

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AKM ENTERPRISES, INC	§	
d/b/a MOBLIZE,	§	
Plaintiff,	§	
	§	
vs.	§	C.A. NO. 4:23-CV-4144
	§	
RYAN DAWSON and	§	
CORVA AI, LLC.	§	
Defendants.	§	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE RESPONSE TO
DEFENDANTS’ MOTION FOR SANCTIONS**

Plaintiff moves under Rule 6(b)(1)(B) for leave to file its Response to Defendants’ Motion for Sanctions based on excusable neglect.

I. STATEMENT OF FACTS

On August 22, 2025, counsel completed and attempted to file Plaintiff’s Response to Defendants’ Motion for Sanctions before the midnight deadline. The documentary record establishes at 7:30 PM, counsel initiated a telephone call with senior paralegal Randee Rogers to oversee electronic filing. The authenticated call log (Exhibit A-1) shows this call lasted exactly thirteen minutes, ending at 7:43 PM. During this call, Ms. Rogers navigated the CM/ECF system and attempted to file the Response and supporting documents, which counsel had finalized between 7:13 and 7:27 PM (Exhibit A-

2). Upon completion of what appeared to be successful filing, counsel stated to Ms. Rogers: “I’m so proud of us—we got this done, and there’s still daylight.” This contemporaneous statement reflects counsel’s genuine belief that filing had succeeded.

The CM/ECF system generated no Notice of Electronic Filing. More critically, it generated no rejection notice, no error message, and no indication whatsoever that filing had failed. For twenty-eight days, counsel reasonably believed the Response had been filed.

Defendants’ characterization in today’s joint letter that Plaintiff ‘failed to respond, waiving all defenses’ demonstrates the prejudicial consequences of the technical filing failure. This mischaracterization underscores the necessity for immediate relief to prevent Defendants from exploiting a CM/ECF malfunction to obtain procedurally defective sanctions targeting arbitration conduct outside this Court’s jurisdiction.

II. LEGAL STANDARD

Rule 6(b)(1)(B) permits relief for excusable neglect. *Pioneer Investment Services Co. v. Brunswick Associates*, 507 U.S. 380, 395 (1993), requires analysis of: (1) prejudice; (2) length of delay; (3) reason for delay; and (4) good faith.

The Fifth Circuit recognizes that technical failures and “inadvertent delays” constitute excusable neglect. *McCarty v. Thaler*, 376 F. App’x 442, 444

(5th Cir. 2010). This District's Administrative Procedures § 13(D) explicitly provides for relief from CM/ECF technical failures.

III. ARGUMENT

A. No Prejudice Exists

Defendants suffer no prejudice. They retain full opportunity to reply. The Court can reset deadlines without disrupting its docket. Most tellingly, Defendants remained silent for twenty-eight days: filing no default motion, seeking no expedited consideration. Such silence precludes prejudice claims.

B. The Reason for Delay Was Beyond Control

The documented timeline proves extraordinary diligence:

- Documents completed hours before deadline
- Real-time telephonic supervision of filing
- Contemporaneous belief in success
- Complete absence of system feedback

When the CM/ECF system provides neither confirmation nor rejection, counsel cannot discover failure absent clairvoyance. *Halicki v. La. Casino Cruises, Inc.*, 151 F.3d 465, 470 (5th Cir. 1998) (absence of error indication creates reasonable belief in success). This District acknowledges such vulnerabilities through Administrative Procedures § 13(D).

C. Good Faith Is Demonstrated

Upon discovery, counsel immediately prepared this Motion with complete documentation and transparency. The Response was ready at 7:23 PM on the deadline date. No dilatory motive exists.

D. The Underlying Motion’s Jurisdictional Defects Support Relief

Plaintiff’s Response demonstrates that Defendants’ sanctions motion improperly targets arbitration conduct. The Fifth Circuit prohibits federal courts from sanctioning arbitration proceedings. *Positive Software Solutions, Inc. v. New Century Mortgage Corp.*, 619 F.3d 458, 462 (5th Cir. 2010). Denying Plaintiff the opportunity to raise these jurisdictional challenges would permit ultra vires relief through technical default.

