

CAUSE NO. 10-11915

JEFF BARON,	§	IN THE DISTRICT COURT,
	§	
Plaintiff,	§	
v.	§	
	§	
GERRIT M. PRONSKE,	§	DALLAS COUNTY, TEXAS
INDIVIDUALLY, AND PRONSKE,	§	
GOOLBY & KATHMAN, P.C. f/k/a	§	
PATEL, P.C.,	§	
	§	
Defendants.	§	193rd JUDICIAL DISTRICT

PRONSKE, GOOLSBY & KATHMAN,	§	
P.C., f/k/a PRONSKE & PATEL, P.C.,	§	
	§	
Counter-Plaintiffs	§	
v.	§	
	§	
JEFF BARON,	§	
	§	
Counter-Defendant	§	

PLAINTIFF/COUNTER-DEFENDANT'S ANSWERS TO DEFENDANTS'/COUNTER-PLAINTIFFS' FIRST REQUESTS FOR PRODUCTION

TO: Defendants, Gerrit M. Pronske and Pronske, Goolsby & Kathman, P.C., by and through Defendants' counsel of record, Gerrit M. Pronske, Pronske, Goolsby & Kathman, P.C., 2200 Ross Ave., Suite 5350, Dallas, TX 75201

Jeff Baron, Plaintiff and Counter-Defendant in the above-styled and numbered action, hereby makes the following objections and responses to Defendants' and Counter-Plaintiffs' First Set of Request for Production, served on May _____, 2014 via certified mail.

DATED this _____ day of June 2014.

Respectfully Submitted,

Pendergraft & Simon, LLP
2777 Allen Parkway, Suite 800
Houston, TX 77019
Tel. (713) 528-8555
Fax. (713) 868-1267

By: Leonard H. Simon
Texas Bar No. 18387400
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Counsel for Jeff Baron

Certificate of Service

I hereby certify that a true and correct copy of the above **Plaintiff/Counter-Defendant's Answers to Defendants'/Counter-Plaintiffs'** First Requests for PRODUCTION has been served on the following counsel/parties of record in accordance with TEX. R. CIV. P. 21a and local rules for electronic filing and service on this ____ day of June 2014.

Gerrit M. Pronske
Jason P. Kathman
Pronske Goolsby & Kathman, PC
2200 Ross Ave., Suite 5350
Dallas, TX 75201
Fax. 214-658-6509

Leonard H. Simon

REQUESTS FOR PRODUCTION

The Definitions and Instructions set forth above are re-stated and incorporated herein. You are directed to produce the following Documents:

REQUEST NO. 1: All documents relating to any of the Admissions that you denied.

RESPONSE: Baron objects to this request because 1) the same information will be provided in these responses and 2) because the denial of Admissions regarding PGK's retainer and flat fee do not exist because PGK refused to provide an engagement letter or itemized billing.

REQUEST NO. 2: All documents supporting any and all of your responses to any of the Interrogatories.

RESPONSE: Baron objects to this request because the same information will be provided in these responses.

REQUEST NO. 3: All documents relating to fees and expenses alleged to be owing by Defendants.

RESPONSE: We still need to determine what these expenses are and when they were incurred and by whom.

REQUEST NO. 4: All documents relating to any of the Defendants' claims against You and any defenses, claims and/or disputes You allege that You have against them.

RESPONSE: Unsure of what to produce for this or if there is anything to produce

REQUEST NO. 5: All documents supporting any claims that the fees of Defendants were unconscionable or unreasonable, or that the services of Defendants were not handled properly.

RESPONSE: The following documents are produced as requested and served with this response:

- 1) Email from Pronske to Baron in which Pronske resigns;
- 2) Email noting the first billed amount in nearly one year with no breakdown of service;
- 2) Transcript testimony from September 15, 2010, in which it was recorded that no billing statement was sent for thirteen months (pp 55-56).
- 4) Transcript testimony from November 19, 2011, confirmation hearing regarding Pronske & Patel's fee application stating that you an engagement letter was not provided (pg. 93).

REQUEST NO. 6: All documents relating to any allegations You have the any of the Defendants breached their fiduciary duties.

RESPONSE: Unsure of what to produce for this or if there is anything to produce

REQUEST NO. 7: All documents relating to all assets held by you, or by any entities which own, are beneficiary of, have any beneficial interest in, or control, in jurisdictions foreign to the United States over the past 5 years.

