# INTRODUCTION

The case in point is a chronicle of a long con[[1]](#footnote-1) involving third party intercept of family generational asset transfers. It is a two part confidence game[[2]](#footnote-2) which I divide into a “Front End” scheme and “Back End” scheme, both of which work hand in hand in effort to exploit the controversy manufactured by the estate planning attorneys on the front end with the sole purpose of unjustly enriching the participating attorneys on the backend.

The frontend is very simple. Aging Americans concerned with transferring their assets to their heirs are baited by the estate planning attorney’s claims that their products and services will avoid probate and guardianship. Where, as here, a weak link in the family moral fabric can be identified; the family generation asset transfer can be branded as “vulnerable to interception”.

The front end of the trust busting form of enterprise follows a well beaten path that always involves illicit late term changes to long standing estate plans. On the backend we always see a war of attrition with all of the attorneys working together to multiply the litigation and foreclose the real parties access to remedy.[[3]](#footnote-3) The object is to avoid the public record while coercing the family of victims into capitulating to ransom demands and entering into a “Settlement Agreement”, a contract that would launder the attorney ransom under the cleansing label of “fees for legal services” with most of the groundless “extortion threats” occurring under the pretext of a confidential “settlement conference”[[4]](#footnote-4).

Before listing the participants, listing the crimes committed, and listing the chronology of the various courts and cases that comprise the “multiplication” I will make a few statements in advance of my detailed explanations. (1) All of the Brunsting Family Living Trust “change instruments” contrived by the Vacek & Freed law firm (V&F) dated after June 8, 2008 are invalid. Repeating myself I will say it another way. All of the instruments alleged to have been signed by Nelva Brunsting alone are invalid as a matter of law. (2) That being said; the 2005 Restatement as amended in 2007 is the controlling trust indenture. Candace Curtis and Carl Brunsting are the de jure trustees. Defendant Co-trustees Anita Brunsting and Amy Brunsting are usurpers in adverse possession of the office via the illicit change instruments generated by V&F that created this controversy. (3) Anita failed to assemble books and records of accounts and caused litigation to be brought by failing to submit a required accounting. Anita’s intention was to cause litigation to be brought and then use illicit instruments to claim violation of in Terrorem, with corruption of blood, with the intention of enlarging her share of the trust. This is borne out in the context of eleven years of effort to obtain remedy while remedy was being foreclosed by the misconduct of the participating attorneys[[5]](#endnote-1).

## Parties and Players Listing

Elmer and Nelva Brunsting had five children listed eldest to youngest: Candace, Carole, Carl, Amy and Anita.

Participating attorneys:

1. Attorney Candace Kunz-Freed, Texas State Bar No. 24041282, Elmer and Nelva Brunsting’s Estate Planning Attorney at Vacek & Freed P.L.L.C. Attorney for Anita and Amy Brunsting in the Southern District of Texas.
2. Attorney Bernard Lyle Matthews III, Texas State Bar No. 13187450, Staff attorney with V&F. Attorney for Anita and Amy Brunsting in the Southern District of Texas.
3. Attorney Bobbie G. Bayless, Texas State Bar No. 01940600, Counsel for Carl Brunsting
4. Attorney Darlene Payne-Smith, Texas State Bar No. 18643525, former Counsel for Carroll Brunsting
5. Attorney Jason B. Ostrom Texas State Bar No. 24027710, Fed. Id. No. 33680, (Deceased) Candace Curtis double crossing attorney. Ostrom, after perpetrating a fr5auid on his SDTX client Candace Curtis, appeared pro se and, against his former client, as counsel for Fraudulent Administrator Gregory Lester in the 2016 RICO case.
6. Attorney Stephen A Mendel, Texas State Bar No. 13930650, Anita Brunstings third attorney. Anita’s 2nd attorney, Maurine McCutcheon of Mills Shirley withdrew rather than stoop to the level of moral depravity required to further her client’s intentions.
7. Attorney Neal Spielman, Texas State Bar No. 00794678, Amy Brunstings third attorney. Amy’s 2nd attorney, Maurine McCutcheon of Mills Shirley withdrew rather than stoop to the level of moral depravity required to further her client’s intentions.
8. Attorney Gregory Lester Texas State Bar No. 12235700, Fraudulent Administrator appointed by stipulation for the sole purpose of evaluating the “claims” in estate of Nelva Brunsting.
9. Attorney Jill Willard-Young Texas State Bar No. 00797670 Attorney for Fraudulent Administrator Gregory Lester.
10. Additional participants include but are not limited to the estate planning attorneys malpractice insurance company attorneys who have been milking the malpractice insurance money cow while passively allowing the other participants to hold the family money cow and its beneficiaries hostage in the probate theater where the active participants engage in a fraud conspiracy in pursuit of their own unjust enrichment.
11. Attorney Zandra E. Foley, State Bar No. 24032085
12. Attorney Cory S Reed, Texas Bar No. 24076640