E. Remaining *Pioneer* Factors Compel Relief

Length of Delay. Twenty-eight days creates no practical impact. The Court need not reschedule any hearings. Judge Hanks decides most motions without oral argument. The Court retains complete discretion to reset deadlines.

Defendants’ Unclean Hands. Defendants produced three pages in this complex trade secrets litigation. They never verified their interrogatory responses under Rule 33(b)(5). Their July 8 correspondence declares they “oppose any extensions.” Defendants cannot seek sanctions while maintaining such minimal compliance.

Federal Policy. Courts resolve cases on merits, not technicalities. *Halicki*, 151 F.3d at 469. This principle controls where technical default would permit jurisdictionally defective sanctions.

IV. CONCLUSION

The Court should grant leave. The thirteen-minute call log, “still daylight” statement, and complete absence of system feedback establish textbook excusable neglect. Immediate filing upon discovery confirms good faith. Defendants’ silence for twenty-eight days negates prejudice.

V. RELIEF REQUESTED

Plaintiff requests the Court:

1. Grant leave to file out-of-time the following documents attached hereto as exhibits:

Plaintiff's Response in Opposition to Defendants' Motion for Sanctions (attached as Exhibit B)

Proposed Order Denying Defendants' Motion for Sanctions (attached as Exhibit C)

Declaration of Colleen E. McKnight (attached as Exhibit D)

Email Exchanges with Opposing Counsel (July 8, 2025) (attached as Exhibit E)

2. Direct the Clerk to docket the above-referenced documents as separate entries dated September 19, 2025;

3. Alternatively, establish a filing deadline within three business days for submission of the Response and supporting documents;
4. Stay consideration of Defendants' Motion for Sanctions (Dkt. No. 119) pending resolution of this Motion and filing of Plaintiff's Response;
5. Decide this Motion expeditiously given the elapsed time and pending pre-motion conference.

Respectfully submitted,

/s/ Jaclyn I. Barbosa

Jaclyn I. Barbosa

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**ATTORNEYS FOR PLAINTIFF AKM
ENTERPRISES, INC. d/b/a MOBLIZE**

CERTIFICATE OF CONFERENCE

Undersigned counsel attempted to confer with opposing counsel Omid Abaei via telephone and email on September 19, 2025. Counsel left a voicemail requesting immediate conference regarding this Motion and sent a follow-up email. As of filing, no response has been received. Counsel will supplement this certificate upon receiving a response from opposing counsel.

/s/ Jaclyn I. Barbosa

Jaclyn I. Barbosa

CERTIFICATE OF SERVICE

This Motion will be served via CM/ECF on September 19, 2025 to all counsel of record with courtesy copies via email.

/s/ Jaclyn I. Barbosa

Jaclyn I. Barbosa

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AKM ENTERPRISES, INC	§	
d/b/a MOBLIZE,	§	
Plaintiff,	§	
	§	
vs.	§	C.A. NO. 4:23-CV-4144
	§	
RYAN DAWSON and	§	
CORVA AI, LLC.	§	
Defendants.	§	

DECLARATION OF JACLYN I. BARBOSA

I, Jaclyn I. Barbosa, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney duly licensed to practice law in the State of Texas and before this Court. I am counsel of record for Plaintiff AKM Enterprises, Inc. d/b/a Moblize in the above-captioned matter. I submit this Declaration in support of Plaintiff's Motion for Leave to File Out-of-Time Response to Defendants' Motion for Sanctions.
2. On August 22, 2025, between 7:13 PM and 7:27 PM CT, I completed final preparation of Plaintiff's Response to Defendants' Motion for Sanctions and all supporting exhibits, as documented by file modification timestamps showing: "Exhibit B" finalized at 7:13 PM, "Exhibit A"

finalized at 7:17 PM, the “Response” finalized at 7:23 PM, and the “Proposed Order” finalized at 7:27 PM. (See Exhibit A-2).

