

CAUSE NO. DC-20-12227

SUE LONCAR,	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	191 ST JUDICIAL DISTRICT
	§	
MICHAEL PRESS,	§	
	§	
<i>Defendant.</i>	§	DALLAS COUNTY, TEXAS

PLAINTIFF’S MOTION TO COMPEL DEFENDANT MICHAEL PRESS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, Sue Loncar, Plaintiff in the above styled and numbered cause, and files her Motion to Compel Defendant Michael Press to respond to Plaintiff’s First Requests for Production, and in support of same would respectfully show the Court as follows:

INTRODUCTION

This case is about Defendant Michael Press hiding Plaintiff’s funds in a sham company called KMA Capital, Inc. (“KMA”) that was controlled entirely by Plaintiff’s deceased ex-husband, Brian Loncar. Michael Press was the accountant for both Brian Loncar and Sue Loncar. KMA Capital Inc. was formed in 2009 during the marriage of Plaintiff and Brian Loncar. KMA was registered under Michael Press’s name but was in reality entirely under the control of Brian Loncar. KMA was established as a vehicle for Mr. Loncar to divert assets away from Plaintiff. All assets that were transferred to KMA is community property, and Plaintiff is entitled to half of those assets. Brian Loncar and Plaintiff Sue Loncar entered into a Partition Agreement on August 8, 2016. Brian Loncar passed away on December 4, 2016.

According to the forensic investigation conducted after Mr. Loncar’s death, it was discovered that referral fee payments owed to Loncar by other law firms were made to KMA, totaling \$986,302. *See Exhibit A.* An additional \$1,087,219 in possible payments were made to

KMA as well. *Id.* The report indicates that Brian Loncar instructed attorneys from other law firms to pay referral fees from certain cases to KMA Capital, Inc. instead of his own law firm's accounts because "he would need money after his divorce to purchase a new house." *Id.* Mr. Loncar also made several deposits into KMA from his own firm's account. *Id.* Plaintiff sues to recover money rightfully due to her that was fraudulently diverted to KMA by her deceased ex-husband. Because Defendant is outright refusing to produce all bank account statements and bank activities that were owned by KMA Capital, Inc., as well as KMA Capital Inc.'s tax returns, Plaintiff was forced to file this motion.

A. BASIS OF THE MOTION

1. Plaintiff sent Defendant Michael Press her first requests for production on November 6, 2020. *See Exhibit B.* On December 7 2020, Defendant served his responses to Plaintiff's first requests for production. *See Exhibit C.* Defendant responded with objections claiming the requests were overbroad in time and scope, seeking banking information that Plaintiff has not shown that she is entitled to, and seeks to invade Defendant's privacy and financial information.

2. Defendant's objections to Plaintiff's requests are ill-founded and should be overruled as they are relevant to the case and for proving up Plaintiff's damages. For example, Defendant objects to Request Nos. 2, 22, 28, 29, 30, 31, 33, 34, 35, 38, and 48 as "overbroad, and not reasonably expected to yield relevant information." Defendant further objects to Request No. 41 as "not relevant and meant to bully and harass."

3. The documents Plaintiff is requesting is relevant under Texas Rules of Evidence 401 and 402. Plaintiff requires this information to ascertain how much money was transferred to KMA Capital Inc. by Brian Loncar. This, in turn, will determine how much Plaintiff is rightfully due since those assets are community property.

4. Defendant claims that he is no longer in possession or control of the documents Plaintiff is requesting, and is standing behind his objections lodged related to the same. *See Exhibit D.* However, Defendant is capable of obtaining these documents but is refusing to retrieve them.

B. BOILERPLATE AND PROPHYLACTIC OBJECTIONS

3. Defendant objected to Plaintiff's First Requests for Production, Requests Nos. 2, 22, 28, 29, 30, 31, 33, 34, 35, 38, 41, and 48. Defendant objected to the majority of these requests as being "overbroad and not reasonably expected to yield relevant information."

4. Plaintiff has no way of telling if Defendant is withholding anything because of its objections, or if its objections are simply prophylactic in nature. Defendant's prophylactic objections are boilerplate and designed to obscure the discovery of the truth in this case and enable Defendant to disguise what it is truly doing in response to Plaintiff's First Requests for Production. Neither Plaintiff nor the Court is required to weed through all of the boilerplate objections to determine if any one really has merit. Instead, the Court can and should overrule the objections in their entirety pursuant to Tex. R. Civ. P. 193.2(e) which provides that an objection "that is obscured by numerous unfounded objections is waived."

5. Thus, all of the generic and prophylactic objections should be overruled in their entirety.

6. Based on these objections, Defendant generically claims that these Requests invade Defendant's privacy and financial information, are overbroad, not reasonably expected to yield relevant information, not relevant and meant to bully and harass. But the Requests are limited to a reasonable time period and are specific in their subject matter and relate directly to the centrally disputed issue in this case.

7. Accordingly, Defendant's objections to Plaintiff's First Requests for Production, Request Nos. 2, 22, 28, 29, 30, 31, 33, 34, 35, 38, 41, and 48 should be overruled, and Defendant

should be ordered to amend its responses removing all objections and produce all responsive documents.

8. Defendant's boilerplate objections are unfounded and so numerous they obscure any valid objection. Defendant thereby waives any valid objections, and the Court should overrule Defendant's objections pursuant to Rule 193.2(e).

9. Defendant's objections are baseless and should be overruled. Evidence is presumed discoverable. *See, e.g., Oyster Creek Fin. Corp. v. Richwood Invs. II*, 957 S.W.2d 640 (Tex. App. – Amarillo 1997, pet denied); *In re Moher*, 143 S.W.3d 907 (Tex. App. – Fort Worth 2004, no pet.).

C. CONCLUSION

WHEREFORE, Plaintiff respectfully moves the Court, after notice and hearing, to overrule Defendant Michael Press' objections, and order Defendant to produce all documents responsive to Plaintiff's First Requests for Production, and grant Plaintiff such other and further relief to which he is justly entitled.

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P.

/s/ Gustavo L. Mignucci

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ATTORNEYS FOR SUE LONCAR

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff has attempted in good faith to resolve the issues surrounding this matter without necessity of court intervention; however, the Parties were unable to resolve this matter.

/s/ Gustavo L. Mignucci

Gustavo L. Mignucci

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon all counsel of record via electronic means in accordance with the Texas Rules of Civil Procedure on January 4, 2022.

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January 30, 2018

Keith V. Novick
Gardere Wynne Sewell
2121 McKinney Avenue
Suite 1600
Dallas, Texas 75201

Re: The Estate of Brian Loncar - Report of Forensic Investigation

Dear Mr. Novick;

I was engaged on April 25, 2017 to conduct a forensic investigation into a variety of financial transactions and/or relationships involving the Estate of Brian Loncar (the "Estate") of which Clay Jenkins is the executor. The purpose was to identify any diverted Estate assets to facilitate their return for the benefit of Estate creditors and/or beneficiaries. I provided a preliminary Report of Forensic Investigation dated August 10, 2017 (Preliminary Report). Since that date additional information has come to light and which is incorporated in this report. Both this Report and the Preliminary Report were conducted independent of the administration of the Estate and performed under your direction. As such, both of these reports are subject to the Attorney Work Product Privilege.

Background

It is my understanding Brian Loncar and Sue Loncar entered into a Partition Agreement August 8, 2016 (the "Partition") which set forth the division of the marital estate. Questions have been raised as to whether the assets or property properly subject to the Partition may have been diverted to avoid the Partition. You have further expressed an interest in identifying all property rightfully belonging to the Estate and owing to benefit all creditors and/or beneficiaries.

It is my further understanding Loncar & Associates (Loncar) had two basic operations: Car Wreck Masters ("Cars") and Mass Torts ("Mass Torts"). I was told the transactions for Cars were recorded on the QuickBooks system. Mass Torts transactions were recorded on the Needles Case Management system with the cash receipts recorded by John Coveney in an Excel spreadsheet.

I initially examined several versions of QuickBooks for the period January 1, 2014 through March 31, 2017 that pertained to Loncar, transactions relating to the Frost National Bank (FNB) Operating and Trust accounts, a number of Brian Loncar's personal bank accounts and other schedules and documents prepared by Loncar employees. I interviewed Christina Cabrera, John Coveney, Bill Hyme, Julie Miralo, Kirk Lee, David Long and Armarino personnel. We have not been able to interview Toby Toudouze, Michael Press or Sue Loncar. Efforts to retrieve records and computer files removed by Toudouze have failed. We are available to interview additional witnesses if so directed. The following is a discussion of our investigation and the results thereof.

EXHIBIT
A

Executor.000344

Original Scope of The Forensic Analysis

Armanino LLP requested FNB to produce the detailed bank records (monthly statements, canceled checks, deposit slip and wire transfer advices) for the last 7 years. FNB produced bank statements for several accounts back to April 2010. This information included the date and amount of transactions only, no payee information for checks was shown on the bank statements. The bank statements did include some information regarding the recipients of electronic transfers. FNB also provided images of checks and deposit slips dating back to January 1, 2014. This information was provided in a pdf format on a set of 37 CDs. The CDs contained in excess of 400,000 images which were in a non-searchable pdf format. This necessitated incorporating QuickBooks data, exported to an Excel format, into my analysis which permitted manipulating the volume of disbursement data into a usable form.

The QuickBooks data was in disarray requiring much effort to extract the necessary information. On July 12, 2016 I contacted Vic Madeira, QuickBooks Pro-Advisor and consultant to the Estate, to access the QuickBooks data. Upon examination of the QuickBooks, Madeira determined detailed information was available for the period January 1, 2014 to the present. We observed a number of large journal entries, lacking any description or detail, which provided the beginning balances as of January 1, 2014. Madeira surmised these were condensed entries which were used to "collapse" large volumes of detailed accounting entries into a single journal entry. Madeira explained the volume of information contained in these detailed entries probably placed an untenable burden on the QuickBooks system resulting in system failures. Madeira advised the underlying detail for the condensed journal entries was not available on the existing QuickBooks system.

As a result of the above limitations on QuickBooks and the lack of detailed bank records predating January 1, 2014 the original scope was limited to the period January 1, 2014 through March 31, 2017. As described below, the scope was expanded based upon the recent availability of additional bank records and QuickBooks files.

New Information/Data Since Preliminary Report Dated 8/10/2017 (New Information)

On December 18, 2017, I was provided the "Report on Loncar & Associates Adjusting Journal Entry Performed on 2/10/2017 for Effect at 12/31/2012" prepared by Armanino and dated December 15, 2017. This Report described the discovery of a QuickBooks Condensed Journal entry regarding transactions occurring prior to January 1, 2014. The condensed journal entry was executed in QuickBooks February 10, 2017. Armanino believes the entry was posted by Toudouze who was CFO at the time. The Armanino report included the full text of the journal entry which I examined. The journal entry information was summary in nature, covering the period January 1, 2003 through December 31, 2012. Without the supporting detailed information, the journal entry was virtually useless for my forensic analysis.

Armanino's Report explained the purpose of the condensed journal entry was to "condense" pre-2013 transactional detail into a summary journal entry which served as the December 31, 2012 general ledger account balances. Madeira previously gave a similar description of condensed journal entries during our meeting on July 12, 2017. Armanino stated it was unknown whether the underlying detailed transactional information was saved and/or recoverable.

New QuickBooks Data

As a result of the discovery of the condensed journal entry and the possible existence of the underlying data, Stroz Friedberg examined the files it had collected during its forensic examination of the Estate's computer systems. Stroz Friedberg was able to recover about 112 files that possibly contained the supporting detailed accounting information. As a result, Armanino was able to restore the following QuickBooks files.

1. 2009 QuickBooks was partially restored. There was no detailed information regarding the Loncar FNB Operating or Trust accounts. The lack of this information precludes 2009 from my forensic analysis.
2. 2010 QuickBooks was partially restored. There was no detailed information regarding the Loncar FNB Operating or Trust accounts. The lack of this information precludes 2010 from my forensic analysis.
3. 2011 QuickBooks was completely restored and included the detailed transactions regarding the Loncar FNB Operating and Trust accounts. This data was analyzed and reported on below.
4. 2012 QuickBooks was completely restored and included the detail transactions regarding the Loncar & Associates FNB Operating and Trust accounts. This data was analyzed and reported on below.
5. 2012 QuickBooks was completely restored and included the detail transactions regarding the Loncar & Associates FNB Operating and Trust accounts. This data was analyzed and reported on below.
6. 2013 QuickBooks was completely restored and included the detail transactions regarding the Loncar & Associates FNB Operating and Trust accounts. This data was analyzed and reported on below.

New FNB Bank Records

On January 11, 2018, FNB provided detailed bank records (check and deposit images) for the below accounts covering the period January 1, 2011 through December 31, 2013.

1. Account 98-000-3840 Brian Loncar P.C. Operating Account.
2. Account 98-002-1113 Brian Loncar P.C. Operating Account.
3. Account 98-000-9334 Brian Loncar P.C. PI Trust IOLTA Account.
4. Account 98-003-9942 Brian Loncar P.C. SS Trust IOLTA Account.
5. Account 29-999-5471 Brian Loncar P.C. Disbursement Account.
6. Account 29-999-2901 Brian Loncar P.C. PI Trust Account

7. Account 98-002-4090 Settlement Advance Funding Enterprises L.L.C.
8. Account 98-003-2832 Lelele L.P.

This new information was incorporated into my analysis.

Forensic Analysis

Disbursements to Select Parties/Vendors

I examined the FNB Operating Account disbursements contained within the New Information. This New Information was combined with the information developed during the initial forensic analysis and contained in the Preliminary Report. This examination looked for any indication of latent assets belonging to the estate or possible diversion of funds to KMA or others. A summary of payments to select parties/vendors is included in Exhibit A.

KMA Analysis

Much of my forensic analysis was focused on determining the total amount of monies sent to KMA. There has been speculation that large sums were diverted to KMA. Coveney, Hyme and Cabrera acknowledged Brian told them he sent money to KMA because he would need money after his divorce to purchase a new house. Coveney advised Brian instructed him to send checks directly to KMA, however he could not recall how much was sent. Hyme stated he first learned about KMA about two weeks before Brian's death and believes Brian sent \$1 million to KMA in November 2016. I have not been able to verify Hyme's claim. Hyme further stated the way Car Wreck Masters checks were received and accounted made it unlikely any of these funds would have gone to KMA.

It has been determined that \$901,302 in Mass Torts and Car Wreck fees owed Loncar were diverted to KMA and paid 2012 through 2014. This amount has been verified through copies of checks made payable to KMA or other documentation. See Exhibit B. In addition, \$85,000 was paid directly to KMA from Loncar P.C. in 2011. These five checks all carried the notation "Loan Advance". See Exhibit K. I have not seen any evidence of a loan being made to KMA. The known payments to KMA total \$986,302. Without detailed financial information from KMA we cannot determine the status of this \$986,302 or if it still exists. Furthermore, without KMA's financial information we cannot determine how much in total may have been sent to KMA. We assume any monies sent to KMA belong to KMA which we know is now defunct. Determining the above will, in our opinion, require formal discovery through legal proceedings.

Mass Torts Law Firms

The law firms handling Mass Torts and Car Wreck cases were identified. See Exhibit C. It is our understanding Gardere reached out to these firms and, except for Laminack, Jenkins (Car Wreck fees) and Lanier, most stated they did not send any money to KMA or anyone other than Loncar. KMA is owned by Michael Press. KMA was involuntarily terminated by Texas Secretary of State on November 12, 2014. See Exhibit D.

