

FILED
SUPREME COURT
STATE OF WASHINGTON
10/30/2020 12:57 PM
BY SUSAN L. CARLSON
CLERK

No. 99080-8

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

DAVID CEBERT, an individual,

Petitioner,

v.

KENNEDY, PATRICK and JANE DOE KENNEDY, a marital
community; JOHN KENNEDY and JANE DOE KENNEDY, a marital
community; and MITIGATION OF DISEASE, INC., a Delaware
corporation,

Respondents,

and

AXTEL SCIENTIFIC, INC., a Nevada corporation,

Defendant.

ANSWER TO PETITION FOR REVIEW

William C. Schroeder, WSBA # 41986

Anne K. Schroeder, WSBA # 47952

KSB LITIGATION, P.S.

510 W. Riverside, 3rd Floor
Spokane, Washington, 99201

(509) 624-8988

wcs@KSBLit.legal

aschroeder@KSBLit.legal

Attorneys for Respondents

Table of Contents

IDENTITY OF RESPONDENTS	2
SUMMARY OF ANSWER	2
STATEMENT OF THE CASE	3
Evidence on Summary Judgment	3
<i>MODI</i>	3
<i>AXTEL</i>	6
Evidence At Trial.	10
AUTHORITIES	11
Summary Judgment Standard – Burden Shifting – Cannot Create A Question Of Fact Through Silence	11
Accrual - Contract	13
Accrual - Fraud	14
No Basis Identified To Reverse Jury Verdicts.	18
Costs And Attorney’s Fees Are Requested, Pursuant To RCW 19.108.040, RAP 18.1, And <i>Eagle Group</i>.	19
CONCLUSION	19

TABLE OF AUTHORITIES

Cases

1000 Virginia Ltd. P’ship v. Vertecs Corp., 158 Wn.2d 566, 576, 146 P.3d 423
(2006)..... 14

Baetschi v. Jordan, 68 Wn.2d 478, 482, 413 P.2d 657 (1966) 16

Brown v. General Motors Corp., 67 Wn.2d 278, 282, 407 P.2d 461 (1965)..... 19

Cent. Wash Bank v. Mendelson-Seller, Inc., 113 Wn.2d 346, 345, 779 P.2d 697
(1989)..... 13

Davis v. Cox, 183 Wn.2d 269, 289, 351 P.3d 862 (2015), abrogated on other
grounds by 191 Wn.2d 392 (2018) 13

Dep’t of Labor & Indus. of State v. Kaiser Aluminum & Chem. Corp., 111 Wn.
App. 771, 778, 48 P.3d 324 (2002) 13

Eagle Group, Inc. v. Pullen, 114 Wn. App. 409, 424, 58 P.3d 292 (2002) 20

In re Kelley, 170 Wn. App. 722, 737, 287 P.3d 12 (2012) 12, 13

Macchia v. Salvino, 64 Wn.2d 951, 955, 395 P.2d 177 (1964) 15

Markov v. ABC Transfer, 76 Wn.2d 388, 396, 457 P.2d 388 (1969)..... 18

Schwindt v. Commonwealth Ins. Co., 140 Wn.2d 348, 353, 997 P.2d 353 (2000)
..... 14

Shepard v. Holmes, 185 Wn. App. 730, 739-40, 345 P.3d 786 (2014)..... 15

State v. Garland, 169 Wn. App. 869, 886, 282 P.3d 1137 (2012)..... 16

Stiley v. Block, 130 Wn.2d 486, 505, 925 P.2d 194 (1996) 16

Young v. Savidoe, 155 Wn. App. 806, 823, 230 P.3d 806 (2010)..... 18

Statutes

and RCW 19.108.040..... 20

RCW 4.16.080(3)..... 14

RCW 4.16.280..... 14

Rules

CR 42 19

CR 56 19

RAP 18.1 20

IDENTITY OF RESPONDENTS

Respondents Mitigation of Disease, Inc. (“MODI”), JW Kennedy, and Patrick and Sandra Kennedy make the following Answer to the Petition for Review.

Defendant Axtel Scientific, Inc. (“Axtel”) commenced a bankruptcy proceeding on August 31, 2018, petitioning for liquidation under Chapter 7 of the Bankruptcy Code. [See the 10/28/2020 Docket Report for *In re Axtel Scientific Incorporated*, No. 18-10213-rlj7 (N.D.Tex.Bankr.), attached as an appendix to this Answer] The Chapter 7 bankruptcy was completed on August 13, 2020. [Id.]

SUMMARY OF ANSWER

In a parallel case commenced in Spokane County Superior Court in 2015, Petitioner David Cebert (“Cebert”) claimed that he was the president of both MODI and Axtel, in a failed attempt to use the discovery process to obtain the trade secrets necessary to manufacture the product described in the patent application.

In the present matter, the trial court held him to the declarations he filed in the parallel matter, and summary judgment was granted based upon Cebert’s declaration and deposition testimony, and upon his own writings.

A jury trial conducted in July of 2018 on the counterclaims resulted in verdicts in favor of Respondents.

Documents drafted by Cebert, as well as minutes of meetings Cebert attended, demonstrate that Cebert knew no later than September of 2012 that JW Kennedy was MODI's president. (CP 247; CP 261-65)

As to Axtel, Cebert admitted he received the formation documents on October 19, 2012, which state that JW Kennedy was president. (CP 453-65) On August 31, 2018, Axtel commenced a Chapter 7 bankruptcy proceeding in the Northern District of Texas. As a consequence, neither Axtel's judgment against Cebert, nor Cebert's claims against Axtel were at issue before the Court of Appeals. The Chapter 7 liquidation of Axtel was completed on August 13, 2020.

The decision of the Court of Appeals contradicts neither a decision of this Court nor of another appellate court, and further review is not otherwise warranted.