3. At 7:30 PM CT on August 22, 2025, I initiated a telephone call with Randee Rogers, my senior certified paralegal who has extensive experience with federal court electronic filing procedures. The call lasted exactly thirteen minutes, ending at 7:43 PM CT.
4. Attached hereto as Exhibit A-1 is a true and correct screenshot from my mobile device showing the authenticated call log for August 22, 2025, displaying the outgoing call to Randee Rogers at 7:30 PM with a duration of 13 minutes.
5. During the entire thirteen-minute telephone call, I maintained continuous communication with Ms. Rogers while she navigated the CM/ECF system, uploaded the Response and exhibits, and completed what we both genuinely believed to be successful electronic submission.
6. At approximately 7:43 PM CT, upon Ms. Rogers's indication that she had completed the filing process, I stated to her: "I'm so proud of us—we got this done, and it's still daylight." This statement reflected my absolute belief that the electronic filing had succeeded with over four hours remaining before the midnight CT deadline.

7. Attached hereto as Exhibit A-2 are true and correct screenshots showing the file properties and modification timestamps of the PDF documents prepared for filing on August 22, 2025.
8. Following the attempted electronic filing on August 22, 2025, neither I, co-counsel Colleen McKnight, nor Ms. Rogers received a Notice of Electronic Filing ('NEF') from the CM/ECF system. Critically, we received no rejection notice, error message, timeout warning, filing deficiency notice, or any other system notification whatsoever indicating filing failure.
9. Based on completion of standard filing procedures and the absence of any error messages, I, Ms. McKnight, and Ms. Rogers all maintained complete belief that Plaintiff's Response had been successfully filed on August 22, 2025.
10. From August 22, 2025, through September 18, 2025, I continued to believe that Plaintiff's Response had been successfully filed. During this twenty-eight day period, I received no indication of filing failure from any source.
11. On September 19, 2025, while preparing Plaintiff's position for a joint letter to the Court, I discovered that Plaintiff's Response to Defendants' Motion for Sanctions did not appear as a docketed entry.

12. Immediately upon discovering the absence of Plaintiff's Response from the docket, I initiated the following measures: preparation of the Motion for Leave; compilation of all documentary evidence including call logs and file timestamps; coordination with co-counsel; and preparation to file Plaintiff's Response upon receiving leave from the Court.
13. The Response to Defendants' Motion for Sanctions that Plaintiff seeks leave to file contains critical jurisdictional arguments demonstrating that Defendants' sanctions motion improperly targets arbitration conduct outside this Court's authority. The Response was fully complete and ready for filing on August 22, 2025, and remains ready for immediate filing upon the Court granting leave.
14. At no time did I, Ms. McKnight, or Ms. Rogers intentionally fail to file Plaintiff's Response or seek to gain strategic advantage through delay. Our attempted filing on August 22, 2025, hours before the deadline, demonstrates our intent to timely comply with all deadlines.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 19th day of September, 2025, in Houston, Texas.

/s/ Jaclyn I. Barbosa

Jaclyn I. Barbosa

State Bar No. 24109223

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4:47



Edit



always use: Business >

Randee Rogers

message

call

video

mail

pay

August 22, 2025

7:30 PM **Outgoing Call**
13 minutes

7:30 PM **Canceled Call**

7:30 PM **Canceled Call**

7:30 PM **Canceled Call**

7:30 PM **Canceled Call**

Contact Photo & Poster

phone
+1

phone (Siri found in Mail) >

phone (Siri found in Messages) >

Kind

File Name	Icon	Access Control	Date	Size
[PROPOSED] ORDER DENYING DEFENDANTS' MOTION FOR SANCTIONS .pdf		Public	August 22, 2025 at 7:27 PM	65 KB
2025.08.22 Plaintiff's Response to Motion for Sanctions.pdf		Public	August 22, 2025 at 7:23 PM	228 KB
Exhibit A - Declaration of Colleen McKnight.pdf		Public	August 22, 2025 at 7:17 PM	234 KB
Exhibit B - Opposing Counsel Email Exchanges.pdf		Public	August 22, 2025 at 7:13 PM	837 KB