Swiped Checks

Coveney stated that Brian Loncar occasionally "swiped" incoming checks adding that Brian would come to Coveney saying he was expecting a large check and directed Coveney to give it to him when it was received. These checks were not recorded on Coveney's spreadsheet nor provided the accounting department. Coveney believes Brian cashed the checks for his personal use. Coveney did not know the total amount of these "swiped" checks and had no record of them. In addition, Hyme stated that Toudouze kept a "stash" of cash which he used to cover certain of Loncar's expenses. We have seen no evidence of how much money was "stashed" or spent.

Unaccounted for Receipts

Mass Torts data was maintained on the Needles Case Management System, which was separate from QuickBooks. Coveney maintained an Excel spreadsheet showing all the fees earned by Loncar on the Mass Torts cases. According to Coveney, he received all the Mass Torts checks, entered them on his spreadsheet and turned them over to the accounting department to be deposited. Cabrera advised that all the Mass Torts checks were handled by Toudouze.

The Mass Torts receipts per Coveney's spreadsheet for the years 2014, 2015 and 2016 (through 8/3/2016), the period for which records were available, were reconciled to bank deposits. See Exhibit E. Coveney's receipts exceeded bank deposits by \$942,382 and could potentially represent diverted funds. Included in this amount was \$31,986 from the above known diverted funds to KMA in 2014. We assume the \$31,986 is included in the \$942,382. Based on this reconciliation \$910,395 is deemed to be unaccounted for and potentially diverted to KMA.

Unsupported Payments to KMA

Armanino identified an additional \$1,087,219 in possible payments to KMA. See Exhibit F. As noted on Exhibit F three of the purported payments, totaling \$650,000, lacked support and were based upon Brian Loncar's handwritten notes. The remaining purported payment of \$437,219 was supported only by Coveney's Yaz schedule and a letter dated June 10, 2013 directing Lanier to send all Yaz payments to KMA. Only two Lanier checks were found, both dated 7/25/13 and totaling \$107,369 which contradicts the purported payment of \$437,219.

Toudouze Removal of Loncar Records

Toudouze was Loncar's CFO during the period being examined. Hyme advised he video-taped Toudouze removing boxes of records on March 31, 2017. It is our understanding that these records have not been retrieved. Hyme further advised Toudouze removed the hard drive from his computer which along with the boxes removed have not been retrieved. It is our further understanding that Toudouze's legal counsel has turned over certain documents to Gardere which has determined there is nothing of relevance contained within. I presume Toudouze is very knowledgeable about the Loncar's financial dealings. It is likely the boxes of records removed by Toudouze could shed light on any amounts sent to KMA.

Michael Press

During the period January 1, 2011 through 2017, \$505,738 was paid directly to PFC Accounting & Tax Services owned by Michael Press who also owned KMA. These payments, which were generally made monthly, were coded as "Legal and Accounting" in QuickBooks. Cabrera advised that Press was in Loncar's offices for about three weeks after Brian's death working on the computer. We have not interviewed Press and do not know what he was doing during this three weeks or what he may have removed from Loncar's offices.

Press likely has information relevant to the issues contained herein. Toudouze, Loncar CFO during the above period, reportedly removed boxes of records and a computer from Loncar's offices. These items should be recovered from Toudouze. Consideration should be given to interviewing Press, Toudouze and Bill Sena (Fort Washington Advisors) regarding their knowledge of the issues raised in this report. Formal discovery procedures should be considered to compel their testimony, if necessary.

Wire Transfer Analysis

FNB provided a number of wire transfer advices which were either sent or received by Brian Loncar P.C. or Car Wreck Masters, PLLC. A schedule was prepared listing the largest of these transfers and includes the scheduled transfers. See Exhibit G. Four of these items appear to be related to real estate transactions and could warrant further inquiry. Two were amounts received by Brian U. Loncar or Brian Loncar PC P I Trust IOLTA Account.

Brian Loncar-Shareholder Distributions

I examined the QuickBooks entries supporting the disbursements to Brian U. Loncar and included in the "Shareholder's Distribution" account detail. A total of \$5,001,867 was disbursed to Brian Loncar which appears to be compensation. A list of Shareholder Distributions which could require further inquiry is included at Exhibit H.

Brian Loncar Personal Bank Account

We examined eleven personal bank accounts for Brian U. Loncar and/or Sue I. Loncar. A list of these bank accounts is included at Exhibit I. Bank statements, cancelled checks and deposits were provided for the years 2013 through 2017. Most accounts were inconsequential with small balances or disbursements. One was used for ATM withdrawals and another for household expenses. The disbursements were reviewed, however no detailed schedules were prepared regarding the deposits or disbursements.

One transaction of note involved FNB account 98-20377416. The account carried a \$1,830.44 balance from February 2013 through July 28, 2014 wherein \$1,232,636 was deposited per the statement issued 08/06/2014. See Exhibit J. The handwritten check register (maintained by Christina Cabrera) states: "7/25/14 Heritage Coins sold". The \$1,232,636 was wire transferred to the U.S Bank account on August 18, 2014. According to Bill Sena, this account was transferred to Sue Loncar.

Fort Washington Advisors

Bill Sena, financial advisor for both Brian and Sue Loncar with Fort Washington Advisors was contacted. Sena advised there are presently two Charles Schwab accounts, a joint account in the name of Brian and Sue Loncar with a balance of about \$500,000 and one for Loncar & Associates with a balance of about 400,000. Armanino representatives have been advised of both accounts. Sena further advised he handled U.S. Bank account 1558 which accounted for about 90% of the funds invested through him. According to Sena, this account was turned over to Sue Loncar. Sena stated he is unaware of any "secret" bank accounts or assets owned by Brian. This contradicts speculation by certain family members.

Conclusions

1. A total of \$901,302 was diverted to KMA during the years 2012 through 2014. This amount was supported by checks sent by three law firms directly to KMA. An additional \$85,000 was paid directly to KMA by Loncar. The total known payments to KMA is \$986,302.
2. It is unknown if the \$986,302 is still in the possession of KMA. Access to KMA's financial records is required to determine the status of these funds.
3. There were payments from Loncar to PFC Accounting & Tax Services (owned by Press) totaling \$505,738. These latter payments were recorded as "accounting and tax" services. We found nothing to dispute the nature of these payments.
4. Based upon our reconciliation of Mass Torts receipts to bank deposits, a total of \$942,382 is unaccounted for during the period 2014 through August 3, 2016. Included in this amount is \$31,986 of 2014 known payments to KMA. A total of \$910,395 could have been diverted elsewhere. This amount would be in addition to the known payments to KMA.
5. Determining the total amount paid to KMA and the status of these funds will very likely require expensive discovery with no guarantee of recovery by the Estate. This situation is further complicated by the fact KMA is now defunct.
6. Of the \$1,087,219 additional estimated potential payments to KMA, \$650,000 are based solely on Brian's handwritten notes. The remaining \$437,219 purported payments by the Lanier law firm are based on Coveney's schedule and a letter dated June 10, 2013 directed to Lanier. In our opinion, in the absence of checks payable to KMA, these amounts should be disregarded.
7. Our examination and analysis of the bank account information contained within the general ledger on QuickBooks did not disclose the existence of any latent assets.
8. Based upon Toudouze's position and tenure with Loncar, it is likely that any information he removed would have a bearing on our findings. We anticipate his verbal testimony would do likewise. We recommend Toudouze be interviewed

and demand the return of all Loncar records or information, whether in an electronic form or hard copy. This includes any computers, cell phones or other devices belonging to Loncar.

We will examine any additional information upon request and amend the findings included in this report. We are available to discuss this report at your convenience.

William Brown
1/30/2018

**The Estate of Brian Loncar – Report of Forensic
Investigation
January 22, 2018**

Exhibit A

Executor.000352

Loncar PC
QuickBooks Paid Vendor Analysis
Total Amounts Paid by Year

<u>Vendor</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014-2017</u>	<u>Total</u>
Brian Loncar, P.C.	24,280,064.26	28,578,811.77	21,253,349.86	3,697,000.00	77,809,225.89
SAFE, LLC	1,004,292.74				1,004,292.74
Interventional Treatment Institute	912,827.35				912,827.35
Brian U. Loncar	757,250.00	1,392,617.50	1,496,000.00	1,356,000.00	5,001,867.50
American Express	711,945.85	1,031,927.82	1,355,910.48	5,581,123.00	8,680,907.15
United States Treasury	641,427.00	522,508.14	900,000.00	16,151.00	2,080,086.14
Tourmaline Partners Properties	409,800.00	490,000.00	628,000.00	1,400,000.00	2,927,800.00
Patient Choice	294,362.20			339,659.00	634,021.20
CTD	232,500.00	286,000.00	208,500.00	60,000.00	787,000.00
DFW Open MRI	205,236.30			463,990.00	669,226.30
Paul Weiss	191,714.84	254,980.00		62,762.00	509,456.84
Northwestern Mutual	183,755.49	183,811.16	152,455.32	521,056.00	1,041,077.97
Frost National Bank	144,502.57	145,344.90	721,891.22	1,060,529.00	2,072,267.69
White Rock Chiropractic	125,088.26			230,513.00	355,601.26
KMA Capital, Inc.	85,000.00				85,000.00
SCC Imaging	72,000.00			607,308.00	679,308.00
U.S. Bank	71,570.09	104,449.75	76,361.47	200,000.00	452,381.31
PFC Accounting & Tax Services	64,683.68	91,504.91	91,378.12	258,171.00	505,737.71
Toby E Toudouze	15,289.96	42,760.00	41,000.00	24,154.00	123,203.96
Hospital at Craig Ranch		200,000.00			200,000.00
John R. Ames		148,358.84	188,488.12	312,852.00	649,698.96
Health First		56,608.48		79,239.00	135,847.48
Christina Cabrera		28,000.00		99,942.00	127,942.00
Friedman & Felger		10,000.00	166,237.55	46,393.00	222,630.55
Franklin Azar			108,500.00	150,951.00	259,451.00
Brian & Sue Loncar				500,000.00	500,000.00

Executor.000353

**The Estate of Brian Loncar – Report of Forensic
Investigation
January 22, 2018**

Exhibit B

Executor.000354

Checks Diverted to KMA - Rev'd						
Payor	Chk Date	Chk No.	Payee	Amount		Yearly Total
Laminack, Pirtle & Martines LLP	04/26/12		KMA Capital	2,327.25		
Laminack, Pirtle & Martines LLP	09/06/12	4841	KMA Capital	27,303.37		
Laminack, Pirtle & Martines LLP	09/06/12	4842	KMA Capital	254,749.07		
Laminack, Pirtle & Martines LLP	11/21/12	5124	KMA Capital	17,446.61		
Laminack, Pirtle & Martines LLP	11/21/12	5125	KMA Capital	9,083.14		
Laminack, Pirtle & Martines LLP	12/12/12	5180	KMA Capital	130.70		
Laminack, Pirtle & Martines LLP	12/15/12	5205	KMA Capital	1,957.11	2012	312,997.25
Laminack, Pirtle & Martines LLP	11/07/13	5217	KMA Capital	5,255.65		
Laminack, Pirtle & Martines LLP	11/13/13	5231	KMA Capital	12,502.88	2013	17,758.53
Laminack, Pirtle & Martines LLP	09/15/14		KMA Capital	1,508.67		
Laminack, Pirtle & Martines LLP	09/17/14	5427	KMA Capital	1,941.61		
Laminack, Pirtle & Martines LLP	11/27/14	5510	KMA Capital	5,806.03		
Laminack, Pirtle & Martines LLP	11/27/14	5512	KMA Capital	1,938.08	2014	11,194.39
Jenkins & Jenkins	12/14/12	3530	KMA Capital	90,623.52		
Jenkins & Jenkins	12/27/12	3562	KMA Capital	170,000.00	2012	260,623.52
Jenkins & Jenkins	01/16/13	3576	KMA Capital	12,750.00		
Jenkins & Jenkins	05/29/13	3642	KMA Capital	157,818.06	2013	170,568.06
Jenkins & Jenkins	11/03/14	3982	KMA Capital	20,385.82		
Jenkins & Jenkins	11/17/14	3998	KMA Capital	406.25	2014	20,792.07
Lanier Law Firm PLLC	07/25/13		KMA Capital	105,846.81		
Lanier Law Firm PLLC	07/25/13		KMA Capital	1,522.05	2013	107,368.86
Total Payments Diverted to KMA				\$901,302.68		
Laminack, Pirtle & Martines LLP	07/24/12	4762	KMA Capital	5,100.84		Not sure this check, payable to Loncar was reissued to KMA
Total Payments Diverted and Possible Payments Based on Checks				\$906,403.52		

Privileged & Confidential - Attorney Work Product

Executor.000355

John covenev

From: Michelle Miller [michellem@ipm-triallaw.com]

Sent: Thursday, April 26, 2012 8:05 AM

To: John covenev

Subject: Re: FW: Seroquel litigation

It is and thank you for your help in this matter

On 4/25/2012 5:38 PM, John covenev wrote:

Michelle:

I am in receipt and review of your April 24, 2012 correspondence. I am assuming that you need the W-9 concerning the April 14, 2012 expense payment in the amount of \$2,327.25. Attached is a completed W-9 Form for Loncar & Associates.

Pursuant to my emails below with Ms. Hammond, please be advised that Mr. Loncar has requested that any additional payments concerning the Seroquel (expenses and/or fees) be directed to KMA as outlined below.

Please allow me to thank you in advance for your assistance with these matters. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

John L. Covenev, CLA
Legal Assistant

Loncar & Associates

424 South Cesar Chavez

Dallas, Texas 75201

800/285-4878 extension 3232

214/382-4163 fax

www.brianloncar.com

Executor.000356

LAMINACK, PIRTE & MARTINEZ LLP
KOLTA
 5020 MONTROSE BLVD., 9TH FLOOR
 HOUSTON, TX 77008

CC
 NO. 1130105470

20-1041130
 2/5/08

09/06/2012

OWNER OF THE KMA Capital, Inc.