STATEMENT OF THE CASE

Evidence on Summary Judgment

MODI

Mitigation of Diseases, Inc. ("MODI"), a Delaware company, was formed in 2006, and reincorporated in 2012. (CP 226) On February 14, 2012, MODI held its first board meeting and elected JW Kennedy President. (CP 256-57) On March 5, 2012, Cebert attended MODI's second (telephonic) board meeting at which the minutes from the first meeting were

read, including “John Wayne Kennedy was elected President and Chairman of the Board of Directors.” (CP 234; CP 243; CP 259)

Cebert, in his March 6, 2018 deposition, testified he was orally offered the presidency of MODI in 2011. (CP 232-33) Cebert testified that he accepted the offer to be president in January 2012 by telephone call “that could have been at the first board meeting.” (CP 235) Cebert specifically contended, both in response to written discovery requests and confirmed at his deposition, that the oral promise was that his salary was to start in 2012 at \$1,000 per month for 3 months, then move to \$7,000 per month for 2 months, and then \$8,000 per month “for the duration of a 3-year funding proposal.” (CP 235; CP 361) Cebert testified that his first pay period for his work as MODI’s President was in January of 2012. (CP 235) Cebert testified that he never received a check the first month, in January of 2012, or first two-week pay period of his alleged employment, which would have been at the end of January, 2012. (CP 235)

Cebert also testified Patrick Kennedy promised Cebert was president of MODI in an email dated August 28, 2012. (CP 364-65; see also CP 233 and CP 241) The email is not addressed to Cebert, and on its face contains no offer of the presidency of MODI. Instead, the email concerns a draft Williams Investment Group stock purchase sale agreement, which is attached to the email. (CP 290-91) The draft document provides, inter alia:

“The officers of MODI immediately prior to and after Closing shall comprise John W. Kennedy as president, Patrick Kennedy as Chief Executive Officer and Robert Fritzges as secretary/treasurer.” (CP 241; CP 376; CP 379) Cebert testified that this is the document he is referring to that states he was president. (CP 241) In his March 6, 2018 deposition, Cebert claimed he was promised 600,000 shares of stock in a stock sale proposal to the Williams Group in 2012. (CP 233) However, he admits that the proposal was never finalized. (CP 233)

Cebert testified in his March 6, 2018 deposition that between August 2011 and October 2012 he worked 20 hours to create a label and logo for MODI. (CP 236) Cebert stated in written discovery responses that the brand and logo were created on August 19, 2011. (CP 367) The MODI website Cebert created in 2011 is private to Cebert by password. (CP 231)

Cebert drafted a “MODI Business Plan” dated “August/September 2012” in which he wrote “John Wayne Kennedy [is] the president of MODI,” and “John Wayne Kennedy is the President of MODI[.]” (CP 247, 264-65) Cebert stated in a declaration dated March 16, 2016 that the last time the MODI business plan was edited was on June 3, 2013. (CP 316)

On September 26, 2016, Cebert declared: “In 2011... Defendants Patrick and John Kennedy offered me to be President of the company... and I accepted.” (CP 343; CP 356)

AXTEL

Axtel was formed under the laws of Nevada on October 18, 2012. (CP 207-244) Cebert claimed that he was orally offered the position of president of Axtel in October 2012. (CP 237) Cebert testified that he does not remember any specifics or could testify to any specific terms of this alleged oral contract, other than it happened in October 2012 (CP 237-38) Cebert declared that he was offered the 600,000 shares for compensation for his work and the presidency of Axtel in an email on October 18, 2012. (CP 366; 467) The document Cebert relied upon for that contention provides “The officers of [Axtel] immediately prior to and after Closing shall comprise of John W. Kennedy as president. Patrick Kennedy as Chief Executive Officer and Robert Fritzges as secretary and treasurer.” (CP 241-42, CP 470) The document is a draft sale of stock to a third party, Blue Cap, which was never executed. (Id.)

On October 19, 2012, Cebert received a copy of the formation documents of Axtel, which establish that the President of Axtel is JW Kennedy. (CP 453-465) Cebert acknowledges that he received the Axtel documents. (CP 243)

Cebert testified that the work he did for Axtel was the label and logo for Accilion. (CP 248) However, the labels and logos state that they are for a different entity, Advanced Mineral Compounds (“AMC”), and not Axtel.

(CP 249, CP 495-97) Furthermore, as with MODI, Cebert claimed that Axtel should pay him for the creation of the Craig Wells video. (CP 251) The video has been licensed to AMC. (CP 250) Cebert admits that there is no written contract that states that Axtel will pay Cebert for producing a video for the use and licensure of AMC. (CP 251)

The final work that Cebert testified before trial that he was owed compensation for collecting data for Axtel. (CP 254) Cebert began collecting the patient data in March of 2012 (CP 499-503) He did not receive pay from Axtel or MODI in 2012 for so doing, nor has he ever. Cebert admitted in deposition testimony that he refused to turn over the patient data to Axtel. (CP 253-54, CP 505-06)

Cebert claimed that he was orally promised by P Kennedy an additional 400,000 shares of stock for unspecified 'work' for Axtel in May of 2014. (CP 238-39) Cebert was unable to testify to any specifics of this alleged oral promise, what his work would entail, or how this work would be different and additional than his previously claimed work for Axtel (Id.) From 2012 – 2014, Cebert never held himself out in any writing that he was president of Axtel. In the September 17, 2014 'advisory role resignation email', Cebert wrote that "this is probably the most unusual job application you have probably reviewed", and that he "will not close the door on the

opportunity for Axtel to request my services as President and CEO... But my employment will only be under one condition [.]” (CP 270-72)

On November 3, 2014, Cebert wrote to JW Kennedy concerning his “email resigning my advisory role at Axtel Scientific, September 17, 2014.” (CP 267-68, CP 246)

In November/December of 2014, Cebert drafted a 92-page Powerpoint presentation for certain attorneys concerning his allegations against the Kennedys. (CP 244, CP 274-81) Cebert wrote as of December 2014 that he was not the President of Axtel; that he would consider the position of President only if Axtel was successful and only “under the correct circumstances”; that he would be given stock in lieu of compensation; and that Cebert’s role with Axtel was “advisory” and he resigned from the same on September 17, 2014. (CP 274-77) Cebert called the attorneys’ attention to an email dated March 29, 2013, which Cebert says means that Cebert would become the president of Axtel, if the conditions were right. (CP 275-76)

In early 2015, Cebert and Noder retained new, shared counsel, who sent a letter dated March 20, 2015 to Kennedys, claiming: 1) to be the true representatives of Axtel Scientific, Inc.; and 2) that the Kennedys “unlawfully misappropriated Axtel’s intellectual property rights[.]” (CP

283-86) The demand letter makes no mention of Cebert's claim that Cebert was president of MODI or of Axtel. (Id.)