## List of Public and Private Offenses

1. Fraud, Forgery, Perjury, illegal wiretap recording, Obstruction, mail fraud (wiretap recordings), Conspiracy to interfere with the jurisdiction of a United States District Court, misapplication of fiduciary property (embezzlement from a fiduciary position of trust) Extortion, Conversion, misapplication of fiduciary property (embezzlement from a fiduciary position of trust) violation of a federal preliminary injunction and aiding and abetting all of the above:
2. [Conversion of Curtis lawsuit](https://app.box.com/s/ugkg3uxzn0xcx70ijiiuimyvo7ui689q) into “Estate of Nelva Brunsting” when the Brunsting Family Trust is the only devisee/legatee and neither Curtis nor any other trust beneficiary has standing in the probate of an estate that does not exist. Misapplication of Fiduciary property a/k/a embezzlement of trust funds
3. At this juncture we have collusion between successor beneficiaries Anita and Amy and the Settlors Trust and Estate Plan Attorneys Bernard Mathews and Candace Kunz-Freed: This begins the manufacture of controversy… Usurpation of the Settlors Trust plan and the cultivating of conflicting interests between successor beneficiaries Anita and Amy and successor beneficiaries Candace, Carole, Carl, Amy and Anita;
4. Fraud on the federal court by Mathews, disingenuously concealing his conflicts of interest, while appearing on behalf of clients for whom Mathews had drafted illicit instruments in betrayal of V&F’s original clients and to the injury of successor beneficiaries Candace, Carl and Carole;
5. Fraud on the federal court by Ostrom and Bayless multiplying the litigation and committing fraud upon two additional state courts (Willful Obstruction);
6. Fraud on the federal court by attorney Jason Ostrom with mens rea by using the administrative side of the court to avoid the judicial side of the court in order to get Curtis lawsuit improperly remanded from a court of competent jurisdiction to a court the case had not been removed from and that could not compose a court of competent jurisdiction;
7. The April 19, 2013 Injunctive Order is the only substantive finding of fact and conclusion of law after hearing ever entered by any court and the Masters Report that followed the injunction showed self-dealing and misapplication of fiduciary assets by Anita Brunsting;
8. [Amy’s March 6, 2012 affidavit](https://app.box.com/s/n03bd1xp4r8owyzwmtvh0ltii2lmz2cf) claiming personal asset trusts had been “set up” was sworn to under penalty of perjury and was a false affidavit that remains untrue today;
9. The continued violation of the affirmative command in the injunction, that income be used to fund those same accounts, is criminal. Income is received twice annually;
10. [Conversion of Curtis lawsuit](https://app.box.com/s/ugkg3uxzn0xcx70ijiiuimyvo7ui689q) into “Estate of Nelva Brunsting” when the Brunsting Family Trust is the only devisee/legatee and neither Curtis nor any other trust beneficiary has standing in the probate of an estate.
11. Illegal Wiretap Recording: File properties in the wiretap recording segments disseminated by mail on CD-Rom in July 2015 indicate that those excerpts were extracted from a master on February 15, 2015.
12. The reason for the release of these segments of the wiretap recordings and not the masters is that the master wiretap recordings contain recordings of Nelva Brunsting denying that she made the alleged changes to the trust. The release of these wiretap recordings were used as an excuse to negate the existing DCO and for obstructing summary judgment hearings and trial. It would be six years before another DCO would be put in place.
13. Not only are we looking at a passive aggressive methodology for fiduciary theft, the no-contest clause Amy, Anita and their attorneys, [Stephen Mendel](https://www.mendellawfirm.com/) and Neal Spielman, are relying on is in a [forged and otherwise fraudulent](https://app.box.com/s/hhd0gh0xcoem6a8bo0x8u45dn40mihry) instrument that contains a corruption of the blood provision. Thus Anita and Amy, by forcing the beneficiary to bring litigation to protect their beneficial interests and then advancing a theory that, if true, would enlarge their share of the trust, have violated paragraph two of the no-contest clause in the 2005 restatement by causing litigation to be brought for purposes of advancing such a theory.
14. In this equation we have aiding and abetting: malpractice, breach of fiduciary, elder abuse, fraud, conspiracy, forgery, illegal wiretapping, attempted extortion, criminal conversion, docket tampering, misapplication of fiduciary assets, perjury and violation of a federal preliminary injunction in perpetuity.