\$ 27,303.37

Twenty-Seven Thousand Three Hundred Three and 37/100

DOLLARS

KMA Capital, Inc.
 444 N. Northwest Hwy., Suite 105
 Park Ridge, IL 60068

MEMO

Loncar & Associates fees; Seroquel Cases

[Handwritten Signature]
 AUTHORIZED SIGNATURE

⑆00484 ⑆⑆ ⑆⑆130105470⑆ 0029942749⑆

Laminack, Pirte & Martinez LLP

KOLTA

4841

KMA Capital, Inc.		09/06/2012	
Client Trust Account Liability:Seroquel	Bodenhausen, Darlene; Referral Attorney Fees		1,953.28
Client Trust Account Liability:Seroquel	Castro-Allie, Eleana; Referral Attorney Fees		1,966.36
Client Trust Account Liability:Seroquel	Delay, Martha; Referral Attorney Fees		1,974.58
Client Trust Account Liability:Seroquel	Dykes, Kimberly; Referral Attorney Fees		1,927.55
Client Trust Account Liability:Seroquel	Ellison, Dotzie; Referral Attorney Fees		1,989.46
Client Trust Account Liability:Seroquel	Everitt, Clements; Referral Attorney Fees		1,911.23
Client Trust Account Liability:Seroquel	Gerds, Roberto; Referral Attorney Fees		1,967.59
Client Trust Account Liability:Seroquel	Jones, Denise; Referral Attorney Fees		1,991.39
Client Trust Account Liability:Seroquel	Kellogg, Laurie; Referral Attorney Fees		1,964.56
Client Trust Account Liability:Seroquel	Martinez, John; Referral Attorney Fees		1,943.32
Client Trust Account Liability:Seroquel	Vance, Douglas; Referral Attorney Fees		1,933.83
Client Trust Account Liability:Seroquel	Williams, Gilbert Michael; Referral Attorney Fees		1,932.00
Client Trust Account Liability:Seroquel	Wulf, Barbara; Referral Attorney Fees		1,979.36
Client Trust Account Liability:Seroquel	Gonzales, Marta; Referral Attorney Fees		1,920.16

Client Trust Accounts Loncar & Associates fees; Seroquel Cases 27,303.37

Laminack, Pirte & Martinez LLP

KOLTA

4841

KMA Capital, Inc.		09/06/2012	
Client Trust Account Liability:Seroquel	Bodenhausen, Darlene; Referral Attorney Fees		1,953.28
Client Trust Account Liability:Seroquel	Castro-Allie, Eleana; Referral Attorney Fees		1,966.36
Client Trust Account Liability:Seroquel	Delay, Martha; Referral Attorney Fees		1,974.58
Client Trust Account Liability:Seroquel	Dykes, Kimberly; Referral Attorney Fees		1,927.55
Client Trust Account Liability:Seroquel	Ellison, Dotzie; Referral Attorney Fees		1,989.46
Client Trust Account Liability:Seroquel	Everitt, Clements; Referral Attorney Fees		1,911.23
Client Trust Account Liability:Seroquel	Gerds, Roberto; Referral Attorney Fees		1,967.59
Client Trust Account Liability:Seroquel	Jones, Denise; Referral Attorney Fees		1,991.39
Client Trust Account Liability:Seroquel	Kellogg, Laurie; Referral Attorney Fees		1,964.56
Client Trust Account Liability:Seroquel	Martinez, John; Referral Attorney Fees		1,943.32
Client Trust Account Liability:Seroquel	Vance, Douglas; Referral Attorney Fees		1,933.83
Client Trust Account Liability:Seroquel	Williams, Gilbert Michael; Referral Attorney Fees		1,932.00
Client Trust Account Liability:Seroquel	Wulf, Barbara; Referral Attorney Fees		1,979.36
Client Trust Account Liability:Seroquel	Gonzales, Marta; Referral Attorney Fees		1,920.16

Client Trust Accounts Loncar & Associates fees; Seroquel Cases 27,303.37

Executor.000357

LAMINACK, PIRTLE & MARTINES LLP
IOLTA
5020 MONTROSE BLVD., 9TH FLOOR
HOUSTON, TX 77006

IMPASS
CLERK BANK
HOUSTON, TEXAS

4842

26-18847130
21840

09/08/2012

TO THE ORDER OF KMA Capital, Inc.

\$ 254,749.07

Two Hundred Fifty-Four Thousand Seven Hundred Forty-Nine and 07/100

DOLLARS

KMA Capital, Inc.
444 N. Northwest Hwy., Suite 195
Park Ridge, IL 60068

MEMO

Fees due Loncar & Associates

[Handwritten Signature]
AUTHORIZED SIGNATURE

⑈004842⑈ ⑆113010547⑆ 0029942749⑈

Laminack, Pirtle & Martines LLP

IOLTA

4842

KMA Capital, Inc.
Client Trust Account Liability:Seroquel

09/08/2012

Fees due Loncar & Associates on Seroquel Cases
(see attached list)

254,749.07

Client Trust Accounts Fees due Loncar & Associates

254,749.07

Laminack, Pirtle & Martines LLP

IOLTA

4842

KMA Capital, Inc.
Client Trust Account Liability:Seroquel

09/08/2012

Fees due Loncar & Associates on Seroquel Cases
(see attached list)

254,749.07

Client Trust Accounts Fees due Loncar & Associates

254,749.07

Executor.000358

LAMINACK, PIRTLE & MARTINES LLP
IOLTA
 5020 MONTROSE BLVD., 8TH FLOOR
 HOUSTON, TX 77008

WELLS FARGO
 CHECKING BANK
 HOUSTON, TEXAS

5124

30-1000/110
 1100

11/21/2012

PAY TO THE ORDER OF KMA Capital, Inc.

\$**17,446.61

Seventeen Thousand Four Hundred Forty-Six and 61/100

DOLLARS

KMA Capital, Inc.
 444 N. Northwest Hwy., Suite 105
 Park Ridge, IL 60068

MEMO

Settlement proceeds; Seroquel cases

AUTHORIZED SIGNATURE

⑈005124⑈ ⑆113010547⑆ 0029942749⑈

Laminack, Pirtle & Martines LLP

IOLTA

5124

KMA Capital, Inc.

11/21/2012

Client Trust Account Liability:Seroquel	Referral fees; Carolyn Bruer	1,976.78
Client Trust Account Liability:Seroquel	Referral fees; Kristi L. Burton	1,967.39
Client Trust Account Liability:Seroquel	Referral fees; Marsha J. Craighead	1,915.50
Client Trust Account Liability:Seroquel	Referral fees; Maria T. Escamilla	1,960.13
Client Trust Account Liability:Seroquel	Referral fees; Anthony R. Galliard Sr.	1,950.74
Client Trust Account Liability:Seroquel	Referral fees; Maria A. Garza	1,961.50
Client Trust Account Liability:Seroquel	Referral fees; Donald E. Pierce	1,970.93
Client Trust Account Liability:Seroquel	Referral fees; Robert T. Vela	1,949.06
Client Trust Account Liability:Seroquel	Referral fees; Cynthia A. Wadley	1,928.66
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Phillip L. Aliff	-122.57
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Frankie L. Childers	-0.57
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Vickie C. Damell	-0.09
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Tonya M. Dunford	-0.18
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Julia F. Hadnot-Cross	-0.14
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Shelley M. Hall-Grasha	-2.06
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Marie J. Hollie	-3.38
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Kathryn Marshall	-0.68
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; John Matthews	-0.09

Client Trust Accounts Settlement proceeds; Seroquel cases *see attached list* 17,446.61

Laminack, Pirtle & Martines LLP

IOLTA

5124

KMA Capital, Inc.

11/21/2012

Client Trust Account Liability:Seroquel	Referral fees; Carolyn Bruer	1,976.78
Client Trust Account Liability:Seroquel	Referral fees; Kristi L. Burton	1,967.39
Client Trust Account Liability:Seroquel	Referral fees; Marsha J. Craighead	1,915.50
Client Trust Account Liability:Seroquel	Referral fees; Maria T. Escamilla	1,960.13
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Client Trust Account Liability:Seroquel	Referral fees; Donald E. Pierce	1,970.93
Client Trust Account Liability:Seroquel	Referral fees; Robert T. Vela	1,949.06
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Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Phillip L. Aliff	-122.57
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Frankie L. Childers	-0.57
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Vickie C. Damell	-0.09
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Tonya M. Dunford	-0.18
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Julia F. Hadnot-Cross	-0.14
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Shelley M. Hall-Grasha	-2.06
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Marie J. Hollie	-3.38
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; Kathryn Marshall	-0.68
Client Trust Account Liability:Seroquel	Referring Attorney Share of Loss; John Matthews	-0.09

Client Trust Accounts Settlement proceeds; Seroquel cases 17,446.61

Executor.000359

LAMINACK, PIRTLE & MARTINES LLP
IOLTA
 5020 MONTROSE BLVD., 6TH FLOOR
 HOUSTON, TX 77006

COMPASS
 COMPASS BANK
 HOUSTON, TEXAS

5125

26-1054/1120
 21948

11/21/2012

PAY TO THE ORDER OF KMA Capital, Inc.

\$**9,083.14

Nine Thousand Eighty-Three and 14/100

DOLLARS

KMA Capital, Inc.
 444 N. Northwest Hwy., Suite 195
 Park Ridge, IL 60068

MEMO

Settlement proceeds; Seroquel Cases

AUTHORIZED SIGNATURE

⑈005125⑈ ⑆113010547⑆ 0029942749⑈

Security Features Included

Laminack, Pirtle & Martines LLP	IOLTA	5125
KMA Capital, Inc.	11/21/2012	
Client Trust Account Liability:Seroquel	50% referral fees in Azar-referred Seroquel cases (see list)	9,789.30
Client Trust Account Liability:Seroquel	Referring attorney share of losses (see list)	-686.16

Client Trust Accounts Settlement proceeds; Seroquel Cases 9,083.14

Laminack, Pirtle & Martines LLP	IOLTA	5125
KMA Capital, Inc.	11/21/2012	
Client Trust Account Liability:Seroquel	50% referral fees in Azar-referred Seroquel cases (see list)	9,789.30
Client Trust Account Liability:Seroquel	Referring attorney share of losses (see list)	-686.16

Client Trust Accounts Settlement proceeds; Seroquel Cases 9,083.14

Executor.000360

LAMINACK, PIRTLE & MARTINES LLP
IOLTA
8020 MONTROSE BLVD., 8TH FLOOR
HOUSTON, TX 77008

COMPASS
COMPASS BANK
HOUSTON, TEXAS

5180
36-186A/138
21844

12/12/2012

PAY TO THE ORDER OF KMA Capital, Inc.

\$ 130.70

One Hundred Thirty and 70/100

DOLLARS

KMA Capital, Inc.
444 N. Northwest Hwy., Suite 195
Park Ridge, IL 80088

MEMO

Refund atty fee deduction; Marta Gonzales



ALPH. PIRTEO SIGNATURE

⑈005180⑈ ⑆113010547⑆ 0029942749⑈

Details on Back
Security Features Included

Laminack, Pirtle & Martines LLP

IOLTA

5180

KMA Capital, Inc.
Client Trust Account Liability:Seroquel

12/12/2012

Refund of 11/21/12 attny fee deduction; Marta Gonzales

130.70

Client Trust Accounts Refund atty fee deduction; Marta Gonzales

130.70

Laminack, Pirtle & Martines LLP

IOLTA

5180

KMA Capital, Inc.
Client Trust Account Liability:Seroquel

12/12/2012

Refund of 11/21/12 attny fee deduction; Marta Gonzales

130.70

Client Trust Accounts Refund atty fee deduction; Marta Gonzales

130.70

Executor.000361

LAMINACK, PIRTE & MARTINEZ LLP
IOLTA
5020 MONTROSE BLVD., 9TH FLOOR
HOUSTON, TX 77008

SEVA COMPANY
COMPASS BANK
HOUSTON, TEXAS

5205

36-1084/132
21948

12/15/12

PAY TO THE
ORDER OF

KMA Capital

\$ 1,957.11**

One Thousand Nine Hundred Fifty-seven Dollars 11/100

DOLLARS

MEMO

Settlement proceeds, Estate of Stacey McCallup, Deceased

NOT RECORDED SIGNATURE

⑈005205⑈ ⑆113010547⑆ 0029942749⑈

Laminack, Pirte & Martinez LLP

IOLTA

5205

12/15/12

Client Trust Account Liability

Settlement Proceeds
Estate of Stacey McCallup, Deceased

\$1,957.11**

Laminack, Pirte & Martinez LLP

IOLTA

5205

Executor.000362

LAMNACK, PIRTLE & MARTINES LLP
IOLTA
6080 MONTROSE BLVD., 8TH FLOOR
HOUSTON, TX 77008

25 JPMORGAN
CHASE BANK
HOUSTON, TEXAS

5217

30-1064/1130
21048

11/07/2013

PAY TO THE ORDER OF KMA Capital, Inc.

\$ **5,255.65

Five Thousand Two Hundred Fifty-Five and 65/100

DOLLARS

KMA Capital, Inc.
444 N. Northwest Hwy., Suite 195
Park Ridge, IL 60068

MEMO

Settlement proceeds; Seroquel cases



⑆005217⑆ ⑆113010547⑆ 6707079132⑆

LAMNACK, PIRTLE & MARTINES LLP

IOLTA

5217

KMA Capital, Inc.
Client Trust Account Liability:Seroquel
Client Trust Account Liability:Seroquel

11/07/2013

Gross Referral Fee on Azar-referred Seroquel cases
Collection of Unreimbursed Expenses on Seroquel cases

5,854.46
-598.81

Compass Iolts Account Settlement proceeds; Seroquel cases

5,255.65

LAMNACK, PIRTLE & MARTINES LLP

IOLTA

5217

KMA Capital, Inc.
Client Trust Account Liability:Seroquel
Client Trust Account Liability:Seroquel

11/07/2013

Gross Referral Fee on Azar-referred Seroquel cases
Collection of Unreimbursed Expenses on Seroquel cases

5,854.46
-598.81

Compass Iolts Account Settlement proceeds; Seroquel cases

5,255.65

Executor.000363

LAMINACK, PIRTLE & MARTINES LLP
IOLTA
5020 MONTROSE BLVD., 9TH FLOOR
HOUSTON, TX 77009

COMPASS
COMPASS BANK
HOUSTON, TEXAS

5231

36-1054/113
11/13

11/13/2013

PAY TO THE
ORDER OF KMA Capital, Inc.

\$ **12,502.88

Twelve Thousand Five Hundred Two and 88/100

DOLLARS

KMA Capital, Inc.
444 N. Northwest Hwy., Suite 105
Park Ridge, IL 60068

MEMO

Settlement proceeds; Seroquel cases

AUTHORIZED SIGNATURE

⑈005231⑈ ⑆1113010547⑆ 6707079132⑈

LAMINACK, PIRTLE & MARTINES LLP

IOLTA

5231

KMA Capital, Inc.
Client Trust Account Liability:Seroquel
Client Trust Account Liability:Seroquel

Gross Referral fees in Seroquel cases
Collection of potential Seroquel losses

11/13/2013

13,545.87
-1,042.99

Compass Iolts Account Settlement proceeds; Seroquel cases

12,502.88

LAMINACK, PIRTLE & MARTINES LLP

IOLTA

5231

KMA Capital, Inc.
Client Trust Account Liability:Seroquel
Client Trust Account Liability:Seroquel

Gross Referral fees in Seroquel cases
Collection of potential Seroquel losses

11/13/2013

13,545.87
-1,042.99

Compass Iolts Account Settlement proceeds; Seroquel cases

12,502.88

5100120000 (1/13) 00035

Executor.000364

LPM

**AMINACK,
PIRTLE &
MARTINES,
L.L.P.**

RICHARD N. LAMINACK
THOMAS W. PIRTLE
BUFFY K. MARTINES
RUSS M. BRUDNER
SUSAN EARNEST

September 15, 2014

Mr. Michael Press
KMA Capital, Inc.
444 N. Northwest Hwy., Suite 195
Park Ridge, IL 60068

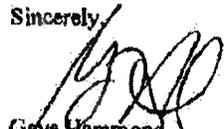
Re: Loncar & Associates

Dear Mr. Press:

Enclosed is our firm check in the amount of \$1,508.67 representing attorney fees due and payable to Loncar & Associates in connection with the settlement of cases in which that firm has a fee interest. At the instruction of Brian Loncar, we have made the check payable to KMA Capital, Inc.

Should you have any questions concerning the enclosed check, please do not hesitate to contact Mr. Brian Loncar or Mr. John Covensy at 1-877-239-4878.

Sincerely,


Gaye Hammond
Office of Richard N. Laminack

Cc: Mr. John Covensy
Loncar & Associates
424 S. Cesar Chavez Blvd.
Dallas, Tx. 75201

Executor.000365

**Loncar & Associates
Collection of Potential Losses - 8/11/14**

1,997.48 Gross Referral Fees (Loncar) on Loncar Seroquel Cases
-458.81 Collection of Potential Losses on Loncar-Referrred Cases
1,508.67 Adjusted Net Referral Fee

1,967.47 Gross Referral Fees (Azar) on Loncar Seroquel Cases
-458.79 Collection of Potential Losses
1,508.68 Adjusted Net Referral Fees

3,934.95 Total Fee Distributed to Referring Attorneys
-917.60 Total Unreimbursed Expenses Collected from Fees
3,017.35 Total Net Referral Fees

Executor.000366

LAMINACK, PIRTLE & MARTINES LLP
IOLTA
5020 MONTROSE BLVD., 9TH FLOOR
HOUSTON, TX 77006

EMVA COMPASS
COMPASS BANK
HOUSTON, TEXAS

5427

31-1084/130
21940

09/17/2014

PAY TO THE
ORDER OF KMA Capital, Inc.