On May 6, 2015, a signed complaint was served, though never timely filed. (CP 288-300) This complaint provides: "if [Cebert's] efforts, the company, and the formula... were successful, [Cebert] would be offered the position of President[.]" (Id.)

On November 23, 2015, Cebert accessed the Nevada Secretary of State's website and confirmed that the President of Axtel was JW Kennedy and had been since the company's formation. (CP 302-03, CP 244-45)

On February 16, 2016, Cebert filed the Complaint commencing this action, which alleges that Cebert was offered and had already accepted the position of president. (CP 1-15; CP 24-36)

Kennedys moved for summary judgment as to all of Cebert's claims. (CP 166-91; CP 192-499) Cebert filed a response brief, and a declaration of counsel with documentary exhibits. (CP 513-29; CP 530-635) Cebert supplied no declaration of himself in response to the motion for summary judgment to state that he did not and could not find out that he was not president of MODI or of Axtel until after February 16, 2013, three (3) years prior to the filing date of the Complaint.

Evidence At Trial.

P. Kennedy had previously helped Cebert on a business venture that did not work out. (RP 533-35) JW Kennedy was introduced to Cebert telephonically in 2012, through P. Kennedy. (RP 202) Not long after, Cebert wrote in his personal diary: "CHECK OUT TRADE SECRET STATUS". (RP 479-81, Ex. R-118) Cebert testified at trial that the Kennedys had initially "called me because they wanted to tell that story. Pat [Kennedy] knew I had the skill set to do that." (RP 721) Cebert testified that he "... was working with Pat Kennedy and Robert the most. I don't know that there would be any reason for hierarchy, but that's who I was talking with the most at MODI." (RP 745) Cebert testified that his "job was to create the brand. Create the website. Create the names, MODI. MODI was already created. To create the name Accilion to put a face on the product." (RP 724) Cebert testified at trial that he was "working with the Kennedy brothers" (RP 722), and that he "quit working with the Kennedys" when he "submitted [his] letter of resignation on September 17th, 2014." (RP 521) Cebert confirmed that he "resigned as advisor". (RP 524) Cebert testified at trial that he sent the email resigning as advisor, but "agree[d] to keep working with... Michael Noder," (RP 771) and that the reason he "quit working with Axtel and MODI" was that he "learned" that the Foundation could not give free Product to one of Cebert's friends. (RP 768)

Cebert also refused to provide the patient data, unless JW Kennedy gave exclusive global rights to the Product to AMC and Noder. (RP 388-89, Ex. R-113; RP 679-83; RP 845-47; see also CP 267-72 and CP 246) Shortly thereafter, Cebert recorded the following personal note: “RUSSIAN PATENT EXPIRED”. (RP 483, Ex. R-124)

The jury returned verdicts in favor of Respondents and Axtel.

AUTHORITIES

Summary Judgment Standard – Burden Shifting – Cannot Create A Question Of Fact Through Silence

“A party cannot create genuine issues of material fact by mere allegations, argumentative assertions, conclusory statements, and speculation.” *In re Kelley*, 170 Wn. App. 722, 737, 287 P.3d 12 (2012) (internal citation omitted). A party cannot create a genuine issue of material fact by contradicting, without explanation, prior sworn testimony or writings. *Kelley*, 170 Wn. App. at 737–39. An “affidavit in opposition to a summary judgment motion” is insufficient to create a question of fact where it contradicts, without explanation, prior sworn deposition testimony or interrogatories, or “uncontroverted and unrebutted e-mails that were attached to a sworn declaration.” *Id.* at 738. Similarly, when unambiguous answers to interrogatories clearly eliminate any genuine issue of material fact, a party cannot thereafter create such an issue merely by contradicting,

without explanation, previous admissions. *Dep't of Labor & Indus. of State v. Kaiser Aluminum & Chem. Corp.*, 111 Wn. App. 771, 778, 48 P.3d 324 (2002). If the nonmoving party fails to controvert material facts, those facts are deemed established for purposes of summary judgment. *Cent. Wash Bank v. Mendelson-Seller, Inc.*, 113 Wn.2d 346, 345, 779 P.2d 697 (1989).

As in *Kelley*, Cebert's pleadings in response to summary judgment did not address or attempt to explain Cebert's knowledge of and possession of a variety of documents, including those drafted by Cebert himself in 2012, which show JW Kennedy as president of MODI and of Axtel. Cebert's silence on the matter was insufficient to create a genuine issue of material fact, and the trial court did not err in dismissing Cebert's claims as a matter of law. See *Kelley* at 737-39.

A claim accrues when a party "knows or should know of the relevant fact." *Kelly*, 170 Wn. App. at 734; 737-39. Cebert's claim that he was orally promised, and actually became president of MODI in January of 2012, accrued no later than September of 2012, when Cebert wrote that 'JW Kennedy is president of MODI'. Similarly, Cebert's claim that he was president of Actel accrued no later than October 19, 2012, when Cebert received copies of the Axtel corporate formation documents.

Cebert cites *Davis v. Cox*, 183 Wn.2d 269, 289, 351 P.3d 862 (2015), abrogated on other grounds by 191 Wn.2d 392 (2018), which

provides that “it is well established that when there is no genuine issue of material fact, summary judgment proceedings do not infringe upon a litigant’s constitutional right to a jury trial.” *Id.* at 289.

Accrual - Contract

The statute of limitations on an oral contract is three years. RCW 4.16.080(3). “No acknowledgment or promise shall be sufficient evidence of a new or continuing contract whereby to take the case out of the operation of this chapter, unless it is contained in some writing signed by the party to be charged thereby[.]” RCW 4.16.280.

Accrual of a contract claim occurs upon breach; the discovery rule does not apply. *1000 Virginia Ltd. P’ship v. Vertecs Corp.*, 158 Wn.2d 566, 576, 146 P.3d 423 (2006); see also *Schwindt v. Commonwealth Ins. Co.*, 140 Wn.2d 348, 353, 997 P.2d 353 (2000).

Cebert argues on appeal that he had a continuous contract. However, Cebert cannot create a question of fact by arguing in contradiction to his sworn testimony. Here, Cebert knew he did not get a paycheck in January of 2012, when he did not get one. If nothing else, Cebert knew he was not president of MODI pursuant to an oral contract no later than “August / September” of 2012, when Cebert wrote John Wayne Kennedy is the President of MODI and Chairman of the Board”.

