompt where materials were in party’s possession for eight months and prior requests clearly covered the documents); *In re Staff Care, Inc.*, 422 S.W.3d 876, 881 (Tex. App. – Dallas 2014, no pet.) (holding supplementation untimely where requests had been pending for two years and plaintiff failed to provide the information despite answering deposition questions on the subject).

Further, when a party fails to comply with a discovery order, such as an order granting a motion to compel, Rule 215.2(b) authorizes the Court to issue “just” orders, including those compelling further compliance or requiring the disobedient party or counsel to pay reasonable expenses caused by the failure. *See Tex. R. Civ. P. 215.2(b)*. Rule 215.2(b)(8) provides that the court shall require the disobedient party, the advising attorney, or both to pay such expenses, including attorneys’ fees, unless the failure was substantially justified. *See Tex. R. Civ. P. 215.2(b)(8)*.

Additionally, Rule 215.3 empowers the court to impose appropriate remedies if it finds a party is abusing the discovery process by resisting discovery improperly or engaging in delay tactics. *See Tex. R. Civ. P. 215.3*. While the trial court has broad authority to impose sanctions, the sanctions imposed must be just. *See TransAmerican Nat. Gas Corp. v. Powell*, 811 S.W.2d 913, 917 (Tex. 1991); *Shops at Legacy (Inland) Ltd. P’ship v.*

Fine Autographs & Memorabilia Retailers Stores, Inc., 418 S.W.3d 229, 232 (Tex. App. – Dallas 2013, no pet.). However, trial courts may impose death penalty sanctions when a party has repeatedly failed to comply with discovery orders, especially after having been warned of the consequences of continued noncompliance. *See Hizar v. Heflin*, 672 S.W.3d 774, 784–85 (Tex. App. – Dallas 2023, pet. denied) (affirming the trial court’s imposition of death penalty sanctions, striking the defendant’s pleadings, for failure to comply with two orders compelling discovery).

Collectively, these rules give the Court broad authority to enforce compliance with discovery obligations, protect the integrity of the discovery process, and, where appropriate, require the offending party to bear the costs incurred in seeking relief.

B. Defendant's Belated Production Violates the Court's Discovery Orders

Defendant’s delayed production of the May 4, 2022 Recording violates both the Texas Rules of Civil Procedure and this Court’s prior discovery order. As discussed above, Rule 215.1 expressly authorizes a party to move to compel discovery when another party fails to comply. Moreover, Rules 192.3 and 196.3 require parties to produce all relevant documents and tangible items within their possession, custody, or control in response to proper discovery requests.

The May 4, 2022 Recording is clearly responsive to at least Requests for Production Nos. 2, 3, 4, 8, 15, 26, and 29, each of which seeks documents or communications related to surveillance, recordings, and investigations involving Ellington and affiliated individuals. *See Exhibit A-B*, Defendant’s Discovery Responses. This Court’s March 19, 2025 Order specifically compelled Defendant to respond to those same Requests. *See*

Exhibit D, March 19, 2025 Order (compelling responses to Requests for Production Nos. 2-3, 7-8, 14-30, and 34-35). Yet, Defendant failed to produce the Recording until August 28, 2025, more than five months after the Court's Order and after multiple discovery deadlines had passed.

There is no credible justification for this delay. The content and timing of the Recording make clear that it was responsive and within Defendant's possession during earlier discovery exchanges. Defendant's failure to produce it in a timely manner not only violates the Rules of Civil Procedure, it also constitutes a direct violation of the Court's order. This disregard for the discovery process reinforces the need for judicial intervention to ensure full compliance going forward.

C. The Late Production Raises Reasonable Suspicion of Additional Recordings

Defendant's last-minute production of a single, highly relevant recording long after the Court ordered compliance also raises serious concerns about whether additional responsive materials remain unproduced. Daugherty indicated that he produced the Recording because it fit his personal agenda of proving that Mr. Seery had lied in his deposition in March 2024. *See* Exhibit G at 102:22 - 103:11. Mr. Daugherty produced the Recording on August 28, 2025, was deposed on same day, and testified about the Recording at the deposition. It is plain that but-for the setting of Daugherty's supplemental deposition (as a result of another Court order) and Daugherty's desire to

use the Recording to get back at Mr. Seery, the Recording never would have seen the light of day.²

On August 29, 2025, Plaintiff issued a letter demanding that Defendant produce all other responsive recordings, identify the devices or platforms used to record or store the May 4, 2022 Recording, and explain the reason for the delayed production. *See Exhibit E*, Plaintiff's August 29, 2025 Letter. To date, Defendant has failed to respond to that letter.

The content of the May 4, 2022 Recording itself, which discusses Plaintiff and other Ellington Parties in detail, shows that Defendant had both the means and practice of recording conversations relevant to this case. Defendant's history of surveillance and documentation, including photography of Plaintiff and his family, email and text messages referencing investigative efforts, and prior communications with third parties, further suggests that the May 4, 2022 Recording is not an isolated instance. Defendant's investigative activity at multiple locations involving multiple individuals supports the inference that additional recordings or communications exist.

In light of these circumstances, Plaintiff has a reasonable basis to believe that other responsive recordings have either been improperly withheld or overlooked. Without an order compelling compliance, including the identification of devices used and locations where recordings are stored, Plaintiff cannot verify that Defendant has fulfilled his discovery obligations. Plaintiff therefore respectfully requests that the Court issue a secondary order compelling full and transparent compliance. Plaintiff further requests

² Mr. Daugherty did testify that he had other recordings of Mr. Seery, but that none of them mention Mr. Ellington. Given the circumstances regarding the production of the Recording and the apparent lack of prior review by counsel, Mr. Daugherty's self-serving assertion should be given no weight by the Court.

language in the Order warning Defendant of the potential consequences of any further non-compliance in this case.³

IV. CONCLUSION & PRAYER

For the foregoing reasons, the Court should enter an order compelling Defendant to do the following within seven (7) days:

- a. Produce all other recordings by Mr. Daugherty regarding any Ellington Party, Location, or Recording, as those terms are defined in the Requests for Production.
- b. Produce all other recordings responsive to the Requests for Production compelled by the Court's March 19, 2025 Order, including but not limited to Requests for Production Nos. 2, 3, 8, 15, 26, and 29.
- c. Produce any other responsive documents that have been overlooked by Defendant.
- d. Provide information sufficient to identify what mechanism(s) or device(s) Defendant used to make and/or store the Recording in order to permit verification of the presence or absence of any additional responsive recordings.

Plaintiff prays for all such other relief to which he may be justly entitled.

V. APPENDIX

Exhibit A	Defendant's June 14, 2022 Responses to RFPs
Exhibit B	Defendant's October 10, 2022 Responses to RFPs
Exhibit C	Plaintiff's Third Motion to Compel
Exhibit D	March 19, 2025 Order
Exhibit E	Plaintiff's August 29, 2025 Letter

³ Texas courts recognize that an order compelling discovery, when paired with an express warning of consequences for future noncompliance, constitutes an appropriate lesser sanction under Rule 215. See *Hizar v. Heflin*, 672 S.W.3d 774, 785 (Tex. App.—Dallas 2023, pet. denied).

Exhibit F	Recording taken on May 4, 2022
Exhibit G	Daugherty August 28, 2025 deposition

Respectfully Submitted,

THE PETTIT LAW FIRM

By: /s/ Julie Pettit

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

On August 29, 2025, Counsel for Plaintiff contacted Counsel for Defendant regarding his failure to comply with the Court's March 19, 2025 Order. As of the date of this filing, Counsel for Plaintiff has not received any response.

/s/Julie Pettit

Julie Pettit

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon all counsel of record via *electronic service* on October 28, 2025.

/s/Julie Pettit _____

Julie Pettit



1 CAUSE NO. DC-22-00304
 SCOTT BYRON ELLINGTON,)
 2)
 3 Plaintiff,) IN THE DISTRICT COURT
 4) 101ST JUDICIAL DISTRICT
 V.)
 5) DALLAS COUNTY, TEXAS
)
 6 PATRICK DAUGHERTY)
 7)
 Defendant.)

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1 APPEARANCES

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3 MALE SPEAKER 1

4 MALE SPEAKER 2

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4 EXHIBITS

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1 MALE SPEAKER 1: Correct. And -- and so they're --
2 they're going to be fine to withdraw their claims. CalPERS
3 can't find it. I've got to -- I got to call those guys
4 again. Like, they literally don't know who -- who is
5 responsible for filing it. It was somebody in legal in San
6 Francisco. So I -- I got to try to hound that. If we can
7 get ---

8 MALE SPEAKER 2: I -- I thought they were -- I
9 thought -- as I recall, I thought CalPERS filed a claim
10 really just so that Dondero (phonetic) would have to go
11 through on buying their shares at whatever it was, 68 or \$72
12 a share.

13 I -- I thought they said, "Look, we don't care what
14 is going on with this bankruptcy. That was the deal that was
15 struck. We need to get paid." I thought that was their
16 claim. And I thought that had been paid during the estate.
17 Yeah.

18 MALE SPEAKER 1: But -- but what they didn't know
19 was they were selling them at 6850 and he was selling them at
20 7250 or 6750 and 7250. He was giving them five bucks.