# CASES RELATED BY OPERATIVE FACTS AND PARTICIPANTS

1. 2012-02-27 [**SDTX No. 4:12-cv-592**](http://www.probatemafia.com/Brunsting/Tab%201%202012-02-27%20Case%20412-cv-592%20Curtis%20Original%20Federal%20Complaint.pdf) Candace Louise Curtis vs Amy Brunsting, Anita Brunsting and Does 1-100, a breach of fiduciary action seeking accounting and disclosures filed 2/27/2012. Filed Pro se!
2. 2012-03-08 Candace federal suit dismissed under the probate exception and Notice of Appeal filed same day leading to [**5th Circuit ROA.12-20164**](http://www.probatemafia.com/Brunsting/2012-04-12%20Curtis%20v%20Brunsting-%20ROA.12-20164.pdf)(pro se appeal)
3. 2012-03-09 Harris County District Court 180 [Cause No. 2012-14538 Bayless Petition to take Depositions Before Suit](http://www.probatemafia.com/Brunsting/2012-03-09%20case%20212-14538%20Bayless%20Petition%20to%20take%20deposition%20before%20suit.pdf)
4. 2012-04-02 Will of Elmer Brunsting filed in Probate Court No. 4 Cause No 412,248
5. 2012-04-02 [Will of Nelva Brunsting filed in Probate Court No. 4 Cause No 412,249](http://www.probatemafia.com/Brunsting/2012-04-03%20Will%20of%20Nelva%20Brunsting.pdf)
6. **2013-01-09** [**Curtis v Brunsting 704 F.3d 406**](http://www.probatemafia.com/Brunsting/2013-01-09%20Curtis%20v.%20Brunsting%20704%20F.3d%20406%205th%20Circuit%20Jan%202013.pdf)This isn’t probate
7. 2013-01-29 [**Harris County District Court 164 Cause No. 2013-05455**](http://www.probatemafia.com/Brunsting/Tab%2074%202015-02-03%20Case%202013-05455%20BRUNSTING,%20CARL%20H.-1%20Deposition%20of%20Carl%20H.%20Brunsting.pdf), Bayless files a malpractice action against the estate planning attorneys filed by Carl Brunsting as “independent executor” of his Parents estate, filed January 29, 2013. Carl resigned the office of “independent executor” February 17, 2015 and there has been no plaintiff in this case since.
8. 2013-04-09 Preliminary and Permanent Injunction issued SDTX April 9, 2013 ([Memorandum published April 19, 2013](http://www.probatemafia.com/Brunsting/Tab%204%202013-04-19%20Doc%2045%20Memorandum%20of%20Preliminary%20Injunction%20Certified.pdf))
9. 2013-04-09 [**Harris County Probate Court No. 4 Cause No. 412249-401**](http://www.probatemafia.com/Brunsting/Tab%2025%20Carl's%20Original%20April%209,%202013%20Petition%20412249-401%20PBT-2013-115617_Certified.pdf), Bayless files a civil tort action exclusively related to the Brunsting trust filed by Carl Brunsting individually and as executor on April 9, 2013, four days after the close of the probate proceedings and the same day as the injunction hearing in SDTX No. 4:12-cv-592.
10. [**Harris County Probate Court No. 4 Cause No. 412249-402**](http://www.probatemafia.com/Brunsting/TAB%2046%20%202015-02-09%20Docket%20sheet%20412249-402%20Certified%202019-08-22.pdf) – the federal case was remanded to Harris County Probate Court No. 4 May 14, 2014 and the alleged -402 was opened several months later. (see appeal briefs”.
    1. The “[remand order” was accepted in Probate Court No. 4 as a “transfer order](http://www.probatemafia.com/Brunsting/2014-05-28%20%20Case%20412249%20402%20MOTION%20TO%20ENTER%20TRANSFER%20ORDER%20signed%20by%20Butts%20PBT%202014%20184792.pdf)” on May 22, 2014; converted into “*Estate of Nelva Brunsting No. 412249-402*” and then Dissolved into *Estate of Nelva Brunsting No. 412249-401*, which is the case brought by Carl Brunsting both individually and as “independent” executor on April 9, 2015.
11. [**Curtis et al., vs. Kunz-Freed et al., SDTX No. 4:16-cv-1969**](http://www.probatemafia.com/Brunsting/2016-07-05%20Case%204-16-cv-01969%20Doc%201%20Harris%20County%20RICO_Complaint.pdf), an honest services fraud case brought under the racketeer influenced corrupt organization statutes filed July 5, 2016: dismissed for failure to state a claim.
12. [**5th Circuit ROA.17-20360**](http://www.probatemafia.com/Brunsting/%5b100%5d%202018-06-28%20No.%2017-20360_United%20States%20Court%20of%20Appeals%20for%20the%205th%20Circuit.pdf) affirmed for lack of a sufficient statement of supporting facts June 28, 2018.
13. [**Registration of Foreign Judgment, Submission ID: 43704956**](http://www.probatemafia.com/Brunsting/Foreign%20Judgment/), filed with Harris District Clerk on June 12, 2020, domesticating the federal preliminary injunction. The Foreign Judgment was not challenged by the respondents within 30 days as required and thus, the Foreign Judgment became a final judgement on July 12, 2020.
14. Harris County Probate Court No. 4 No. [**412249-403**](http://www.probatemafia.com/Brunsting/TAB%2053%20%202019-03-01%20Order%20to%20transfer%20District%20court%20case%20to%20Probate_Certified.pdf) – This is case #3 supra, Harris County District Court 164 Cause No. 2013-05455 [ordered transferred to Harris County Probate Court No. 4](http://www.probatemafia.com/Brunsting/TAB%2053%20%202019-03-01%20Order%20to%20transfer%20District%20court%20case%20to%20Probate_Certified.pdf) on April 4, 2019, without a pending probate administration to be ancillary to and, where it remains without a plaintiff as of Carl Brunstings’ February 17, 2015 resignation. (See Narvaez v Powell)