Cebert cites *Macchia v. Salvino*, 64 Wn.2d 951, 955, 395 P.2d 177 (1964). In that case, the claim accrued upon the first non-payment of salary, and the court notes that the plaintiff's "services were terminated December 31, 1960. His cross-complaint for unpaid salary was filed March 20, 1962, well within any applicable statute of limitation." *Id.* at 955.

Accrual - Fraud

The statute of limitations for fraud is three years; the time period begins to run upon "the discovery by the aggrieved party of the facts constituting the fraud." RCW 4.16.080. "In applying the discovery rule, actual knowledge of fraud will be inferred for purposes of the statute if the aggrieved party, by the exercise of due diligence, could have discovered it." *Shepard v. Holmes*, 185 Wn. App. 730, 739-40, 345 P.3d 786 (2014).

Cebert's fraud claim is that JW Kennedy orally promised him presidency of MODI, which Cebert orally accepted in January of 2012, and that Cebert was not ever actually president, and that constitutes fraud. (CP 124-36) Cebert testified he received the alleged oral promise of presidency in 2011, that he orally accepted in January of 2012, that his first pay period was January of 2012, and Cebert himself subsequently wrote in September of 2012 that John Wayne Kennedy was president of MODI, meaning his claim arose sometime prior to September of 2012.

Fraud has nine (9) elements. See *Stiley v. Block*, 130 Wn.2d 486, 505, 925 P.2d 194 (1996). “The burden is upon the plaintiff to prove the existence of all these essential and necessary elements that enter into [a fraud claim’s] composition.” *Baetschi v. Jordan*, 68 Wn.2d 478, 482, 413 P.2d 657 (1966). “All of the ingredients must be found to exist. The absence of any one of them is fatal.” *Id.*

Taken at face value, given the documents and records available to Cebert contemporaneously, as well as Cebert’s own writings, he neither was “ignorant” of the alleged false promise, nor did he rely on the “truth” of the alleged representation that he was president the whole time.

Through argument counsel only, with no corroborating testimony, Cebert points to the March 29, 2013 email discussed *supra*, which Cebert told his attorneys did not mean that he was president. Cebert wrote in the November/December 2014 powerpoint to AMC/Noder’s attorneys that the March 29, 2013 email does not mean he was president. (CP 244; CP 274-81) This admission of a party opponent is binding, particularly where, as here, Cebert has failed to submit testimony attempting to rebut his written admission. *Kelly*, 170 Wn. App. at 734; 737-39. “[P]arty-opponent admissions may be admitted as substantive evidence.” *State v. Garland*, 169 Wn. App. 869, 886, 282 P.3d 1137 (2012).

As to MODI, Cebert has previously offered sworn testimony that the document he drafted in “August / September of 2012”, and which states John Wayne Kennedy was president, was last edited on June 3, 2013. (CP 316) Since Cebert did not modify the document he wrote which says John Wayne Kennedy was president of MODI after he received the March 2013 email, he neither was ‘ignorant of the falsity’ nor ‘relied on the truth.’

Cebert testified that he was made president of MODI by oral promise in 2011. (CP 232-33) Cebert testified he accepted by telephone and became president of MODI in January of 2012. (CP 235) Cebert testified his first pay period was January of 2012. (CP 235; CP 361) Cebert never received a paycheck. (CP 235) Cebert wrote, in “August / September” of 2012, that “John Wayne Kennedy is the President of MODI and Chairman of the Board”. (CP 247; CP 261-65)

Cebert refers the court to CP 562-64 and CP 569-71, portions of the JW Kennedy deposition testimony. “But when [Cebert] was mentioned as being the president of the company, it was like taking somebody out of high school and putting them as head of GMC. You know, it just wouldn’t fit.” (CP 569) Asking JW Kennedy about CP 534 and Ex. P-14, he testified that the email “doesn’t look familiar. But I was really against making David Cebert president.” (CP 571)

Cebert cites *Young v. Savidoe*, 155 Wn. App. 806, 823, 230 P.3d 806 (2010), which provides that the “plaintiff bears the burden to establish that she did not discover the facts constituting the fraud and that she could not reasonably have discovered them within the statute of limitations period.” *Id.* at 823 (internal citations omitted).

Cebert cites *Markov v. ABC Transfer*, 76 Wn.2d 388, 396, 457 P.2d 388 (1969), which concerns oral promises to renew a written commercial lease. Here, no written promise is alleged by Cebert. Rather, Cebert knew the alleged 2011 oral promise to be president of MODI starting with a paycheck in January of 2012 was not fulfilled when, a) he did not receive a paycheck in January of 2012; and b) he wrote in “August / September” of 2012 that JW Kennedy was president of MODI.

Finally, Cebert argues that the “trial court incorrectly weighed evidence and found facts”. The trial court took Cebert’s testimony at face value (orally offered presidency in 2011, orally accepted by telephone in January of 2012, was later held out to be president to the public by Kennedys), and also took Cebert’s uncontroverted September 2012 writing at face value (“John Wayne Kennedy is the President of MODI and Chairman of the Board”), and concluded that Cebert knew or had reason to know he was not president of MODI at least by September of 2012, when he wrote that JW Kennedy was president. (RP 78-84)

No Basis Identified To Reverse Jury Verdicts.

Cebert claims he is entitled to a new trial to ‘test the claims against the counterclaims.’ Yet, “I was president of MODI” is not a defense to conversion, trade secrets misappropriation, or tortious interference. Moreover, as the trial court explained, Cebert was free to put on whatever evidence he wanted; doing so would simply open the door for cross examination on the same subject. Cebert elected to testify as he did.

Cebert cites CR 42, which concerns consolidation and separate trials. Here, there was no consolidation. Instead, Cebert commenced suit against Kennedys, who in turn pleaded counterclaims against Cebert. Kennedys were successful on a CR 56 motion as to Cebert’s claims. Contrary to Cebert’s argument, CR 42 does not stand for the proposition that when a plaintiff commences suit, has counterclaims pled against him, and then plaintiff loses on summary judgment on his claims, that counterclaimants are not entitled to proceed to trial on their counterclaims.

Cebert cites *Brown v. General Motors Corp.*, 67 Wn.2d 278, 282, 407 P.2d 461 (1965). *Brown* does not concern CR 56 dismissal of claims, with counterclaims proceeding to trial. It is inapplicable.

Costs And Attorney's Fees Are Requested, Pursuant To RCW 19.108.040, RAP 18.1, And *Eagle Group*.