\$**1,941.81

One Thousand Nine Hundred Forty-One and 81/100*****

DOLLARS

KMA Capital, Inc.
444 N. Northwest Hwy., Suite 195
Park Ridge, IL 60085

MEMO

Fees due Loncar & Associates

AUTO DEBIT SIGNATURE

⑈005427⑈ ⑆113010547⑆ 6707079132⑈

Details on Back
Security Features Included

LAMINACK, PIRTLE & MARTINES LLP	IOLTA	5427
KMA Capital, Inc.		09/17/2014
Client Trust Account Liability:Seroquel	Attorney fees due Loncar & Associates	1,941.81

Compass Iolita Account Fees due Loncar & Associates 1,941.81

LAMINACK, PIRTLE & MARTINES LLP	IOLTA	5427
KMA Capital, Inc.		09/17/2014
Client Trust Account Liability:Seroquel	Attorney fees due Loncar & Associates	1,941.81

Compass Iolita Account Fees due Loncar & Associates 1,941.81

Executor.000367

LAMINACK, PIRTLE & MARTINES LLP
IOLTA
5020 MONTROSE BLVD., 9TH FLOOR
HOUSTON, TX 77006

BYVA COMPASS
COMPASS BANK
HOUSTON, TEXAS

5510

38-10847138
2198

11/27/2014

PAY TO THE ORDER OF KMA Capital, Inc.

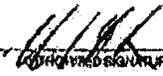
\$ 5,808.03

Five Thousand Eight Hundred Six and 03/100 DOLLARS

KMA Capital, Inc.
444 N. Northwest Hwy., Suite 196
Park Ridge, IL 60068

MEMO

Loncar & Associates Fees / Seroquel cases



⑈005510⑈ ⑆113010547⑆ 6707079132⑈

Details on back
Security Features Included

LAMINACK, PIRTLE & MARTINES LLP IOLTA 5510

KMA Capital, Inc. 11/27/2014 5,808.03
Client Trust Account Liability:Seroquel Loncar & Associates Fees / Seroquel Cases

Compass Iolla Account Loncar & Associates Fees / Seroquel cases 5,808.03

LAMINACK, PIRTLE & MARTINES LLP IOLTA 5510

KMA Capital, Inc. 11/27/2014 5,808.03
Client Trust Account Liability:Seroquel Loncar & Associates Fees / Seroquel Cases

Compass Iolla Account Loncar & Associates Fees / Seroquel cases 5,808.03

Executor.000368

LAMINACK, PIRTLE & MARTINES LLP
IOLTA
 5050 MONTROBE BLVD., 9TH FLOOR
 HOUSTON, TX 77008

BBVA COMPASS
 COMPASS BANK
 HOUSTON, TEXAS

5512

36-1064/138
 21848

11/27/2014

PAY TO THE ORDER OF KMA Capital, Inc.

\$ 1,938.08

One Thousand Nine Hundred Thirty-Eight and 08/100 DOLLARS

KMA Capital, Inc.
 444 N. Northwest Hwy., Suite 195
 Park Ridge, IL 60088

MEMO

Loncar & Associates Share of Settlement



⑈005512⑈ ⑆113060547⑆ 6707079132⑈

Security Features Included

LAMINACK, PIRTLE & MARTINES LLP	IOLTA	5512
KMA Capital, Inc.		11/27/2014
Client Trust Account Liability:Seroquel	Loncar share of Seroquel settlement	1,938.08

Compass Iolts Account Loncar & Associates Share of Settlement 1,938.08

LAMINACK, PIRTLE & MARTINES LLP	IOLTA	5512
KMA Capital, Inc.		11/27/2014
Client Trust Account Liability:Seroquel	Loncar share of Seroquel settlement	1,938.08

Compass Iolts Account Loncar & Associates Share of Settlement 1,938.08

Executor.000369



Citizens National Bank of Texas

Your Bank Since 1868

Current Date:	March 29, 2017
Account Number:	113928
Capture Date:	March 18, 2013
Item Number:	5250010749296
Posted Date:	March 18, 2013
Posted Item Number:	77006038
Amount:	12,750.00
Record Type:	Debit

JENKINS & JENKINS PC, IOLTA ACCOUNT
 CLJ TRUST ACCOUNT
 516 W MAIN
 WAXAHACHIE TX 75165-0000

JENKINS & JENKINS P.C./CLJ TRUST ACCOUNT 516 W. MAIN ST. PH. 877.633.2329 WAXAHACHIE, TX 75165			3576 1/18/2013
PAY TO THE ORDER OF KMA Capital	\$ 12,750.00		DOLLARS
Twelve Thousand Seven Hundred Fifty and 00/100			DOLLARS
MEMO Attorneys fees & expense: Shrodric McGee			
⑈003576⑈ ⑆111901629⑆ ⑆11 392 8⑈			

PAY TO THE ORDER OF BANK OF AMERICA, NA FOR DEPOSIT ONLY KMA CAPITAL, INC. 4003500007

Executor.000370

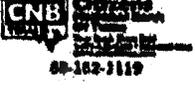
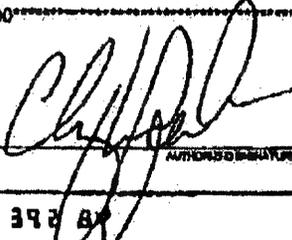


Citizens National Bank Of Texas

Your Bank Since 1868

Current Date:	March 29, 2017
Account Number:	113928
Capture Date:	May 24, 2013
Item Number:	5250011020392
Posted Date:	May 24, 2013
Posted Item Number:	144003036
Amount:	157,818.06
Record Type:	Debit

JENKINS & JENKINS PC, IOLTA ACCOUNT
 CLJ TRUST ACCOUNT
 518 W MAIN
 WAXAHACHIE TX 75165-0000

<p>JENKINS & JENKINS P.C./CLJ TRUST ACCOUNT 518 W. MAIN ST. P.O. BOX 503-2820 WAXAHACHIE, TX 75165</p>	 88-162-3119	3642 5/9/2013	
PAY TO THE ORDER OF KMA Capital		\$ 157,818.06	
One Hundred Fifty-Seven Thousand Eight Hundred Eighteen and 06/100		DOLLARS	
MEMO Attorneys fees & expense: Donald Johnson (Deceased)		 AUTHORIZED SIGNATURE	
⑆003642⑆ ⑆111901629⑆ ⑆11 392 8⑆			

	PAY TO THE ORDER OF BANK OF AMERICA, NA FOR DEPOSIT ONLY KMA CAPITAL, INC. 48003630007
--	--

Executor.000371

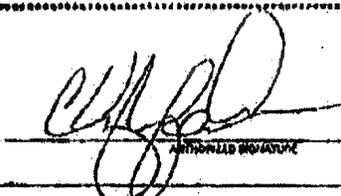


Citizens National Bank Of Texas

Your Bank Since 1868

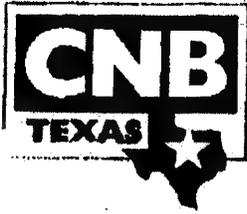
Current Date:	March 29, 2017
Account Number:	113928
Capture Date:	December 31, 2014
Item Number:	6250013213898
Posted Date:	December 31, 2014
Posted Item Number:	365002675
Amount:	20,385.82
Record Type:	Debit

JENKINS & JENKINS PC, IOLTA ACCOUNT
 CLJ TRUST ACCOUNT
 516 W MAIN
 WAXAHACHIE TX 75165-0000

JENKINS & JENKINS P.C./CLJ TRUST ACCOUNT 516 W. MAIN ST. PH. (972) 834-3829 WAXAHACHIE, TX 75165		CNB Citizens National Bank 800-162-1139	3982 11/3/2014
PAY TO THE ORDER OF KMA Capital	\$**20,385.82		DOLLARS
Twenty Thousand Three Hundred Eighty-Five and 82/100			
KMA Capital			
MEMO Attorney fees and expenses Histed			
⑈003982⑈ ⑆111901879⑆ ⑆11 392 8⑈			

12/30/2014 594501321232	REGISTER ENCLOSUREMENT REQUIRED AND GUARANTEED CREDITED TO PAYEE OCT. 2 2014 5 60 7 FROSTBERG BANK, N.A. BRANCH # 24
-------------------------	---

Executor.000372

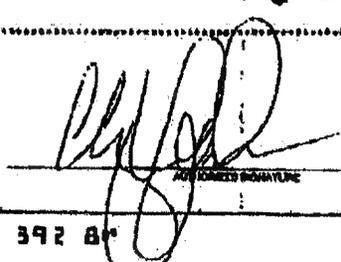


Citizens National Bank Of Texas

Your Bank Since 1868

Current Date: March 29, 2017
 Account Number: 113928
 Capture Date: January 22, 2015
 Item Number: 5250013289242
 Posted Date: January 22, 2015
 Posted Item Number: 22002373
 Amount: 408.25
 Record Type: Debit

JENKINS & JENKINS PC, IOLTA ACCOUNT
 CLJ TRUST ACCOUNT
 516 W MAIN
 WAXAHACHIE TX 75165-0000

JENKINS & JENKINS P.C./CLJ TRUST ACCOUNT 516 W. MAIN ST. P.O. BOX 935-3229 WAXAHACHIE, TX 75165		CNB Citizens National Bank 88-182-1118	3998 11/17/2014
PAY TO THE ORDER OF KMA Capital	\$ 408.25		DOLLARS  FOR DEPOSIT ONLY
Four Hundred Six and 25/100	DOLLARS		
MEMO Expense reimbursement-Derrick Britt		0003998 01119012290 11 392 8	

1/21/2015 588101282790

Executor.000373



Citizens National Bank of Texas

Your Bank Since 1868

Current Date:	March 29, 2017
Account Number:	113928
Capture Date:	February 05, 2013
Item Number:	5250010588284
Posted Date:	February 05, 2013
Posted Item Number:	36008838
Amount:	170,000.00
Record Type:	Debit

JENKINS & JENKINS PC, IOLTA ACCOUNT
 CLJ TRUST ACCOUNT
 516 W MAIN
 WAXAHACHIE TX 75165-0000

JENKINS & JENKINS P.C./CLJ <small>TRUST ACCOUNT 516 W. MAIN ST. P.O. BOX 833-2828 WAXAHACHIE, TX 75165</small>		 <small>86-162-1119</small>	3582 12/27/2012
PAY TO THE ORDER OF KMA Capital	\$ 170,000.00		<small>Ready to receive funds on file</small>
One Hundred Seventy Thousand and 00/100			DOLLARS
MEMO Attorneys fees & expense: Shrodric McGee		 <small>AUTHORIZED SIGNATURE</small>	
⑆003582⑆ ⑆111901629⑆ ⑆11342⑆			

PAY TO THE ORDER OF BANK OF AMERICA, NA POSTOFFICE ONLY KMA CAPITAL, INC. 45920459007

Executor.000375

George M. Rubio
John Gurlington
Donald L. Parker, II
David J. LaRue
Mariene Schwartz-Montana
Lydia Elizondo Mount
Christopher Brusich

LANIER
ATTORNEYS AT LAW

Paul R. Weiss, III
John C. Wren
Brandon Ramsey
Valeri Esters Malone
David Stone
Ryan Douglas White
Stephanie Beerisch

June 10, 2013

Via UPS priority overnight
Catherine Heacox
THE LANIER LAW FIRM, PLLC
126 E. 56th Street, 7th Floor
New York, New York 10022

Re: Yaz litigation

Dear Catherine:

Please accept this correspondence as authorization to forward all Yaz attorneys fees due me to my payment nominee, KMA Capital, Inc., whose Form W-9 is attached for your files.

Enclosed you will find the original check, I-601750 in the amount of \$105,846.81 I am returning to your offices. When you have the opportunity, please re-issue this check to KMA Capital, Inc. I also want to determine if my recoverable expenses on the two files, totaling \$1,522.05 (Dimbleby \$657.36 and Booker \$864.69) were being mailed by separate cover. If not, please add the \$1,522.05 in expenses into the check to be re-issued to KMA Capital, Inc. with the new amount being \$107,386.86.

This correspondence shall also serve to confirm that the previous overpayment of referral fees to me on the Tindel file, overpayment totaling \$11,162.49, are being recovered by your firm from the referral fees on the Dimbleby and Booker files as authorized by your previous conversations with Mr. Covensy in my offices.

Thank you for your immediate attention to these matters. In the event you are not the correct person within your firm to address these matters, I would greatly appreciate it if you could forward these materials on to the correct person within your firm.

If you have any questions or concerns regarding this matter, please call my cell anytime at 214-402-6832.

Very truly yours,


Brian Loncar

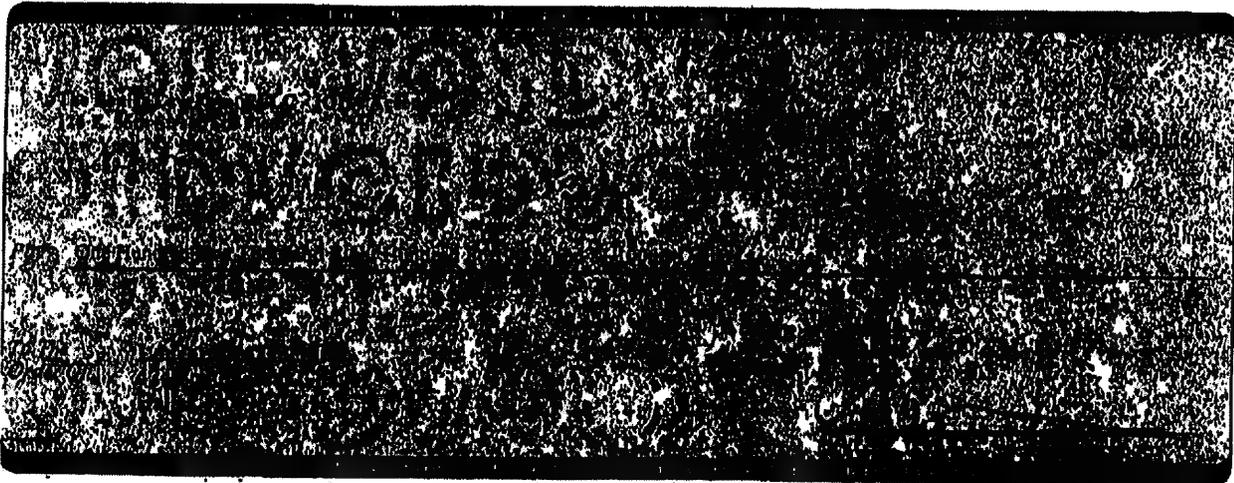
484 S. Oscar Chavez Blvd. Dallas, TX 75201
214-747-0488 • 800-888-4878 • Fax: 214-888-8888 • Litigation Fax: 214-888-8841
www.brianloncar.com

*Award Certified Personal Injury Trial Law Texas Board of Legal Specialization *Licensed in Texas and Louisiana *Licensed in Texas and Oklahoma

Executor.000376

The Lanier Law Firm, PLLC - IOLA Account

Vendor Name Lancar & Associates		Vendor No. 967	Date 06/03/2013	CIBank, N.A. 09833198	
Invoice No.	Ref. Doc. No.	Credit	Discount	Amount	Total
130312 FEB 23167	23167			-11,162.49	-11,162.49
130603 FEB 23140	23140			61,514.81	61,514.81
130603 FEB 23145	23145			55,494.49	55,494.49
Account Number		Check Number 1-601750	Check Amount 105,846.81		