RESPONSE: After a diligent search, no items have been identified that are responsive to the request. It is believed that they are among the numerous documents that have been seized and not returned. *See* Tex. R. Civ. P. 196.2(b)(4).

REQUEST NO. 8: All documents relating to any of the attorneys and/or law firms that You have engaged in the past 7 years, and any amounts billed by each of those attorneys and how much You have paid to each of those attorneys, and how much balance remains owed to each of those attorneys.

RESPONSE: Baron objects to this request because it is not within the scope of discovery in that it seeks information that is not relevant. *See* Tex. R. Civ. P. 192.3.

REQUEST NO. 9: All documents relating to the allegation that Gerrit Pronske participated in any way in any proceeding to have a receivership established against You.

RESPONSE: The following documents are produced as requested and are served with this response according to Tex. R. Civ. P. 196.2(b)(2):

- 1) Email communication between Pronske and Martin Thomas in which a referral was requested for a Cook Island Trustee.
- 2) Email communication between Pronske and Schurig showing that Pronske assisted in locating a Cook Island Trustee for Baron to use.
- 3) Email communication from Gary Lyon to Mr. Mason (new Cook Island Trustee) (copied to Pronske) showing that there was full knowledge of and assistance with the transition of the Trustee.
- 4) EOC Doc 423 Motion Expedited Hearing on Emergency Motion to Withdraw as Attorney (pp. 2-3) Case No. 09-34784-SGJ-11, filed on 09/09/10. This planted the idea that funds would be diverted because of the change in the Cook Island Trustee and placed Plaintiff in a bad light.
- 5) Transcripts from 01/04/11 Hearing on Motion to Vacate Order Appointing Receivership (pp. 154-58, 168).

REQUEST NO. 10: All documents: Admit that You have no valid claims against any of the

RESPONSE: Baron objects to this request because it lacks specificity and is vague and unclear in that it is not a request nor is it a complete sentence.

REQUEST NO. 11: All documents supporting or relating to your allegation that Pronske has disparaged You.

RESPONSE: The following documents are produced as requested and are served with this response according to Tex. R. Civ. P. 196.2(b)(2):

Transcripts from 01/04/11 Hearing on Motion to Vacate Order Appointing Receivership in which Pronske accused Baron of planning to divert funds offshore which in fact it was the ordered transfer of assets from one Trustee to another. The same transcripts record Pronske denying the assistance of the transfer (pp. 154-58, 168).

REQUEST NO. 12: All documents relating to any defense that you may have that You have not engaged in theft of services of the Defendants.

RESPONSE: Unsure of what to produce for this or if there is anything to produce.

REQUEST NO. 13: All documents relating to or supporting any defense you may have to the claim that You regularly threaten lawyers with malpractice claims when they present you an invoice for payment of fees and expenses.

RESPONSE: Unsure of what to produce for this or if there is anything to produce.

REQUEST NO. 14: All documents that relate to any defense you have to the allegation that You regularly defraud lawyers who represent You.

RESPONSE: Unsure of what to produce for this or if there is anything to produce.

REQUEST NO. 15: All documents that relate to any defense you have to the allegation that You regularly fail to pay your legal bills.

RESPONSE: The following documents are produced as requested and are served with this response according to Tex. R. Civ. P. 196.2(b)(2):

- 1) Declaration of Sharon Tedford, Insurance Director;

- 2) Declaration of Sean Washington, Farmer's Insurance Company;
- 3) Declaration of Nancy Beamguard; J. Kent Herndon, DDS;
- 4) Declaration on Tina Lewis, Lee Eye Surgery Center;
- 5) Declaration of Debra Moran, North Dallas Otolaryngology Consultants;
- 6) Declaration of Karla Looper, Ortho Texas Physicians and Surgeons;
- 7) Declaration of Lisa Govinchuch, Parkhaven Dental;
- 8) Declaration of Laurel Ethridge, Texas Orthopedic;
- 9) Declaration of Maira Tovar, Texas Health;
- 10) Declaration of Taisa Ware, TXU Energy;
- 11) Declaration of Tonia Clark, Las Colinas Federal Credit Union
- 12) Declaration of Daniel Altman, Shrull Altman LLP;
- 13) Declaration of Jimmy Lee, Trinity Meadows Association

Respectfully Submitted,

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