

CAUSE NO. 412249-401

CANDICE CURTIS, Plaintiff	§	IN THE STATUTORY PROBATE COURT
VS	§	
AMY BRUNSTING AND ANITA	§	OF HARRIS COUNTY, TEXAS
BRUNSTING, Individually and as	§	
Trustee of the Nelva and Elmer	§	
Decedent's and Survivor's Trust,	§	PROBATE COURT NO.4

UNSWORN DECLARATION OF CANDICE SCHWAGER

STATE OF TEXAS §

COUNTY OF HARRIS §

I, CANDICE SCHWAGER, hereby certify that I have a disability, which caused me to serve the Joint PTO at 2:45 p.m. rather than noon on Monday the 21st of February 2022. I have been routinely granted reasonable accommodations in the probate courts and district courts, whom are on notice of my right to accommodation under the Americans with Disabilities Act of 1990 (ADA and ADAAA of 2008). The Joint PTO, exhibit list and witness list were less than three hours late, caused by severe chronic pain associated with my illness. It was not intentional or the result of conscious indifference, but due to illness.

Furthermore, I certify to the Court my personal knowledge that CANDACE CURTIS did not comply with the Court's order to pay sanctions due to her inability to comply with the order for lack of funds. As previously stated to the Court, I am working pro bono / contingent fee on this case due to Candace's inability to pay me. Her failure to pay the order was clearly due to lack of funds to comply, her belief that this court lacked jurisdiction and the reasons stated in our response to the motion to exclude for sanctions and/or contempt.

I further certify that her failure to attend the deposition DEFENDANTS demanded was due to her fear of contracting covid-19 and the fact that she continued to be in lock down in her house due to the high risk of serious illness or death she faced by having several risk factors. In my opinion, based upon the law, CURTIS' conduct does not merit any of the relief requested in DEFENDANTS' malicious bad faith motion. There is no justification for the relief

DEFENDANTS seek. Furthermore, DEFENDANTS lack clean hands and have abused discovery under Texas Rule of Civil Procedure 215 by failing to produce their contract and fee statements by the deadline for exhibits to be exchanged. On this basis, their request for attorneys' fees should be denied by this court via forfeiture.

The foregoing is true and correct based upon my personal knowledge.

Candice Schwager
Candice Schwager