

CAUSE NO. 2023-30774

PINEY POINT HOMES, LLC, et al.  
*Plaintiff*

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JUDICIAL DISTRICT COURT

v.

333<sup>RD</sup> DISTRICT COURT

JPMORGAN CHASE BANK, N.A.,  
BERLETH & ASSOCIATES, PLLC,  
ROBERT BERLETH, MARILYN R.  
BURGESS, CHTN ANTIQUES & GEMS,  
LLC, TOAN CHAU NGUYEN, ABC  
COMPANY, AND JOHN DOE(S)

*Defendants*

HARRIS COUNTY, TEXAS

**RECEIVER'S AMENDED MOTION TO DESIGNATE  
RESPONSIBLE THIRD PARTIES**

COMES NOW, ROBERT BERLETH, Receiver herein, and pursuant to Chapter 33 of the Civil Practice and Remedies Code, files this Motion to Designate Responsible Third Parties, and in support thereof, would show the Court as follows:

Introduction

1. Plaintiff is PINEY POINT HOMES, LLC; Defendants are JPMORGAN CHASE BANK, N.A., BERLETH & ASSOCIATES, PLLC, ROBERT BERLETH, MARILYN R. BURGESS, CHTN ANTIQUES & GEMS, LLC, TOAN CHAU NGUYEN, ABC COMPANY, AND JOHN DOE(S).

2. Discovery in this suit is governed by a Level 2 discovery control plan.

3. Trial is set for January 13, 2025.

4. The Receiver files this Motion in a timely manner to Designate Responsible Third Parties.

5. Receiver refers to the court to its Original Answer contained within the filings in this case, which designates SHANNON LANG, CROSS RIVER BANK, COINBASE, INC., BAM TRADING AND BINANCE HOLDINGS LIMITED, AND BINANCE HOLDINGS LIMITED as responsible third parties and incorporates it by reference.

Argument & Authorities

7. SHANNON LANG, CROSS RIVER BANK, COINBASE, INC., BAM TRADING AND BINANCE HOLDINGS LIMITED, AND BINANCE HOLDINGS LIMITED are responsible third parties within the meaning of Texas Civil Practice & Remedies Code section 33.011(6), which states, in pertinent part, that a responsible third party is any person who is alleged to have caused or contributed to causing in any way the harm for which recovery of damages is sought, whether by negligent act or omission, by any defective or unreasonably dangerous product, by other conduct or activity that violates any applicable legal standard, or by combination of these. Tex. Civ. Prac. & Rem. Code §33.011(6).

8. A Court shall grant leave to designate the named responsible third parties unless another party files an objection to the motion for leave on or before the 15<sup>th</sup> day after the motion is served. Tex. Civ. Prac. & Rem. Code §33.004(f).

9. By granting a motion for leave to designate a responsible third party, the person named in the motion is designated as a responsible third party for the purpose of the Chapter without further action by the court or any parties. Tex. Civ. Prac. & Rem. Code §33.004(h).

10. SHANNON LANG is liable to Plaintiff and responsible for all or part of the damages alleged by Plaintiff. Plaintiff should be permitted to designate herself as a responsible third party.

11. Specifically, SHANNON LANG is liable to Plaintiff for the alleged damages sustained by Plaintiff due to her negligent acts or omissions.

12. CROSS RIVER BANK is liable to Plaintiff and responsible for all or part of the damages alleged by Plaintiff. Plaintiff should be permitted to designate itself as a responsible third party.

13. Specifically, CROSS RIVER BANK is liable to Plaintiff for the alleged damages sustained by Plaintiff due to their negligent acts or omissions.

14. COINBASE, INC. is liable to Plaintiff and responsible for all or part of the damages alleged by Plaintiff. Plaintiff should be permitted to designate itself as a responsible third party.

15. Specifically, COINBASE, INC. is liable to Plaintiff for the alleged damages sustained by Plaintiff due to their negligent acts or omissions.

16. BAM TRADING AND BINANCE HOLDINGS LIMITED are liable to Plaintiff and responsible for all or part of the damages alleged by Plaintiff. Plaintiff should be permitted to designate itself as a responsible third party.

