

Dan Gawlikowski

From: trip888@aol.com
Sent: Tuesday, February 02, 2010 10:27 PM
To: LovettM@gtlaw.com; rkuehm@williamskherkher.com; wendy@brfamilylaw.com

Mary-Olga,

Thank you for your email. The documents that you received today were (1) Opposed Motion to Recuse Wendy Burgower as the Amicus Attorney (2) Dan Gawlikowski's Response to the First Amended Findings and Order on the Motion to Strike Pleadings and for Sanctions (3) Appellant's Response to Appellee's Motion to Dismiss Notice of Appeal for Lack of Jurisdiction. The originals of these documents were filed in accordance with the Texas Rules of Civil Procedure and conformed copies were provided to you, Robert, and Wendy. Not sure what your complaint is here but all original pleadings are reviewed and signed by me.

I am sorry for the issue on the deposition but health issues for the witness made my short notice necessary if you guys were available. If you need more information let me know. In the mean time please review your correspondence files to establish the kind of notice you have provided my office in this litigation. Specifically look for any attempt by your office to find a convenient date for any depositions you have taken. With that said let me propose the following. If you will agree to not use the signs Dan made in any future proceedings in this case, we will agree to not depose Alicia Sedberry Brooks or call her as a witness at the temporary orders hearing or the trial. However, if you do not agree, our position is that Alicia Sedberry Brooks' testimony is relevant and we will seek to depose her and to call her as a witness at the temporary orders hearing and June trial. If you will recall the sign issue comes up at almost every appearance and if your side needs to use it we need to depose Alicia to get the whole story before the Court.

I will reset the Deposition if one is necessary but I need dates soon if we are going to have a temporary orders hearing for several days in the next week or so.

Beginning on January 7th, I have received several emails from you in which your side of this lawsuit indicated your intent to submit an order to comply with the Court of Appeals' ruling and file the revised draft of the order with the Court for entry. I have made requests to you to be provided with when you intended to file the revised draft. You have not provided me with an answer. Tomorrow is the deadline for the order to comply with the ruling from the Court of Appeals. Are you planning to file the revised draft of the order, reflecting the ruling of the Court of Appeals? Please advise....

Thanks,
Wally