Respondent MODI requests an award of its attorney's fees on appeal, pursuant to RAP 18.1 and RCW 19.108.040. When the trial court has awarded attorney's fees pursuant to RCW 19.108.040, attorney's fees are likewise available on appeal. *Eagle Group, Inc. v. Pullen*, 114 Wn. App. 409, 424, 58 P.3d 292 (2002).

CONCLUSION

For the foregoing reasons, Respondents request that the Court deny the Petition. Respondent MODI further requests an award of its costs and attorney's fees on appeal, pursuant to RCW 19.108.040.

Submitted this 30th day of October, 2020,

KSB LITIGATION P.S.

By: 

William C. Schroeder, WSBA #41986
Anne K. Schroeder, WSBA #47952
Attorneys for Respondents

**U.S. Bankruptcy Court
Northern District of Texas (Abilene)
Bankruptcy Petition #: 18-10213-rlj7**

Assigned to: Robert L. Jones
Chapter 7
Voluntary
No asset

Date filed: 08/31/2018
Date terminated: 08/13/2020
341 meeting: 12/13/2018
Deadline for filing claims: 03/20/2019

Debtor disposition: Discharge Not Applicable

Debtor

Axtel Scientific Incorporated
P.O. Box 1717
Breckenridge, TX 76424
STEPHENS-TX
Tax ID / EIN: 46-1206090

represented by **Melissa S. Hayward**
Hayward & Associates PLLC
10501 N. Central Expy, Ste. 106
Dallas, TX 75231
972-755-7104
Fax : 972-755-7104
Email: MHayward@HaywardFirm.com

Trustee

Harvey Leon Morton
Law Office of Harvey L. Morton
1604 Avenue M
P.O. Box 10305
Lubbock, TX 79401
806-762-0570

represented by **Paul M. Lopez**
Rochelle McCullough, LLP
325 N. Saint Paul Street, Suite 4500
Dallas, TX 75201
(214) 953-0182
Fax : (214) 953-0185
Email: plopez@romclaw.com

Kevin D. McCullough
Rochelle McCullough L.L.P.
325 N. St. Paul St., Ste. 4500
Dallas, TX 75201
(214) 953-0182
Fax : (214)953-0185
Email: kdm@romclaw.com

Rochelle McCullough, LLP
325 North Saint Paul Street
Suite 4500
Dallas, TX 75201

Harvey Leon Morton
Law Office of Harvey L. Morton
1604 Avenue M
P.O. Box 10305
Lubbock, TX 79401
806-762-0570
Fax : 806-762-0500
Email: ecfiling@hlmortonlaw.com

U.S. Trustee
United States Trustee
 1100 Commerce Street
 Room 976
 Dallas, TX 75242
 214-767-8967

Filing Date	Docket Text
08/31/2018	<u>1</u> (4 pgs) Non-individual Chapter 7 voluntary petition. Fee Amount \$335 Filed by Axtel Scientific Incorporated (Hayward, Melissa)
08/31/2018	<u>2</u> (3 pgs) Creditor matrix . Filed by Debtor Axtel Scientific Incorporated. (Hayward, Melissa)
08/31/2018	Receipt of filing fee for Voluntary petition (chapter 7)(18-10213-7) [misc,volp7a] (335.00). Receipt number 25601164, amount \$ 335.00 (re: Doc# <u>1</u>). (U.S. Treasury)
08/31/2018	<u>3</u> (1 pg) First Meeting of Creditors with 341(a) meeting to be held on 11/02/2018 at 08:30 AM at Abilene, Rm 2201 VIDEO. (Admin,)
09/04/2018	<u>4</u> (2 pgs) Notice of deficiency. Schedule A/B due 9/14/2018. Schedule D due 9/14/2018. Schedule E/F due 9/14/2018. Schedule G due 9/14/2018. Schedule H due 9/14/2018. Summary of Assets and Liabilities and Certain Statistical Information due 9/14/2018. Statement of Financial Affairs due 9/14/2018. (Calfee, J.)
09/06/2018	<u>6</u> (2 pgs) BNC certificate of mailing - meeting of creditors. (RE: related document(s) <u>3</u> First Meeting of Creditors with 341(a) meeting to be held on 11/02/2018 at 08:30 AM at Abilene, Rm 2201 VIDEO. (Admin,)) No. of Notices: 9. Notice Date 09/06/2018. (Admin.)
09/06/2018	<u>7</u> (3 pgs) BNC certificate of mailing. (RE: related document(s) <u>4</u> Notice of deficiency. Schedule A/B due 9/14/2018. Schedule D due 9/14/2018. Schedule E/F due 9/14/2018. Schedule G due 9/14/2018. Schedule H due 9/14/2018. Summary of Assets and Liabilities and Certain Statistical Information due 9/14/2018. Statement of Financial Affairs due 9/14/2018. (Calfee, J.)) No. of Notices: 1. Notice Date 09/06/2018. (Admin.)
09/13/2018	<u>8</u> (13 pgs) Schedules: Schedules A/B and D-H with Summary of Assets and Liabilities. Filed by Debtor Axtel Scientific Incorporated (RE: related document(s) <u>4</u> Notice of deficiency). (Hayward, Melissa)
09/13/2018	<u>9</u> (8 pgs) Statement of financial affairs for a non-individual . Filed by Debtor Axtel Scientific Incorporated (RE: related document(s) <u>4</u> Notice of deficiency). (Hayward, Melissa)
09/13/2018	<u>10</u> (1 pg) Disclosure of compensation of attorney for debtor . Filed by Debtor Axtel Scientific Incorporated. (Hayward, Melissa)
09/25/2018	<u>11</u> (4 pgs) Amended Schedules: E/F, (Adding additional creditor or creditors) fee Amount \$31. Filed by Debtor Axtel Scientific Incorporated. (Hayward, Melissa)

