

APPENDIX A

Order entered January 10, 2020



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01067-CV

IN RE BRIAN E. VODICKA, Relator

Original Proceeding from the 14th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-15-08135

ORDER

Before Justices Whitehill, Partida-Kipness, and Pedersen, III
Text

Based on the Court's memorandum opinion of this date, we **DENY** relator's September 4, 2019 petition for writ of mandamus. We **LIFT** the stay issued by this Court on September 10, 2019.

/s/ ROBBIE PARTIDA-KIPNESS
JUSTICE

APPENDIX B

DENY; Opinion Filed January 10, 2020



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-19-01067-CV

IN RE BRIAN E. VODICKA, Relator

**Original Proceeding from the 14th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-15-08135**

MEMORANDUM OPINION

Before Justices Whitehill, Partida-Kipness, and Pedersen, III
Opinion by Justice Partida-Kipness

Before the Court is relator's September 4, 2019 petition for writ of mandamus seeking relief with respect to two post-judgment discovery orders. In his petition, relator also challenges the trial court's jurisdiction, the denial of his motion to appear at an August 14, 2019 hearing by telephone, and the denial of his motion for continuance of the August 14 hearing.

To be entitled to mandamus relief, relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). After reviewing the petition, the mandamus record, and real party's response, we conclude relator has not shown he is entitled to the relief requested. Accordingly, we deny relator's petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a) (the court must deny the petition if the court determines relator is not entitled to the relief sought).

We lift the stay issued by this Court on September 10, 2019.

/Robbie Partida-Kipness/
ROBBIE PARTIDA-KIPNESS
JUSTICE

191067F.P05

APPENDIX C

CAUSE NO. DC-15-08135

**MICHAEL B. TOBOLOWSKY, AS EXECUTOR OF THE
ESTATE OF IRA E. TOBOLOWSKY, DECEASED**

Plaintiff / Judgment Creditor,

vs.

**STEVEN B. AUBREY,
BRIAN E. VODICKA**

Defendants / Judgment Debtors.

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

Appendix C 14TH JUDICIAL DISTRICT

**ORDER GRANTING PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE
COURT'S NOVEMBER 27, 2018 ORDER AS TO PHONE/EMAIL RECORD**

On the 14th day of August, 2019, came on to be heard Plaintiff/Judgment-Creditor Michael B. Tobolowsky, Executor of the Estate of Ira E. Tobolowsky's ("Plaintiff") Motion for Reconsideration of this Court's November 27, 2018 Order. Plaintiff appeared through counsel, however, Defendants both failed to appear. The Court, having considered Plaintiff's Motion, Judgment Debtors' Response thereto, the evidence, and argument of counsel and pro se parties, is of the opinion that Plaintiff's Motion for Reconsideration of this Court's November 27, 2018 Order should be Granted and the Court's November 27, 2018 Order should be modified accordingly. It is therefore

ORDERED, ADJUDGED, and DECREED that Plaintiff's Motion for Reconsideration of the Court's November 27, 2018 Order is hereby GRANTED. It is further

ORDERED, ADJUDGED, and DECREED that the portion of this Court's November 27, 2018 Order, wherein this Court granted Defendants' Motions to Quash Plaintiff's post-judgment subpoenas served on Google, LLC, Verizon Wireless Telecom, Inc., T-Mobile USA, Inc., and Sprint Spectrum, L.P., is hereby rescinded and modified such that Defendants' Motions to Quash

Plaintiff's post-judgment subpoenas served on Google, LLC, Verizon Wireless Telecom, Inc., T-Mobile USA, Inc., and Sprint Spectrum, L.P., are all hereby DENIED. It is further

ORDERED, ADJUDGED, and DECREED that Google, LLC, Verizon Wireless Telecom, Inc., T-Mobile USA, Inc., and Sprint Spectrum, L.P. shall all comply with the demands contained in each company's respective subpoena issued and served by Plaintiff in this case (in or about September of 2018) and failure to so comply within twenty-one (21) days from the date each third party receives a copy of this Order shall amount to contempt of court. It is further

ORDERED, ADJUDGED, and DECREED that all relief pending before the Court, which is not specifically granted herein, is hereby DENIED.

SIGNED ON THIS 27th DAY OF AUGUST, 2019.


JUDGE PRESIDING

APPENDIX D

CAUSE NO. DC-15-08135

**MICHAEL B. TOBOLOWSKY, AS EXECUTOR OF THE
ESTATE OF IRA E. TOBOLOWSKY, DECEASED**

Plaintiff / Judgment Creditor,

vs.

**STEVEN B. AUBREY,
BRIAN E. VODICKA**

Defendants / Judgment Debtors.