21 MALE SPEAKER 2: Okay. Well, he was skimming them
22 a lot more than that because it sold for 146. But yeah.

23 MALE SPEAKER 1: You think?

24 MALE SPEAKER 2: While he was on the board, I mean,

25 that's why he was trying to give you that -- force you to use

5

1 his insider information because he knew that, you know,
2 Amazon was there for 146. I mean, that's what I've read in
3 the press.

4 MALE SPEAKER 1: Yeah. It was all in the press
5 anyway, but whatever.

6 MALE SPEAKER 2: Yeah.

7 MALE SPEAKER 1: I think the -- my point is if I
8 can get those withdrawn and then we can figure out the other
9 tax guys if that -- and I'll talk to Demo (phonetic) about
10 that other than you and Todd, then as we -- I don't think we
11 want to -- let -- we'll try to figure out where this tax --
12 you know, the status of the tax litigation.

13 MALE SPEAKER 2: Yeah.

14 MALE SPEAKER 1: But then it's easier to make a
15 distribution and reserve.

16 MALE SPEAKER 2: Yeah. That's all. And -- and
17 that was what I was calling about. I'm obviously going to
18 stick to the terms of our deal, but just want to make sure
19 the estate doesn't get liquidated and we get, you know ---

20 MALE SPEAKER 1: No -- no. Of course not.

21 MALE SPEAKER 2: Okay.

23 point in spending money while -- you know, we're all -- we're

24 all going to -- if ---

25 MALE SPEAKER 2: Yeah, if you do that, we'll sit

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1 tight. We're not -- we're not dying to go and fight you.

2 MALE SPEAKER 1: Yeah, we'll just -- because

3 hopefully it'll -- it'll go away. I mean, at some point --

4 it's 10 years old, it's -- there's -- there's got to be a

5 resolution.

6 MALE SPEAKER 2: You would think. But, I mean, I

7 -- like you said, I think you hit the nail on the head. I

8 think they're after Dondero and Occada (phonetic) for the big

9 money and, you know, until they get some resolution on that,

10 you know, who knows?

11 I mean, you guys brought up a host of other tax

12 fraud issues when it came to all these transactions between

13 all these entities, right? The moving of the shared services

14 and the employment reimbursement contracts back and forth and

15 all that. I can't imagine that the ---

16 MALE SPEAKER 1: They said once that they were tax

17 fraud. Deveaux Lucarini (phonetic) brought that up.

18 MALE SPEAKER 2: That's what I mean, you brought up

19 the transactions and Deveaux brought up the tax fraud. No,

20 Morris made a point to -- to let the Judge know that you-all

21 -- you guys say -- you're assuming they're completely

22 legitimate. If they're not, that's between, you know,

23 Dondero and the IRS, but yeah.

24 Anyway -- well, the reason why it -- it's on my

25 mind is because, you know, rumor mill, Dondero is running

7

1 around town telling everybody he is going to get back

2 Highland. He is going to get back the name, the brand, you

3 know, the legacy, whatever else goes along with it, he is

4 claiming he is going to get it back.

5 So, you know, my thought is if he has got any

6 grounds for saying that, which I always doubt first that

7 anything he says is true, but to the extent it is true, I

8 just want to make sure my unresolved things are getting

9 resolved. Unless he is going to do what he says he is going

10 to do, which is buy out this estate.

11 MALE SPEAKER 1: Yeah. Like, he is fucking insane.

12 MALE SPEAKER 2: Okay. Well, I figured, like I

13 said ---

14 MALE SPEAKER 1: You know, he -- he can definitely

15 buy out the estate and -- and, you know, if it's -- if

16 there's \$600 million, like he said, you know, sold to him at

17 a 20 percent discount.

18 MALE SPEAKER 2: Yeah. He said you're sitting on

19 200 million in cash and the value of everything is 600. I

20 don't know. You -- like, you and I already talked about

22 MALE SPEAKER 1: He is making it up.

23 MALE SPEAKER 2: Yeah. Not the first time. Okay.

24 Those were -- that was -- those were those two items -- oh --

25 oh, on Ellington. You had mentioned to me in many

8

1 conversations ago that he told you that he had a special
2 relationship with Hoffman. He was bragging about it. I -- I
3 can't remember what it was, but that -- and then the same
4 conversation, I think you mentioned to me that he also said
5 that I was stalking Hoffman at Disneyland, and I followed him
6 all around Disneyland.

7 MALE SPEAKER 1: Yeah.

8 MALE SPEAKER 2: You mind -- I mean, we may have to
9 call you as a witness on that. I -- I'm not sure that we
10 will, but on the one hand it's defamation because I never
11 stalked Hoffman at all at Disneyland or anywhere else.

12 But on the other hand, just want to -- we may need
13 to show at some point down the line, Hey, this Ellington guy,
14 he has -- he has used the stalking card before, and I don't
15 know if you know this or not, but they're desperately trying
16 to get back in front of Hoffman.

17 We have Judge Williams or Williamson, and they're
18 trying to claim that all this stalking stuff relates back to
19 the case way back in 2012. In fact, the papers that -- that
20 Michael Hurst filed with the Court didn't even acknowledge

21 the settlement where everything in the Texas action against

22 me was vacated.

23 They're still operating and trying to tell the

24 Court that Hoffman should have jurisdiction over this because

25 of all the things that the jury found against me back in

9

1 2014. If you can believe it, that's actually what they're

2 doing. That's what Michael Hurst is doing.

3 MALE SPEAKER 1: I mean, but all you got to do is

4 put in front this other person, like -- yeah, the jury

5 journal has struck -- maybe whatever they found was based on

6 a whole thing of lies.

7 MALE SPEAKER 2: Yeah. Well, fortunately you did a

8 really good job. I didn't even expect it. And were it not

9 for Ellington objecting to my claim, it never would have gone

10 on record. But in the transcript, you said there's fraud

11 here, which was one of the most disturbing things that you

12 discovered. And that there never was an escrow account. So,

13 you know, it couldn't have been better.

14 MALE SPEAKER 1: I mean, I got -- I keep -- you --

15 you can't say this about Highland anymore because, like, how

16 could I still be shocked, but I'm still shocked about stuff

17 that I learned.

18 MALE SPEAKER 2: Yeah.

19 MALE SPEAKER 1: I -- I'm just blown away. Like,

21 of -- but now I've seen them do it again. You know, they put
22 it on in front of judges a fucking fraudulent case about
23 there being an escrow and about there being plenty of money
24 to pay you if you prevail. And then they -- they don't pay
25 you fucking, like, 2.6 million. Who the fuck does that?

10

1 MALE SPEAKER 2: I know -- I know. And -- I mean,
2 it's just unbelievable.

3 MALE SPEAKER 1: You paid him, like, it's fucking
4 insane.

5 MALE SPEAKER 2: You -- I don't even know if you
6 know the whole of it. They sent the constable over to my
7 house to seize my assets, claiming that I hadn't paid
8 anything. So I had to wire them 3.1 million because of
9 interest. All the while, they had taken all the assets out
10 of the escrow.

11 And Ellington has filed an affidavit saying that on
12 personal knowledge, I didn't have the assets to make due on
13 their claim against me. It was just unbelievable. But
14 anyway, I -- I don't want to go through all that. It's --
15 it's not your problem anymore.

16 MALE SPEAKER 1: No -- no. That was a horrible
17 thing. I think you told me that you were away and your wife
18 called you.

19 MALE SPEAKER 2: I was in New York and my wife was

20 in a complete panic with the kids, and I had my in-laws
21 trying to get them out here, and we thought they might come
22 in and take the dogs. So it was just ridiculous. But it is
23 what it is. And I -- again, I'm not trying to drag you into
24 that.
25 MALE SPEAKER 1: Yeah. I would say -- look, I

11

1 don't know if I could say he said he had a special
2 relationship. I don't ---
3 MALE SPEAKER 2: Well, that's what I'm getting at.
4 What did he tell you as far as -- you said he boasted
5 something about Hoffman, and I don't want to paraphrase you.
6 I want to know what did he say.

7 MALE SPEAKER 1: It -- it's hard to -- I'm trying
8 to be as both accurate in -- in memory. It was more in
9 passing that he had a good relationship with Judge Hoffman.
10 I think he said he had lunch with him. Now I may conflate
11 some stuff because I think you or someone else has told me
12 that, you know, he and -- and Levington (phonetic) and
13 Savilla (phonetic) and Dondero -- not -- not that anything is
14 illegal about it, but they all just happened to contribute to
15 ---

16 MALE SPEAKER 2: Not Dondero, but yes, it was -- it
17 was -- that I did tell you. I don't know if you heard from
18 others, but it was -- it was Ellington, Levington, Savilla

24 MALE SPEAKER 1: Right.

25 MALE SPEAKER 2: I just couldn't remember exactly

12

1 what it was that he boasted to you.

2 MALE SPEAKER 1: It was some -- it was hard to -- I
3 can't say it was Hoffman. There was definitely some
4 implication that he knew the Dallas Judges and he could have
5 lunch with them ---

6 MALE SPEAKER 2: Oh, so it wasn't even -- it wasn't
7 even specific to Hoffman?

8 MALE SPEAKER 1: It -- I don't -- I don't recall.
9 He is the only judge that -- that I've heard a name because
10 that went to the Disneyland thing.

