

DATA ENTRY
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PROBATE COURT 4

NO. 412.249-401

ESTATE OF § IN PROBATE COURT
NELVA E. BRUNSTING, §
DECEASED § NUMBER FOUR (4) OF
§ HARRIS COUNTY, TEXAS
§

CARL HENRY BRUNSTING, § IN PROBATE COURT
individually and as independent §
executor of the estates of Elmer H. §
Brunsting and Nelva E. Brunsting §

vs. §

ANITA KAY BRUNSTING f/k/a §
ANITA KAY RILEY, individually, §
as attorney-in-fact for Nelva E. Brunsting, §
and as Successor Trustee of the Brunsting § NUMBER FOUR (4) OF
Family Living Trust, the Elmer H. §
Brunsting Decedent's Trust, the §
Nelva E. Brunsting Survivor's Trust, §
the Carl Henry Brunsting Personal §
Asset Trust, and the Anita Kay Brunsting §
Personal Asset Trust; §
AMY RUTH BRUNSTING f/k/a §
AMY RUTH TSCHIRHART, §
individually and as Successor Trustee §
of the Brunsting Family Living Trust, §
the Elmer H. Brunsting Decedent's Trust, §
the Nelva E. Brunsting Survivor's Trust, §
the Carl Henry Brunsting Personal §
Asset Trust, and the Amy Ruth Tschirhart §
Personal Asset Trust; §
CAROLE ANN BRUNSTING, individually §
and as Trustee of the Carole Ann §
Brunsting Personal Asset Trust; and §
as a nominal defendant only, §
CANDACE LOUISE CURTIS § HARRIS COUNTY, TEXAS

CARL HENRY BRUNSTING'S
EXPERT WITNESS DESIGNATION

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COMES NOW Plaintiff, Carl Henry Brunsting, Individually and as Independent Executor of the estates of Elmer H. Brunsting and Nelva E. Brunsting ("Plaintiff"), and files his designation of expert witnesses that may testify in the above-referenced cause of action:

Expert Witnesses

1. Plaintiff may elicit expert testimony from the following retained experts:

- a. Bobbie G. Bayless
Bayless & Stokes
2931 Ferndale
Houston, Texas 77098
713.522.2224 - Telephone
713.522.2218 - Telecopier
bayless@baylessstokes.com

Ms. Bayless may testify concerning attorney's fees relevant to or at issue in this case. Ms. Bayless will rely on the actions taken and the filings in the case as well as her knowledge concerning reasonable, necessary, and customary fees in matters such as this. Ms. Bayless' resume and bibliography is being served on counsel together with this Designation.

- b. Charles Gerhardt, CPA
5615 Kirby Drive, Suite 640
Houston, Texas 77005
713.520.5592 -Telephone
713.520.9968 - Telecopier
charlie@gerhardtcpa.com

Mr. Gerhardt may testify concerning damages suffered by Plaintiff as a result of Defendants' actions. The documents available to Mr. Gerhardt to support his opinions are the pleadings in this case, the discovery exchanged in the case, and relevant accounting documents. Mr. Gerhardt's opinions will support Plaintiff's allegations that Plaintiff suffered damages as a result of Defendants' actions and quantify those damages. Information is still being sought concerning the full extent of those damages. Mr. Gerhardt's resume and bibliography is being served on counsel together with this Designation.

2. Plaintiff may also elicit expert testimony from experts who are not retained by Plaintiff, including witnesses with expertise who may be called to testify by

Defendants even though not retained as experts by Defendants, and Defendants' designated experts.

Plaintiff may also elicit testimony from the following expert who is not a retained expert at the time of this designation but who may become one if factors concerning Plaintiff's condition resulting from Plaintiff having suffered from encephalitis become an issue in the case or become relevant to an issue in the case:

- a. Charles G. Kevorkian, M.D.
Vice Chair and Associate Professor
Physical Medicine and Rehabilitation
O'Quinn Medical Tower at St. Luke's
6624 Fannin St., Suite 2330
Houston, Texas 77030
713.798.4061

Dr. Kevorkian's opinions will address the impact encephalitis had on Plaintiff and will be based on this expert's knowledge of those issues. Dr. Kevorkian's qualifications are being served on counsel together with this designation.