Haight v. Koley Jessen PC, No. 10-18-00057-CV, at \*4-5 (Tex. App. June 12, 2019) (“In In re Hannah, the court held that a cause of action brought in the district court was not a "matter related to a probate proceeding" within the scope of [Section 31.002 of the Estates Code.](https://casetext.com/statute/texas-codes/estates-code/title-2-estates-of-decedents-durable-powers-of-attorney/subtitle-a-scope-jurisdiction-venue-and-courts/chapter-31-general-provisions/section-31002-matters-related-to-probate-proceeding) In re Hannah, [431 S.W.3d at 809](https://casetext.com/case/in-re-hannah-16#p809). The court focused on the nature of the damages sought, and held that because the suit sought damages which would, if awarded, be satisfied from the defendant's individual assets rather than from any property of the estate, the claims were not related to a probate proceeding. In re Hannah, [431 S.W.3d at 809-811](https://casetext.com/case/in-re-hannah-16#p809). In Narvaez, the court agreed with the court in Hannah that the nature of the claims and the relief sought must be examined when determining whether the probate court has jurisdiction of a non-probate claim. Narvaez v. Powell, [564 S.W.3d 49, 56](https://casetext.com/case/narvaez-v-darron-powell-darron-powell-pllc#p56) (Tex. App.—El Paso 2018, no pet). In Narvaez, a group of heirs filed suit in district court against attorneys alleging breach of fiduciary duties and legal malpractice. Narvaez v. Powell, [564 S.W.3d at 52](https://casetext.com/case/narvaez-v-darron-powell-darron-powell-pllc#p52). The court in Narvaez found that a legal malpractice claim cannot be characterized as a probate proceeding within the meaning of [Section 31.001](https://casetext.com/statute/texas-codes/estates-code/title-2-estates-of-decedents-durable-powers-of-attorney/subtitle-a-scope-jurisdiction-venue-and-courts/chapter-31-general-provisions/section-31001-scope-of-probate-proceeding-for-purposes-of-code) or related to a probate proceeding as that term is defined by [Section 31.002 of the Estates Code.](https://casetext.com/statute/texas-codes/estates-code/title-2-estates-of-decedents-durable-powers-of-attorney/subtitle-a-scope-jurisdiction-venue-and-courts/chapter-31-general-provisions/section-31002-matters-related-to-probate-proceeding) Narvaez v. Powell, [564 S.W.3d at 57](https://casetext.com/case/narvaez-v-darron-powell-darron-powell-pllc#p57).”)