11 MALE SPEAKER 2: Well, he -- yeah, that was pretty
12 clear. He did -- he -- you know, there's only one. That was
13 Hoffman that he was referring to there, so ---

14 MALE SPEAKER 1: Yeah. And -- and ---

15 MALE SPEAKER 2: And didn't he tell you I --
16 because you asked me. No, don't you remember early on you
17 asked me -- you were like, "Hey, man, you don't have to tell
18 him if you don't want to, but did you" ---

19 MALE SPEAKER 1: No. He said -- he -- he said that

20 you stalked the guy.

21 MALE SPEAKER 2: Yeah.

22 MALE SPEAKER 1: Right? And so -- and told me all

23 about it, how Hoffman came back, you know, really disturbed.

24 And that's why he, like, put a -- some kind of order against

25 you or something.

13

1 MALE SPEAKER 2: Well, okay. As usual, he was

2 lying. I mean, I -- I did talk to Hoffman and he did say it

3 was an improper ex parte communication, even though I was

4 talking to him about a case I wasn't even involved in. But

5 anyway, be that as it may, that's kind of my point is ---

6 MALE SPEAKER 1: Apparently, you didn't just fly

7 and follow the dude to Disneyland. You go there with your

8 family.

9 MALE SPEAKER 2: Yeah. Every year. And when I saw

10 him, I was with my wife and daughter because I didn't even

11 see him initially. My wife did. And she is like, you ought

12 to introduce Judge Hoffman to your family and blah, blah,

13 blah, blah. So, you know, I'm not -- I got my wife and

14 daughter if necessary for witnesses on that front.

15 But I think we may have to show the Court, you

16 know, that, A, this guy lies all the time, you know, not just

17 about all the business stuff, but he has used the stalking

19 MALE SPEAKER 1: I'll tell you one thing this guy
20 has done is he has run from this case.

21 MALE SPEAKER 2: In what sense?

22 MALE SPEAKER 1: Their defense on the -- on the,
23 you know, whatever this Rukavina thing he made up that they
24 -- we were -- had to renegotiate this contract with Frank
25 Waterhouse at the beginning of the case, told the ---

14

1 MALE SPEAKER 2: Oh, yeah. Well, he said he told
2 Ellington.

3 MALE SPEAKER 1: Frank Caruso ---

4 MALE SPEAKER 2: Yeah.

5 MALE SPEAKER 1: --- just happens to be retired.

6 So they -- they pick on Fred and then -- and Ellington and

7 Levington -- well, Ellington and Levington are your guys.

8 They -- you -- if 100 percent of their income come from

9 Dondero, why weren't they testifying?

10 MALE SPEAKER 2: Oh, I see what you're saying.

11 It's not like they dodged a subpoena from you, they just ---

12 MALE SPEAKER 1: No -- no. Oh, they did. When --

13 when we said, oh, we're going to actually -- we subpoenaed

14 them for the -- the CPMC claims, they just agreed to take

15 zero.

16 MALE SPEAKER 2: Got you.

17 MALE SPEAKER 1: (Indiscernible).

18 MALE SPEAKER 2: Well, because you had already
19 taken both of their depositions -- I want to say January 56
20 -- 15th and 16th of 2021. Because that's when I found out
21 about ---

22 MALE SPEAKER 1: I thought that was Klubock
23 (phonetic).

24 MALE SPEAKER 2: Oh, was January 15th -- was that
25 Klubock in January 15 and 16th?

15

1 MALE SPEAKER 1: I think Klubock took that.

2 MALE SPEAKER 2: Because that was the whole where
3 Ellington said he -- he didn't know anything about Nimitz and
4 Patton.

5 MALE SPEAKER 1: Yeah, well, we -- we know those
6 true -- we know those unequivocally to be false.

7 MALE SPEAKER 2: Right. Remember I went and found
8 Cayman Islands registrar and I gave this to Paige Montgomery
9 at the time, and I found that Diorio was the board member of
10 Sentinel.

11 MALE SPEAKER 1: Yeah. And -- and, you know,
12 during -- during the case, Sentinel provided an indemnity,
13 unbeknownst to me or anybody else, when I started getting a
14 little bit close, maybe in the beginning of the summer when
15 they were fraudulently hiding the whole settlement -- the
16 whole payments to UBS.

18 fight UBS, they got -- must have gotten worried. And
19 Savilla, Levington, Ellington, Katie Irving, Stephanie
20 Patella, all got indemnities, a written indemnity that they
21 each signed from Sentinel in June of 2020. Nobody ever
22 mentioned Sentinel. This was during the case while they were
23 full-time employees in Highlands.

24 MALE SPEAKER 2: Wow.

25 MALE SPEAKER 1: And then, you know, this guy says

16

1 he doesn't remember anything about the Sentinel structure.

2 MALE SPEAKER 2: Oh, I know. Yeah. He -- he said
3 he didn't know about it. He didn't -- wasn't involved and
4 knew -- knew he had heard the word, but that was it, you
5 know, blah, blah, blah.

6 MALE SPEAKER 1: Yeah. He knew -- he knew how to
7 build all of his expenses through it ---

8 MALE SPEAKER 2: Yeah.

9 MALE SPEAKER 1: --- at the very time.

10 MALE SPEAKER 2: Yeah.

11 MALE SPEAKER 1: With this indemnity. Yeah.

12 MALE SPEAKER 2: Well, okay. I -- I'm glad you
13 clarified on the whole judge thing. Just because if it
14 becomes necessary, we're going to have to, you know ---

15 MALE SPEAKER 1: Why are they ---

16 MALE SPEAKER 2: Continuing to fight it? Because

17 it's ---

18 MALE SPEAKER 1: Well, I -- like, the whole thing
19 -- the whole thing with you, right, it is clearly fabricated.

20 They -- they could clearly say, "Hey, you went and took
21 pictures of people." Okay.

22 MALE SPEAKER 2: Actually, I didn't take pictures
23 of the people. I took pictures of the driver's license
24 plates and the cars. The only people I took a picture of was
25 one of Ellington, one of his secretary, and one of his --

17

1 what at the time, I didn't know who she was, but now we've
2 learned that she is a fianc , workout partner/girlfriend,
3 depending on who he is talking to. But other than that, all
4 this shit about kids and all the others is made up.

5 MALE SPEAKER 1: Well, I don't -- I don't doubt
6 that for a second, but -- but be that as it may, what --
7 what's the -- what are they defending -- what are you -- I
8 guess I'm trying to figure out what he is -- why is he -- why
9 is he in your -- why isn't he getting away from you too? Why
10 -- what's -- why is he in your ---

11 MALE SPEAKER 2: I -- I think that's why he is
12 doing this. I think he is saying, "Hey, if you come after me
13 for your Delaware actions, and if you bring Herra (phonetic)
14 after me" -- because that's what they said. You know, they
15 said, "Hey, Your Honor, you can't approve this settlement."

17 take Herra and come after us through Herra.

18 He is going to harass, you know, Ellington. And we
19 all knew it was really all of them. And so they've concocted
20 up -- this whole stalking thing is, in their mind, I guess,
21 some kind of, "Hey, you let us off of ours and we'll let you
22 off yours." And I'm like, "Screw you." You know, I
23 negotiated hard for the Herra thing for a reason.

24 And as you can imagine, we are now -- we got a --
25 we got a meeting with Judge Zern tomorrow to move forward on

18

1 that. But there's a lot of people with a lot of problems on
2 the Herra front.

3 MALE SPEAKER 1: I mean, look, you -- your thing --
4 your pleading, which was, as I said, pretty good, the one
5 with the -- the crime fraud stuff, if only a quarter of it is
6 -- is -- it's all really bad. If only a quarter of it is
7 like -- somebody has got -- I mean, I can't imagine people
8 don't want to get the fuck out of that.

9 MALE SPEAKER 2: You know, look, and I'm always
10 open -- you know, you call it commercial. I'm always open to
11 a settlement, but the lying has to stop and the defamatory
12 stuff against me has to stop. And then I'll talk to anybody
13 who wants to be a grownup about coming up with a solution,
14 but I'm not going to go away just for the hell of it.

15 MALE SPEAKER 1: Yeah.

16 MALE SPEAKER 2: You know, so ---

17 MALE SPEAKER 1: Well, I don't trust Ellington for
18 anything. I think he is -- he is a complete lying, cheating
19 piece of shit.

20 MALE SPEAKER 2: Yeah. I -- you could put
21 Levington in that group too.

22 MALE SPEAKER 1: But it seems to me like he is --
23 is he separating himself from -- I mean, the fact that he
24 wasn't in any of these things, he has got to be telling him
25 ---

19

1 MALE SPEAKER 2: I'm telling you the reason why he
2 doesn't -- he hasn't gotten any of those things, is they
3 don't want to put him on the witness stand where he could get
4 caught perjuring and then be under the -- and then get
5 repercussions from Jernigan. That's why.