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AKM ENTERPRISES, INC	§	
d/b/a MOBLIZE,	§	
Plaintiff,	§	
	§	
vs.	§	C.A. NO. 4:23-CV-4144
	§	
RYAN DAWSON and	§	
CORVA AI, LLC.	§	
Defendants.	§	

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE
OUT-OF-TIME RESPONSE TO DEFENDANTS' MOTION FOR
SANCTIONS**

Before the Court is Plaintiff's Motion for Leave to File Out-of-Time Response to Defendants' Motion for Sanctions, filed on September 19, 2025. The Court has reviewed the Motion, the Declaration of Jaclyn I. Barbosa, the authenticated exhibits, and the applicable law.

The Court finds that Plaintiff has demonstrated excusable neglect under Federal Rule of Civil Procedure 6(b)(1)(B). Specifically, the Court finds:

1. Plaintiff completed its Response and all exhibits on August 22, 2025, with documents finalized between 7:13 PM and 7:27 PM CT, well before the midnight deadline;

2. Counsel maintained continuous telephonic communication with senior certified paralegal Randee Rogers during a thirteen-minute filing attempt from 7:30 PM to 7:43 PM CT on August 22, 2025, as documented by authenticated call logs;
3. Counsel's contemporaneous statement "I'm so proud of us—we got this done, and it's still daylight" provides compelling real-time evidence of reasonable belief in successful filing;
4. The CM/ECF system's complete failure to generate either a Notice of Electronic Filing or any rejection notice created unprecedented ambiguity;
5. The twenty-eight day period between attempted filing and discovery on September 19, 2025, resulted from systemic failure rather than negligence;
6. Defendants suffer no prejudice from accepting Plaintiff's Response out-of-time, particularly given their failure to seek default during the intervening period;
7. Plaintiff's immediate preparation and filing of the Motion on the same day as discovering the technical failure demonstrates good faith.

GOOD CAUSE APPEARING, it is hereby **ORDERED** that:

1. Plaintiff's Motion for Leave to File Out-of-Time Response to Defendants' Motion for Sanctions is **GRANTED**.

2. The following documents attached to Plaintiff's Motion for Leave are **ACCEPTED** out-of-time and shall be deemed **FILED** as of September 19, 2025:

- Plaintiff's Response in Opposition to Defendants' Motion for Sanctions (Exhibit B)
- Proposed Order Denying Defendants' Motion for Sanctions (Exhibit C)
- Declaration of Colleen E. McKnight (Exhibit D)
- Email Exchanges dated July 8, 2025 (Exhibit E)

3. The Clerk is **DIRECTED** to docket these documents as separate entries.

4. The submission date for Defendants' Motion for Sanctions (Dkt. No. 119) is hereby **RESET** to _____. Defendants may file a Reply to Plaintiff's Response within seven (7) days of this Order, in accordance with Local Rule 7.4.

5. The parties shall bear their own costs and attorneys' fees related to this Motion.

IT IS SO ORDERED.

SIGNED this ____ day of _____, 2025.

PRESIDING JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AKM ENTERPRISES, INC d/b/a MOBLIZE, <i>Plaintiff,</i>	§ § § §	
vs. RYAN DAWSON and CORVA AI, LLC. <i>Defendants.</i>	§ § §	§ CIVIL ACTION NO. 4:23-CV-4144

**PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANTS RYAN
DAWSON AND CORVA AI, LLC’S MOTION FOR SANCTIONS**

Defendants’ Motion for Sanctions is an improper attempt to have this Court referee discovery disputes from a separate arbitration between Plaintiff and two former employees who are not parties to this action. Every discovery request, every response, every motion to compel, and every ruling Defendants complain about took place in arbitration—not in this Court. The Arbitrator has full authority to address alleged discovery abuses in that proceeding.