⑈601750⑈ ⑆021000089⑆ ⑆69533198⑆

Executor.000377

2013 1099 Report

<Minimum Amount \$600.00><Vendor No. 11036 Only>

Item	Check No	Amount	1099 Type
Vendor No: 11036			
A [redacted], Inc.			
(for Loner & Associates)			
N. Northwest Hwy., Suite 195			
Ridge IL 60068			
Portions			
25/2013 12:00	987284	1,522.05	Nonemployee compensation
		1,522.05	
Report Total		1,522.05	

Executor.000378

LAMINACK, PIRTE & MARTINEZ LLP
1007A
300 MONTROSE BLVD, 15TH FLOOR
HOUSTON, TX 77002

07/24/2012

TO THE ORDER OF Loncar & Associates

\$ 5,100.84

Five Thousand One Hundred and 84/100

DOLLARS

Loncar & Associates
424 S. Green Oaks Blvd
Dallas TX 75201

MEMO

Reimbursed expenses in Seroquel cases

⑆00076⑆ ⑆112010547⑆ 002491271⑆

Laminack, Pirte & Martinez LLP

IOLTA

4762

Loncar & Associates
Client Trust Account Liability *Seroquel*

Reimbursed expenses in Seroquel cases (see attached list)

07/24/2012

5,100.84

Client Trust Accounts Reimbursed expenses in Seroquel cases

5,100.84

Executor.000379

**The Estate of Brian Loncar – Report of Forensic
Investigation
January 22, 2018**

Exhibit C

Executor.000380

MASS TORT CONTACTS

Lanier Law Firm
Tower 56 126 East 56th Street, 6th Floor
New York, NY 10022
(212) 421-2800

Beasley Allen
4200 Northside Parkway
Building One, Suite 100
Atlanta, GA 30327
1-404-751-1162 (tel)

Levin Papantonio
316 South Baylen Street
Pensacola, FL 32502
(800) 277-1193

Gallagher Law Firm
2905 Sackett St.
Houston, TX 77098
888-222-7052

Franklin D. Azar
14426 E. Evans Ave
Aurora, CO 80014
303-757-3300

Janet, Jenner & Suggs
1777 Reisterstown Road,
Suite 165
Baltimore, MD 21208
Phone: (410) 653-3200

Laminack, Pirtle & Martines
5020 Montrose Blvd, 9th Floor
Houston, TX 77006-6533
713-292-2750

Burg & Simpson
40 Inverness Drive East
Englewood, CO 80112
303-792-5595

Executor.000381

Levin Simes
44 Montgomery St,
Floor 32
San Francisco, CA 94104
(888) 426-4156

Motley Rice
28 Bridgeside Blvd.
Mount Pleasant, SC 29464
Phone: 843.216.9000

Wagstaff Cartmell
4740 Grand Avenue
Suite 300
Kansas City, MO 64112
816-701-1100

Baron & Budd, P.C.
3102 Oak Lawn Avenue
Suite 1100
Dallas, TX 75219
PH: 866-528-0634

Mikal Watts
4 Dominion Drive,
Bldg. 3, Suite 100,
San Antonio, Texas 78257
210-447-0500

Derek Braslow
8 Tower Bridge, Suite 940
161 Washington Street
Conshohocken, PA 19428
610-941-4204

Augie Ribiero
235 Main Street
Danbury, CT 06810
203-800-8000

Executor.000382

Active (not pursuing)

Dyer/Azar Group (Not active):

- * I know \$163,000.00 in fees is owed for InFuse (Lanier Law Firm);
- * Unknown what is left for MoM, Essure, Nexium and Talc (I think they would all be at either Lanier Law Firm or BeasleyAllen but I do not know that for sure)
- * BUL has 1/6 interest in fees group generates by referring cases out

Nexium: Sent to LevinPapantonio

Essure: 3 files referred to LevinPapantonio

Talc: 2 files at BeasleyAllen

TVM: 255 files referred out
33 files at Gallagher
3 files at BeasleyAllen
50 files at Janet, Jenner & Suggs
7 files at Laminack, Pirtle & Martines
26 files at Mark Lanier
3 files at LevinSimes
4 files at MotleyRice
128 files at LevinPapantonio
1 file at WagstaffCartmell

GranuFlo: 200 files referred out
16 files transferred to BARRON & BUDD
4 files transferred to Mikal Watts
180 files at Janet, Jenner & Suggs

Actos: 6 files transferred to Gallagher

SSRI: 4 files transferred to Gallagher

Zofran: 6 files transferred to Derek Braslow

DaVinci: 10 files transferred
5 files transferred to Auggie Ribiero
5 files transferred to Trey Allen

NuvaRing: 2 files transferred to Trey Allen

Mirena: 2 files transferred to MotleyRice

Lipitor: 4 files transferred to Janet, Jenner & Suggs

Executor.000383

Reglan: 8 files
5 files transferred to BeasleyAllen

Byetta: 1 file transferred to ReillyPozner

Avandia 9 files transferred to ReillyPozner

Active (intaking)

MoM:

58 suits filed by Loncar
2 suits to be filed by Loncar
217 files monitoring for revision
10 files to be closed
33 files transferred to Azar
2 files transferred to BeasleyAllen
3 files transferred to Searcy, Denney, Scarola, Barnhart & Shipley
7 files transferred to Lanier Law Firm
14 files transferred to Pittman, Dutton & Hellums
2 files transferred to McEwen & Kestner
26 files to LevinPapantonio

Bair Hugger: 127 files
73 files transferred to LevinPapantonio
16 MDL suits filed by Loncar
13 suits to be filed by Loncar
25 under investigation

3T: 10 files under investigation

IVC: 8 files
3 under investigation
3 files transferred to LevinPapantonio
2 files transferred to Ben Martin

Taxotere: 41 files
19 files transferred to Trey Allen
22 files under investigation

Hernia Mesh: 53 files under investigation

Worked with last 3-4 years no active files:

Also worked with Bubalo Goode Sales & Cronen PLC on a one-off defibrillator case that didn't make a lot of money (P. Saenz)

Also worked with Kip Petroff on a final fen-Phen file (S. Muse)

Executor.000384

June 5, 2017 Update: We did the Yaz/Yazmine litigation with Trey Allen, Mark Lanier and the Burg Simpson firm. This project is over and may have been done outside the last 3-4 years but I wanted to go ahead and supplement this information. We have updated the contacts list also. My apologies for the oversight.

Executor.000385

**The Estate of Brian Loncar – Report of Forensic
Investigation
January 22, 2018**

Exhibit D

Executor.000386



Office of the Secretary of State

**CERTIFICATE OF INVOLUNTARY TERMINATION
OF**

KMA Capital, Inc.
File Number: 801204378

The Secretary of State hereby determines and finds the following:

1. That the entity is required to have and continuously maintain a registered agent and registered office address in this state.
2. That the entity has failed to maintain a registered agent or registered office address in this state as required by law.
3. That the entity has been given not less than 90 days notice of its neglect, delinquency or omission by certified mail.
3. That the entity has failed to correct the neglect, omission or delinquency.

It is therefore ordered that the above named entity be involuntarily terminated without judicial ascertainment.

Dated: 11/12/2014



NANDITA BERRY

Nandita Berry
Secretary of State

Phone: (512) 463-5555
Prepared by: SOS

Come visit us on the internet at <http://www.sos.state.tx.us/>
FAX: (512) 463-5709
TID: 10315

Dial: 7-1-1 for Relay Services
Document: 577735320(001)

Executor.000387

**The Estate of Brian Loncar – Report of Forensic
Investigation
January 22, 2018**

Exhibit E

Executor.000388

Mass Torts-Reconcile Covaney Sch. To Bank - Rev'd

<u>Year</u>	<u>Receipts Per Covaney</u>	<u>Per Bank Deposits</u>	<u>Difference</u>	<u>Known Diverted Checks</u>
2014	\$560,292.39	\$1,280,402.85	(\$720,110.46)	\$31,986.46
2015	1,772,642.00	442,671.32	1,329,970.68	0.00
2016 thru 8/3/2016	<u>727,690.09</u>	<u>395,168.00</u>	<u>332,522.09</u>	0.00
Totals	\$3,060,624.48	\$2,118,242.17	\$942,382.31	
Known Diverted Checks	2012	2013	2014	
Laminak	312,997.25	17,758.53	11,194.39	
Jenkins	260,623.52	170,568.06	20,792.07	
Lanier		107,368.86		
Total	\$573,620.77	\$295,695.45	\$91,986.46	\$901,302.68

Difference	\$942,382.31
Less: Known Diverted Checks	(31,986.46)
Total unaccounted for	
Mass Torts Deposits	\$910,395.85

Privileged & Confidential - Attorney Work Product

Executor.000389

DRAFT - for discussion purposes only

Mass Tort Fees Collected

Amounts retrieved from schedules maintained by John Coveney - Director of Mass Torts

Year	Amount
2002	4,541,242.90
2003	1,001,138.70
2004	1,222,716.45
2005	1,452,390.45
2006	861,816.34
2007	1,558,126.18 This is the amount listed on Coveney's schedule but the actual sum total of all amounts showing is \$1,647,336.42
2008	1,354,306.58
2009	1,713,650.22
2010	884,280.32
2011	32,376.95
2012	610,840.35
2013	1,002,786.94
2014	560,282.38
2015	1,772,642.00
2016	727,880.09 through 8/3/2016
Total	19,793,988.47
2010 forward	5,590,608.04

Privileged and Confidential - Attorney Work Product

Executor.000390

**The Estate of Brian Loncar – Report of Forensic
Investigation
January 22, 2018**

Exhibit F

Executor.000391

Estimated Payments to KMA Capital (Per Armanino) including support		
Total Yaz payment due to Loncar from Lanier	\$437,219.96	Amount from John Coveney's Yaz schedule, see letter from Loncar to Lanier June 10, 2013 requesting all Yaz payments to be made to KMA Capital.
To KMA from sale of lot at Vaquero	275,000.00	Brian Loncar's handwritten schedule of "K.M.A. Capital Contributions"
To KMA from "First Health"	47,000.00	Brian Loncar's handwritten schedule of "K.M.A. Capital Contributions"
Additional Seroquel funds from Laminack	328,000.00	Brian Loncar's handwritten schedule of "K.M.A. Capital Contributions"
Estimated Payments to KMA Capital (Per Armanino) including	\$1,087,219.96	

Executor.000392

**The Estate of Brian Loncar – Report of Forensic
Investigation
January 22, 2018**

Exhibit G

Executor.000393

**Brian Loncar & Associates
Wire Transfer Advices - Frost Bank**

<u>Date</u>	<u>Amount</u>	<u>Sender</u>	<u>Receiver</u>	<u>Description</u>
07/30/12	250,000.00	Brian Loncar P.C.	Brian U. Loncar	
03/28/13	314,585.77	Brian Loncar P.C.	Mortgage Service Center Loan #52261732	
05/06/13	150,000.00	Brian Loncar P.C.	David J. Larue, Texarkana TX	
05/30/13	516,982.89	Brian Loncar P.C.	Valley Land Title Co., Pharr TX	
12/19/13	150,000.00	Brian Loncar P.C.	Optimum Disposal LLC	
12/31/13	87,500.00	Brian Loncar P.C.	Optimum Disposal LLC	
09/16/14	430,306.00	Car Wreck Masters, PLLC	Capital Title of Texas LLC Escrow Account	
05/27/15	403,253.22	Brian Loncar P.C.	Permlan Basin Title Services Escrow Acct.	
09/17/15	576925	Susan M. Sharko Drinker Biddle and Reath LLP	Brian Loncar PC P I Trust IOLTA Account	
12/29/15	404,646.22	Car Wreck Masters, PLLC	ADP Deposit Custodial Account	
02/17/17	200,000.00	Car Wreck Masters, PLLC	Northern Trust Company, Brian U Loncar Living Trust	

Executor.000394

TRN REF N: 20130530-00002869

**** MESSAGE ENVELOPE ****

(BANK : FWS)

ORIG:LTR CALLER:MOONER, JIMMIE

END DATE: 13/05/30
EXT:4894

AMT: 516,999.00
CUR:USD
TRDR#
TYP:FTR/1000 PNDG:8 CHG:DB:1 CD:0 CON:W CBL:W

AMT D/ 3848
DEBIT VAL: 13/05/30
DEPT:0020143
BRIAN LOWCAR PC
ATTORNEYS AT LAW
424 S CREAR CHAVEZ BLVD
DALLAS TX 75201
BRND:W/0980311
BT DALLAS INVESTMENT SERVICES
DALLAS

CDT A/114911687
CREDIT VAL: 13/05/30
DEPT:0020143
LONG STAR NATIONAL BANK
100 W FERGUSON
PEARL TX
ADVISED
ADVICE INSTRUCTIONS:
PIN/ATTN:YE MCALLER TEXAS BRANCH

BNP:/ 2425
VALLEY LAND TITLE CO.
ESCROW ACCOUNT
CHG: BK7W

ORIG TO BNP INFO:
FOR FURTHER CREDIT OF
GPN133798-BRIAN LOWCAR, LP

Executor.000395

ERN RNF #: 20120730-00001523

**** MESSAGE ENVELOPE ****

(Bank : FNB)

ORIG: LTR CALLER: MOONER, JIMMIE

SND DATE: 12/07/30
EXT: 4084

RPT# AMT: 250,000.00

CUR: USD TRDR#
TYP: FTR/1000 PRDS: S CHG: DB: 1 CD: 0 COM: W CBL: N

ORIG D/ 1113/
DEBIT VAL: 12/07/30
DEPT: 0020143
BRIAN LOWCAR PC
OPERATING ACCT ATTORNEYS AT LAW
424 S CENTRAL EXPY
DALLAS TX 75201
SICND: B/0980311
AT DALLAS INVESTMENT SERVICES
DALLAS

CDT A/091000022 ADV: FED
CREDIT VAL: 12/07/30
DEPT: 0020143
U.S. BANK NATIONAL ASSOCIATION
601 2ND AVE SOUTH
MINNEAPOLIS MN
ADVISE INSTRUCTIONS:
PHN/ATTN: CINCINNATI OH BR

BNF: / 8383 CHG: BK7N
BRIAN U LOWCAR

ADVISE INSTRUCTIONS:
PHN/ATTN: NICOLE TYLER

ORIG TO BNF INFO:
FRC: ACCT 81558

Executor.000396

TRN REF #: 20130606-00004049

**** MESSAGE ENVELOPE ****

(Bank : FNB)

ARC:LTR CALLER:MOONER, JIMMIE

SND DATE: 13/05/06
EXT:4953

AMT:150,000.00

CUR:USD

TRDR#

TRF: DUR:

TYP:PTR/1600 FNDS:S CHG:DB:1 CD:0 COM:N CBL:N

OUT D/ 1113/
CREDIT VAL: 13/05/06
DEPT:0020143
BRIAN LONGAR PC
OPERATING ACCT ATTORNEYS AT LAW
424 S CENTRAL EXPY
DALLAS TX 75201
FUND:B/0980311
OF DALLAS INVESTMENT SERVICES
DALLAS

CDT A/111901014
CREDIT VAL: 13/05/06
DEPT:0020143
CAPITAL ONE
100 W BROAD ST
TEXARKANA TX
ADVISE INSTRUCTIONS:
FIN/ATTN, ALLEN, TX BR

ADV:FED

BNF:/ 6520
DAVID J. LARUE

CHG: BK?N

Executor.000398

TRN REF #: 20131231-00004300

**** MESSAGE ENVELOPE ****

(Bank : FNB)