1. Harris County Probate Court No. 4 No. [**412249-404**](http://www.probatemafia.com/Brunsting/Tab%2049%20Certified%2016230048-%20C%23%204%20Bill%20of%20Review%20Petition%20for%20Bi.pdf) – A statutory Bill of Review constituting a direct attack on the Probate Courts Order denying Candace Curtis Plea to the Jurisdiction .
2. Harris County Probate Court No. 4 No. [**412249-405**](http://www.probatemafia.com/Brunsting/2022-04-08%20docket%20412249-405.pdf) – This case was created March 11, 2022 by an order severing Carl Brunsting from the 412249-401 lawsuit Carl Brunsting filed in the probate court April 9, 2013, [No. 412249-401], leaving Candace Curtis as the sole defendant with alleged Co-Trustee Defendants Amy Brunsting and Anita Brunsting and their attorneys Stephen Mendel and Neal Spielman as the only remaining Plaintiff’s in the lawsuit Carl Brunsting filed the same day Candace Curtis was attending the preliminary injunction hearing in the Southern District of Texas.
3. [Texas First District Court of Appeal No. 01-22-00378-CV](http://www.probatemafia.com/Brunsting/TAB%20x%202022-05-18%20Notice%20of%20Appeal.pdf) (Appeal Withdrawn) The clerk will not compile a record from more than one case number. This would explain why the attorneys create a mess with multiple case file numbers when there is only one family and one family trust at issue. Texas Rule of Appellate Procedure 26.1 requires that a Notice of Appeal be filed within 30 days of the date of entry of the order appealed. Texas Rule of Appellate Procedure 26.1(a)4 extends that period to 90 days when certain criteria have been met. The only exception to this constraint are judgments void for want of jurisdiction and those voidable for due process defects and other substantive procedural ground.
4. [Texas First District Court of Appeal No. 01-22-00513-cv](http://www.probatemafia.com/Brunsting/2022-07-10%20file%20stamped%20Petition%20for%20writ%20of%20Mandamus%20curtis.pdf) Petition for Writ of Mandamus ([denied with no explanation](http://www.probatemafia.com/Brunsting/2022-07-15%2001-22-00514-CV_LTR%20ISSSD_FILECOPY.pdf)).
5. A December 5, 2021 Rule 11 Agreement; March 11, 2022 order severing the claims of diversity polluting “[involuntary](http://www.probatemafia.com/Brunsting/Tab%2039%202021-12-05%20Rule%2011%20Agreement%20Certified%2018210428.pdf) Plaintiff” Carl Brunsting from those of “Co-Plaintiff” Candace Curtis, [Carl Brunstings’ March 18, 2022 Nonsuit of Candace Curtis](http://www.probatemafia.com/Brunsting/Tab%2081%202022-03-18%20Carl%20nonsuit%20of%20Candace%20Curtis.pdf) and a [February 25, 2022 Order for Summary Judgement,](http://www.probatemafia.com/Brunsting/Tab%2042%20February%2025,%202022%20Order%20for%20Summary%20Judgment.pdf)  changing Candace Curtis standing, uncover the veil of fraudulent joinder and provide the basis for invoking removal jurisdiction pursuant to 28 U.S.C. § 1441(a) and (b)(1).