6 MALE SPEAKER 1: I mean, I'm -- I'm going to be --
7 I'm going to be sorely disappointed if on that litigation
8 over the fees she doesn't recommend or refer Dondero for
9 prosecution -- investigation or prosecution. I'm -- I just
10 -- I don't ---

11 MALE SPEAKER 2: You're talking about the
12 promissory notes, making them all up with Nancy? Or are you
13 talking about ---

14 MALE SPEAKER 1: No, that one is separate because

16 MALE SPEAKER 2: Correct.

17 MALE SPEAKER 1: So she is already ---

18 MALE SPEAKER 2: You are talking about the one
19 where he got on there and was just making up and he said he
20 was going to go after her to have her recused again.

21 MALE SPEAKER 1: Yeah -- yeah.

22 MALE SPEAKER 2: And he said it was financial
23 mugging and everything else?

24 MALE SPEAKER 1: Yeah -- yeah. But he -- he flat
25 out lied about all kinds of stuff.

20

1 MALE SPEAKER 2: Agreed.

2 MALE SPEAKER 1: And she -- she looked at him with
3 her mouth open, like ---

4 MALE SPEAKER 2: Well, she looked at him over her
5 glasses. She wasn't going to -- she wasn't going to give him
6 a single word that he can use on his appeal.

7 MALE SPEAKER 1: And Waterhouse, I -- I ---

8 MALE SPEAKER 2: Waterhouse just looked like a
9 Stockholm syndrome.

10 MALE SPEAKER 1: I'll be disappointed if she
11 doesn't, like, literally, you know, refer them to the Justice
12 Department for perhaps possible perjury. It -- there has to
13 be some -- man, I guess maybe there isn't.

14 MALE SPEAKER 2: You know, it's funny you mentioned

15 Ellington. We haven't seen Ellington on the stand in her
16 Court since Asis when he got nailed for lying about the
17 HarbourVest stuff, and he stopped going to the Court. Isaac
18 Levington stopped going to the Court and they started sitting
19 JP Savilla in their place. And I haven't seen either one of
20 them, not only on the stand, but in the courtroom ever since.
21 And that was 2019 -- 2018.

22 MALE SPEAKER 1: Yeah.

23 MALE SPEAKER 2: So -- all right. Status on the
24 sales and everything, did you ever get the remaining pieces
25 of -- of Cornerstone done?

21

1 MALE SPEAKER 1: We are still working on it.

2 MALE SPEAKER 2: Okay.

3 MALE SPEAKER 1: We've got a couple -- there's a
4 couple of very difficult things that we have to deal with.

5 MALE SPEAKER 2: Okay.

6 MALE SPEAKER 1: We have a really good second
7 piece, so we need to be very, very quiet about it. We're
8 very optimistic for the remaining pieces. We have an LOI and
9 we're moving towards a PSA, it -- it's -- so we don't want to
10 mention that anywhere. We just want to keep it really low.

11 MALE SPEAKER 2: The PSA on the -- on the second
12 parts or the first part, or all of it?

13 MALE SPEAKER 1: Second part.

14 MALE SPEAKER 2: Okay. I won't say anything. Exhibit 3 - Part 1 Page 36 of 46

15 MALE SPEAKER 1: And -- and so we really -- I mean,
16 that one is the -- the community is too small.

17 MALE SPEAKER 2: Okay.

18 MALE SPEAKER 1: And then we've got a couple of one
19 particularly difficult thing that we're dealing with that
20 we're trying to expedite related to an investigation matter
21 in the company which is a gating item.

22 MALE SPEAKER 2: Oh, you're talking about an
23 internal operational problem?

24 MALE SPEAKER 1: Office of Inspector General.

25 MALE SPEAKER 2: Yeah. We've -- that's -- that

22

1 could be dealt with, the OIG. I mean, it sounds awful, but
2 it's not uncommon.

3 MALE SPEAKER 1: Yeah. The issue is it's -- you
4 know, you need to -- it's not uncommon. It's not that bad.
5 It's a key -- we think it's a Qui tam, but whatever.

6 MALE SPEAKER 2: Yeah.

7 MALE SPEAKER 1: And the issue is it's a little bit
8 pushing as strength. So we've got a strategy to get there,
9 you know, that'll -- we'll go over the next couple weeks how
10 our strategy looks because we've been providing information
11 and ---

12 MALE SPEAKER 2: Okay.

13 MALE SPEAKER 1: --- you know, there really isn't

14 anything there, but we're not going to be able to close with

15 that hanging out there.

16 MALE SPEAKER 2: Understood.

17 MALE SPEAKER 1: And so that -- that's ---

18 MALE SPEAKER 2: What about Trustway?

19 MALE SPEAKER 1: We -- we are -- you know, again,

20 keep it to yourself, please. We are in the market.

21 MALE SPEAKER 2: Well, that's not a secret to

22 anybody.

23 MALE SPEAKER 1: Well, we've actually -- we got a

24 real launch. We were ---

25 MALE SPEAKER 2: Okay -- okay. I was hoping you're

23

1 going to say I'm not -- I can't tell you, but I -- I -- you

2 know, don't tell anybody, but it -- we think we can get 500

3 million for it.

4 MALE SPEAKER 1: I wish -- I wish.

5 MALE SPEAKER 2: One time is the backlog, man. One

6 time is the backlog.

7 MALE SPEAKER 1: Yeah. The hard part for that

8 business is -- is people getting their arms around that level

9 of volatility unless they're in it. So the strategics, you

10 know, obviously have -- have a better insight. You know, the

11 financiability part of it is tougher.

12 MALE SPEAKER 2: Okay.

14 that's the challenge. But the business is way different than
15 it was in 2018. It's -- it's just a different -- they put in
16 a whole bunch of different stuff that's made it a much, much
17 better business. And -- and, you know, we're -- we're
18 hopeful for ---

19 MALE SPEAKER 2: Well, remember I got to see the
20 entire business plan because of my appraisal rights hearing.
21 Carl Moore had to go through all the things that they were
22 going to do to bring all this value in.

23 MALE SPEAKER 1: Yeah. Well, a lot of that they've
24 changed -- like, they changed and I -- Jeff ---

25 MALE SPEAKER 2: Oh, really? Because that was

24

1 October 2018.

2 MALE SPEAKER 1: Yeah. They adapted to the market.
3 They did -- they did some of those, but they really have
4 gotten way better at their -- both their -- their payment
5 protection date provisions in their contracts as well as
6 their -- their hedging strategy. And then in addition, they
7 -- they concentrated their buys, so they just have a better
8 relationship with their suppliers.

9 And then they strategically focus themselves on the
10 more value-add customers who are willing to pay a premium,
11 both for the, you know, design execute -- design flexibility,
12 quality, but also the execution and delivery. And -- and

13 notwithstanding -- notwithstanding, you know, some of them

14 were difficult decisions during the -- the real spike and

15 during the COVID. Trustway didn't miss a single contract.

16 Didn't back out with -- didn't back out of one.

17 MALE SPEAKER 2: Yeah.

18 MALE SPEAKER 1: And all of the competitors did.

19 MALE SPEAKER 2: Okay. That's impressive.

20 MALE SPEAKER 1: And it was -- it wasn't an

21 accident. It was like, all right, this is -- if we're going

22 to have a business that we're selling to people as, "Hey,

23 we're the high-quality guys and we deliver, we're a reliable

24 partner." We got to actually do that. It had -- it had a

25 short-term cost, but the numbers look really good and this

25

1 year's performance was great. So hopefully -- hopefully

2 we'll be able to continue.

3 MALE SPEAKER 2: Got you. Hey, one other thing I

4 -- it just occurred to me, Todd Traver wanted me to ask this.

5 You know, he and I -- I don't know if any of the other former

6 partners hold it, but we have some significant ownership

7 interest in HFP, you know, the equity pilot financial

8 partners, also known as HFT, High Financial Trust.

9 MALE SPEAKER 1: Yeah.

10 MALE SPEAKER 2: And that entity I think took a

11 billion-dollar judgment from UBS.

13 MALE SPEAKER 2: So I think it's pretty worthless

14 under any scenario as it relates to us as pure equity

15 holders.

16 MALE SPEAKER 1: Yeah.

17 MALE SPEAKER 2: The question was, we all have

18 capital accounts that we've getting on our K1s. Are you just

19 going to write those ---

20 MALE SPEAKER 1: Are you still getting K -- are you

21 still getting K1s on those?

22 MALE SPEAKER 2: We did last year. I don't know if

23 we're going to get -- you know, we ---

24 MALE SPEAKER 1: I thought the capital account had

25 gotten zeroed out. I'll have to look at that.

26

1 MALE SPEAKER 2: Well, that's what I'm calling

2 about. If you zero out ---

3 MALE SPEAKER 1: It would be worthless ---

4 MALE SPEAKER 2: Yeah. If you ---

5 MALE SPEAKER 1: --- on that already.

6 MALE SPEAKER 2: Yeah. I mean, for whatever reason

7 Todd accountants thought that the company should do it. And

8 I'm like, you don't have to wait for the company to do it.

9 And I'm like, "Todd, they took a billion-dollar judgment and

10 -- and" ---

11 MALE SPEAKER 1: They even sent out something in --

12 in '08 to tell everybody that there was no value. Now the
13 truth was at that point there actually was all the value that
14 ended up getting siphoned up.