SRC:LTR CALLER:MOONER, JIMMIE

SND DATE: 13/12/31
EXT:4462

RPT# AMT:87,800.00 CUR:USD TRDR#
CMT: DUN: TYP:PTR/1000 PMS:8 CHG:DB:1 CD:0 COM:R CBL:R

*DEB D/ 1113
DEBIT VAL: 13/12/31
DEPT:0020143
BRIAN LONCAR PC
OPERATING ACCOUNT
424 S CESAR CHAVEZ BLVD
DALLAS TX 75201
SND:8/0980311
BY DALLAS INVESTMENT SERVICES
DALLAS

CDT A/111323906
CREDIT VAL: 13/12/31
DEPT:0020143
TEXAS STATE BANK
SAN ANGELO, TX
COUNTRY OF RESIDENCY: US
BNF: / 4197
OPTIMUM DISPOSAL LLC

ADV:FED

CHG: BK7N

BNF MAILING COUNTRY: US
ADVICE INSTRUCTIONS:
PHN/ATTN: BRANDON BRADEN

Executor.000400

PNR RHP #: 20180527-00003039

**** MESSAGE ENVELOPE ****

(Bank : PNB)

SEC:INTN CALLER:RENFRON, TARA

SND DATE: 15/05/27
EXT:4253

AMT: 403,253.22
DUR:

CUR:USD TRDR#
TYP:FTR/1000 FNDS:8 CHG:DB:1 CD:0 COM:W CBL:W

DEPT D/ 1113
CREDIT VAL: 15/05/27
DEPT:0020143
BRIAN LONCAR PC
124 N CHARR CHAVEZ BLVD
DALLAS TX 75201
SEND:B/0980311
BY DALLAS INVESTMENT SERVICES
DALLAS

CDT A/111328797 ADV: FWD
CREDIT VAL: 15/05/27
DEPT:0020143
LONG STAR STATE BANK OF WEST TEXAS
2899 74TH ST
LURBOCK TX
COUNTRY OF RESIDENCY: US
ADVISE INSTRUCTIONS:
PHN/ATTN: ODESSA, TX BR

BWF/ 0490 CHG: BK?N
PERMIAN BASIN TITLE SERVICES INC
DBA BASIN ABSTRACT & TITLE ESCROW
ACCOUNT
ORIG TO BWF INPO:
REF: LONCAR ODESSA PROPERTY, LLC
GF81541890

Executor.000401

TRK REF #: 20151229-00004668

**** MESSAGE ENVELOPE ****

(Bank : FNB)

SRC:LTR CALLER:FLORLEEN, TARA

SND DATE: 15/12/29
EXT:4878

AMT: 404,646.32

CUR:USD

TRDR#

TRST: DOK:

TYP:FTR/1000 FNDR:8 CRG:DB:1 CD:0 COM:N CBL:N

ADMT D/ 3544

CDT A/021001033

ADV:FND

DEBIT VAL: 15/12/29

CREDIT VAL: 15/12/29

DEPT:0020143

DEPT:0020143

CAR WRECK MASTERS PLLC

DEUTSCHE BANK TRUST CO AMERICAS

OPERATING ACCOUNT

60 WALL ST

424 S CHESA CHAVIN BLVD

NEW YORK CITY NY

DALLAS TX 75201

COUNTRY OF RESIDENCY: US

SWIFT: N/0980311

SWF:/ 2283

CRG: BK?N

UNKNOWN DALLAS INVESTMENT SERVICES

ADP DEPOSIT CUSTODIAL ACCOUNT

400 COVINA BLVD

SAN DIMAS CA 91773

ORIG TO SWF INFO:

ATTENTION: RRI-ADPBR181LT

Executor.000402

MMW MSG #: 20140216-00001948

**** MESSAGE RETURNED ****

(Bank : FNB)

RECIPIENT CALLER: KIMBYRON, TARA

SEND DATE: 14/09/16
EXT: 4983

AMOUNT: 306.00
CURRENCY: DKK

COR: USD
TYP: FTR/1000 PRDS: B CHG: DB: 1 CD: 0 CON: N CMT: N

ORIG ID/ 3544
ORIG VAL: 14/09/16
REF: 0020143
ORIG BANK: WELLS FARGO BANK
420 N CHAMBER CHAVIN BLVD
DALLAS TX 75201
ORIG ID/0000313
ORIG BANK: WELLS FARGO INVESTMENT SERVICES
DALLAS

ADV: FNB
CMT: A/121000248
CREDIT VAL: 14/09/16
DEPT: 0020143
WELLS FARGO BANK, NA
420 MONTGOMERY ST
SAN FRANCISCO CA
COUNTRY OF RESIDENCY: US
ADVISE INSTRUCTIONS:
FNB/ACTW, FORT WORTH, TX BR

REF: / 2723 CHG: BK7N
CAPITAL TITLE OF TEXAS LLC ESCROW
ACCOUNT

ORIG TO REF INFO:
REF: 00033-157192-EN

Executor.000403

NY NY 20170217-00004700

***** DEBITOR INFORMATION *****

(Bank : NY)

DEBITOR NAME: MATHIAS, TANA

SEND DATE: 17/02/17
MKT: 4003

AMT: 200,000.00

CUR: USD

TYPE

TYPE: INTL

TYPE: INTL/1000 PRIO: 8 CNO: DB: 1 CD: 0 COK: 0 ORG: 0

REF: 3544
DEBIT DATE: 17/02/17
DEBIT: 0020143

REF A/071000128
CREDIT DATE: 17/02/17
CREDIT: 0020143

NOV: 1710

002 WHISKY MATHIAS TRUST
001 SAVING ACCOUNT
002 H CHEAR CHARVA M.V.D
002 AS BK 78201
002011/0980311
002011 INJIA INVESTMENT SERVICES

NORTHMAN TRUST COMPANY
50 S LA Salle ST
CHICAGO IL
COUNTRY OF RESIDENCE: US
INTL: 3024
BANK OF AMERICA LIVING TRUST

CD: MK7M

Executor.000404

WRN REF #: 20150917-00003244

**** MESSAGE ENVELOPE ****

(Bank : FWS)

SND DATE: 15/09/17

EKT:

SRG: PND CALLER:

CPY#	AMT:576,925.00	CUR:USD	TRDR#
FRST: DUE:		TYP:FTR/	FNDR:S CHG:DB:0 CD:0 COM:M CBL:N

MT A/021000021	CDT *D/ 9334	ADV:LTR
CRBIT VAL: 15/09/17	CREDIT VAL: 15/09/17	
DEPT:0020143	DEPT:0020143	
JPMORGAN CHASE BANK	BRIAN LONGAR PC	
116 S MAIN ST	P I TRUST IOLTA ACCOUNT	
NEW YORK NY	424 S CESAR CHAVEZ BLVD	
COUNTRY OF RESIDENCY: US	DALLAS TX	75201
SNDR REF NUM:431470026000	BNF:/ 9334	CHG: BK7N
ORIG:/ 9776	PI TRUST IOLTA	
JPM AS BA FOR ASR SETTLEMENT ESCROW	US	
SUSAN M SHARKO DRINKER MIDDLE AND		
KEATH LLP 500 CAMPUS DRIVE		
FLORHAM PARK NJ 07932-		
RRP NUM:ATS OF 15/09/17		

Executor.000405

**The Estate of Brian Loncar – Report of Forensic
Investigation
January 22, 2018**

Exhibit H

Executor.000406

Loncar P.C.
Shareholder's Distribution Analysis

<u>Date</u>	<u>Description</u>	<u>Amount</u>
06/08/12	Wire to Sena	250,000.00
07/12/12	Wire to Sena	250,000.00
11/30/12	Horse for Sally	62,500.00
12/31/12	Berger Fund	62,064.35
03/28/13	Wire to Pay Off Lake House	314,858.77
05/06/13	Loan to LaRue	150,000.00
11/06/13	Loncar Arcady Loan	525,725.22

Executor.000407

**The Estate of Brian Loncar – Report of Forensic
Investigation
January 22, 2018**

Exhibit I

Executor.000408

**Brian Loncar & Associates
Personal Bank Account Review**

<u>Bank</u>	<u>Account Caption</u>	<u>Account No.</u>	<u>Period</u>	<u>Ave. Daily Bal.</u>	<u>Description</u>
Frost	Lucy Moreno of Brian U. Loncar POD Sue Loncar Household Account	98-2045613	2013, 2014, 2015, 2016, 2017		Transfers from Acct. No. XXXXX1281. Appears to be "household" account. Few checks over \$200.
Frost	Brian U. Loncar	98-20377416	2013, 2014, 2015, 2016, 2017		\$1,830.44 balance from 2/2013 thru 7/28/2014 where \$1,212,636 is deposited. 7/29/2014 Balance is \$1,232,907.44. No September 2014 statement (IS is requesting). 10/6/2014 balance \$199,640.44. Determine disposition of \$1.2M.
Frost	Brian U. Loncar or Sue I. Loncar	96-4001281	2013, 2014, 2015, 2016, 2017		Several large checks written, memo "Phase II". Checks signed by both Brian & Sue Loncar. No further inquiry indicated.
Frost	Brian U. Loncar	98-2023199	2013, 2014, 2015, 2016, 2017		Small balance, primarily used for ATM withdrawals. Little activity in 2016 & 2017.
Frost	Brian U. Loncar or Sue I. Loncar	98-6001343	2013, 2014, 2015, 2016, 2017		Very little activity, approximate balance of \$2,800
Frost	Brian U. Loncar POD Haily B Loncar and Abby Leigh Loncar and Grace Loncar	98-2050129	2016, 2017		Very little activity.
Frost	Sue Loncar or Brian U. Loncar	96-6003397	2016, 2017		Maintained \$301.74 balance.

Executor.000409

Chase	Brian Ulrich Loncar	716197715	2016, 2017		Account opened Sept. 2016. No copies of cancelled checks provided. Total deposits \$122,099. Account closed November 2016.
Capital One	Brian V. Loncar	80209832	2016, 2017		Savings Account, 3/31/2017 balance \$ 162,519, no withdrawals.
Wells Fargo	Brian U. Loncar	3460313558	2016, 2017		Balance never exceeded about \$2,400. few withdrawals.
BBVA	Brian Loncar	6717711597	2017		April 26, 2017 statement only, balance \$4,567.33

Executor.000410

**The Estate of Brian Loncar – Report of Forensic
Investigation
January 22, 2018**

Exhibit J

Executor.000411



P.O. Box 16509 Fort Worth, Texas 76162 Member FDIC

FOR INFORMATION CALL
1-800-513-7678

STATEMENT ISSUED
08-06-2014

005341

BRIAN U LONCAR
424 S CESAR CHAVEZ BLVD
DALLAS TX 75201

Page 1 of 2

0

We are conveniently located around the corner and all over Texas with more than 1,100 ATMs at Frost financial centers and participating H-E-B and Valero Corner Store locations.

FREE CHECKING : ACCOUNT NO. 98 2037416		DEPOSITS		WITHDRAWALS		BALANCE THIS STATEMENT
BALANCE LAST STATEMENT	NO.	AMOUNT	NO.	AMOUNT		
1,830.44	2	1,231,077.00	0	.00		1,232,907.44

DEPOSITS/CREDITS

DATE	TRANSACTION	AMOUNT	DATE	TRANSACTION	AMOUNT
07-28	DEPOSIT	1,212,636.00*	07-29	DEPOSIT	18,441.00

DATE		BALANCE		DATE		BALANCE	
07-07	1,830.44	07-28	1,214,466.44	07-29	1,232,907.44		

Please examine your bank statement upon receipt and report any differences or irregularities as specified in the Deposit Account Agreement and Other Disclosures.

Executor.000412

AB - Automatic Debits • AP - Accounts Payable • AR - Cash Withdrawal • DC - Debt Card • FT - Funds Transfer • GC - Service Charge • TR - Tax Deduction

MEMO OR DATE	DATE	TRANSACTION DESCRIPTION	AMOUNT DEBITED	CHECK NO.	BALANCE
	11/13/09	AZAR 301.50			39773.27
	11/10	Underbank 30K ^{Cash on hand} _{SE, Part 1000}	35500		35962.57
	11/10	TRANSFER FR LITTLE	35000		70962.57
	11/10	Transfer P. 11/10/09	10000		80962.57
1000	11/10	St. Tom Shop Boat	80100		80136.00
	11/10	St. Tom Bank	75000		88836.00
1003	11/10	Underbank Treasury 139,000			
1004	11/21/10	Joe Loney	10,000		
	11/21/10	Bank # 544573			20,000.00
	11/21	Bank # 235700, Kumbak			4,492.70
	11/21	Bank # 237750, 8133			2,377.50
	11/21	Street Line AP - 2000			50,535.50
	11/21/10	Heritage Coins sold			1,212,676.00
1005	11/10	Joe Loney	50,000		
1006	11/10	Konstiller	10,000		

Executor.000413



P.O. Box 16909 Fort Worth, Texas 76162 Member FDIC

FOR INFORMATION CALL
1-800-613-7678

STATEMENT ISSUED
10-06-2014

005281

BRIAN U LONCAR
424 S CESAR CHAVEZ BLVD
DALLAS TX 75201

Page 1 of 2

Guard your card and monitor your debit card activity
with real-time alerts sent straight to your phone.
Sign up for Debit Card Alerts in My Frost today.

FREE CHECKING : ACCOUNT NO. 98 2037416					
BALANCE LAST STATEMENT		DEPOSITS		WITHDRAWALS	
NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT
34,828.44		1	164,828.00	0	.00
					BALANCE THIS STATEMENT
					199,640.44

DEPOSITS/CREDITS

DATE	TRANSACTION	AMOUNT	DATE	TRANSACTION	AMOUNT
09-12	DEPOSIT	164,828.00			

DAILY BALANCE					
DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
09-08	34,828.44	09-12	199,640.44		

Please examine your bank statement upon receipt and report any differences or irregularities as specified in the Deposit Account Agreement and Other Disclosures.

Executor.000414

**The Estate of Brian Loncar – Report of Forensic
Investigation
January 22, 2018**

Exhibit K

Executor.000415

UNDISBURSE HERE

Credited To The Account Of
The Within Named Payee
Encouragement Guaranteed
Bank of America, N.A.

MEMO Loan advance

TO THE ORDER OF
KMA Capital, Inc.

THIRTY-ONE THOUSAND AND 00/100

DOLLARS \$31,000.00

1/28/2011

30-9-1140

541217

Bank of America, N.A.

541217 4314000934 541217

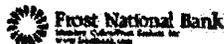
ATTORNEY AT LAW
BRIAN LONGAR, P.C.
DRAKE ACADEMY
424 SOUTH CEASAR BLVD
DALLAS, TEXAS 75201
214-747-0422

First National Bank

Executor.000416

543101

BRIAN LONCAR, P.C.
ATTORNEY AT LAW
OPERATING ACCOUNT
424 SOUTH CESAR CHAVEZ BLVD
DALLAS, TEXAS 75201
214-747-0422



30-9-1140

3/1/2011

PAY
TO THE
ORDER OF

KMA Capital, Inc.

\$13,000.00

Thirteen Thousand and 00/100

DOLLARS

KMA Capital, Inc.