Reservations

Plaintiff reserves the right to supplement this designation with additional designations of experts within the time limits imposed by this Court or any alterations of same by subsequent Court Order or agreement of the parties, or pursuant to the Texas Rules of Civil Procedure and/or the Texas Rules of Civil Evidence.

Plaintiff reserves the right to call undesignated rebuttal expert witnesses, whose testimony cannot reasonably be foreseen until the presentation of the evidence.

Plaintiff reserves the right to withdraw the designation of an expert and to aver positively that any such previously designated expert will not be called as a witness at trial, and to redesignate same as a consulting expert.

Plaintiff reserves the right to elicit expert opinions or lay opinion testimony at the time of trial which would be truthful, which would be of benefit to the jury to determine material issues of

fact, and which would not be violative of any existing Court Order or the Texas Rules of Civil Procedure.

Respectfully submitted,

BAYLESS & STOKES

By: /s/ Bobbie G. Bayless

Bobbie G. Bayless
State Bar No. 01940600
2931 Ferndale
Houston, Texas 77098
Telephone: (713) 522-2224
Telecopier: (713) 522-2218
bayless@baylessstokes.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument was forwarded on the 1st day of December, 2014, as follows:

Jason B. Ostrom
Ostrom/Sain, LLP
5020 Montrose Blvd., Suite 310
Houston, Texas 77006
713.863.1051 - *via telecopier*

Darlene Payne Smith
Crain, Caton & James, P.C.
1401 McKinney, 17th Floor
Houston, Texas 77010
713.658.1921 - *via telecopier*

Stephen A. Mendel
Bradley E. Featherston
The Mendel Law Firm, L.P.
1155 Dairy Ashford, Suite 104
Houston, Texas 77079
281.759.3214 - *via telecopier*

Amy Ruth Brunsting
2582 Country Ledge
New Braunfels, Texas 78132
via Email and Certified Mail/RRR

/s/ Bobbie G. Bayless
BOBBIE G. BAYLESS

BOBBIE G. BAYLESS

LEGAL PRACTICE:

- Admitted to State Bar of Texas, 1980
- Admitted to State Bar of Colorado, 1992
- Partner, Bayless & Stokes, 1983 to present
- Board Certified in Civil Trial Law by Texas Board of Legal Specialization, 1986; Recertified in 1991, 1996, 2001, 2006, and 2011
- Board Certified in Civil Trial Law by National Board of Trial Advocacy, 1993; Recertified in 1998, 2003, 2008, and 2013.
- Board Certified by National Board of Civil Pretrial Practice Advocacy, 2012
- Admitted to practice before the U.S. Supreme Court; U.S. Circuit Court of Appeals for the Fifth, Ninth, and Tenth Circuits; and the Texas U.S. District Courts

PROFESSIONAL MEMBERSHIPS AND ACTIVITIES:

- State Bar of Texas
 - Women in the Profession Committee, 1991-1993
- Houston Bar Association
 - Director, 1988-1994; 1995-1999
 - President's Award for Outstanding Service, 1988-89
 - Houston Lawyer Referral Service, Inc.
 - Chair and President, 1995-1996
 - Alternate Dispute Resolution Committee
 - Chair and President, Dispute Resolution Center, 1992-1993
 - Judicial Liaison Committee
 - Chair, 1991-92
 - Tennis Tournament Committee, 1983-1985
 - Chair, 1985-1989
 - Houston Lawyer Editorial Board, 1994-1998
 - Guest Editor, Special Historical Issue: 125 years of Justice, Service, Professionalism (September/October 1995)
 - Pictorial Roster Committee, Chair, 1998-1999
 - Speakers Bureau Committee, Chair, 1997-1998
 - Long Range Planning Committee, 1994-1995
 - Finance Committee, 1993-1994, 1995-1996, 1997-1998
 - HBA-HYLA Harris County Bench Book Committee, 1991-1998
 - HBA Bench/Bar Conference Committee, 1993, 1995
 - CLE Committee, 1985-1992
 - Membership Services Committee, 1992-1993
 - Staff & Staffing Committee, 1992-1993
 - Buildings and Facilities Committee, 1988-1989
- Master, American Inns of Court, Garland Walker Inn of Court, 1995-1999
- Bar Association of the Fifth Federal Circuit
- Fellow, Texas Bar Foundation
- Fellow, Houston Bar Foundation