6. There hasn’t even been an evidentiary hearing. Candace Curtis could never get an evidentiary hearing. Without a hearing there is no evidence and without evidence no judgment can be entered. Oh, but let us not let law get in the way when stealing money is the only issue.
7. [**SDTX No. 4:22-cv-1129**](http://www.probatemafia.com/Brunsting/4-22-cv-01129%20Notice%20of%20Removal%20and%20Exhibits.zip) April 7, 2022 created by removal of the alleged Co-Trustees’ counterclaims to the Southern District of Texas. This is fun because Mendel and Spielman both filed fee statements, statement that had never been filed in any other court and with which they perpetrated fraud on the federal court by making it appear as if Candace Curtis claims were filed in the probate court. (These are very revealing)
8. [Harris County’s First District Court of Appeal for the State of Texas Cause No. 01-23-00362-CV](http://www.probatemafia.com/Brunsting/1st%20Dist%20Appeal/Briefs/).
   1. [Clerks Record](http://www.probatemafia.com/Brunsting/1st%20Dist%20Appeal/Record%20on%20Appeal/ROA%20No.%2001-23-00362-CV%20Clerk's%20record.pdf)
   2. Reporters Record
      1. Transcript [1](http://www.probatemafia.com/Brunsting/1st%20Dist%20Appeal/Record%20on%20Appeal/ROA%20No.%2001-23-00362-CV%20Reporters%20Record%20Vol%201%20of%203%20carole%20emergency%20motion.PDF) Carole Emergency Motion
      2. Transcript [2](http://www.probatemafia.com/Brunsting/1st%20Dist%20Appeal/Record%20on%20Appeal/ROA%20No.%2001-23-00362-CV%20Reporters%20Record%20Vol%202%20of%203%20sever%20and%20status%20conference%20on%20msj.PDF) Motion to Sever and Status Conference
      3. Transcript [3](http://www.probatemafia.com/Brunsting/1st%20Dist%20Appeal/Record%20on%20Appeal/ROA%20No.%2001-23-00362-CV%20Reporters%20Record%20Vol%203%20of%203%20pretrial%20conference%20sanctions.PDF) Pretrial Conference Sanctions
   3. [Appellants Opening Brief](http://www.probatemafia.com/Brunsting/1st%20Dist%20Appeal/Briefs/2023-06-30%20Appellants%20Opening%20Brief%20No.%2001-23-00362-CV.pdf) on Appeal ([Appendix of Exhibits](http://www.probatemafia.com/Brunsting/1st%20Dist%20Appeal/Briefs/2023-06-30%20Appellants%20Appendix%20of%20Exhibits.pdf))
   4. [Appellees Unopposed Request for Extension of Time](http://www.probatemafia.com/Brunsting/1st%20Dist%20Appeal/Briefs/2023-07-27%20Extend%20Appellee%20Brf%20Deadline.pdf) to File Answer
   5. [Appellees opposed 2nd Request for Extension of Time](http://www.probatemafia.com/Brunsting/1st%20Dist%20Appeal/Briefs/2023-08-31%20Mtn%20re%20Ext%20Appllee%20Brf%20DL.pdf) to File Answer
   6. [Appellees Brief](http://www.probatemafia.com/Brunsting/1st%20Dist%20Appeal/Briefs/2023-10-02%20Appellees'%20Brief%20(Final-v2).pdf)
   7. [Appellants Reply Brief](http://www.probatemafia.com/Brunsting/1st%20Dist%20Appeal/Record%20on%20Appeal/2023-11-01%20Reply%20to%20Appellee%20Answer%2001-23-00362-cv.pdf)