Sanctions are a serious remedy, reserved for conduct that is willfully abusive, violates this Court’s orders, and occurs in this Court’s case. They are not a vehicle for importing grievances from another tribunal. Expanding sanctions power to collateral arbitration disputes would undermine judicial economy by encouraging endless collateral litigation and contravene the Federal Arbitration Act, which entrusts arbitrators with exclusive authority over discovery in their proceedings. Defendants’ motion misstates the law,

distorts the facts, and ignores the procedural limits of this Court's sanctions power.

The motion fails for three independent reasons: it targets conduct in arbitration outside this Court's authority; it improperly seeks sanctions against Plaintiff's co-counsel who has not appeared in that arbitration; and it comes from Defendants who themselves have failed to verify their own interrogatory responses and comply with basic discovery obligations. For these reasons, the motion should be denied in its entirety.

I. SUMMARY OF THRESHOLD DEFECTS IN DEFENDANTS' MOTION

A. No Standing / Wrong Forum

Sanctions require a cognizable injury to the movant and conduct within this Court's case. Defendants identify neither. The discovery requests at issue were issued by arbitration respondents Hayes and Gupte, not by Defendants Corva or Dawson. Under Federal Rule 26(a)(1)(A)(ii) and Rule 34(b)(2), Plaintiff's obligation was to make subpoenaed materials available to all parties once produced in arbitration. The relevant motion to compel was filed, argued, and granted in arbitration—not in this Court. Because Corva and Dawson did not serve the requests, they have no cognizable injury from alleged noncompliance with someone else's arbitral discovery.

B. Protective Orders Expressly Permit Cross-Use

Two distinct productions are at issue. First, Hayes produced materials in response to a Rule 45 subpoena Plaintiff issued in this case after learning Hayes possessed Plaintiff's documents on external drives. Hayes produced those materials under his own "Attorney's Eyes Only" designations. Plaintiff had no authority to alter them. Second, Plaintiff produced its own documents in this case and designated them AEO based on its CEO's determination that they contained proprietary technical and business information. Counsel reasonably relied on the client's representation of what constituted trade secrets. Both the arbitration and this case are subject to protective orders that expressly allow cross-use of discovery. The productions and designations Defendants complain about were made under those protective orders. To the extent Defendants object, the Arbitrator retains full power to address over-designation or misuse of materials in the arbitration. Notably, Defendants avoid raising this with the Arbitrator because the "document dump" and its designations were made by their co-defendant Mr. Hayes, not Plaintiff. The proper mechanism is to seek relief from the producing party before the Arbitrator, not sanctions against Plaintiff here. To the extent Defendants dispute those designations, their remedy is to follow those procedures—not to seek sanctions against Plaintiff's counsel.

C. Improper End-Run Around the Arbitrator

Defendants are attempting to leverage this Court to relitigate matters that properly belong before the Arbitrator. Sanctioning arbitration conduct here would usurp the Arbitrator's authority and run contrary to the Federal Arbitration Act, which entrusts arbitrators with managing discovery. See *Positive Software Solutions, Inc. v. New Century Mortgage Corp.*, 619 F.3d 458, 462 (5th Cir. 2010) (district court exceeded authority by imposing sanctions for arbitration conduct; arbitration must not be treated as an "annex" to federal litigation). Granting sanctions here would improperly usurp the Arbitrator's authority and undermine judicial economy by inviting collateral litigation whenever a party is dissatisfied with arbitral rulings.

II. LEGAL STANDARD

Defendants allege four alleged legal grounds for their request for sanctions. Each has a different standard. None applies here.

A. 28 U.S.C. § 1927—High Burden, Bad Faith Required

Section 1927 permits sanctions only when an attorney "multiplies the proceedings ... unreasonably and vexatiously." 28 U.S.C. § 1927. The Fifth Circuit requires proof of subjective bad faith and conduct that actually multiplies proceedings in this case. *Browning v. Kramer*, 931 F.2d 340, 344 (5th Cir. 1991). Mere negligence, poor judgment, or discovery disputes are insufficient. See *FDIC v. Calhoun*, 34 F.3d 1291, 1297 (5th Cir. 1994). Section 1927 does not authorize sanctions for conduct in another tribunal.

