

**DECLARATION OF J. REID BURLEY IN SUPPORT OF
PATRICK DAUGHERTY'S RESPONSE TO HIGHLAND'S MOTION TO COMPEL**

1. I, J. Reid Burley, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

2. I am an attorney at the law firm of Gray Reed & McGraw LLP, counsel to Patrick Daugherty in the above-captioned adversary proceeding. I submit this declaration in support of Mr. Daugherty's Response to Highland's Motion to Compel [Doc. No. 60] being filed concurrently with this declaration. This declaration is based on my personal knowledge and review of the documents listed below and attached hereto.

3. Attached as Exhibit 1 is a true and correct copy of an excerpt of the deposition transcript of James Seery, current CEO of Highland. This deposition was taken in the state court action of *Scott Byron Ellington v. Patrick Daugherty*, Cause No. DC-22-00304, pending in the Judicial District Court of Dallas County, Texas. The deposition was taken on March 20, 2024, and Mr. Seery was a non-party.

Executed on this 5th day of January, 2026.

/s/ J. Reid Burley

J. Reid Burley

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing instrument was served on all Parties or counsel of record herein on this 5th day of January 2026, via the CM/ECF system and/or email.

/s/ Andrew K. York

ANDREW K. YORK

EXHIBIT 1

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IN THE DISTRICT COURT
DALLAS COUNTY, TEXAS

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SCOTT BYRON ELLINGTON,

PLAINTIFF,

-against- Cause No.:
DC-22-00304

PATRICK DAUGHERTY,

DEFENDANT.

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DATE: March 20, 2024
TIME: 9:30 A.M.

VIDEOTAPED DEPOSITION of the Non-Party
Witness, JAMES SEERY, taken by the Plaintiff,
pursuant to a Subpoena and to the Federal Rules of
Civil Procedure, held at the offices of Willkie,
Farr & Gallagher, LLP, 787 Seventh Avenue, New York,
New York 10019, before Karyn Chiusano, a Notary
Public of the State of New York.

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A P P E A R A N C E S:

THE PETTIT LAW FIRM
Attorneys for the Plaintiff
SCOTT BYRON ELLINGTON
2101 Cedar Springs ~ Suite 1540
Dallas, Texas 75201
BY: JULIE PETTIT, ESQ.
jpettite@pettitfirm.com

LYNN, PINKER, HURST & SCHWEGMANN, LLP
Attorneys for the Plaintiff
SCOTT BYRON ELLINGTON
2100 Ross Avenue ~ Suite 2700
Dallas, Texas 75201
BY: MICHAEL K. HURST, ESQ.
MICHELE NAUDIN, ESQ., via Zoom
mhurst@lynnllp.com
mnaudin@lynnllp.com

GRAY REED
Attorneys for the Defendant
PATRICK DAUGHERTY
1601 Elm Street ~ #4600
Dallas, Texas 75201
BY: DREW YORK, ESQ.
dyork@grayreed.com

WILLKIE, FARR & GALLAGHER, LLP,
Attorneys for the Witness
JAMES SEERY
787 Seventh Avenue
New York, New York 10019
BY: JOSH LEVY, ESQ.
BENJAMIN GITELMAN-FONSECA, ESQ.
MARK STANCIL, ESQ.
JOHN MORRIS, ESQ.
SIMONE MARTON, ESQ.
jlevy@willkie.com
bgitelman-fonseca@willkie.com
mstancil@willkie.com

ALSO PRESENT:
PHIL GLAUBERSON, Videographer
PATRICK DAUGHTERTY, via Zoom
SCOTT BYRON ELLINGTON

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F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

1 THE VIDEOGRAPHER: Good morning.

2 We are going on the record at 10:14
3 A.M., March 20, 2024.

4 Please note that microphones are
5 sensitive and may pick up whispering and private
6 conversations.

7 Please mute your phones at this time,
8 and place them away from the microphones as they can
9 interfere with the audio.

10 Audio and video recording will continue
11 to take place unless all parties agree to go off the
12 record.

13 This is Media Unit 1 of the
14 video-recorded deposition of James Seery, in the
15 matter of Scott Byron Ellington versus Patrick
16 Daugherty, filed in the District Court, 101st
17 Judicial District, Dallas County, Texas,
18 DC-22-00304.

19 The location of this deposition is
20 Willkie, Farr & Gallagher, LLP, 787 Seventh Avenue,
21 New York, New York.

22 My name is Phil Glauberson,
23 representing Veritext, and I am the Videographer.
24 The Court Reporter is Karyn Chiusano, from Veritext.

25 I'm not authorized to administer an

1 Q. Did Mr. Daugherty ever tell you that he
2 followed Ms. Goldsmith?

3 A. No.

4 Q. Are you aware of any evidence that
5 indicates that Mr. Daugherty followed Ms. Goldsmith?

6 MR. HURST: Objection; speculation,
7 foundation.

8 A. I -- I -- yeah.

9 I -- I don't -- I don't -- I don't
10 know. He just sent me the two pictures and said:
11 This is who she is.

12 And I told him to "cut it out."

13 Q. Did Mr. Daugherty ever tell you that he
14 followed Mr. Ellington?

15 A. No.

16 Q. Did Mr. Daugherty ever tell you that he
17 followed any of Mr. Ellington's family members?

18 A. No.

19 Q. You have not done any investigation
20 into the evidence that was -- has been presented in
21 the lawsuit between Mr. Ellington and Mr. Daugherty
22 that related to the Injunction; correct?

23 A. Did you say "investigation"?

24 Q. Correct.

25 You haven't looked at any of the

1 evidence that was presented, in terms of the
2 testimony itself, or any of the documents that were
3 admitted into evidence at any of the hearings or
4 anything like that; right?

5 A. I -- I don't -- I don't believe so.
6 Only what I have been shown here in --
7 in prep.

8 Q. Okay.

9 And so, you have not -- just to be
10 clear: You have not reached a conclusion yourself
11 as to what the facts actually show as to whether or
12 not Mr. Daugherty was invading Mr. Ellington's
13 privacy; correct?

14 MR. LEVY: Object to form.

15 A. I'm not -- I'm not quite sure what
16 you're asking me.

17 Q. You haven't -- in terms of what you
18 have seen in the case, it's just what you have read;
19 correct?

20 A. Correct.

21 And the only thing that I can recall,
22 reading directly, was the Appellate opinion.

23 MR. HURST: Objection; non-responsive.

24 Q. Okay.

25 And you -- and you haven't reviewed any

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C E R T I F I C A T E

STATE OF NEW YORK)
: SS.:
COUNTY OF NEW YORK)

I, KARYN CHIUSANO, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of April, 2024.



KARYN CHIUSANO