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Date: Wed, 3 Feb 2010 07:50:30 -0600

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Subject: RE:

Wally:

The copies of some of the pleadings I received were not signed. I have never intentionally served unsigned pleadings to another party, so I don't understand this approach. I do, however, understand very clearly your statement that you "reviewed and signed" the pleadings -- as opposed to drafting them yourself.

I am happy to stand on my record regarding noticing of depositions in this case. The only depositions that have been taken since your entry into the case are those of your client and his wife, and those were coordinated with you. My correspondence file does not contain a single objection from you to the dates or times for either of their depositions and I believe that we even modified the time for Mrs. Gawlikowski's deposition once. You know how this works, but pressure from your client is keeping you from sticking to the rules.

Dan's signs are relevant, and what you and he have failed to comprehend, apparently from the beginning, is that the substance of the signs is not what is important -- it's his act in making up signs about the mother of this child and then putting them on his car for the purpose of bullying and intimidating her. (and then, of course, lying about it -- his depo, p. 121.) This is not normal, decent behavior, and as your client said in his deposition, it is not the type of behavior that should be engaged in by someone who is Brisa's parent. (his depo, p. 122) You will recall that your client testified that the signs, placed in the fall of 2006, said (according to him) "Brandi McDonald, of Trammell Crow Company, has used cocaine and sleeps with married men." (his depo, p. 115). The second part of that statement was clearly untrue in 2006. But the point is, Mrs. Sikes has admitted to experimenting with cocaine ten years ago, and has admitted to her relationship with Mr. Brooks. (Haven't you read her deposition?) If the judge even allows testimony into the content of the signs -- and she indicated from our motions in limine that she would not -- my client, unlike yours, will not lie to the court. She will admit her conduct, however irrelevant, and Mrs. Brooks' testimony is wholly unnecessary, and calculated only to harass Mrs. Sikes. We will proceed with the Motion to Quash. Fair warning, though -- given Mrs. Brooks' documented public discourse about Mrs. Sikes and her plans to get revenge by interfering in this custody case, it will not be a good day for Mrs. Brooks or your client.

Please enlighten me as to where you got the idea that the Fourteenth Court of Appeals set a 30-day deadline for the court's compliance with its opinion. I didn't see any mandate issued and the opinion makes reference to no deadline? Am I missing something? I was very surprised to see you (or was it Dan?) make that representation to the court of appeals. **We will send Judge Hellums a proposed order today**, although we are under no obligation to do so -- the court was ordered to modify its order, not us. You will be copied, since you lost your chance to have input by ignoring the order we originally sent. But we do not concede that there is any sort of deadline. This is just another misrepresentation, unless you can prove otherwise.

By the way, we need to depose Dr. Laura Grubb. Do we contact her through you? Are you available for a deposition February 10, 15, or 16? Please advise.