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LEGAL TEACHING POSITIONS:

- Adjunct Professor, Pre-Trial Litigation, University of Houston, Spring and Fall, 1996

SPEAKER:

- "Receiverships and Bankruptcy in Divorce", Family Law Practice Seminar, University of Houston, 2000
- "Collecting Judgments", Houston Bar Association, Spring Seminar, 2000
- "Bankruptcy in Divorce", 25th Annual State Bar of Texas Advanced Family Law Course 1999
- "When Worlds Collide - Divorce vs. Bankruptcy", 14th Annual Farm, Ranch and Agri-Business Bankruptcy Institute, Texas Tech University School of Law, 1998
- "Divorce and Bankruptcy", 2nd Annual University of Texas Marital Property Institute, 1998
- "Bankruptcy meets State Court", 17th Annual University of Texas Bankruptcy Conference, 1998
- "Divorce-Marital Obligations in Bankruptcy", 23rd Annual Stetson University School of Law Bankruptcy Law & Practice Seminar, Florida, 1998
- "Dynamics Between State Court Actions and Bankruptcy Proceedings; Abstention; Impact of Bankruptcies on State Court Receiverships; Section 544(b) Voiding Power", 23rd Annual Stetson University School of Law Bankruptcy Law & Practice Seminar, Florida, 1998
- "Bankruptcy and Divorce", 16th Annual University of Texas Bankruptcy Conference, 1997
- "Collecting Judgments"; Houston Bar Association, Spring Seminar, 1997
- "Divorce & Bankruptcy"; Houston Bar Association, Spring Seminar, 1996
- "Collecting Judgments"; Houston Bar Association, Spring Seminar, 1995
- "Using the Turnover Statute to Collect Your Hard-Earned Money"; South Texas College of Law; Family Law for the General Practitioner and Legal Assistant, 1995
- "Turnover Documents"; University of Houston, Collection: Drafting Documents for a Collections Practice, 1993
- "Fraudulent Transfers: Elements, Pleadings, Proof and Remedies"; University of Houston, Collecting Debts and Judgments Institute, San Antonio and Houston, 1991; Dallas and Houston, 1992; Houston, 1993; Houston, 1994
- "Fraudulent Transfers"; State Bar of Texas, Advanced Creditors' Rights Seminar, Dallas, 1991
- "Counteracting the Abusive Debtor's Estate Planning"; Houston Bar Association, Spring Seminar, 1991
- "Use of Receiverships in Judgment Collection"; Houston Bar Association, Spring Seminar, 1990
- "Trustee Powers Under Bankruptcy"; Oklahoma Bar Association, 4th Annual Advanced Bankruptcy Seminar, 1989
- "How to Find, Prove and Set Aside Fraudulent Transfers"; Houston Bar Association, Fall Seminar, 1987; American Academy of Matrimonial Lawyers, Houston, 1987; Houston Bar Association, Family Law Section, 1987

SELECTED REPORTED CASES:

- *2001 Trinity Fund, LLC v. Carrizo Oil & Gas, Inc.*, 393 S.W.3d 442
- *In re Alpert*, 267 F.R.D. 202
- *In re Alpert*, 276 S.W.3d 592
- *Alpert v. Riley*, 274 S.W.3d 277

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- *Lesikar v. Moon*, 237 S.W.3d 361
- *Wheeler v. Methodist Hospital*, 95 S.W.3d 628
- *In Re: Republic Parking System of Tex., Inc.*, 60 S.W.3d 877
- *Humphreys v. Medical Towers, Ltd.*, 893 F. Supp. 672
- *Roosth v. Weiner*, 889 S.W.2d 445
- *Roosth v. Daggett*, 869 S.W.2d 634
- *Knighton v. IBM*, 856 S.W.2d 206
- *Bayless v. Christie, Manson & Woods International, Inc.*, 2 F. 3d 347
- *In re Crabtree*, 112 B.R. 420
- *Bayless v. Crabtree Through Adams*, 108 B.R. 299
- *In re: Johnson*, 54 B.R. 582
- *Ex Parte Johnson*, 654 S.W.2d 415

