

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

THOMAS L. TAYLOR, III, in his capacity §
as Court-appointed temporary receiver for §
Breitling Energy Corp. et al., §

Plaintiff §

v. §

NO. 3:19-CV-1594-D §

ROTHSTEIN KASS P.A. d/b/a ROTHSTEIN §
KASS & CO. P.C.; ROTHSTEIN KASS & §
COMPANY, PLLC and BRIAN MATLOCK, §

Defendants. §

**STIPULATION REGARDING RICK HOOVER’S DEPOSITION TESTIMONY IN THE
JINSUN ACTION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by Defendants Rothstein, Kass & Company, PLLC, Rothstein-Kass P.A. d/b/a Rothstein Kass & Company, P.C., (collectively, “Rothstein Kass”) and Brian Matlock (together, “Defendants”), and Plaintiff Thomas L. Taylor III (the “Receiver”) (collectively, the “Parties”), solely in his capacity as temporary Receiver of the Breitling group of companies, that the provisions set forth below shall govern the use of deposition testimony provided by Judson “Rick” Hoover (“Mr. Hoover”) in *Jinsun, L.L.C., et al. v. Rothstein, Kass & Company, PLLC*, No. CC-17-06249-C (Cty. Ct. at Law No. 3, Dallas Cty., Tex. filed Nov. 28, 2017) (“*Jinsun Action*”). .

1. In order to conserve Receivership resources, and because the following witness has already been deposed in a Breitling-related case, the Receiver and Defendants agree that Mr. Hoover’s deposition testimony in the *Jinsun Action* shall be admissible at trial if Mr. Hoover is unavailable at trial, subject to the following conditions:

- a. Whether or not Mr. Hoover is unavailable for trial in the instant action shall be governed by Federal Rule of Evidence 804(a);
 - b. The Parties shall not object to the use of Mr. Hoover's deposition testimony in the *Jinsun* Action as evidence attached to and incorporated into any motions for summary judgment (or responses thereto) filed in the instant action. Solely for purposes of the parties' summary judgment motions (and responses thereto), the deposition testimony in the *Jinsun* Action will be treated by the parties as if taken in this case.
 - c. The Parties will not introduce the Mr. Hoover's deposition testimony in the *Jinsun* Action at trial except as permitted by Fed. R. Civ. P. 32. This stipulation shall not waive or affect either the Receiver's or Defendants' ability to use Mr. Hoover's deposition testimony in the *Jinsun* Action for impeachment purposes at trial.
2. The foregoing shall not be considered a waiver of any objections to questions or testimony stated on the record during Mr. Hoover's deposition testimony in the *Jinsun* Action, and is subject to any future written agreements between the Defendants and the Receiver, court rulings regarding trial testimony, and the rules and limitations of the Federal Rules of Evidence and Civil Procedure.

SO ORDERED this 16th day of November, 2020



SIDNEY A. FITZWATER
SENIOR JUDGE

Agreed as to form:

Dated: November 16, 2020

/s/ Nicolas Morgan

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Dated: November 16, 2020

/s/ Edward C. Snyder

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