AUTHORIZED SIGNATURE

MEMO

Loan advance

⑆543101⑆ ⑆114000093⑆ 299995671⑆

Executor.000417

BRIAN LONGAR, P.C. ATTORNEY AT LAW OPERATING ACCOUNT 424 SOUTH CESAR CHAVEZ BLVD DALLAS, TEXAS 75201 214-747-0422		 Frost National Bank <small>Member FDIC</small>	543878
		30-9-1140	3/14/2011
PAY TO THE ORDER OF	KMA Capital, Inc.		\$**5,000.00
Five Thousand and 00/100			DOLLARS
KMA Capital, Inc.			
MEMO	Loan advance	AUTHORIZED SIGNATURE	

⑆ 543878 ⑆ ⑆ 14000093 ⑆ 29999547 ⑆

Executor.000418

BRIAN LONGAR, P.C. ATTORNEY AT LAW OPERATING ACCOUNT 424 SOUTH CESAR CHAVEZ BLVD DALLAS, TEXAS 75201 214-747-0422		 Frost National Bank 30-9-1140	544603 3/29/2011
PAY TO THE ORDER OF KMA Capital, Inc.	\$31,000.00		DOLLARS
Thirty-One Thousand and 00/100	 SIGNATURE		
MEMO Loan advance	#544603# @114000093# 29995471#		

Cashed To The Account Of The Within Named Payee Endowment Guaranteed Bank of America, N.A.		EIM/STL HI-HE
---	--	---------------

546628

BRIAN LONCAR, P.C.
ATTORNEY AT LAW
OPERATING ACCOUNT
424 SOUTH CESAR CHAVEZ BLVD
DALLAS, TEXAS 75203
214-747-0422



30-9-1140

4/26/2011

PAY
TO THE
ORDER OF

KMA Capital, Inc.

\$5,000.00

Five Thousand and 00/100

DOLLARS

KMA Capital, Inc.

MEMO

Loan advance

AUTHORIZED SIGNATURE

⑆546628⑆ ⑆114000093⑆ 299995471⑆

Executor.000420

Executor.000421

CAUSE NO. DC-20-12227

SUE LONCAR,
Plaintiff,

§
§
§
§
§
§
§

IN THE DISTRICT COURT

V.

191st JUDICIAL DISTRICT

MICHAEL PRESS,
Defendant.

DALLAS COUNTY, TEXAS

**PLAINTIFF SUE LONCAR'S FIRST SET OF REQUEST FOR PRODUCTION TO
DEFENDANT MICHAEL PRESS**

TO: Defendant, Michael Press, by and through his attorneys of record, Lawrence J. Friedman and Eric M. Friedman, Friedman & Feiger, L.L.P., 5301 Spring Valley Road, Suite 200, Dallas, Texas 75254.

Pursuant to Rule 196 of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiff requests that Defendant, **Michael Press**, produce the documents designated and described herein within thirty (30) days of the service of this Request. You are further requested to file a response to this Request for Production stating, with respect to each request, whether the production will be provided, or whether an objection made in accordance with Rule 196, T.R.C.P.

You are further requested to supplement your response to this Request for Production as required by Rule 196, T.R.C.P. This Request shall be deemed continuing in nature pursuant to the RULES OF CIVIL PROCEDURE as to items obtained after the date set forth above. This request would include documents which would have "constructive possession" under the TEXAS RULES OF CIVIL PROCEDURE.

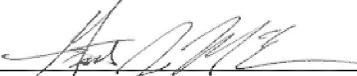
NOTICE PURSUANT TO RULE 193.7. The requesting party hereto gives notice to the responding party that all documents produced by the responding party in response to this Request for Production may be used at the trial of this case pursuant to Tex. R. Civ. P. 193.7.

**PLAINTIFF, SUE LONCAR'S FIRST SET OF REQUESTS FOR PRODUCTION TO
MICHAEL PRESS**

**EXHIBIT
B**

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P



Anthony L. Vitullo
State Bar No. 20595500

Garrett J. McLearn
State Bar No. 24090258
Three Galleria Tower
13155 Noel Road, Suite 1000
Dallas, Texas 75240
(972) 934-9100 (phone)
(972) 934-9200 (fax)
lvitullo@feesmith.com
gmclearn@feesmith.com

ATTORNEYS FOR SUE LONCAR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon all counsel of record via electronic means in accordance with the Texas Rules of Civil Procedure on the 6th day of November, 2020.

Lawrence J. Friedman
Eric M. Friedman
Friedman & Feiger, L.L.P.
5301 Spring Valley Road, Suite 200
Dallas, Texas 75254
(972) 788-1400
(972) 788-2667 (facsimile)
lfriedman@fflawoffice.com
efriedman@fflawoffice.com
Attorneys for Defendant



Garrett J. McLearn

**PLAINTIFF, SUE LONCAR'S FIRST SET OF REQUESTS FOR PRODUCTION TO
MICHAEL PRESS**

DEFINITIONS AND INSTRUCTIONS

1. The term “Plaintiff” refers Sue Loncar, Plaintiff in this cause, which is currently pending in the 191st Judicial District Court of Dallas County, Texas.

2. The terms “you,” “yours” and/or “Press” refer to Michael Press, a Defendant in this cause, which is currently pending in the 191st Judicial District Court of Dallas County, Texas.

3. The term “the Lawsuit” refers to Cause No. DC-20-12227, styled *Sue Loncar v. Michael Press*, which is currently pending in the 191st Judicial District Court of Dallas County, Texas.

4. The term “documents” shall mean writings of every type and from any source, including originals and non-identical copies thereof, which are in your possession, custody, or control, or are known by you to exist. This would include documents sent outside your organization to any source as well as documents intended for internal use.

5. The term “documents” also includes communications not only in words, but in symbols, pictures, sound recordings, film, tapes, and information stored in, or accessible through, computer or other information storage retrieval systems. If the information is kept in a computer or informational storage or retrieval system, the term “documents” also includes codes and programming instructions and other materials necessary to understand such systems.

6. The term “documents” includes, but is not limited to: calendars, checkbooks, agenda, agreements, analyses, bills, invoices, records of obligations and expenditures, corporate bylaws and charters, correspondence, diaries, files, legal documents, financial documents including balance sheets and profit/loss statements, letters, memorandum recording telephone or in-person conferences, manuals, books, press releases, purchase orders, records, schedules, memos of interviews, evaluations, written reports of tests or experiments, public relations releases, telegrams, teletypes, work papers, drafts of documents, and all other writings whose contents relate to the subject matter of the discovery request. The documents requested include all documents described below that are in the possession, custody or control of Defendant, including the attorneys for Defendant.

7. The terms “Evidence” or “Evidencing” shall mean proving, indicating, or probative of the existence or nature of.

8. The terms “Relate” or “Relating,” or “Concern” or “Concerning,” or “Mention” or “Mentioning,” shall mean referring to, having any relationship to, pertaining to, Evidencing, or constituting Evidence of, in whole or in part, the subject matter of the Request.

9. All Requests for Production of Documents are intended to include all information in the possession of Defendant, or subject to its custody or control, whether directly or indirectly. Information is deemed to be in the possession, custody, or control of Defendant if:

- A. It is in the actual possession of Defendant; or
- B. It is within the possession of any other person and Defendant has the right to compel the information or documents from such person.

If a document was, but no longer is, in your possession, or in existence, explain why such document is no longer in your possession.

10. For purposes of interpreting or construing the scope of the Requests for Production made herein, terms shall be given their most expansive and inclusive interpretation unless specifically limited by the language of the individual Request. This includes, without limitation, the following:

- A. Construing “and,” as well as “or,” in the disjunctive or conjunctive as necessary to make the request more inclusive;
- B. Construing the singular form of the word to include the plural, and the plural form to include the singular; and
- C. Construing the masculine to include the feminine, and the feminine to include the masculine.

Any term which is not given a special meaning within these definitions and instructions shall be given its ordinary meaning as commonly used by lay persons.

11. These requests are intended to include all electronically stored information, including emails and electronic drafts of documents. Please produce all electronically stored data in its native format on electronic media.

12. If any information requested herein is withheld on the basis of any claim of privilege, work product, or otherwise, you are requested to produce, in lieu of any such information, a written statement containing the following:

- A. Identifying the Person or Persons who have knowledge of the information and stating how they became aware of the information;
- B. Identifying the author, date, and recipients of all Documents alleged to be privileged;
- C. Generally identifying the subject matter of the information being withheld without violating the claimed privilege;
- D. Stating briefly why the information is claimed to be privileged or to constitute work product; and
- E. If any information relates in any way to a meeting or to any conversation, identify

all Persons who were present at or participated in the meeting or conversation.

13. ANY REQUESTS FOR EXTENSIONS OF TIME MUST BE IN WRITING. COUNSEL WILL AGREE TO NO EXTENSIONS OF TIME WITH RESPECT TO OBJECTIONS.

14. IT IS REQUESTED THAT ALL DOCUMENTS AND/OR DATA COMPILATIONS WHICH MIGHT IMPACT ON THE SUBJECT MATTER OF THIS LITIGATION BE PRESERVED AND THAT ANY ONGOING PROCESS OF DOCUMENT DESTRUCTION INVOLVING SUCH DOCUMENTS CEASE.

15. These discovery requests are not meant to request information protected by the attorney-client privilege, work-product privilege or party communication privilege subsequent to the time this suit was filed.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all Articles of Incorporation, Bylaws, and formation documents related to KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all checks deposited by KMA Capital, Inc from Attorneys and Law Firms 2009 through 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all correspondence involving Brian Loncar related to KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all correspondence between Brian Loncar and Michael Press related to KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce all correspondence with Toby Toudouze and Michael Press regarding KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Produce all correspondence between Michael Press and Toby Toudouze regarding Brian Loncar, PC attorney referral checks being deposited in KMA Capital's bank account (s).

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Produce all correspondence with any banking institution regarding KMA Capital, Inc.

RESPONSE:

**PLAINTIFF, SUE LONCAR'S FIRST SET OF REQUESTS FOR PRODUCTION TO
MICHAEL PRESS**

REQUEST FOR PRODUCTION NO. 8: Produce all documents showing the transfer of any money to KMA Capital, Inc. from Brian Loncar personally.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Produce all documents showing the transfer of any money to KMA Capital, Inc. from Brian Loncar, PC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Produce all correspondence with any investigator regarding KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Produce all emails discussing and/or reflecting any funds transferred to KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Produce all documents showing attorneys' fees from mass tort settlements at Brian Loncar, P.C. being transferred to KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Produce all accounting reports related to mass tort settlements sent to KMA Capital, Inc. from Brian Loncar, P.C. from 2009 to 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Produce all handwritten notes related to funds that are owed to Brian Loncar and/or Brian Loncar, P.C by KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Produce all notes related to funds to be paid to KMA Capital, including but not limited to any funds from 1st Health Clinic or Mark Lanier.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Produce all documents reflecting wire transfers from Brian Loncar, P.C. to any escrow account held by KMA Capital, Inc. for the purchase of real estate.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Produce all copies of any information used to prepare KMA Capital tax returns from 2009 to 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Produce all accountings of any attorneys' fees from mass tort settlements that were diverted from Brian Loncar, P.C to KMA Capital.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Produce any communications between Michael Press and Brian Loncar discussing law firms making referral fee checks payable to KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Produce all communications between Michael Press and Toby Toudouze discussing “loans” made payable to KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Produce all Engagement letters and/or terms of service that Michael Press and Brian Loncar agreed to regarding accounting services rendered by PFC Accounting and Tax Services.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Produce all withdrawals Michael Press initiated

from KMA Capital Inc.'s bank account (s) from 2009 to 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Produce all communications that Michael Press had with Sue Loncar from 2009 through present

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: Produce all engagement letters that Michael Press had with Brian Loncar, PC from 2009 through 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25: Produce all engagement letters that KMA Capital, Inc. had with Brian Loncar personally and Brian Loncar, PC from 2009 through 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26: Produce all deposition testimony that Michael Press and/or a Corporate Representative for KMA Capital, Inc has given in any matter involving Brian Loncar, PC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27: Produce all deposition testimony that Michael Press and/or a Corporate Representative for KMA Capital, Inc. has given in any matter involving Brian Loncar personally.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: Produce all KMA Capital, Inc's bank account (s) records from 2009 to 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: Produce all Bank of America records from 2009 to

2016 regarding KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Produce all First Merit Bank records for KMA Capital, Inc. from 2009 to 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: Produce all Bank of America records from 2009 to 2016 regarding 1st Health Clinic.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: Produce all Bylaws, Articles of Incorporation, and entity formation documents regarding 1st Health Clinic.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: Produce all payments made to Charles Swab from KMA Capital, Inc from 2009 to 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: Produce all deposits made to KMA Capital, Inc's bank account (s) from 2009 to 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: Produce all withdrawals from KMA Capital, Inc's bank account (s) from 2009 to 2016 to Michael Press.

RESPONSE:

REQUEST FOR PRODUCTION NO. 36: Produce any documents which support or deny the claim that Brian Loncar sent \$1 million to KMA in November 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 37: Produce all the QuickBooks entries supporting payments to Michael Press, KMA Capital, Inc., and/or 1st Health Clinic by Brian Loncar, PC.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: Produce all Tax returns for KMA Capital, Inc from 2009 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39: Produce all email correspondence or communications between Brian Loncar and Michael Press regarding attorney referral fees being sent to KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 40: Produce all agreements between KMA Capital, Inc. and any law firm that deposited money into KMA Capital's bank account (s).

RESPONSE:

REQUEST FOR PRODUCTION NO. 41: Produce all agreements between KMA Capital, Inc. and Michael Press regarding Press' yearly compensation.

RESPONSE:

REQUEST FOR PRODUCTION NO. 42: Produce all correspondence and communications between Toby Toudouze, Brian Loncar, Brian Loncar P.C., Christina Cabrera, and Michael Press regarding KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 43: Produce all documents regarding the involuntary dissolution of KMA Capital, Inc.

RESPONSE:

PLAINTIFF, SUE LONCAR'S FIRST SET OF REQUESTS FOR PRODUCTION TO MICHAEL PRESS

REQUEST FOR PRODUCTION NO. 44: Produce all email correspondence between Michael Press and Brian Loncar regarding KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 45: Produce all emails from Brian Loncar and Brian Loncar, P.C. discussing or reflecting any funds transferred to KMA Capital, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 46: Produce all profit and loss statements from KMA Capital, Inc from 2009 through 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 47: Produce all profit and loss statements from 1st Health Clinic from 2009 through 2016.

RESPONSE:

REQUEST FOR PRODUCTION NO. 48: Produce all the documents used in compiling the KMA Capital Inc.'s Tax Returns from tax years 2009 to 2014.

RESPONSE:

REQUEST FOR PRODUCTION NO. 49: Produce all correspondence with Toby Toudouze, or any of his attorneys, regarding KMA Capital.

RESPONSE:

REQUEST FOR PRODUCTION NO. 50: Produce all notes related to funds to be paid to KMA Capital, including but not limited to any funds from 1st Health Clinic or Mark Lanier.

RESPONSE:

SUE LONCAR,

Plaintiff,

v.

MICHAEL PRESS,

Defendant.

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§
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IN THE DISTRICT COURT

191TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

**DEFENDANT’S RESPONSES TO PLAINTIFF’S
REQUEST FOR PRODUCTION**

COMES NOW, Defendant Michael Press, by and through his undersigned counsel and in accordance with Rule 196 of the Texas Rules of Civil Procedure, hereby serves the following Responses to Request for Production of Plaintiff Sue Loncar.

Respectfully submitted,

/s/ Lawrence J. Friedman

By: _____

Lawrence J. Friedman

State Bar No. 07469300

lfriedman@flawoffice.com

FRIEDMAN & FEIGER, L.L.P.

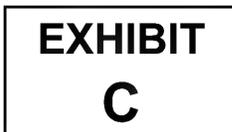
5301 Spring Valley Road, Suite 200

Dallas, Texas 75254

(972) 788-1400 (Telephone)

(972) 788-2667 (Telecopy)

ATTORNEYS FOR DEFENDANT



CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on the 7th day of December 2020 via electronic service.