17. Specifically, BAM TRADING AND BINANCE HOLDINGS LIMITED are liable to Plaintiff for the alleged damages sustained by Plaintiff due to their negligent acts or omissions.

18. BINANCE HOLDINGS LIMITED is liable to Plaintiff and responsible for all or part of the damages alleged by Plaintiff. Plaintiff should be permitted to designate itself as a responsible third party.

19. Specifically, BINANCE HOLDINGS LIMITED is liable to Plaintiff for the alleged damages sustained by Plaintiff due to their negligent acts or omissions

#### Conclusion

13. The Receiver can designate SHANNON LANG, CROSS RIVER BANK, COINBASE, INC., BAM TRADING AND BINANCE HOLDINGS LIMITED, AND BINANCE HOLDINGS LIMITED as responsible third parties under Chapter 33 of the Civil Practice and Remedies Code. Receiver has timely filed his motion and has pleaded sufficient facts concerning the alleged responsibility of SHANNON LANG, CROSS RIVER BANK, COINBASE, INC., BAM TRADING AND BINANCE HOLDINGS LIMITED, AND BINANCE HOLDINGS LIMITED to satisfy the pleading requirements of the Texas Rules of Procedures. Further, the Receiver asked the Court to order the Defendant to respond to the three foregoing discovery requests within thirty days of the Court's issuance of an order.

#### Prayer

14. For these reasons, the Receiver asks the Court to grant his motion to designate the responsible third parties and all other relief to which he may find himself entitled, whether in law or equity.

Respectfully Submitted,



Stephanie M. Harp  
Attorney at Law  
Texas State Bar No. 24044994  
P.O. Box 450146  
Houston, Texas 77245  
Telephone: (832) 725-2741  
E-Mail: [harp@texastrialatty.com](mailto:harp@texastrialatty.com)  
e-service: [texastrialatty@gmail.com](mailto:texastrialatty@gmail.com)  
**ATTORNEY FOR RECEIVER**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and the foregoing instrument was served upon all known parties and/or counsel of record in compliance with the Texas Rules of Civil Procedure on the 9<sup>th</sup> day of June 2024.



STEPHANIE M. HARP

Unofficial Copy Office of Marilyn Burgess District Clerk

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Rachel Ortiz on behalf of Stephanie Harp

Bar No. 24044994

Texastrialatty@gmail.com

Envelope ID: 88595306

Filing Code Description: Motion (No Fee)

Filing Description: RECEIVERS AMENDED MOTION TO DESIGNATE RESPONSIBLE THIRD PARTIES

Status as of 6/10/2024 10:08 AM CST

### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Robert Berleth	24091860	rberleth@berlethlaw.com	6/9/2024 9:26:31 AM	SENT
Stephanie MHarp		texastrialatty@gmail.com	6/9/2024 9:26:31 AM	SENT
Jennifer Tomsen		tomsenj@gtlaw.com	6/9/2024 9:26:31 AM	SENT
Yvette Manzano		manzanoy@gtlaw.com	6/9/2024 9:26:31 AM	SENT
Kristin Agnew		agnewk@gtlaw.com	6/9/2024 9:26:31 AM	SENT
Jarrett Poindexter		poindexterj@gtlaw.com	6/9/2024 9:26:31 AM	SENT
Iain Simpson		iain@simpsonpc.com	6/9/2024 9:26:31 AM	SENT
Justin Renshaw		justin@renshaw-law.com	6/9/2024 9:26:31 AM	SENT
Seth Hopkins		seth.hopkins@harriscountytexas.gov	6/9/2024 9:26:31 AM	SENT
Shannon A.Lang		shannon.lang@shannonlanglaw.com	6/9/2024 9:26:31 AM	SENT
Justin Renshaw		justin@renshaw-law.com	6/9/2024 9:26:31 AM	SENT
Jessica Hughes		jessica.hughes@shannonlanglaw.com	6/9/2024 9:26:31 AM	SENT
Jeremy Simmons		simmonsje@gtlaw.com	6/9/2024 9:26:31 AM	ERROR