The Front End Estate Planning Bait And Switch[[6]](#footnote-5)

There is only one nucleus of operative facts

which is only the first part of a probate Grifters long con involving more than one bait and switch artifice.

## Conspiracy to interfere with the jurisdiction of the federal courts;

to obstruct justice; deprive the real parties in interest of honest services; to aid and abet the misapplication of fiduciary property; to extort a ransom and launder the extorted extraction under a “settlement contract” labeling the ransom “fees for legal services”

*“Where the federal case is filed substantially prior to the state case, and significant proceedings have taken place in the federal case, we perceive little, if any, threat to our traditions of comity and federalism. See Moses H. Cone Hosp.,460 U.S. at 21-22, 103 S.Ct. at 940 (fact that substantial proceedings have occurred is a relevant factor to consider in deciding whether to abstain). In fact, by filing a state suit after a federal action has been filed, the state plaintiff can be viewed as attempting to use the state courts to interfere with the jurisdiction of the federal courts. We agree with Royal that if we were to hold that Jackson applied in this scenario, litigants could use Jackson as a sword, rather than a shield, defeating federal jurisdiction merely by filing a state court action. Neither Jackson nor the concerns underlying it mandate such a result.” Royal Ins. Co. of America v. Quinn-L Cap. Corp., 3 F.3d 877, 886 (5th Cir. 1993).*

1. 2013-08-18 Bayless email to Rik Munson: We have to get this [away from Hoyt](http://www.probatemafia.com/Brunsting/2013-08-18%20Re%20%20New%20stuff%20from%20Anita%20and%20Amy%20-%20'Bobbie%20G%20Bayless'%20(bayless@baylessstokes.com).pdf) (.[eml](http://www.probatemafia.com/Brunsting/2013-08-18%20Re%20%20New%20stuff%20from%20Anita%20and%20Amy%20-%20'Bobbie%20G%20Bayless'%20(bayless@baylessstokes.com)%20-%202013-08-18%201339.eml))

1. <https://www.dictionary.com/browse/long-con> : noun Slang. an elaborate confidence game that develops in several stages over an extended period of time wherein the con man or swindler gains the victim’s trust, often bypassing small profits with the goal of reaping a much larger payout in the final maneuver: The key to pulling off a long con is giving your marks the illusion of control while you and your team manipulate their choices. [↑](#footnote-ref-1)
2. <https://en.wikipedia.org/wiki/Scam> A scam, or confidence trick, is an attempt to defraud a person or group after first gaining their trust. Confidence tricks exploit victims using a combination of the victim's credulity, naïveté, compassion, vanity, confidence, irresponsibility, and greed. Researchers have defined confidence tricks as "a distinctive species of fraudulent conduct ... intending to further voluntary exchanges that are not…+ [↑](#footnote-ref-2)
3. This pattern was clearly identified by United States District Judge Kenneth Hoyt Jr. at the hearing on Candace Curtis application for a preliminary and permanent injunction. [↑](#footnote-ref-3)
4. This artifice fails under the crime/fraud exception [↑](#footnote-ref-4)
5. 1. Attorney Candace Kunz-Freed, Texas State Bar No. 24041282

   Attorney Bernard Lyle Matthews III, Texas State Bar No. 13187450

   Attorney Bobbie G. Bayless, Texas State Bar No. 01940600

   Attorney Darlene Payne-Smith, Texas State Bar No. 18643525

   Attorney Jason B. Ostrom Texas State Bar No. 24027710, Fed. Id. No. 33680

   Attorney Stephen A Mendel, Texas State Bar No. 13930650

   Attorney Neal Spielman, Texas State Bar No. 00794678

   Attorney Gregory Lester Texas State Bar No. 12235700

   Attorney Jill Willard-Young Texas State Bar No. 00797670

   Additional participants include but are not limited to the estate planning attorneys’ malpractice insurance company attorneys who milk the malpractice insurance money cow when what we are looking at is clearly fraud and collusion and not professional negligence.

   Attorney Zandra E. Foley, State Bar No. 24032085

   Attorney Cory S Reed, Texas Bar No. 24076640 [↑](#endnote-ref-1)
6. Bait-and-switch is a form of fraud often used in the retail sales environment but often employed in other contexts. [↑](#footnote-ref-5)