PUBLICATIONS:

- *Fraudulent Transfers in Texas*, 39-OCTHous.Law.28
- *Arbitration: Texas Supreme Court Orders Enforcement of Arbitration Agreement*, 33-FEBHous.Law8
- *FED. Civil Procedure: Fifth Circuit Examines Documentation Needed to Support Attorney's Fees*, 33-DECHous.Law9
- *Sexual Harassment: Fifth Circuit Confirms Reasonable Person Standard in Title VII Hostile Work Environment Cases*, 33-AUGHous.Law21
- *Employment Law: Supreme Court Clarifies Impact of After-Acquired Evidence of Terminated Employee's Wrongdoing in Discrimination Actions*, 32-APRHous.Law14
- *Fraudulent Conveyances in Texas*, The Houston Lawyer, January-February, 1988
- *Olivarez v. Broadway Hardware, Inc.: The Decline of Mutuality in Collateral Estoppel*, 20 South Texas Law Journal, 193.

EDUCATION:

- South Texas College of Law - J.D. 1980
 - Casenote Editor, South Texas Law Journal
- St. Mary's University School of Law - 1976-77
- Rice University - B.A. 1976

PERSONAL:

- Born Overton, Texas on June 20, 1954
- Resident, West University Place, Harris County, Texas, 1977 - present
- Director, Alumni Board of Rice University, 1986-1989
- Founder/First President, Rice University Business & Professional Women, 1985-87

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CHARLIE GERHARDT, CPA
5615 KIRBY, SUITE 640, HOUSTON, TEXAS 77005
TEL: 713-520-5592 FAX: 713-520-9968
charlie@gerhardtcpa.com
www.gerhardtcpa.com

EDUCATION, CERTIFICATIONS & LICENSES

BBA: Graduated from The University of Texas at Austin on January 27, 1968.
CPA: Licensed by the Texas State Board of Public Accountancy on August 8, 1972.
ABV: Accredited by the AICPA in Business Valuation on November 5, 1998.
CFF: Certified in Financial Forensics on July 31, 2008

PROFESSIONAL EXPERIENCE

1972 to present: CPA performing general public accounting and business valuations. Currently providing the following services: business valuations, due diligence analysis, financial statement analysis, tax preparation, research, general accounting services, business consulting services, litigation support services, and financial planning for businesses and individuals.

COURT APPOINTMENTS

- **Federal Bankruptcy Court:** As: Chapter 11 Trustee, examiner, receiver, and liquidating agent.
- **State Civil District Court:** As: receiver, auditor, and special master.
- **State Family District Court:** As: receiver, valuation expert, and tracing expert.

Speaking and Writing Credits

- Speaker: *Collaborative Law Divorce: Peacefully Moving From We to Me - CPE by the Sea*, June 12, 2013
- Speaker: *Business Valuation -The Ultimate Property Division Seminar*, November 10, 2011.
- Speaker: Houston Bar Association –Family Law Section; *Thou Shall Consider Taxes, Update*, July 1, 2009.
- Speaker: Houston Bar Association –Family Law Section; *Thou Shall Consider Taxes*, March 5, 2008.
- Speaker: The Definitive Short Course on Parent/Child Relationships - The University of Texas School of Law; *Financial Resources for Children*, November 9, 2007.
- Speaker: Family Law Conference -- South Texas College of Law – *Analyzing Tax Returns*, February 9, 2007.
- Speaker: State Bar of Texas 32nd Annual Advanced Family Law Course, August 2006; *Why Worry About Taxes?*
- Speaker. Houston Chapter of CPAs – *Litigation Support Engagements: Conflicts of Interest & Professional Standards*, February 23, 2005.
- Speaker: Family Law Conference – South Texas College of Law - *Digging and Prospecting in 1040's for Assets, Liabilities and Cash flow*, February 5, 2004.
- Speaker/Instructor: MCLE Course - *Digging and Prospecting in 1040's for Assets, Liabilities and Cash Flow*, November 13, 2003.
- Speaker: *Divorce and Taxes in Texas*; Brazos Valley Estate & Financial Planning Council, College Station, Texas, April 23, 2002.
- Speaker: *Divorce Forensic Accounting*; National Association of Personal Financial Advisors -2001 South Region Conference, Atlanta, Georgia, November 10, 2001.
- Speaker: Houston Bar Association - Family Law Section - *Divorce and Taxes in Texas*, February 2, 2000.