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

14TH JUDICIAL DISTRICT

**ORDER GRANTING PLAINTIFF'S MOTION FOR MODIFICATION OF THE COURT'S
NOVEMBER 27, 2018 ORDER AS TO THIRD PARTY REVIEW**

On the 14th day of August, 2019, came on to be heard Plaintiff/Judgment-Creditor Michael B. Tobolowsky, Executor of the Estate of Ira E. Tobolowsky's ("Plaintiff") Motion for Modification of this Court's November 27, 2018 Order. Plaintiff appeared through counsel, however, Defendants both failed to appear. The Court, having considered Plaintiff's Motion, Judgment Debtors' Response thereto, the evidence, and argument of counsel and pro se parties, is of the opinion that Plaintiff's Motion for Modification of this Court's November 27, 2018 Order should be Granted and the Court's November 27, 2018 Order should be modified. It is therefore

ORDERED, ADJUDGED, and DECREED that Plaintiff's Motion for Modification of the Court's November 27, 2018 Order is hereby GRANTED. It is further

ORDERED, ADJUDGED, and DECREED that the portion of this Court's November 27, 2018 Order, wherein the Court orders that all "documents obtained by this Order shall be / remain confidential and not to be released publicly" and that "documents may be viewed by attorneys and parties only, but not to third parties, subject to further Court Order," is hereby modified such that Plaintiff and Plaintiff's attorneys (including all of such attorneys' employees (whether full time or part time or volunteer), agents, and representatives) are no longer prohibited from disclosing, and

instead are hereby permitted to disclose to third parties who are assisting Plaintiff, any documents obtained from the Court's November 27, 2018 Order so long as such third party first agrees to and executes a confidentiality agreement, which at a minimum, notifies the third party that the documents being provided to him/her are confidential and makes clear that the documents must remain confidential and shall not be disclosed publicly without further Court order.

SIGNED ON THIS 22nd DAY OF AUGUST, 2019.


JUDGE PRESIDING



THE SUPREME COURT OF TEXAS

Orders Pronounced June 5, 2020

ORDERS ON CAUSES

18-1134 W&T OFFSHORE, INC. v. WESLEY FREDIEU; from Harris County; 14th Court of Appeals District (14-16-00511-CV, 584 SW3d 200, 10-30-18)

The Court affirms the court of appeals' judgment and remands the case to the trial court.

Justice Blacklock delivered the opinion of the Court, in which Chief Justice Hecht, Justice Green, Justice Guzman, Justice Devine, Justice Busby, and Justice Bland joined.

Justice Boyd delivered a dissenting opinion.

(Justice Lehrmann did not participate)

ORDERS ON CASES GRANTED

THE FOLLOWING PETITIONS FOR REVIEW ARE GRANTED:

18-0781 ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC. v. PANDA POWER GENERATION INFRASTRUCTURE FUND, LLC D/B/A PANDA POWER FUNDS, ET AL.; from Grayson County; 5th Court of Appeals District (05-17-00872-CV, 552 SW3d 297, 04-16-18)

~ consolidated for oral argument with ~

18-0792 IN RE PANDA POWER INFRASTRUCTURE FUND, LLC, D/B/A PANDA POWER FUNDS, ET AL.; from Grayson County; 5th Court of Appeals District (05-17-00872-CV, 552 SW3d 297, 04-16-18)

[**Note:** The date and time for oral argument are yet to be determined.]

ORDERS ON MOTIONS FOR REHEARING

**THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR REVIEW
IS GRANTED:**

19-0238 CATHAY BANK v. LYDA SWINERTON BUILDERS, INC.; from Harris County; 14th Court of Appeals District (14-17-00030-CV, 566 SW3d 836, 12-18-18)
denial of petition for review on February 14, 2020, withdrawn
petition reinstated

(Justice Busby not participating)

**THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW
ARE DENIED:**

18-0658 BELL HELICOPTER TEXTRON INC. v. BRIAN BURNETT; from Tarrant County; 2nd Court of Appeals District (02-16-00489-CV, 552 SW3d 901, 06-14-18)

(Justice Green not participating)

19-0828 PE SERVICES, LLC, LANDRY ARCHITECTS, AND FABRISTRUCURE, INC. v. KERRVILLE FITNESS PROPERTY, LLC, J. HOUSER CONSTRUCTION, INC., AND JOSH HOUSER D/B/A HOUSER CONSTRUCTION; from Dallas County; 5th Court of Appeals District (05-17-01317-CV, ___ SW3d ___, 08-21-19)

19-1063 CHARLIE WILSON, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF DEBRA WILSON v. DALLAS COUNTY HOSPITAL DISTRICT D/B/A PARKLAND HEALTH & HOSPITAL SYSTEM; from Dallas County; 1st Court of Appeals District (05-18-01049-CV, ___ SW3d ___, 12-03-19)

19-1114 BOW GROVE v. MARION GINE FRANKE AND BRENDA KAY LYNCH; from Montgomery County; 9th Court of Appeals District (09-18-00119-CV, ___ SW3d ___, 10-17-19)

