

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

THOMAS L. TAYLOR, III, solely in his	§	
capacity as Court-appointed temporary	§	
Receiver for Breitling Energy	§	
Corporation, <i>et al.</i>	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 3:19-cv-02602-D
	§	
SCHEEF & STONE, LLP, ROGER	§	
CRABB, and MITCH LITTLE,	§	
	§	
Defendants.	§	

STIPULATION OF PARTIES REGARDING THE DEADLINES FOR
DEFENDANTS’ SECOND MOTION TO DISMISS

Plaintiff Thomas L. Taylor, III, solely in his capacity as Court-appointed temporary Receiver for Breitling Energy Corporation, *et al.* (“Plaintiff”) and Defendants Scheef & Stone, LLP, Roger Crabb, and Mitch Little (collectively, “Defendants”) file this Stipulation of Parties Regarding the Deadlines for Defendants’ Second Motion to Dismiss as follows:

1. Plaintiff filed his Original Complaint against Defendants on November 1, 2019 [Doc. 1]. Plaintiff filed his First Amended Complaint against Defendants on December 18, 2019 [Doc. 7].
2. The parties agreed to and complied with the following briefing schedule related to Defendants’ Rule 12(b)(6) Motion to Dismiss the Receiver’s First Amended Complaint:
 - a. Defendants filed their Motion to Dismiss on February 28, 2020 [Docs. 10, 11];
 - b. Plaintiff filed his response to Defendants’ Motion to Dismiss on May 1, 2020 [Doc. 19];

- c. Defendants filed their Reply in Support of Defendants' Motion to Dismiss on June 1, 2020 [Doc. 20].
3. On July 13, 2020, this Court issued its Memorandum Opinion and Order granting in part and denying in part Defendants' Rule 12(b)(6) Motion to Dismiss the Receiver's First Amended Complaint and granting the Receiver leave to replead [Doc. 21].
4. On August 28, 2020, the Receiver filed his Second Amended Complaint [Doc. 22].
5. Defendants intend to respond to the Second Amended Complaint by filing a second Rule 12(b)(6) Motion to Dismiss and/or other similar motion (hereinafter "Defendants' Motion"). Under Federal Rule of Civil Procedure 12, this motion is due within 21 days after being served with the Complaint.
6. The parties have scheduled a mediation with the Honorable Jeff Kaplan of JAMS on October 13, 2020. The parties have agreed on a schedule for the briefing related to Defendants' Motion with the deadlines beginning after the October 13 mediation as follows:
 - a. Defendants will file their Defendants' Motion on or before **October 27, 2020**;
 - b. Plaintiff will file his response to Defendants' Motion on or before **November 24, 2020**;
 - c. Defendants will file their Reply in Support of Defendants' Motion on or before **December 15, 2020**.
7. Further, the parties have agreed to extend the deadline to exchange their initial disclosures under Rule 26(a) to **November 6, 2020** (previously agreed deadline of June 30, 2020).

Dated: September 15, 2020.

Respectfully submitted,

By /s/ Daniel D. Tostrud

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CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2020, the above and foregoing document was forwarded to all counsel of record in accordance with the Federal Rules of Civil Procedure.

By /s/ Daniel D. Tostrud
DANIEL D. TOSTRUD