- Speaker: Galveston Bar Association - Family Law Section - *Divorce and Taxes in Texas*, April 4, 2000.
- Speaker: *Digging and Prospecting in tax returns and public documents for assets, liabilities and cash flow*, Brazos Valley Estate and Financial Planners, March 1999.
- Co-Chair: *How to Present, Admit, and Attack the Financial Expert's Report*; South Texas College of Law & TSCPA; November 1998 (& conference committee 1999).
- Speaker: *Goodwill*, Houston Chapter of CPAs-Litigation Symposium, October 1995.
- Speaker: *Comparison of CPA and ASA Valuation Services*, Houston Chapter of CPAs-Litigation Symposium, October 1994.
- Speaker: *What is Business Valuation?* Texas Society of CPAs-Litigation Services Conference, May 1993.
- Speaker: *Professional Standards in Litigation Support Engagements*, Houston Chapter of CPAs, November 1990.
- Article: *Putting a Value on a Medical Practice*, FAMILY ADVOCATE, A PRACTICAL JOURNAL BY THE ABA FAMILY LAW SECTION; Summer 1984, Vol.7, No. 1.
- Article: *Litigation Support Services—A Risk or Opportunity?*; NEWS, Texas Society of Certified Public Accountants, Houston Chapter; July 1983, No. 7.
- Speaker: *Insolvency Management*; University of Houston College of Business Administration, June 1982.

MEMBERSHIPS AND COMMITTEE APPOINTMENTS

- American Institute of Certified Public Accountants.
- Texas Society of Certified Public Accountants.
 - Vice Chairman of the Litigation Conference 1993-94 year.
 - Litigation Services Committee member 1992-93; 1991-92.
- Houston Chapter of Certified Public Accountants.
 - Litigation Services Committee member and Litigation Services Symposium Conference 1995-96,
 - Litigation Services Committee member and Litigation Services Symposium Conference 1994-95,
 - Litigation Services Committee member 1993-94; 1992-93; 1991-92; 1990-91.
- Texas Society of CPAs Litigation Support Services Member Section.
 - Chairman of the section 1997/98.
 - Vice Chairman and editor of newsletter 1996-97.
 - Treasurer 1998-99.
- State Bar of Texas – Office of Disciplinary Counsel.
 - Public Member for two terms (2001 to 2006.)
 - Committee Chairperson for 2004/2005 term.
- Collaborative Law Institute of Texas.
 - Member, designated Financial Professional

TRAINING

- Basic Mediation Training (40 hours), April 23, 1995.
- Mediation for Family Disputes (24 hours), February 19, 1995.
- Financial Professional, Collaborative Law Institute of Texas – Training, September 2008.

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Charles G. Kevorkian, M.D.
Vice Chair and Associate Professor of Physical Medicine and Rehabilitation

Clinical Service Area

Physical Medicine and Rehabilitation

Specialty

General Rehabilitation
Musculoskeletal Rehabilitation
Stroke Rehabilitation

Board Certification

American Board of Physical Medicine and Rehabilitation

Medical School

University of New South Wales, Sydney, Australia

Internship

Physical Medicine and Rehabilitation, Prince of Wales Hospital, Sydney, Australia

Residency

Physical Medicine and Rehabilitation, Mayo Clinic, Rochester, MN
Physical Medicine and Rehabilitation, Prince of Wales Hospital, Sydney, Australia

Clinical Interests

Musculoskeletal medicine, general rehabilitation, stroke rehabilitation

Clinic Location

Physical Medicine and Rehabilitation
O'Quinn Medical Tower at St. Luke's
6624 Fannin St., Suite 2330
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