MISCELLANEOUS

**THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE
DENIED:**

- 19-0636 IN RE RIG QA INTERNATIONAL, INC.; from Harris County; 14th Court of Appeals District (14-19-00174-CV, ___ SW3d ___, 05-16-19)
- 19-1091 IN RE GEORGE WEIMER, BOB ROBERTS, JR., JAMES HUGHES, DUSTIN NAVARRO, JOSE PEREZ, MORRIS SALZMAN, GORDAN HITZFELDER, BRIAN SULLIVAN, AND BONNIE TAPP; from Bandera County; 4th Court of Appeals District (04-19-00750-CV, ___ SW3d ___, 11-13-19)
- 20-0042 IN RE BRIAN E. VODICKA AND STEVEN B. AUBREY; from Dallas County; 5th Court of Appeals District (05-19-01067-CV, ___ SW3d ___, 01-10-20)
motion for orders denied
stay order issued January 30, 2020, lifted
stay order issued February 4, 2020, lifted
- 20-0429 IN RE LANCE GOODEN; from Travis County; 14th Court of Appeals District (14-20-00358-CV, ___ SW3d ___, 05-12-20)

[Note: The petition is denied. The Court's stay order issued in *In re State of Texas*, 20-0401, remains in effect while that petition is pending.]

APPENDIX F

FILE COPY

RE: Case No. 20-0042
COA #: 05-19-01067-CV

DATE: 7/31/2020
TC#: DC-15-08135

STYLE: IN RE VODICKA

Today the Supreme Court of Texas denied the motion for rehearing in the above-referenced petition for writ of mandamus.

BRIAN E. VODICKA
* DELIVERED VIA E-MAIL *

APPENDIX G

Order entered September 10, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01067-CV

IN RE BRIAN E. VODICKA, Relator

Original Proceeding from the 14th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-15-08135

ORDER

Before the Court are relator's September 4, 2019 petition for writ of mandamus and relator's motion for emergency stay. We **GRANT** the motion and **STAY** the trial court's August 22, 2019 order granting plaintiff's motion for reconsideration of the court's November 27, 2018 order as to phone/email records and the trial court's August 22, 2019 order granting plaintiff's motion for modification of the court's November 27, 2018 order as to third party review. This stay shall remain in effect until further order of this Court. We request that the real parties in interest and respondent file their responses, if any, to the petition for writ of mandamus by **SEPTEMBER 25, 2019**.

/s/ **BILL WHITEHILL**
 PRESIDING JUSTICE

APPENDIX H

IN THE SUPREME COURT OF TEXAS

No. 20-0042

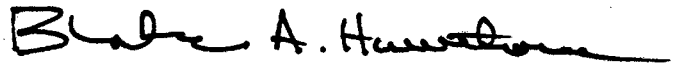
IN RE: BRIAN E. VODICKA

ON PETITION FOR WRIT OF MANDAMUS

ORDERED:

1. Relators' motion for emergency stay, filed January 21, 2020, is granted. The trial court order, dated August 22, 2019, in Cause No. DC-15-08135, styled *Michael B. Tobolowsky, as Executor of the Estate of Ira E. Tobolowsky v. Steven B. Aubrey and Brian E. Vodicka*, in the 14th District Court of Dallas County, Texas, is stayed pending further order of this Court.
2. The real party in interest is requested to respond to relator's petition for writ of mandamus on or before February 10, 2020.
3. The petition for writ of mandamus remains pending before this Court.

Done at the City of Austin, this January 30, 2020.



BLAKE A. HAWTHORNE, CLERK
SUPREME COURT OF TEXAS

BY CLAUDIA JENKS, CHIEF DEPUTY CLERK

IN THE SUPREME COURT OF TEXAS

No. 20-0042

IN RE BRIAN E. VODICKA

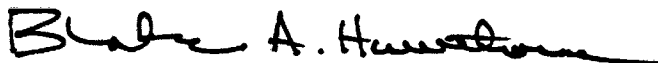
ON PETITION FOR WRIT OF MANDAMUS

ORDERED:

1. Relators' second motion for emergency stay, filed February 3, 2020, is granted. The trial court order, dated August 22, 2019, in Cause No. DC-15-08135, styled *Michael B. Tobolowsky, as Executor of the Estate of Ira E. Tobolowsky v. Steven B. Aubrey and Brian E. Vodicka*, in the 14th District Court of Dallas County, Texas, is stayed pending further order of this Court.

2. The petition for writ of mandamus remains pending before this Court.

Done at the City of Austin, this February 04, 2020.



BLAKE A. HAWTHORNE, CLERK
SUPREME COURT OF TEXAS

BY CLAUDIA JENKS, CHIEF DEPUTY CLERK