

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

THOMAS L. TAYLOR, III, in his  
Capacity as Court-appointed receiver  
for Breitling Energy Corp.,

Plaintiff,

v.

ROTHSTEIN KASS & COMPANY,  
PLLC and BRIAN MATLOCK,

Defendants.

No. 3:19-cv-01594-D

**ORDER**

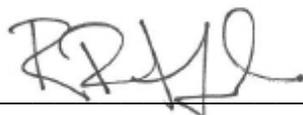
Before the Court is Defendant Rothstein Kass & Company PLLC's (Rothstein Kass) Motion to Compel Document Production from Plaintiff the Receiver (ECF No. 39). The Court heard oral argument from both sides regarding the Motion on June 2, 2020. The same day, the Court granted the Motion in part, and denied it in part, directing the parties to further confer regarding the discovery at issue in an attempt to resolve the remaining pending matters without court involvement. The parties were unsuccessful at resolving the remaining pending matters, and the Court heard oral argument from both sides again on June 29, 2020. The Motion is DENIED without prejudice.

By its Motion, Rothstein Kass asks the Court to order the Receiver to produce documents in response to their Request for Production (RFP) No. 31 seeking "[a]ny and all communications between the Receiver and any claimants in

*SEC v. Faulkner*, 3:16-cv-01735-D (N.D. Tex.) at any time since June 24, 2016.” The Receiver objected to the request on the grounds that the RFP: (1) seeks information that is “entirely irrelevant” to the parties’ claims and defenses; (2) is overbroad and burdensome; and (3) seeks “confidential information pertaining to the victims of the Breitling fraud, who are not parties to [this] case.” See Mot. 3. Pursuant to the Court’s Order (ECF No. 57), however, the Receiver produced responsive documents that he or his assistant had previously segregated. Now, while Rothstein Kass insists that the prior production is incomplete and additional responsive documents to RFP No. 31 “must exist,” the Receiver maintains his objection that the communications sought are irrelevant. Particularly, the Receiver represents that his damages are not based on any of the documents Rothstein Kass seeks. The Receiver’s relevance objection is SUSTAINED. Expert reports are due August 14, 2020. Am. Sched. Order (ECF No. 33). If it appears by the report of the Receiver’s damages expert that the damages calculation *does* rely on investors’ claims against the Receivership Estate, then Rothstein Kass may renew its motion prior to the close of discovery.

**SO ORDERED.**

June 29, 2020.

  
\_\_\_\_\_  
REBECCA RUTHERFORD  
UNITED STATES MAGISTRATE JUDGE