Anthony L. Vitullo
Garrett J. McLearn
Three Galleria Tower
13155 Noel Road, Suite 1000
Dallas, Texas 75240
lvitullo@feesmith.com
gmmclearen@feesmith.com

/s/ Lawrence J. Friedman

Lawrence J. Friedman

REQUEST FOR PRODCUTION

REQUEST NO. 1: Produce all Articles of Incorporation, Bylaws, and formation documents related to KMA Capital, Inc.

RESPONSE:

Please see bates labeled documents produced herein.

REQUEST NO. 2: Produce all checks deposited by KMA Capital, Inc., from Attorneys and Law Firms 2009 through 2016.

RESPONSE:

Defendant objects to this Request on the grounds that (1) this request is not narrowly tailored and overbroad in time and scope because it seeks “all” checks deposited to KMA Capital, Inc., rather than specific documents relating to the allegations plead in Plaintiff’s Original Petition and that Plaintiff does not have standing to make this request and is barred by the statute of limitations and unclean hands. Defendant does not have copies of any additional checks than what was produced in the Brian Loncar probate proceeding. Without waiving the foregoing, Defendant will produce copies of the checks he has in his possession.

REQUEST NO. 3: Produce all correspondence involving Brian Loncar related to KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 4: Produce all correspondence between Brian Loncar and Michael Press related to KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 5: Produce all correspondence with Toby Toudouze and Michael Press regarding KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 6: Produce all correspondence between Michael Press and Toby Toudouze regarding Brian Loncar, PC attorney referral checks being deposited in KMA Capital’s bank account

(s).

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 7: Produce all correspondence with any banking institution regarding KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 8: Produce all documents showing the transfer of any money to KMA Capital, Inc. from Brian Loncar personally.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 9: Produce all documents showing the transfer of any money to KMA Capital, Inc. from Brian Loncar, PC.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 10: Produce all correspondence with any investigator regarding KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 11: Produce all emails discussing and/or reflecting any funds transferred to KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 12: Produce all documents showing attorneys' fees from mass tort settlements at Brian Loncar, P.C. being transferred to KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 13: Produce all accounting reports related to mass tort settlements sent to KMA Capital, Inc. from Brian Loncar, P.C. from 2009 to 2016.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 14: Produce all handwritten notes related to funds that are owed to Brian Loncar and/or Brian Loncar, P.C by KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 15: Produce all notes related to funds to be paid to KMA Capital, including but not limited to any funds from 1st Health Clinic or Mark Lanier.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 16: Produce all documents reflecting wire transfers from Brian Loncar, P.C. to any escrow account held by KMA Capital, Inc. for the purchase of real estate.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 17: Produce all copies of any information used to prepare KMA Capital tax returns from 2009 to 2016.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this

Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 18: Produce all accountings of any attorneys' fees from mass tort settlements that were diverted from Brian Loncar, P.C to KMA Capital.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 19: Produce any communications between Michael Press and Brian Loncar discussing law firms making referral fee checks payable to KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 20: Produce all communications between Michael Press and Toby Toudouze discussing "loans" made payable to KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 21: Produce all Engagement letters and/or terms of service that Michael Press and Brian Loncar agreed to regarding accounting services rendered by PFC Accounting and Tax Services.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 22: Produce all withdrawals Michael Press initiated from KMA Capital Inc.'s bank account (s) from 2009 to 2016.

RESPONSE:

Defendant objects to this Request pursuant to Sec. 59.006 of the Texas Finance Code and to the extent it seeks banking information that Plaintiff has not shown that she is entitled to, and seeks to invade Defendant's privacy and financial information. Also, Plaintiff has not shown that she has standing to request this information or that Plaintiff's claims are not barred by the statute of limitations and Plaintiff's own unclean hands. Defendant further objects to this request on the basis that this request is not reasonably expected to yield information relevant

to the allegations in Plaintiff's Original Petition, to the proposed relief requested or any of Plaintiff's causes of action. Without waiving the foregoing, after a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 23: Produce all communications that Michael Press had with Sue Loncar from 2009 through present.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 24: Produce all engagement letters that Michael Press had with Brian Loncar, PC from 2009 through 2016.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 25: Produce all engagement letters that KMA Capital, Inc. had with Brian Loncar personally and Brian Loncar, PC from 2009 through 2016.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 26: Produce all deposition testimony that Michael Press and/or a Corporate Representative for KMA Capital, Inc has given in any matter involving Brian Loncar, PC.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 27: Produce all deposition testimony that Michael Press and/or a Corporate Representative for KMA Capital, Inc. has given in any matter involving Brian Loncar personally.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 28: Produce all KMA Capital, Inc's bank account (s) records from 2009 to 2016.

RESPONSE:

Defendant objects to this Request pursuant to Sec. 59.006 of the Texas Finance Code and to the extent it seeks banking information that Plaintiff has not shown that she is entitled to, and seeks to invade Defendant's privacy and financial information. Also, Plaintiff has not shown that she has standing to request this information or that Plaintiff's claims are not barred by the statute of limitations and Plaintiff's own unclean hands. Defendant further objects to this request on the basis that this request is not reasonably expected to yield information relevant to the allegations in Plaintiff's Original Petition, to the proposed relief requested or any of Plaintiff's causes of action. Without waiving the foregoing, after a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 29: Produce all Bank of America records from 2009 to 2016 regarding KMA Capital, Inc.

RESPONSE:

Defendant objects to this Request pursuant to Sec. 59.006 of the Texas Finance Code and to the extent it seeks banking information that Plaintiff has not shown that she is entitled to, and seeks to invade Defendant's privacy and financial information. Also, Plaintiff has not shown that she has standing to request this information or that Plaintiff's claims are not barred by the statute of limitations and Plaintiff's own unclean hands. Defendant further objects to this request on the basis that this request is not reasonably expected to yield information relevant to the allegations in Plaintiff's Original Petition, to the proposed relief requested or any of Plaintiff's causes of action. Without waiving the foregoing, after a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 30: Produce all First Merit Bank records for KMA Capital, Inc. from 2009 to 2016.

RESPONSE:

Defendant objects to this Request pursuant to Sec. 59.006 of the Texas Finance Code and to the extent it seeks banking information that Plaintiff has not shown that she is entitled to, and seeks to invade Defendant's privacy and financial information. Also, Plaintiff has not shown that she has standing to request this information or that Plaintiff's claims are not barred by the statute of limitations and Plaintiff's own unclean hands. Defendant further objects to this request on the basis that this request is not reasonably expected to yield information relevant to the allegations in Plaintiff's Original Petition, to the proposed relief requested or any of Plaintiff's causes of action. Without waiving the foregoing, after a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 31: Produce all Bank of America records from 2009 to 2016 regarding 1st

Health Clinic.

RESPONSE:

Defendant objects to this Request pursuant to Sec. 59.006 of the Texas Finance Code and to the extent it seeks banking information that Plaintiff has not shown that she is entitled to, and seeks to invade Defendant's privacy and financial information. Also, Plaintiff has not shown that she has standing to request this information or that Plaintiff's claims are not barred by the statute of limitations and Plaintiff's own unclean hands. Defendant further objects to this request on the basis that this request is not reasonably expected to yield information relevant to the allegations in Plaintiff's Original Petition, to the proposed relief requested or any of Plaintiff's causes of action. Without waiving the foregoing, after a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 32: Produce all Bylaws, Articles of Incorporation, and entity formation documents regarding 1st Health Clinic.

RESPONSE:

1st Health Clinic is an assumed name of KMA Capital, Inc. See bates labeled documents produced herein.

REQUEST NO. 33: Produce all payments made to Charles Swab from KMA Capital, Inc from 2009 to 2016.

RESPONSE:

Defendant objects to this Request pursuant to Sec. 59.006 of the Texas Finance Code and to the extent it seeks banking information that Plaintiff has not shown that she is entitled to, and seeks to invade Defendant's privacy and financial information. Also, Plaintiff has not shown that she has standing to request this information or that Plaintiff's claims are not barred by the statute of limitations and Plaintiff's own unclean hands. Defendant further objects to this request on the basis that this request is not reasonably expected to yield information relevant to the allegations in Plaintiff's Original Petition, to the proposed relief requested or any of Plaintiff's causes of action. Without waiving the foregoing, after a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 34: Produce all deposits made to KMA Capital, Inc's bank account (s) from 2009 to 2016.

RESPONSE:

Defendant objects to this Request pursuant to Sec. 59.006 of the Texas Finance Code and to the extent it seeks banking information that Plaintiff has not shown that she is entitled to, and seeks to invade Defendant's privacy and financial information. Also, Plaintiff has not shown that she has standing to request this information or that Plaintiff's claims are not barred by the statute of limitations and Plaintiff's own unclean hands. Defendant further objects to this request on the basis that this request is not reasonably expected to yield information relevant to the allegations in Plaintiff's Original Petition, to the proposed relief requested or any of

Plaintiff's causes of action. Without waiving the foregoing, after a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 35: Produce all withdrawals from KMA Capital, Inc's bank account (s) from 2009 to 2016 to Michael Press.

RESPONSE:

Defendant objects to this Request pursuant to Sec. 59.006 of the Texas Finance Code and to the extent it seeks banking information that Plaintiff has not shown that she is entitled to, and seeks to invade Defendant's privacy and financial information. Also, Plaintiff has not shown that she has standing to request this information or that Plaintiff's claims are not barred by the statute of limitations and Plaintiff's own unclean hands. Defendant further objects to this request on the basis that this request is not reasonably expected to yield information relevant to the allegations in Plaintiff's Original Petition, to the proposed relief requested or any of Plaintiff's causes of action. Without waiving the foregoing, after a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 36: Produce any documents which support or deny the claim that Brian Loncar sent \$1 million to KMA in November 2016.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 37: Produce all the QuickBooks entries supporting payments to Michael Press, KMA Capital, Inc., and/or 1st Health Clinic by Brian Loncar, PC.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 38: Produce all Tax returns for KMA Capital, Inc from 2009 to present.

RESPONSE:

Defendant objects to this Request to the extent it seeks tax information that Plaintiff has not shown that she is entitled to, and seeks to invade Defendant's privacy and financial information. Also, Plaintiff has not shown that she has standing to request this information or that Plaintiff's claims are not barred by the statute of limitations and Plaintiff's own unclean hands. Defendant further objects to this request on the basis that this request is not reasonably expected to yield information relevant to the allegations in Plaintiff's Original Petition, to the proposed relief requested or any of Plaintiff's causes of action. Further, Plaintiff has not shown a substantial need for the production of Defendant's tax returns.

REQUEST NO. 39: Produce all email correspondence or communications between Brian Loncar and Michael Press regarding attorney referral fees being sent to KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 40: Produce all agreements between KMA Capital, Inc. and any law firm that deposited money into KMA Capital's bank account (s).

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 41: Produce all agreements between KMA Capital, Inc. and Michael Press regarding Press' yearly compensation.

RESPONSE:

Defendant objects to this Request as it is not relevant and meant to bully and harass. Without waiving the foregoing, after a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 42: Produce all correspondence and communications between Toby Toudouze, Brian Loncar, Brian Loncar P.C., Christina Cabrera, and Michael Press regarding KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 43: Produce all documents regarding the involuntary dissolution of KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 44: Produce all email correspondence between Michael Press and Brian Loncar regarding KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this

Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 45: Produce all emails from Brian Loncar and Brian Loncar, P.C. discussing or reflecting any funds transferred to KMA Capital, Inc.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 46: Produce all profit and loss statements from KMA Capital, Inc from 2009 through 2016.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 47: Produce all profit and loss statements from 1st Health Clinic from 2009 through 2016.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

REQUEST NO. 48: Produce all the documents used in compiling the KMA Capital Inc.'s Tax Returns from tax years 2009 to 2014.

RESPONSE:

Defendant objects to this Request to the extent it seeks tax information that Plaintiff has not shown that she is entitled to, and seeks to invade Defendant's privacy and financial information. Also, Plaintiff has not shown that she has standing to request this information or that Plaintiff's claims are not barred by the statute of limitations and Plaintiff's own unclean hands. Defendant further objects to this request on the basis that this request is not reasonably expected to yield information relevant to the allegations in Plaintiff's Original Petition, to the proposed relief requested or any of Plaintiff's causes of action. Further, Plaintiff has not shown a substantial need for the production of Defendant's tax returns.

REQUEST NO. 49: Produce all correspondence with Toby Toudouze, or any of his attorneys, regarding KMA Capital.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery

continues.

REQUEST NO. 50: Produce all notes related to funds to be paid to KMA Capital, including but not limited to any funds from 1st Health Clinic or Mark Lanier.

RESPONSE:

None. After a diligent search, Defendant does not have any documents responsive to this Request. Defendant reserves the right to supplement or amend his answer as discovery continues.

From: [Eric Friedman](#)
To: [Gus Mignucci](#)
Cc: [Marisela Garcia](#)
Subject: RE: LONCAR v PRESS
Date: Thursday, December 2, 2021 9:41:11 AM

Gus,

I have spoken with Mr. Press about your requests for documents and your request for deposition dates.

Mr. Press has advised me that he does not have in his possession or control any of the documents (financial, bank statements) that you are requesting and stands behind his objections lodged related to the same.

As far as his deposition dates are concerned, as Ms. Loncar likely knows, Mr. Press' health has been declining for years, and he is set to undergo a medical procedure in December 2021. He will likely be available for his deposition in late February or early March. I am amenable to scheduling deposition dates for Mr. Press and Ms. Loncar on back to back days around that time.

I will be available to conference on the telephone tomorrow midday and in the afternoon.

Thank you,

Eric M. Friedman



Eric M. Friedman, Esq.

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From: Gus Mignucci <gmignucci@feesmith.com>
Sent: Wednesday, November 17, 2021 1:49 PM
To: Eric Friedman <efriedman@fflawoffice.com>
Cc: Marisela Garcia <mgarcia@feesmith.com>
Subject: RE: LONCAR v PRESS

**EXHIBIT
D**

Eric, is Mr. Press going to provide us with the bank and accounting records for KMA Capital? Please let me know by November 23, 2021.

Feel free to give me a call to discuss further.

Gus Mignucci

Senior Associate
Fee Smith Sharp & Vitullo
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Thank you for your cooperation.

From: Gus Mignucci
Sent: Friday, November 5, 2021 11:34 AM
To: 'Eric Friedman' <efriedman@fflawoffice.com>
Subject: RE: LONCAR v PRESS

Eric,

Just following up on the email below. Feel free to reach out to discuss further.

Gus

From: Eric Friedman [<mailto:efriedman@fflawoffice.com>]
Sent: Tuesday, October 26, 2021 3:46 PM
To: Gus Mignucci <gmignucci@feesmith.com>
Subject: LONCAR v PRESS

Gus,

I am writing to memorialize our telephone conference yesterday.

You informed me that you wanted the relevant bank records, account records, and anything that showed the monies coming in and going out of KMA Capital. You advised that you have been instructed to file a Motion to Compel if necessary.

I agreed to reach out to my client and conference with him relating to his possession, custody or control of any responsive documents.

We also agreed to provide each other dates for early to mid-December for each of our client's depositions, to be taken back to back (or as close together as practical).

Please let me know if I missed anything, and we can go from here.

Thank you,

Eric M. Friedman



Eric M. Friedman, Esq.

Friedman & Feiger, LLP | 5301 Spring Valley Road, Suite 200, Dallas, Texas 75254
Tel: 972-788-1400 | Direct: 972-450-7355 | Fax: 972-788-2667 | efriedman@fflawoffice.com
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Marisela Garcia on behalf of Gus Mignucci
Bar No. 24102202
mgarcia@feesmith.com
Envelope ID: 60491647
Status as of 1/6/2022 9:37 AM CST

Case Contacts

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