

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

THOMAS L. TAYLOR III, et al.	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
ROTHSTEIN KASS & CO., PLLC, et al	§	Case No. 3:19-cv-01594-D
	§	
<i>Defendant</i>	§	

**JOINT SCHEDULING PROPOSAL AND REPORT ON RULE 26(f)
CONFERENCE**

Pursuant to Fed. R. Civ. P. 16(b) and 26(f), and the Court’s Order of September 19, 2019, Plaintiff Thomas L. Taylor III, as Court-appointed temporary receiver for Breitling Energy Corporation, and Defendants Rothstein Kass & Company, PLLC and Brian Matlock, file their Scheduling Proposal and Report on Rule 26(f) Conference, as follows:

1. Proposed Deadlines

The parties propose the following pretrial deadlines for the matters set out in paragraph V.1 of the Court’s Order:

Joinder of additional parties	January 30, 2020
Amendment of pleadings	March 31, 2020
Filing of all motions, including challenges to expert witnesses and dispositive motions, including motions for summary judgment	August 28, 2020
Completion of discovery	August 14, 2020

Plaintiff to designate experts and provide the disclosures required by Rule 26(a)(2)	May 15, 2020
Defendants to designate experts and provide the disclosures required by Rule 26(a)(2)	June 12, 2020
Plaintiff to designate rebuttal expert witnesses and provide the disclosures required by Rule 26(a)(2)	July 10, 2020

In addition to the foregoing, the Parties respectfully propose the following dates for trial and exchange of associated pretrial filings:

Filing of all pretrial materials listed in Rule 26(a)(3), LR 26.2, a proposed jury charge or proposed findings of fact and conclusions of law; motions in limine; and requested voir dire questions	September 30, 2020
Final pretrial conference	October 19, 2020
Trial	November 2, 2020

2. Initial disclosures

The parties do not believe any changes should be made to the timing, form, or requirement for disclosures under Rule 26(a). The parties will exchange their initial disclosures on November 15, 2019.

3. Discovery

Plaintiffs anticipate conducting discovery on the following matters:

The business operations of the Breitling entities and the fraud and violations of securities laws by the Breitling entities and breaches of fiduciary duty by Breitling officers and directors, as well as Defendants' negligence in issuing a "clean" audit opinion for the Breitling entities and Defendants' knowledge of, and participation in,

Breitling's officers and directors' misconduct, breaches of fiduciary duty, violations of law and fraud.

Defendants anticipate conducting discovery on the following matters:

The business operations of the Breitling entities and the fraud and violations of securities laws by the Breitling entities and their officers and directors and the benefits of that fraud to the Breitling entities. The information provided to defendants by the Breitling entities and their agents, the adequacy of the audits based on that information, and the reliance by anyone on the resulting audit opinions. The damages alleged by the plaintiff, and the facts surrounding plaintiff's timing in filing the complaint. The parties do not believe that this case is appropriate for phased discovery, and anticipate that discovery will be completed by August 14, 2020.

4. Electronic discovery

The parties have discussed issues related to the disclosure and discovery of electronically stored information ("ESI"). The parties have not yet agreed on the format for production of ESI, but discussion related thereto is ongoing. Except as amended by agreement, the parties will request and produce ESI in accordance with the Federal Rules of Civil Procedure. The parties have discussed the need to preserve ESI related to this case, and have confirmed that litigation holds are in effect.

5. Claims of Privilege

The parties have not reached any agreements related to claims of privilege, nor have they reached any agreements related to the protection of materials as trial-preparations materials. The parties anticipate that the Rules regarding privilege will

provide adequate protection in this case. Accordingly, the parties do not believe it is necessary for the Court to address matters of privilege in its Scheduling Order.

6. Limitations on Discovery

The parties do not anticipate the need for any changes in the limitations on discovery imposed under the federal and/or local rules.

7. Other orders

None.

8. Referral to Magistrate

The parties do not consent to trial of this matter before the Magistrate Judge.

9. Alternative Dispute Resolution

The parties are amendable to mediation of this case after they have had sufficient time to conduct preliminary discovery. The parties request that any mediation ordered by this Court take place no earlier than December 1, 2019 to allow the parties to fully formulate their settlement positions.

Dated: October 11, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served on all counsel of record through the Court's electronic filing system on October 11, 2019.

/s/ Edward C. Snyder _____