The acts Defendants cite neither prolonged this case nor reflect bad faith. Section 1927 does not authorize sanctions for faithful compliance with Rule 45 or protective orders, or for reliance on a client's identification of trade secrets. Section 1927 does not authorize sanctions for conduct in another tribunal.

B. Rule 26(g)—Applies Only to Discovery in This Court

Rule 26(g) requires counsel to certify discovery responses are reasonable after inquiry. That standard does not require counsel to second-guess a client's trade-secret determinations absent contrary evidence. Here, Plaintiff's CEO directed that its production be marked AEO because it contained proprietary technical and business information. Counsel had no reason to doubt that representation and properly relied on it. Defendants identify no false certification in this Court's discovery — only disagreement with Plaintiff's judgment about sensitivity, which is not sanctionable.

The interrogatory responses at issue were served in arbitration, under arbitral rules, not as part of federal court discovery. This Court has no Rule 26(g) authority over them.

C. Rule 37(c)—Remedy for Violations of Rule 26(a) in This Case

Rule 37(c) allows exclusion of evidence or cost-shifting when a party fails to disclose required information under Rule 26(a). The sanction is tied to nondisclosure in this Court's proceedings. *See Harmon v. Georgia Gulf Lake Charles L.L.C.*, 476 F. App'x 31, 36 (5th Cir. 2012).

Defendants identify no Rule 26(a) disclosure violation in this federal case. The discovery they complain of was governed by arbitral procedures. No Rule 26(a) disclosure failure has been shown, and Rule 37(c) does not apply.

D. Inherent Power—Extraordinary, Requires Bad Faith

Courts’ inherent authority to sanction is to be “exercised with restraint and discretion” and is reserved for conduct that constitutes “bad faith or willful abuse of the judicial process.” *Nat’l Oilwell Varco, L.P. v. Auto-Dril, Inc.*, 68 F.4th 206, 219 (5th Cir. 2023). The U.S. Supreme Court has emphasized that inherent power should be invoked only when necessary to manage the court’s own affairs and ensure the orderly disposition of cases, and it must be used with great caution. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44–46 (1991). Furthermore, the Fifth Circuit has cautioned that inherent power cannot be used where other rules already provide a remedy, and must be limited to conduct in the case before the court. *Nat’l Oilwell Varco*, 68 F.4th at 219; *FDIC v. Maxxam, Inc.*, 523 F.3d 566, 590 (5th Cir. 2008).

Exercising inherent power here would require this Court to intrude into management of arbitral designations and cross-use of discovery. The Fifth Circuit has squarely held that sanctions for conduct occurring in arbitration exceed a district court’s authority, warning that arbitration must not be treated as an “annex” to litigation. *Positive Software Solutions, Inc. v. New Century Mortgage Corp.*, 619 F.3d 458, 462 (5th Cir. 2010). Because

Defendants identify no bad-faith conduct in this Court, the extraordinary sanction of inherent-power relief is unavailable.

III. ARGUMENT AND AUTHORITIES.

A. The Motion Improperly Seeks to Sanction Conduct in Another Tribunal.

The discovery requests, deadlines, and rulings at issue originated in arbitration between Plaintiff and Hayes/Gupte. The requests for production and interrogatories were issued under the arbitral rules, not the Federal Rules of Civil Procedure, and were never served in this federal action. As a matter of law, Rule 26(g) certifications and Rule 37 sanctions only apply to discovery within this Court’s jurisdiction, not to conduct in another tribunal. See *Positive Software Solutions, Inc. v. New Century Mortg. Corp.*, No. 3:07-cv-367, 2009 U.S. Dist. LEXIS 149365, at *5–6 (N.D. Tex. Mar. 31, 2009) (Rule 37 does not apply to discovery conducted in arbitration proceedings); *Calsep A/S v. Dabral*, 84 F.4th 304, 315 (5th Cir. 2023) (Rule 37 limited to conduct governed by the Federal Rules and not collateral proceedings). This limitation follows directly from Rule 37 itself, which authorizes sanctions only for failures to comply with obligations under these rules. Fed. R. Civ. P. 37(d). And Congress has mandated that the Federal Rules “shall not abridge, enlarge or modify any substantive right.” 28 U.S.C. § 2072(b).

