

NO. 412,249-401

ESTATE OF NELVA E. BRUNSTING.
DECEASED

IN PROBATE COURT

CARL HENRY BRUNSTING,
INDEPENDENT EXECUTOR OF THE
ESTATES OF ELMER H. BRUNSTING
& NELVA E. BRUNSTING

NUMBER FOUR (4) OF

v.

CANDACE L. KUNZ-FREED &
VACEK & FREED, P.L.L.C.,
F/K/A THE VACEK LAW FIRM, P.L.L.C.

HARRIS COUNTY, TEXAS

MEDIATION ORDER

On January 10, 2020, the parties appeared before the Court on the Vacek Defendants, Candace L. Kunz-Freed, and Vacek & Freed, P.L.L.C., motion to appoint a third party representative. With the exception of Carole Brunsting, who was Pro Se, all the other parties appeared through counsel.

For purposes of this Order, the term "Parties" means Candace Curtis, Carl Brunsting, Carole Brunsting, Anita Brunsting, and Amy Brunsting, individually and in all other capacities held by them, if any, and the "Vacek Defendants."

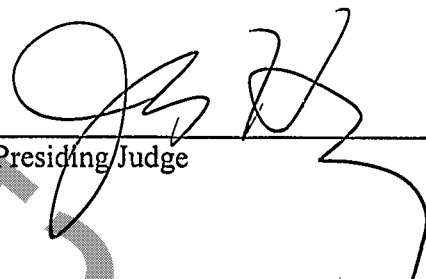
In addition to the Vacek Defendants' motion, there was a general discussion of the status of other issues.

Based on the arguments of the Parties, it is, therefore, ORDERED as follows:

1. Unless the Parties agree otherwise, and notify the Court of any such agreement, the Parties shall mediate their disputes with the Hon. Mark Davidson. The mediation shall be scheduled with the mediator within fourteen (14) days from the date this Order is signed, and the mediation shall occur on or before sixty (60) days from the date this Order is signed, unless Judge Davidson's mediation calendar does not have an available date within that time frame, in which event the mediation shall be scheduled as soon as Judge Davidson is available.
2. The Co-Trustees, Anita Brunsting and Amy Brunsting, shall serve as the representative, for purposes of the mediation, to negotiate and/or settle all claims against the Vacek Defendants. Such authority will include, but not be limited to, settlement on any terms and/or conditions as the Co-Trustees consider reasonable, including, but not limited to, dismissal with prejudice of any and all claims against the Vacek Defendants.

3. Any settlements reached at mediation by the Co-Trustees with the Vacek Defendants shall be binding on every Brunsting Party.
4. If the Co-Trustees do not settle all claims against the Vacek Defendants at mediation, the authority of the Co-Trustees to prosecute, defend and/or settle the claims against the Vacek Defendants will end and the Court will hold a hearing to determine whether the Co-Trustees will be appointed thereafter to serve as representatives to prosecute, defend, and/or settle the claims against the Vacek Defendants, or whether a different representative should be appointed.
5. The Court acknowledges that on January 16, 2020, Candace Curtis filed an objection to the Co-Trustees serving as the representatives addressing claims against the Vacek Defendants. If the case is not resolved at mediation, any other objection to the continuation of authority of the Co-Trustees may be filed prior to the hearing on that issue.
6. The Bill of Review filed by Candace Curtis is ABATED pending the conclusion of the mediation, or until further order of the Court.

SIGNED on this February 21, 2020.



Presiding Judge

2020 FEB 24 AM 9:11
COMMUNITY CLERK
HARRIS COUNTY CLERK

AGREED & APPROVED BY
THE FOLLOWING PARTIES

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