15 MALE SPEAKER 2: Well, and that's just it. Todd is
16 like, well, we had -- we had value based on all the money
17 being siphoned out. But I'm like, okay, well, at this point
18 that was an unsecured claim from the equity and now that UBS
19 comes in with a billion dollars of non-equity based
20 unsecured, I don't think we would -- I think we would get
21 washed out. So ---

22 MALE SPEAKER 1: Yeah, no doubt about it. Somebody
23 else recently asked us -- a Japanese account about this as
24 well, who hadn't taken it. And we said, look ---

25 MALE SPEAKER 2: Well, that's why we're asking.

27

1 Are you just going to write it down and send out the K1s that
2 -- that demonstrate that?

3 MALE SPEAKER 1: It's -- it's got a very fucked up
4 management structure. And so while we owned the GP, there's
5 a different board. So Dondero sat on that board by himself
6 and controlled it.

7 MALE SPEAKER 2: Yeah. I remember that.

8 MALE SPEAKER 1: Through last year.

9 MALE SPEAKER 2: All through last year.

10 MALE SPEAKER 1: Through last year. And so I -- I

12 don't know that we'll be able to tell you what -- tell
13 anybody what to do. I don't think there's any dispute that
14 the equity is worthless.

15 MALE SPEAKER 2: I agree -- I agree. I -- I just
16 -- you know, everybody is looking for something that's coming
17 from a third party so that they could just ---

18 MALE SPEAKER 1: Yeah.

19 MALE SPEAKER 2: --- do it that way. All right.

20 MALE SPEAKER 1: Yeah. I think -- let me -- let me
21 say -- I'll look at that for you guys because I think we had
22 -- we gave something that was ---

23 MALE SPEAKER 2: Some type of notice that just says
24 we've looked at it and it's a write off to zero. You know,
25 that's just what people are looking for.

28

1 MALE SPEAKER 1: Okay. Let see what we can -- let
2 me see what we had sent out and I think we had something
3 helpful from Japanese guys.

4 MALE SPEAKER 2: Okay. Thank you.

5 MALE SPEAKER 1: Okay. Cool.

6 MALE SPEAKER 2: Bye.

7 MALE SPEAKER 1: I will talk to you. Thanks. Bye
8 bye.

9 (Proceedings concluded at XX:XX)

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1 CHANGES AND SIGNATURE

2 WITNESS NAME: --

3 DATE OF DEPOSITION: --

4

5 PAGE	LINE	CHANGE	REASON
6	_____		
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1 I, --, have read the foregoing deposition and hereby
2 affix my signature that same is true and correct, except as
3 noted above.

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8 THE STATE OF TEXAS)

9 COUNTY OF DALLAS)

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Before me, _____, on this day
remotely appeared --, known to me (or proved to me under oath
or through identity card to be the person whose name is
subscribed to the foregoing instrument and acknowledged to me
that he/she executed the same for the purpose and
consideration therein expressed.

Given under my hand and seal of office this _____ day
of _____, _____.

NOTARY PUBLIC IN AND FOR
THE STATE OF _____
My Commission Expires: _____

1 CAUSE NO. DC-22-00304
2 SCOTT BYRON ELLINGTON,)
3 Plaintiff,) IN THE DISTRICT COURT
4) 101ST JUDICIAL DISTRICT
5 V.) DALLAS COUNTY, TEXAS
6 PATRICK DAUGHERTY)
7 Defendant.)
8

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14 I, Marion Ward, the undersigned Certified Reporter in

15 and for the State of Texas, certify to the following:

16 That the transcript of the testimony herein to having

17 been present and transcribing from the audio tape provided to

18 the best of my ability.

19

20

Marion Ward, Texas CSR No. 876
 Expiration Date: 04/30/27
 Complete Legal
 16414 San Pedro Avenue
 Suite 900
 San Antonio, Texas 78232
 866-806-8265

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CAUSE NO. DC-22-00304
SCOTT BYRON ELLINGTON) IN THE DISTRICT COURT
)
Plaintiff,)
)
VS.) 101ST JUDICIAL DISTRICT
)
PATRICK DAUGHERTY,)
)
Defendant.) DALLAS COUNTY, TEXAS

ORAL AND VIDEOTAPED DEPOSITION OF

PATRICK DAUGHERTY

AUGUST 28, 2025

ORAL AND VIDEOTAPED DEPOSITION OF PATRICK DAUGHERTY,
produced as a witness at the instance of the PLAINTIFF,
and duly sworn, was taken in the above-styled and
numbered cause on the 28th day of August, 2025, from
1:01 p.m. to 5:27 p.m., before Kristi Klund, CSR in and
for the State of Texas, reported by machine shorthand, at
the law offices of Gray Reed, 1601 Elm Street, Suite
4600, Dallas, Texas, 75201, pursuant to the Texas Rules
of Civil Procedure and the provisions stated on the
record or attached hereto.

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A P P E A R A N C E S

FOR THE PLAINTIFF:

MS. JULIE PETTIT
THE PETTIT LAW FIRM
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Dallas, Texas 75201
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FOR THE PLAINTIFF:

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mhurst@lynnllp.com

FOR THE DEFENDANT:

MR. DREW YORK
GRAY REED
1601 Elm Street, Suite 4600
Dallas, Texas 75201
dyork@grayreed.com

ALSO PRESENT: Mr. Joe Willis (Videographer)

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1 THE VIDEOGRAPHER: Good afternoon. We're
2 going on the record at 1:01 p.m. on August the 28th,
3 2025. Please note the microphones are sensitive and they
4 may pick up whispering and private conversations. Please
5 mute your phones at this time. This is the video
6 recorded deposition of Patrick Daugherty, taken by
7 counsel in the matter of Scott Byron Ellington versus
8 Patrick Daugherty, filed in the District Court of Dallas
9 County, Texas. The Case Docket Number is 22-00304. The
10 location of the deposition is a 1601 Elm Street, Dallas,
11 Texas.

12 My name is Joe Willis representing Veritext. I am
13 the videographer. The court reporter is Kristi Klund
14 from the firm Veritext. I'm not related to any party in
15 this action, nor am I financially interested in the
16 outcome. If there are objections to proceeding, please
17 state them at the time of your appearance. Will counsel
18 and all present, including -- well, nobody is remote.
19 Please state your appearance and affiliation for the
20 record.

21 MS. PETTIT: Julie Pettit for the
22 Plaintiff.

23 MR. HURST: Michael Hurst for the
24 Plaintiff, Scott Ellington.

25 MR. YORK: Drew York for Patrick

1 Daugherty. And Ms. Pettit, just a quick clarification
2 question. So the Court's Order on this deposition that
3 we're here today was compartmentalized into two parts.
4 One being that there were questions that were asked at
5 Mr. Daugherty's deposition previously that he was
6 instructed to answer that he did not answer. And the
7 Court has allotted three hours -- up to three hours for
8 those questions for which he's not to be instructed not
9 to answer again. And then the remaining hour and 55
10 minutes from the original time available for the first
11 deposition may be used and is not limited in scope. Are
12 you intending to segment your examination into --

13 MS. PETTIT: Yes.

14 MR. YORK: -- these two parts?

15 MS. PETTIT: It will be in two parts.

16 MR. YORK: And which part are you
17 intending to do first?

18 MS. PETTIT: The unanswered questions.

19 MR. YORK: Okay. And would you let me --
20 I mean, I've got the list here but then just so that we
21 can try to keep this on task today, when we get to the
22 points those are done we can --

23 MS. PETTIT: I will let you know.

24 MR. YORK: Thank you.

25 MS. PETTIT: Yep.

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MR. YORK: Okay.

PATRICK DAUGHERTY,

after having been first duly sworn, testified as follows:

EXAMINATION

BY MS. PETTIT:

Q. All right. Good afternoon, Mr. Daugherty. Can you please state your name for the record?

A. Patrick Hagaman Daugherty.

Q. And in your last deposition we discussed a company by the name of Corinthian Capital and you were instructed not to answer who the owner was of that company. Can you identify who the owner is?

A. I'm not familiar with Corinthian Capital.

Q. You've never heard of Corinthian Capital?

A. No. You want me to help you? I think it's Corinthian Healthcare.

Q. Okay. Corinthian Healthcare. Who is the owner of Corinthian Healthcare?

A. As I understand it, Judy McNeel.

Q. You said Judy --

A. McNeel?

Q. -- McNeel. And how do you know Ms. McNeel?

A. She is my mother-in-law.

Q. Okay. Does the owner of Corinthian have any knowledge about your investigation of Mr. Ellington in

1 MR. YORK: Object to form.

2 A. I guess somebody came down to the lobby to
3 greet me, a baldheaded guy that was tall, and a woman and
4 they brought me up and then I met with Seery up there,
5 some other people one time. I don't know. I just --

6 Q. (BY MS. PETTIT) Other than Seery, who did you
7 meet with?

8 A. I mean, do you count these people that -- this
9 one guy was an accountant and I think -- and the woman
10 was I want to say some level of administrative role. I
11 just -- I don't recall.