09/25/2018	13 (4 pgs; 3 docs) Motion to continue hearing on (related documents 3 Meeting (AutoAssign Chapter 7b)) Filed by Debtor Axtel Scientific Incorporated (Attachments: # 1 Proposed Order # 2 Service List) (Hayward, Melissa)
09/25/2018	Receipt of filing fee for Schedules(18-10213-rlj7) [misc,schedall] (31.00). Receipt number 25683101, amount \$ 31.00 (re: Doc# 11). (U.S. Treasury)
09/28/2018	15 (1 pg) Order granting motion to continue hearing for Meeting of Creditors (related document # 13) (related documents Meeting (AutoAssign Chapter 7b)) 341(a) meeting to be held on 12/14/2018 at 10:00 AM at Abilene, Rm 2201 VIDEO. Entered on 9/28/2018. (Hyden, Kara)
09/28/2018	16 (3 pgs; 2 docs) Notice of Change in Date and Time of First Meeting of Creditors filed by Debtor Axtel Scientific Incorporated (RE: related document(s) 3 First Meeting of Creditors with 341(a) meeting to be held on 11/02/2018 at 08:30 AM at Abilene, Rm 2201 VIDEO. (Admin,)). (Attachments: # 1 Service List) (Hayward, Melissa)
11/01/2018	17 (1 pg) AMENDED Meeting of creditors 341(a) meeting to be held on 12/13/2018 at 10:00 AM at Abilene, Rm 2201 VIDEO. (Kerr, S.)
11/03/2018	18 (2 pgs) BNC certificate of mailing - meeting of creditors. (RE: related document(s) 17 AMENDED Meeting of creditors 341(a) meeting to be held on 12/13/2018 at 10:00 AM at Abilene, Rm 2201 VIDEO. (Kerr, S.)) No. of Notices: 13. Notice Date 11/03/2018. (Admin.)
11/12/2018	19 (11 pgs; 3 docs) Application to employ Gregg R. Smith as Special Counsel Filed by Trustee Harvey Leon Morton (Attachments: # 1 Exhibit Exhibit A # 2 Exhibit Exhibit B) (Morton, Harvey)
12/07/2018	20 (1 pg) Order granting application to employ Gregg R. Smith for Harvey Leon Morton as Attorney (related document # 19) Entered on 12/7/2018. (Bibbs-Samuels, P.)
12/09/2018	21 (2 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) 20 Order granting application to employ Gregg R. Smith for Harvey Leon Morton as Attorney (related document 19) Entered on 12/7/2018. (Bibbs-Samuels, P.)) No. of Notices: 0. Notice Date 12/09/2018. (Admin.)
12/18/2018	22 (4 pgs) Notice of Appearance and Request for Notice by Frances Anne Smith filed by Advanced Mineral Compounds, Michael Noder. (Smith, Frances)
12/20/2018	23 (1 pg) Meeting of creditors held and concluded 12/13/2018. The case trustee has determined that there are assets in this case. (RE: related document(s) 17 Meeting of creditors chapter 7 no asset) Proofs of Claims due by 3/20/2019. (Morton, Harvey)
12/23/2018	24 (2 pgs) BNC certificate of mailing. (RE: related document(s) 23 Meeting of creditors held and concluded 12/13/2018. The case trustee has determined that there are assets in this case. (RE: related document(s) 17 Meeting of creditors chapter 7 no asset) Proofs of Claims due by 3/20/2019.) No. of Notices: 14. Notice Date 12/23/2018. (Admin.)
01/23/2019	25 (9 pgs) Trustee's motion <i>that Attorney for Debtor Disgorge Fees</i> (Morton, Harvey)
02/13/2019	26 (25 pgs) Objection to (related document(s): 25 Trustee's motion <i>that Attorney for Debtor</i>

	<i>Disgorge Fees</i>) filed by Attorney Hayward & Associates PLLC. (Hayward, Melissa)
02/14/2019	27 (1 pg) Disclosure of compensation of attorney for debtor (<i>Amended</i>). Filed by Debtor Axtel Scientific Incorporated. (Hayward, Melissa)
02/14/2019	28 (8 pgs) Statement of financial affairs for a non-individual (<i>Amended</i>). Filed by Debtor Axtel Scientific Incorporated. (Hayward, Melissa)
02/18/2019	29 (1 pg) INCORRECT ENTRY: Incomplete document attached. Amended Trustee's Trustee's motion <i>that Attorney for Debtor Disgorge Fees</i> (Morton, Harvey) Modified on 2/19/2019 (Kerr, S.).
03/06/2019	30 (2 pgs) Notice of change of address filed by Advanced Mineral Compounds, Michael Noder. (Smiley, Rachael)
03/11/2019	31 (9 pgs) Amended Trustee's motion <i>1st</i> (Morton, Harvey). Related document(s) 25 Trustee's motion <i>that Attorney for Debtor Disgorge Fees</i> . Modified on 4/25/2019 (Ward, J).
03/12/2019	32 (2 pgs) INCORRECT ENTRY, WRONG EVENT CODE; First Trustee's motion <i>Amended</i> (Morton, Harvey) Modified on 3/12/2019 (Holland, K.).
03/12/2019	33 (2 pgs) Amended Notice of hearing <i>Motion for Attorney to Disgorge Fees</i> filed by Trustee Harvey Leon Morton (RE: related document(s) 31 Amended Trustee's motion <i>1st</i>). Hearing to be held on 5/1/2019 at 01:30 PM Abilene, Rm 2201 VIDEO for 31 , (Morton, Harvey)
03/20/2019	34 (21 pgs; 2 docs) Motion for 2004 examination of Debtor Axtel Scientific Incorporated. Filed by Advanced Mineral Compounds, Michael Noder (Attachments: # 1 Proposed Order) (Smiley, Rachael)
03/21/2019	35 (2 pgs) Notice of hearing filed by Advanced Mineral Compounds, Michael Noder (RE: related document(s) 34 Motion for 2004 examination of Debtor Axtel Scientific Incorporated. Filed by Advanced Mineral Compounds, Michael Noder (Attachments: # 1 Proposed Order)). Hearing to be held on 5/1/2019 at 01:30 PM Abilene, Rm 2201 VIDEO for 34 , (Smiley, Rachael)
04/10/2019	36 (1119 pgs; 47 docs) Objection to (related document(s): 34 Motion for 2004 examination of Debtor Axtel Scientific Incorporated. filed by Creditor Michael Noder, Creditor Advanced Mineral Compounds) filed by Debtor Axtel Scientific Incorporated. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Exhibit E # 6 Exhibit F # 7 Exhibit G # 8 Exhibit H # 9 Exhibit I # 10 Exhibit J # 11 Exhibit K # 12 Exhibit L # 13 Exhibit M # 14 Exhibit N # 15 Exhibit O # 16 Exhibit P # 17 Exhibit Q # 18 Exhibit R # 19 Exhibit S # 20 Exhibit T # 21 Exhibit U # 22 Exhibit V # 23 Exhibit W # 24 Exhibit X # 25 Exhibit Y # 26 Exhibit AA # 27 Exhibit BB # 28 Exhibit CC # 29 Exhibit DD # 30 Exhibit EE # 31 Exhibit FF # 32 Exhibit GG # 33 Exhibit HH # 34 Exhibit II # 35 Exhibit JJ # 36 Exhibit KK # 37 Exhibit LL # 38 Exhibit MM # 39 Exhibit NN # 40 Exhibit OO # 41 Exhibit PP # 42 Exhibit QQ # 43 Exhibit RR # 44 Exhibit SS # 45 Exhibit TT # 46 Exhibit UU) (Hayward, Melissa)
04/11/2019	37 (216 pgs) Support/supplemental document <i>Exhibit Z</i> filed by Debtor Axtel Scientific Incorporated (RE: related document(s) 36 Objection). (Hayward, Melissa)

