

CAUSE No. 2024-75159

WM COMERCIAL ATACADISTA § **IN THE DISTRICT COURT OF**
LTDA. §
v. § **HARRIS COUNTY, TEXAS**
§
BAILEY LAW FIRM PLLC and §
JESSE LYNN BAILEY § **80th JUDICIAL DISTRICT**

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR CONTEMPT,
SANCTIONS, and for OTHER RELIEF**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW BAILEY LAW FIRM and JESSE LYNN BAILEY (“Bailey” or “Defendants”) file this response to Plaintiff’s Motion for Contempt, Sanctions, and for Other Relief, and would respectfully show the Court as follows.

I.

I.

Why This Motion?

As is detailed in Plaintiff’s Original Petition and Verified Application for

Plaintiff begins their colloquy with a heading “why this motion?” This is an appropriate question for the Court to ask, as Defendants have complied *to the letter* with the Court’s order dated October 30, 2024 requiring (1) a response explaining why return of the funds in question were unable to be immediately returned, and (2) an accounting of said funds. *Exhibit A,*

Temporary Restraining Order. Both requirements were met in the letter sent to counsel for Plaintiffs, pursuant to the Court's order, on November 1st, 2024. *Exhibit B, Letter Response.*

In now seeking to circumvent civil discovery and due process, plaintiff asks this Court to (A) force disclosure attorney-client privileged communications and records and (B) to *render judgment*, skipping the entire court process, on this breach of contract matter. Simply because Plaintiffs do not like the response received does not void due process for Defendants. The Court should deny this motion and allow this matter to proceed through the court process.

II.

Plaintiffs filed their lawsuit on October 28th, 2024. A Temporary Restraining Order hearing was held less than 48 hours after Defendant, then pro se, had been emailed (though never served) with notice of the hearing. Judge Lauren Reeder ordered that defendants would be restrained from transferring unreturned funds,¹ to return remaining funds or provide a full explanation why did not have the ability to do so, and to provide a full accounting of the funds by November 1st, 2024. *Exhibit A.* Defendant responded to this request with a letter to counsel for plaintiffs that complied with these orders and indicated that Plaintiffs' \$1,543,251.13 was in the possession of a third party. *Exhibit B.* The letter response even went beyond the Court's order and detailed the denominations in which the wires were sent, where they were sent, why they were transferred, and when they were expected to be returned. *Id.*

Plaintiffs now complain that Defendants did not provide bank statements – this was never ordered by the Court. Plaintiffs complain that there was no explanation for why a bank account was closed – this was likewise never ordered by the Court. Finally, Plaintiff complains

¹ This was agreed by Defendants.

that no ‘documentation’ was provided to corroborate Defendants letter of where certain funds were transferred – again, this was not ordered by the Court. Plaintiffs ‘unfulfilled demand’ that circumvents due process and the civil discovery rules is wholly irrelevant to this Court’s only inquiry – “was the order complied with?”

It certainly was.

III.

More telling than anything is the Plaintiffs’ requested relief that the Court *render judgment* before Defendants have even been legally served with a lawsuit. The United States Constitution's Due Process Clause and the Texas Constitution's Due Course of Law Clause require adequate procedural due process for parties to a judgment *B. Gregg Price, P.C. v. Series 1 - Virage Master LP*, 661 S.W.3d 419, 422 (Tex. 2023). They further request this Court void Tex. R. Civ. P. 190 and allow immediate and one-sided discovery before the discovery period begins, and, again, *before Defendants have been served with a lawsuit*.

CONCLUSION

This Court should uphold the status quo of the terms of the Temporary Restraining Order entered on October 30, 2024, which have been complied with, and order Plaintiffs to engage in litigation just like every other party in this Court – by serving the Defendants and participating in the Court process, and should deny the extreme and unjustified relief requested by Plaintiffs.

Respectfully submitted,

THE AKERS FIRM, PLLC

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the District Attorney's Office this November 11, 2024.

/s/ Cordt C. Akers
Cordt C. Akers

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