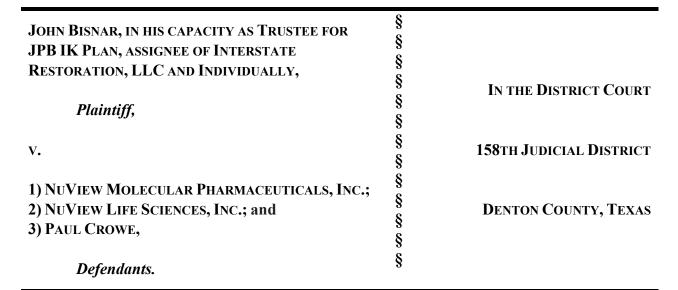
## Case No. 20-8901-158



## Order Overruling Certain Objections to First Postjudgment Discovery, and Granting Motion to Compel Certain Postjudgment Discovery

On April 1, 2021, the Court held a hearing on *The Plan's Request for Rulings* on Judgment Debtor NuView Life Sciences, Inc. and Paul Crowe's Objections to Post-Judgment Discovery; and Motion to Compel Answers to Interrogatories and Production of Documents (with conditional request for reasonable expenses & sanctions), filed on March 16, 2021 (the "Motion"), by Plaintiff John Bisnar, in his capacity as Trustee for JPB IK Plan, (the "Plan"), against Defendants NuView Life Sciences, Inc. and Paul Crowe (collectively "Judgment Debtors"). The Court, taking judicial notice of the file and proceedings in this Case and Case No. 2012-21026-158, and after considering the Motion, any competent evidence, and the arguments of counsel, is of the opinion that the Motion should be GRANTED as set forth below.

<u>Findings</u>: With respect to Judgment Debtors' responses contained in *NuView Life Sciences, Inc. and Paul Crowe's Objections and Answers to the Plan's First Post-Judgment Discovery* (served March 1, 2021 and part of the Record as Exhibit 1 to the Motion) (the "1<sup>st</sup> Postjudgment Discovery"), the Court finds the following:

- Interrogatory No. 1: Response was in bad faith;
- <u>Interrogatory No. 3</u>: Response was in bad faith;
- Interrogatory No. 4: Response was in bad faith and clearly lacking;
- <u>Interrogatory No. 5</u>: Response appears to be in bad faith, but the Court understands that Paul Crowe has taken the stance that he is not married to Ms. Flaherty, and that he has never been;
- Request for Production No. 1: The Response was wholly lacking, and the Court is concerned that supplementation, as of the afternoon of April 1, 2021, was unreasonably late.

<u>Ruling on Objections to Postjudgment Interrogatories</u>: Judgment Debtors' objections to Interrogatories Nos. 3, 4, and 5 (contained in the 1<sup>st</sup> Postjudgment Discovery) are overruled. By April 8, 2021, Judgment Debtors will fully answer under oath Interrogatories Nos. 1, 3, 4, and 5 (contained in the 1<sup>st</sup> Postjudgment Discovery) – and serve those sworn answers on Andrew Korn, the attorney in charge for the Plan.

Ruling on Objections to Postjudgment Request for Production: Judgment Debtors' objection to Request for Production No. 1 is overruled. By April 8, 2021, Judgment Debtors will respond to Request for Production No. 1 (contained in the 1<sup>st</sup> Postjudgment Discovery) with the response required by Tex. R. Civ. P. 196.2(b)(2)<sup>1</sup> or if truthful, the response permitted by Tex. R. Civ. P. 196.2(b)(4)<sup>2</sup>, by serving the response and all responsive items on Andrew Korn, the attorney in charge for the Plan.

<u>Award of Attorney's fees</u>: Attorney fees of \$1,200 are awarded to Andrew Korn, attorney for the Plan, in connection with the preparation and presentation of the Motion, based upon his testimony of 4 hours at a reduced rate of \$300/hr.<sup>3</sup> Paul Crowe is ordered to pay the \$1,200 attorney fees to Andrew Korn by April 8, 2021, noon CST. Mr. Crowe may do Community Service at an approved community

<sup>&</sup>lt;sup>1</sup> "the requested items are being served on the requesting party with the response."

<sup>&</sup>lt;sup>2</sup> "no items have been identified - after a diligent search - that are responsive to the request."

<sup>&</sup>lt;sup>3</sup> The Court also takes judicial notice that the attorneys' fees awarded herein are usual and customary.

service provider, per Denton County Adult Supervision (Probation), with credit of \$7.25 per hour, 20 hours per week, hour for hour, in lieu of payment, starting the week of April 8, 2021. If Paul Crowe chooses the alternative of community service, Mr. Crowe will report his compliance as follows:

On the first day of each month beginning May, 2021, Paul Crowe will file with the Court written proof from Probation showing the amount of community service hours per week that Mr. Crowe has completed; or alternatively, Mr. Crowe may sign and file a declaration in a form to which the penalty of perjury attaches, showing on a per day basis from the previous month the community service hours performed by Mr. Crowe and identifying the tasks Mr. Crowe performed for each of those hours.

SO ORDERED.

SIGNED on April 5th , 2021.

Hon. Steve Burgess PRESIDING JUDGE

## Agreed as to form only:

/s/ Andrew R. Korn

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