12 Q. Anyone else that you know by name?

13 A. No.

14 Q. What were the purposes of your meetings at the
15 Highland Capital offices?

16 A. To discuss settlement issues.

17 Q. Did you negotiate the agreements while you were
18 there in the office?

19 MR. YORK: Object to form.

20 A. I just don't -- I don't recall. I mean, the
21 negotiations took place starting in 2020 and went all the
22 way to November 2021. So various things got determined
23 at various times.

24 Q. (BY MS. PETTIT) Did you ever sign any
25 agreements while you were there?

1 A. No. I don't think so. If you have something
2 that can refresh my memory, but I don't recall signing
3 anything.

4 Q. Did you provide any information, such as the
5 data compilations during any of the meetings at
6 Highland's offices?

7 A. No. I think that had all been done before for
8 the most part. I mean, I don't know -- some of the data
9 compilations I resent when -- what's his name -- you
10 know, there's two phases. There's the Highland
11 bankruptcy where there was a creditor's committee and
12 then there was the emergence from bankruptcy which I want
13 to say was August 2021. And so, parts of my deal were
14 negotiated prior to that August -- oh, confirmation and
15 emergence. And then after August, the creditor's
16 committee went away and in came the claimant trust and
17 the claimant litigation trustee, if I'm recalling this
18 correctly, and -- so, yeah, I mean some were done before
19 and some were done after.

20 Q. Did you ever take any of your Ellington
21 Recordings, according to my definition, to your meetings
22 at the Highland offices?

23 MR. YORK: Object to form.

24 A. Yeah, I don't know what an Ellington Recording
25 is. I don't think I have any Ellington Recordings.

1 Q. (BY MS. PETTIT) Okay. So I'll represent to
2 you that we consider your photos that you produced in
3 this case Ellington Recordings, according to our
4 definition in Request For Production?

5 A. That's a weird definition. I don't agree with
6 it.

7 Q. Okay. I understand you don't agree with it,
8 but I'm asking you using that definition did you provide
9 or bring any Ellington Recordings with you to the
10 deposition -- excuse me -- to the meeting at Highland's
11 offices?

12 MR. YORK: Hold on. Object to form,
13 compound.

14 A. Yeah, look, I'm going to try and just cut
15 through it. Because I don't like the question. It
16 doesn't make much sense, but I didn't bring any pictures
17 of Ellington.

18 Q. (BY MS. PETTIT) Well, what about the other
19 photos that you produced in this case? Did you take any
20 of those pictures with you?

21 A. What photos are you talking about?

22 Q. Any photo that you've produced in this case.

23 A. I don't -- no. I didn't bring any photos to
24 their offices, no.

25 Q. Okay.

1 A. On those occasions.

2 Q. All right.

3 A. And by the way, I never sent them any photos.
4 The only photo that was sent was of Ellington standing in
5 the front yard when he'd gone AWOL.

6 Q. That's the only photo you sent to Jim Seery?

7 A. Of -- of Ellington? Of Ellington?

8 Q. Of any photo that was produced in this case.

9 A. Oh, no. I mean, I sent the Highland employee
10 that was -- what was her name -- Sarah Beth Goldsmith or
11 she was Sara Bell back then. Yeah, she was a Highland
12 employee. Ellington had been fired for over a month and
13 I'm like, oh, by the way, your employee's over here at
14 Ellington's place. And she's like, she's no longer an
15 employee, blah, blah, blah. And that was like two days
16 before; and I think he even mentioned in his deposition
17 it was kind of suspicious why -- why she was over there.
18 I did send him those pictures.

19 Q. Okay.

20 A. And -- and, look, if you have others, just
21 remind me. Stop trying to trick me.

22 Q. Okay. I have not had a chance yet to listen to
23 the exhibit or the document recording that you-all
24 produced labeled DEF53104, but can you just tell me
25 generally what that is?

1 A. Seery's lying.

2 Q. And what is he lying about?

3 A. Not knowing about my investigation, not knowing
4 about multiple things.

5 Q. And when was this recording made?

6 A. I want to say May 2022.

7 Q. So was it before or after his deposition?

8 A. Who's deposition?

9 Q. Mr. Seery?

10 A. Before.

11 Q. So you have a recording of Mr. Seery prior to
12 his deposition which is now inconsistent, you're saying,
13 with his deposition?

14 A. Correct.

15 Q. Okay. And why did you make that recording at
16 the time?

17 A. Oh, because people lie, deny and die.

18 Q. What does that mean?

19 A. What do you think it means? It means what it
20 says. People lie, you know, like Mr. Hurst to a jury or
21 Mr. Seery in this case; and people deny, like Ellington,
22 et cetera and lie and some people die -- some witnesses
23 die over time. And so I made that recording to do -- to
24 just trust but verify, you know. I didn't want there to
25 be a situation where somebody turned on me and said, hey,

1 I had no idea and that's kind of what happened in that
2 deposition. And we gave him every opportunity to set the
3 record straight and he chose not to.

4 Q. What do you mean by you gave him every
5 opportunity?

6 A. We asked him to clarify.

7 Q. During the deposition?

8 A. I think so --

9 Q. Okay.

10 A. -- yeah, and he dug in -- foolishly so, in my
11 opinion.

12 Q. Are there any other recordings that you have
13 between you and Mr. Seery?

14 A. Yes.

15 MR. YORK: Object to form.

16 A. I'm sorry, yes.

17 Q. (BY MS. PETTIT) Do any of them involve
18 Mr. Ellington?

19 MR. YORK: Objection to form.

20 A. No.

21 Q. (BY MS. PETTIT) Is there any other -- was this
22 recording made at an in-person meeting or over the phone?

23 A. Phone. He was in New York. I was in Dallas.

24 Q. Do you know if New York is a one or two-party
25 state?

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored

in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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Filing Description: ENVELOPE #107366736 DOC001
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EXHIBIT 4

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Counsel for Highland Capital Management, L.P.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§	
	§	Case No. 19-34054-sgj11
Reorganized Debtor.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	Adv. Proc. No. 25-03055-sgj
	§	
v.	§	
	§	
PATRICK HAGAMAN DAUGHERTY,	§	
	§	
Defendant.	§	

¹ Highland’s last four digits of its taxpayer identification number are (8357). The headquarters and service address for Highland is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

**HIGHLAND CAPITAL MANAGEMENT, L.P.'S REQUESTS FOR THE
PRODUCTION OF DOCUMENTS DIRECTED TO PATRICK DAUGHERTY**

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Bankruptcy Procedure 7026 and 7034, incorporating by reference Federal Rules of Civil Procedure 26 and 34, Highland Capital Management, L.P., the reorganized debtor in the above-referenced bankruptcy case and plaintiff/counter-defendant in the above-referenced adversary proceeding (“Highland”), hereby demands that Patrick Daugherty (“Daugherty”) produce for inspection and copying all non-privileged documents responsive to the requests below (the “Requests”) on or before **November 24, 2025, by 5:00 p.m. Central Time**, in connection with the litigation of claims asserted in Highland’s *Complaint for (1) Disallowance of Claim No. 205 in Its Entirety, (2) Estimation of Claims No. 205 for Allowance Purposes, or (3) Subordination of Any Allowed Portion of Claim No. 205 of Patrick Hagaman Daugherty* [Adv. Pro. Docket No. 1] (the “Complaint”).

INSTRUCTIONS

1. For each Document (as defined below) withheld by reason of a claim of privilege, provide a privilege log identifying such Document together with: (a) the date of the Document; (b) the identity of the author or preparer; (c) the identity of each person who was sent or furnished with the Document or who received or had possession or custody of the document; (d) a description of the Document, including identification of any attachments or appendices; (e) a statement of the basis of the claim of privilege; and (f) the paragraph of this request to which the document is responsive. In the case of Documents concerning a meeting or conversation, identify all participants in the meeting or conversation.

2. Each Document shall be produced in a fashion that indicates clearly the file in which it was located.

3. If a Document cannot be produced in full, produce it to the extent possible, identify the portion that cannot be produced, and specify the reasons for Your (as defined below) inability to produce the remainder.

4. You are required to produce ESI (as defined below) in searchable form on DVDs, CD-ROMs, or other media to be mutually agreed by the parties.

5. Documents may be produced in paper format or electronically. If Documents are produced electronically, or if any ESI is produced, the following formatting should be used:

- Use .tif format for all Documents that were not originally in Excel format, in which case, use .xls or .xlsx format;
- If possible, without creating undue delay, please produce Documents in Summation-ready DVDs, CD-ROMs, or other media to be mutually agreed by the parties with .tiff and text format, and with a Summation load file; and
- Transmit electronic Documents or ESI on DVDs, CD-ROMs, or other media to be mutually agreed by the parties or use an ftp site upload.

6. These Requests shall be deemed continuing, and supplemental answers shall be required if You directly or indirectly obtain further information after Your initial response to these Requests, as required by Fed. R. Bank. P. 7026(e).

7. The use of either the singular or plural shall not be deemed a limitation. The use of the singular includes the plural, and vice versa.

8. The Requests seek Documents and Communications created, sent, or received between February 27, 2009, and the date of Your responses to these Requests.