04/24/2019	38 (2 pgs) Exhibit List filed by Trustee Harvey Leon Morton (RE: related document(s) 31 Amended Trustee's motion <i>1st</i>). (Morton, Harvey)
04/24/2019	39 (2 pgs) Witness List filed by Trustee Harvey Leon Morton (RE: related document(s) 31 Amended Trustee's motion <i>1st</i>). (Morton, Harvey)
04/25/2019	40 (3 pgs) Witness and Exhibit List filed by Attorney Hayward & Associates PLLC (RE: related document(s) 25 Trustee's motion <i>that Attorney for Debtor Disgorge Fees</i> , 31 Amended Trustee's motion <i>1st</i>). (Hayward, Melissa)
05/01/2019	41 Hearing set (RE: related document(s) 31 Amended Trustee's motion <i>1st</i> (Morton, Harvey). Related document(s) 25 Trustee's motion <i>that Attorney for Debtor Disgorge Fees</i> . Modified on 4/25/2019 .) Hearing to be held on 5/13/2019 at 01:00 PM Abilene, Room 2000A LIVE for 31 , (Longoria, S) (Entered: 05/02/2019)
05/01/2019	42 Hearing continued (RE: related document(s) 34 Motion for 2004 examination of Debtor Axtel Scientific Incorporated. Filed by Advanced Mineral Compounds, Michael Noder (Attachments: # 1 Proposed Order)) Hearing to be held on 6/5/2019 at 01:30 PM Abilene, Rm 2201 VIDEO for 34 , (Longoria, S) (Entered: 05/02/2019)
05/06/2019	43 (16 pgs; 4 docs) Amended Exhibit List filed by Trustee Harvey Leon Morton (RE: related document(s) 38 List (witness/exhibit/generic)). (Attachments: # 1 Exhibit Exhibit #1 # 2 Exhibit Exhibit #2 # 3 Exhibit Exhibit #3) (Morton, Harvey)
05/07/2019	44 (3 pgs) Amended Witness and Exhibit List <i>for Hearing on May 13, 2019</i> filed by Attorney Hayward & Associates PLLC (RE: related document(s) 40 List (witness/exhibit/generic)). (Hayward, Melissa)
05/07/2019	45 (3 pgs) Amended Witness and Exhibit List <i>for Hearing on May 13, 2019</i> filed by Attorney Hayward & Associates PLLC (RE: related document(s) 44 List (witness/exhibit/generic)). (Hayward, Melissa)
05/08/2019	46 (6 pgs) Motion for leave <i>to Allow Anne Schroeder to Appear and Testify Telephonically</i> (related document(s) 41 Hearing set/continued) Filed by Attorney Hayward & Associates PLLC (Hayward, Melissa)
05/10/2019	47 (2 pgs) Support/supplemental document <i>Declaration of Anne Schroeder</i> filed by Debtor Axtel Scientific Incorporated (RE: related document(s) 46 Motion for leave <i>to Allow Anne Schroeder to Appear and Testify Telephonically</i> (related document(s) 41 Hearing set/continued)). (Hayward, Melissa)
05/10/2019	48 Status Conference/Telephone Conference set by the Court. Telephone Conference to be held on 5/10/2019 at 02:00 PM via conference call. The dial in information is as follows: Conference Call #: 888-363-4749 Access Code: 8681265 Security Code: 2585 Please call in 10 minutes prior to the hearing. (Graham, C.)
05/10/2019	Hearing held on 5/10/2019. Hearing scheduled for Monday May 13, 2019 at 1:00 pm has been cancelled. The court is reviewing the file. (RE: related document(s) 31 Amended Trustee's motion <i>1st</i> (Morton, Harvey). Related document(s) 25 Trustee's motion <i>that Attorney for Debtor Disgorge Fees</i> . Modified on 4/25/2019 ., 46 Motion for leave <i>to Allow</i>