DEFINITIONS

1. “2008 Refund” has the meaning ascribed to that term in paragraph 19 of the Complaint.
2. “2008 K-1” has the meaning ascribed to that term in paragraph 22 of the Complaint.
3. “2008 Audit” has the meaning ascribed to that term in paragraph 23 of the Complaint.
4. “Books and Records” means “the HERA and ERA books and records (spreadsheet) maintained on HCMLP’s system.” *See* Settlement Agreement ¶ 8.
5. “Complaint” means the Complaint filed in the above-referenced adversary proceeding.
6. “Compensation Statement” means the *Comprehensive Compensation and Benefits Statement* Highland provided to Daugherty on or about February 27, 2009.
7. “Counterclaims” means the *Counterclaim[s] Against Plaintiff/Counter Defendant Highland Capital Management, L.P.* You asserted on October 3, 2025, in the document filed at Docket No. 39 in the above-referenced adversary proceeding.
8. “Employment Agreement” means any written or oral agreement pertaining to Your employment by Highland that was effective at any time between January 1, 2009, and the date You were no longer employed by Highland.
9. “HERA Release Agreement” means that certain HERA Release Agreement entered into as of November 21, 2021, and executed by Highland, You, Highland Employee Retention Assets, LLC, and Highland ERA Management, LLC.

10. “Highland” means Highland Capital Management, L.P., including its current and former officers, employees, and agents (*e.g.*, outside counsel).

11. “H&W” means the law firm Hunton Andrews Kurth LLP, including its attorneys and representatives.

12. “IRS” means the Internal Revenue Service, including its employees and representatives.

13. “Reserved Claim” has the meaning ascribed to that term in paragraph 8 of the Settlement Agreement.

14. “Seery” means the individual James P. Seery, Jr.

15. “Settlement Agreement” means that certain *Settlement Agreement* executed by Highland on November 21, 2021, and You on November 22, 2021, and any drafts of such Settlement Agreement.

16. “Tax Matters Partner” means the person or entity authorized to act on Highland’s behalf with respect to the 2008 Audit.

17. “You” or “Your” means Patrick Hagaman Daugherty and anyone with actual or apparent authority to act on his behalf.

DOCUMENT REQUESTS

Request No. 1:

All Communications with the IRS concerning the 2008 Refund or the 2008 K-1 or the 2008 Audit.

Request No. 2:

All Communications with the Tax Matters Partner concerning the 2008 Refund or the 2008 K-1 or the 2008 Audit.

Request No. 3:

All Communications with H&W concerning the 2008 Refund or the 2008 K-1 or the 2008 Audit.

Request No. 4:

All Communications with Highland concerning the 2008 Refund or the 2008 K-1 or the 2008 Audit.

Request No. 5:

All Documents and Communications concerning the Compensation Statement.

Request No. 6:

Your personal federal income tax return(s), including any amended return(s), for the 2008 tax year, and Your personal federal income tax returns for any other years that concern the 2008 Refund, the 2008 K-1, or the 2008 Audit, if applicable.

Request No. 7:

All Documents and Communications concerning any Employment Agreement.

Request No. 8:

All Documents and Communications concerning the negotiation and drafting of the Settlement Agreement.

Request No. 9:

All audio or other recordings of any conversations between You and Seery, including any purported transcript or summary of any such conversations.

Request No. 10:

All audio or other recordings of any conversation between You and any current or former employee, agent, or representative of Highland concerning the 2008 Refund, the 2008 K-1, and the 2008 Audit, including any purported transcript or summary of any such conversation.

Request No. 11:

All Documents and Communications concerning Your use, application, or investment of the 2008 Refund.

Request No. 12:

All Documents and Communications concerning any contingent liability or contingent obligation You contend relate to the 2008 Refund.

Request No. 13:

All Documents and Communications concerning the Reserved Claim.

Request No. 14:

All Documents and Communications concerning the reserve created by Highland on account of the Reserved Claim.

Request No. 15:

All Documents and Communications concerning any of Your affirmative defenses.

Request No. 16:

All Documents and Communications concerning Your contention that Highland has “refused and failed” to turn over the Books and Records.

Request No. 17:

All Documents and Communications concerning Your contention that You or any of Your controlled affiliates have any claims against any Highland employees, in any capacity, released pursuant to paragraph 6 of the Settlement Agreement.

Request No. 18:

All Documents and Communications concerning Your contention that You or any of Your controlled affiliates have any claims against any Highland employees, in any capacity, released pursuant to paragraph 1 of the HERA Release Agreement.

Request No. 19:

All Documents and Communications concerning Your Counterclaims, including all invoices concerning Your claim for attorneys' fees and any other damages You contend Highland caused by breaching its agreement with You.

Dated: October 24, 2025

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Counsel for Highland Capital Management, L.P.

CERTIFICATE OF SERVICE

I hereby certify that, on October 24, 2025, true and correct copies of the foregoing Requests were served via electronic mail on counsel for defendant/counter-plaintiff Patrick Daugherty.

/s/ Zachery Z. Annable

Zachery Z. Annable

EXHIBIT 5

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Counsel to Patrick Daugherty

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In Re:	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§	Case No. 19-34054-sgj 1
Reorganized Debtor.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
Plaintiff,	§	
v.	§	Adv. Proc. No. 25-03055-sgj
PATRICK HAGAMAN DAUGHERTY,	§	
Defendant.	§	
	§	

¹ Highland’s last four digits of its taxpayer identification number are (8357). The headquarters and service address for Highland is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

**PATRICK DAUGHERTY'S AMENDED RESPONSES TO HIGHLAND CAPITAL
MANAGEMENT, L.P.'S REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

TO: Plaintiff/Counter-Defendant, Highland Capital Management, L.P., by and through its attorneys of record, Jeffrey N. Pomerantz, John A. Morris, Gregory V. Demo, and Hayley R. Winograd, PACHULSKI STANG ZIEHL & JONES LLP, 10100 Santa Monica Blvd., 13th Floor, Los Angeles, CA 90067; and Melissa S. Hayward and Zachery Z. Annable, HAYWARD PLLC, 10501 N. Central Expressway, Suite 106, Dallas, Texas 75231.

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, and Rule 7034 of the Federal Bankruptcy Rules of Procedure, and in accordance with the agreements reached between the parties as part of the meet and confer process, Patrick Daugherty (“Daugherty”) hereby makes and serves his Amended Responses to certain of Highland Capital Management, L.P.’s Requests for the Production of Documents (“Amended Responses”). Specifically, Daugherty hereby amends his responses to Request Nos. 7 and 11.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST NO. 1:

All Communications with the IRS concerning the 2008 Refund or the 2008 K-1 or the 2008 Audit.

RESPONSE: Daugherty will produce responsive documents in accordance with the Court’s scheduling order for substantially completing document production by December 12, 2025. [Doc. No. 37 at p. 2.]

REQUEST NO. 2:

All Communications with the Tax Matters Partner concerning the 2008 Refund or the 2008 K-1 or the 2008 Audit.

RESPONSE: After a reasonable inquiry, Daugherty has not identified any responsive documents in his possession, custody or control.

REQUEST NO. 3:

All Communications with H&W concerning the 2008 Refund or the 2008 K-1 or the 2008 Audit.

RESPONSE: After a reasonable inquiry, Daugherty has not identified any responsive documents in his possession, custody or control.

REQUEST NO. 4:

All Communications with Highland concerning the 2008 Refund or the 2008 K-1 or the 2008 Audit.

RESPONSE: Daugherty will produce responsive documents in accordance with the Court's scheduling order for substantially completing document production by December 12, 2025. [Doc. No. 37 at p. 2.]

REQUEST NO. 5:

All Documents and Communications concerning the Compensation Statement.

RESPONSE: Daugherty objects to the portion of this request seeking "document concerning the Compensation Statement" as vague. Fed. R. Civ. P. 34(b)(2). Given that the Compensation Statement is, itself, a document, it is unclear how another document could be concerning that document. Daugherty is unable to search for responsive documents accordingly, but Daugherty agrees to reproduce the Compensation Statement in his possession, custody or control in accordance with the Court's scheduling order for completing document production by December 12, 2025. [Doc. No. 37 at p. 2.]

Daugherty also objects that this request appears to seek documents and communications that are the subject of the attorney-client and work product privileges. Daugherty is withholding any such documents and communications. Daugherty will produce any non-privileged "communications...concerning the Compensation Statement" in his possession, custody or control in accordance with the Court's scheduling order for completing document production by December 12, 2025. [Doc. No. 37 at p. 2.]

REQUEST NO. 6:

Your personal federal income tax return(s), including any amended return(s), for the 2008 tax year, and Your personal federal income tax returns for any other years that concern the 2008 Refund, the 2008 K-1, or the 2008 Audit, if applicable.

RESPONSE: Upon entry of a protective order, Daugherty will produce his tax return for the 2008 tax year as well as any other responsive documents.

REQUEST NO. 7:

All Documents and Communications concerning any Employment Agreement.

RESPONSE: Daugherty objects to the request as overbroad, not proportional to the needs of the case, and seeks documents and communications not relevant to the claims or defenses in this adversary proceeding. Fed. R. Civ. P. 26(b)(1). This adversary proceeding is about the 2008 Audit and related tax implications on Daugherty. The Employment Agreement covers a range of topics that have no bearing on the 2008 Audit or this lawsuit and thus, are irrelevant. For example, this request as written would require Daugherty to produce thousands and thousands of pages of documents from the *Highland Capital Management, L.P. v. Daugherty* lawsuit in Texas state court that reached a final, non-appealable judgment in 2016. Moreover, as written, the request would seek communications between Daugherty and his counsel in the Texas state court lawsuit, which would be subject to the attorney-client and work product privileges.

Based on these objections, Daugherty is not producing any responsive documents.

AMENDED RESPONSE: During the meet and confer process, Highland represented that it was narrowing the scope of this Request to “All Documents and Communications concerning the terms of any Employment Agreement between Highland and Daugherty” for the time period January 1, 2008, and the date Daugherty was no longer employed by Highland. Based on this representation, Daugherty withdraws the objections in his original response. Daugherty has not identified any responsive Documents or Communications to the narrowed scope of the Request in his possession, custody or control. Documents responsive to this Request are being produced concurrently herewith.

REQUEST NO. 8:

All Documents and Communications concerning the negotiation and drafting of the Settlement Agreement.

RESPONSE: Daugherty objects to this request because it seeks documents and communications between Daugherty and his counsel concerning the negotiation and drafting of the Settlement Agreement, which are subject to the attorney-client privilege. Such documents and

communications will not be produced. Daugherty will produce any non-privileged documents or communications regarding the negotiation and drafting of the Settlement Agreement that he has in his possession, custody or control in accordance with the Court's scheduling order for completing document production by December 12, 2025. [Doc. No. 37 at p. 2.]

REQUEST NO. 9:

All audio or other recordings of any conversations between You and Seery, including any purported transcript or summary of any such conversations.

RESPONSE: Daugherty objects that the request seeks documents that are not relevant to the claims or defenses asserted in this adversary proceeding. Fed. R. Civ. P. 26(b)(1). Any recorded conversations have no bearing on Plaintiff's claims in this action, which relate solely to the treatment of Daugherty's Reserved Claim. Based on this objection, Daugherty is not producing any responsive documents.

REQUEST NO. 10:

All audio or other recordings of any conversation between You and any current or former employee, agent, or representative of Highland concerning the 2008 Refund, the 2008 K-1, and the 2008 Audit, including any purported transcript or summary of any such conversation.

RESPONSE: Daugherty objects that the request seeks documents that are not relevant to the claims or defenses asserted in this adversary proceeding. Fed. R. Civ. P. 26(b)(1). Any recorded conversations have no bearing on Plaintiff's claims in this action, which relate solely to the treatment of Daugherty's Reserved Claim. Based on this objection, Daugherty is not producing any responsive documents

REQUEST NO. 11:

All Documents and Communications concerning Your use, application, or investment of the 2008 Refund.

RESPONSE: Daugherty objects to this request to the extent it seeks documents and communications regarding matters not relevant to the immediate lawsuit. Fed. R. Civ. P. 26(b)(1). This lawsuit is entirely about the 2008 Audit and related tax implications on Daugherty. It matters not how Daugherty used or invested the 2008 Refund, despite Plaintiff's claim that Daugherty could not have suffered harm because of the amount of money he could have made—via investment or otherwise—in the period between 2008 and present. Moreover, the request is overbroad and not proportionate to the needs of the case because it would, as written, require Daugherty to turn over every financial document in his possession, custody or control that was created after the 2008 Refund. Daugherty is withholding documents accordingly.

AMENDED RESPONSE: During the meet and confer process, Highland’s counsel represented that Highland was narrowing the scope of the Request to “All Documents and Communications concerning the initial disposition of the 2008 Refund (i.e., was it invested in the market, put in the bank, commingled, etc.)” Daugherty is maintaining his relevance objection to this Request. What Daugherty did with the 2008 Refund is not relevant to Highland’s claims seeking to reject, estimate or subordinate Daugherty’s Class 8 claim in the Highland Bankruptcy. Daugherty has not identified any responsive Documents or Communications still in his possession, custody or control that concern the initial disposition of the 2008 Refund. Documents responsive to this Request are being produced concurrently herewith.

REQUEST NO. 12:

All Documents and Communications concerning any contingent liability or contingent obligation You contend relate to the 2008 Refund.

RESPONSE: Daugherty will produce any responsive documents in his possession, custody or control in accordance with the Court’s scheduling order for completing document production by December 12, 2025. [Doc. No. 37 at p. 2.]

REQUEST NO. 13:

All Documents and Communications concerning the Reserved Claim.

RESPONSE: Defendant objects to this request because it is overbroad and not proportional to the needs of the case. Fed. R. Civ. P. 26(b)(1), 34(b)(2). The Reserved Claim relates to the amount of money that might be owed to Daugherty based on the outcome of the IRS’ audit of the 2008 Refund. The 2008 Refund and the related audit are what this litigation is entirely premised upon. Thus, this request seeks every document regarding the basis of this dispute and also subsumes a number of other requests herein. Daugherty also objects that this request seeks documents and communications between Daugherty and his counsel which are subject to the attorney-client or work product privileges. Daugherty is withholding any such documents and communications. Daugherty refers Plaintiff to the documents that will be produced in response to the other requests in accordance with the Court’s scheduling order for completing document production by December 12, 2025. [Doc. No. 37 at p. 2.]

REQUEST NO. 14:

All Documents and Communications concerning the reserve created by Highland on account of the Reserved Claim.

RESPONSE: Daugherty objects to this request because it seeks, as written, documents and communications between Daugherty and his counsel that are subject to the attorney-client or

work product privileges. Daugherty is withholding any such documents and communications. Daugherty will produce responsive, non-privileged documents in his possession, custody or control in accordance with the Court's scheduling order for completing document production by December 12, 2025. [Doc. No. 37 at p. 2.].

REQUEST NO. 15:

All Documents and Communications concerning any of Your affirmative defenses.

RESPONSE: Daugherty objects to this request as not reasonably particular because it merely asks for documents related to all affirmative defenses. Fed. R. Civ. P. 34(b). *See Banca Pueyo, S.A. v. Lone Star Fund IX (U.S.), L.P.*, 2020 WL 10046110, at *11 (N.D. Tex. Sept. 25, 2020) (citing *Hinds v. Baker Hughes, Inc.*, 2007 WL 9710939, at *5 (W.D. Tex. Aug. 8, 2007)). The law is clear that a party cannot request all documents in support of a defense or contention. Daugherty is withholding documents accordingly.

REQUEST NO. 16:

All Documents and Communications concerning Your contention that Highland has "refused and failed" to turn over the Books and Records.

RESPONSE: Daugherty objects to this request because it seeks, as written, communications between Daugherty and his counsel that are subject to the attorney-client or work product privileges. Daugherty is withholding any such communications. Daugherty will produce responsive, non-privileged documents in his possession, custody or control in accordance with the Court's scheduling order for completing document production by December 12, 2025. [Doc. No. 37 at p. 2.].

REQUEST NO. 17:

All Documents and Communications concerning Your contention that You or any of Your controlled affiliates have any claims against any Highland employees, in any capacity, released pursuant to paragraph 6 of the Settlement Agreement.

RESPONSE: Daugherty objects to this request because it seeks, as written, communications between Daugherty and his counsel that are subject to the attorney-client or work product privileges. Daugherty is withholding any such communications. Daugherty will produce responsive, non-privileged documents in his possession, custody or control in accordance with the Court's scheduling order for completing document production by December 12, 2025. [Doc. No. 37 at p. 2.].

REQUEST NO. 18:

All Documents and Communications concerning Your contention that You or any of Your controlled affiliates have any claims against any Highland employees, in any capacity, released pursuant to paragraph 1 of the HERA Release Agreement.

RESPONSE: Daugherty objects to this request because it seeks, as written, communications between Daugherty and his counsel that are subject to the attorney-client or work product privileges. Daugherty is withholding any such communications. Daugherty will produce responsive, non-privileged documents in his possession, custody or control in accordance with the Court's scheduling order for completing document production by December 12, 2025. [Doc. No. 37 at p. 2.].

REQUEST NO. 19:

All Documents and Communications concerning Your Counterclaims, including all invoices concerning Your claim for attorneys' fees and any other damages You contend Highland caused by breaching its agreement with You.

RESPONSE: Daugherty objects to this request as not reasonably particular because it merely asks for documents concerning Daugherty's Counterclaims. Fed. R. Civ. P. 34(b). *See Banca Pueyo, S.A. v. Lone Star Fund IX (U.S.), L.P.*, 2020 WL 10046110, at *11 (N.D. Tex. Sept. 25, 2020) (citing *Hinds v. Baker Hughes, Inc.*, 2007 WL 9710939, at *5 (W.D. Tex. Aug. 8, 2007)). The law is clear that a party cannot request all documents in support of a defense or contention. Daugherty is withholding documents accordingly, but Daugherty will produce redacted attorney's fees invoices concerning his Counterclaim for attorney's fees resulting from Highland's breach of the Settlement Agreement in accordance with the Court's scheduling order for completing document production by December 12, 2025. [Doc. No. 37 at p. 2.]

GRAY REED

By: /s/ Andrew K. York

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Counsel to Patrick Daugherty

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Responses was served, via email, on counsel for Highland Capital Management, L.P., on this 12th day of December, 2025.

/s/ Andrew K. York

ANDREW K. YORK