	<i>Anne Schroeder to Appear and Testify Telephonically</i> (related document(s) 41 Hearing set/continued) Filed by Attorney Hayward & Associates PLLC) (Longoria, S)
05/10/2019	49 (12 pgs) Support/supplemental document filed by Attorney Hayward & Associates PLLC (RE: related document(s) 26 Objection). (Hayward, Melissa)
05/15/2019	50 (11 pgs; 2 docs) Amended Motion to disgorge fees Objections due by 6/5/2019. (Morton, Harvey)
05/18/2019	51 (2 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) 50 Amended Motion to disgorge fees Objections due by 6/5/2019.) No. of Notices: 15. Notice Date 05/18/2019. (Admin.)
05/30/2019	52 (3 pgs) Order denying motion to disgorge fees(Related Doc # 50) Entered on 5/30/2019. (Bibbs-Samuels, P.)
06/02/2019	53 (3 pgs) Witness and Exhibit List filed by Advanced Mineral Compounds, Michael Noder (RE: related document(s) 34 Motion for 2004 examination of Debtor Axtel Scientific Incorporated.). (Smiley, Rachael)
06/05/2019	Hearing held on 6/5/2019. AGREED ORDER to be uploaded. (RE: related document(s) 34 Motion for 2004 examination of Debtor Axtel Scientific Incorporated. Filed by Advanced Mineral Compounds, Michael Noder (Attachments: # 1 Proposed Order)) (Longoria, S)
06/26/2019	54 (1 pg) Clerk's correspondence requesting an order from attorney for creditor. (RE: related document(s) 34 Motion for 2004 examination of Debtor Axtel Scientific Incorporated. Filed by Advanced Mineral Compounds, Michael Noder (Attachments: # 1 Proposed Order)) Responses due by 7/5/2019. (Longoria, S)
07/09/2019	55 (1 pg) Clerk's correspondence requesting an order from attorney for creditor. (RE: related document(s) 34 Motion for 2004 examination of Debtor Axtel Scientific Incorporated. Filed by Advanced Mineral Compounds, Michael Noder (Attachments: # 1 Proposed Order)) Responses due by 7/12/2019. (Longoria, S)
07/17/2019	56 (2 pgs) Order denying motion for 2004 examination for want of prosecution (related doc # 34) Entered on 7/17/2019. (Bibbs-Samuels, P.)
07/24/2019	57 (14 pgs; 5 docs) Application to employ Rochelle McCullough, LLP as Attorney <i>Application for Order Authorizing the Employment of Rochelle McCullough, LLP, as General Bankruptcy Counsel for Harvey Leon Morton, Chapter 7 Trustee</i> Filed by Trustee Harvey Leon Morton (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Service List) (McCullough, Kevin)
08/02/2019	58 (8 pgs; 3 docs) Motion to withdraw as attorney (Attorneys for Advanced Mineral Compounds and Michael Noder) Filed by Attorney Ross & Smith, PC (Attachments: # 1 Exhibit A # 2 Proposed Order) (Smiley, Rachael)
08/08/2019	59 (2 pgs) Order granting motion to withdraw as attorney (attorney Rachael L. Smiley and Frances Anne Smith terminated). (related document # 58) Entered on 8/8/2019. (Bibbs-Samuels, P.)

08/08/2019	<u>60</u> (1 pg) Certificate of service re: Order Granting Motion to Withdraw as Counsel filed by Attorney Ross & Smith, PC (RE: related document(s) <u>59</u> Order on motion to withdraw as attorney). (Smiley, Rachael)
08/10/2019	<u>61</u> (3 pgs) BNC certificate of mailing - PDF document. (RE: related document(s) <u>59</u> Order granting motion to withdraw as attorney (attorney Rachael L. Smiley and Frances Anne Smith terminated). (related document <u>58</u>) Entered on 8/8/2019. (Bibbs-Samuels, P.)) No. of Notices: 2. Notice Date 08/10/2019. (Admin.)
08/12/2019	<u>62</u> (2 pgs) Trustee's interim report for the period ending: 8/12/19. Projected date of filing final report: 12/31/19 (Morton, Harvey)
08/20/2019	<u>63</u> (3 pgs) Certificate Certificate of No Objections to Application for Order Authorizing the Employment of Rochelle McCullough, LLP, as General Bankruptcy Counsel for Harvey Leon Morton, Chapter 7 Trustee [Dkt. No. 57] filed by Trustee Harvey Leon Morton (RE: related document(s) <u>57</u> Application to employ Rochelle McCullough, LLP as Attorney <i>Application for Order Authorizing the Employment of Rochelle McCullough, LLP, as General Bankruptcy Counsel for Harvey Leon Morton, Chapter 7 Trustee</i>). (Lopez, Paul)
08/22/2019	<u>64</u> (2 pgs) Order granting application to employ Rochelle McCullough, LLP for Harvey Leon Morton as Attorney (related document # <u>57</u>) Entered on 8/22/2019. (Bibbs-Samuels, P.)
04/22/2020	<u>65</u> (2 pgs) Trustee's interim report for the period ending: 04/22/2020. Projected date of filing final report:12/31/2020 (Morton, Harvey) Modified texts to match pleading on 4/23/2020 (Bibbs-Samuels, P.).
05/05/2020	Chapter 7 Trustee's Report of No Distribution: I, Harvey Leon Morton, having been appointed trustee of the estate of the above-named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate; and that there is no property available for distribution from the estate over and above that exempted by law. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 20 months. Assets Abandoned (without deducting any secured claims): \$ 54387.28, Assets Exempt: Not Available, Claims Scheduled: \$ 1346537.66, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment (without deducting the value of collateral or debts excepted from discharge): \$ 1346537.66. (Morton, Harvey)
08/13/2020	<u>66</u> (1 pg) Order approving chapter 7 trustee report and discharging trustee. Entered on 8/13/2020 (Longoria, S)
08/13/2020	The Chapter 7 Trustee is Discharged and the Bankruptcy case is closed (Longoria, S)
08/15/2020	<u>67</u> (2 pgs) BNC certificate of mailing. (RE: related document(s) <u>66</u> Order approving chapter 7 trustee report and discharging trustee. Entered on 8/13/2020) No. of Notices: 1. Notice Date 08/15/2020. (Admin.)

PACER Service Center

Transaction Receipt

10/28/2020 14:28:53

PACER Login:	schroeder41986:4461804:0	Client Code:	
Description:	Docket Report	Search Criteria:	18-10213-rlj7 Fil or Ent: filed From: 7/18/2018 To: 10/28/2020 Doc From: 0 Doc To: 99999999 Term: included Headers: included Format: html Page counts for documents: included
Billable Pages:	7	Cost:	0.70

KSB LITIGATION

October 30, 2020 - 12:57 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 99080-8
Appellate Court Case Title: David Cebert v. Patrick Kennedy, et ux, et al
Superior Court Case Number: 16-2-00616-1

The following documents have been uploaded:

- 990808_Answer_Reply_20201030125704SC904066_7050.pdf
This File Contains:
Answer/Reply - Answer to Petition for Review
The Original File Name was Answer to Petition for Review.pdf

A copy of the uploaded files will be sent to:

- alunden@ksblit.legal
- aschroeder@Ksblit.legal
- d.broom@ksblit.legal
- jbrown@ksblit.legal
- mcasey@sweetserlawoffice.com
- smith_gregg@comcast.net
- william.schroeder@ksblit.legal

Comments:

Sender Name: Michelle Hernandez - Email: mhernandez@ksblit.legal

Filing on Behalf of: William Christopher Schroeder - Email: WCS@KSBlit.legal (Alternate Email:)

Address:
510 W. Riverside Ave., #300
Spokane, WA, 99201
Phone: (509) 624-8988

Note: The Filing Id is 20201030125704SC904066