The Federal Arbitration Act entrusts the Arbitrator—not this Court—with supervising discovery in that forum. The Fifth Circuit has squarely held that

sanctions for conduct occurring in arbitration exceed a district court's inherent authority, warning that treating arbitration as an "annex" to federal litigation undermines arbitration's independent role. *Positive Software Solutions, Inc.*, 619 F.3d at 462. To hold otherwise would collapse the separation between arbitral and judicial functions. Moreover, granting sanctions here would undermine judicial economy by inviting collateral litigation whenever a party is dissatisfied with discovery rulings in arbitration—precisely what the Federal Arbitration Act was designed to prevent.

Any issues about verification, supplementation, or accuracy of interrogatory responses in that proceeding are squarely for the Arbitrator to decide. No authority exists allowing a federal court to sanction a party for discovery conduct in a separate arbitration to which the movant is not even a party.

B. Sanctions Cannot Be Imposed on Counsel Who Has Not Appeared in the Arbitration.

Defendants also improperly seek sanctions against Plaintiff's co-counsel, Colleen E. McKnight, for alleged discovery conduct in the arbitration. Ms. McKnight has never entered an appearance in the arbitration, has not signed or prepared any discovery responses in that forum, and has no authority to propound or certify discovery there. Sanctions under Rule 26(g) attach only to discovery papers filed in federal court.¹

¹ Exhibit A - Declaration of Colleen E. McKnight.

Similarly, sanctions under 28 U.S.C. § 1927 or the Court's inherent power presuppose conduct in proceedings before this Court, not before another tribunal. Extending those sanctions powers to counsel who are not participants in arbitration would improperly enlarge the scope of federal judicial authority and conflict with the Federal Arbitration Act's framework. Because Ms. McKnight is not counsel of record in the arbitration, sanctions against her for arbitration discovery are improper as a matter of law.

C. Defendants Have No Standing to Complain About Arbitration Discovery.

Courts routinely deny sanctions where the movant lacks standing to complain of alleged violations affecting only third parties. Defendants did not serve the discovery requests at issue, were not entitled to responses, and cannot complain of the volume of the responses issued to other parties' discovery requests. Nor can Defendants bring a complaint against Plaintiff for the discovery produced by its co-defendant, Steven Hayes, in this forum.

Although the protective orders in both matters permit discovery produced in one proceeding to be used in the other, it does not give either tribunal supervisory or sanctions authority over the conduct of discovery in the other.

Defendants cannot claim prejudice from Plaintiff's timing or designations in response to someone else's discovery requests issued in another tribunal. Defendants' Motion must be denied.

D. Steven Hayes Created the “AEO” Issue, Not Plaintiff.

The overbroad “Attorney’s Eyes Only” designations and production came from counsel for one of the arbitration defendants when producing subpoenaed materials. Materials that Mr. Hayes’ counsel refused to produce in this matter without a third-party subpoena—a procedural tool that should not have been necessary given the discovery sharing agreement between the parties.

Plaintiff simply reproduced them as marked, in compliance with protective orders that expressly allow cross-use.

The producing party—not Plaintiff—had the obligation to apply accurate designations. If those designations were improper, the remedy lies in the arbitral process, not in this Court, in which the entirety of the files with their designations had already been produced by Hayes.

E. The “Document Dump” Narrative Omits Key Facts and Legal Obligations.

Plaintiff sought materials directly from Hayes only after he refused to produce them in the federal case despite cross-use rights. The subpoenaed data set was large because Hayes’s drives contained mixed personal and business data—not because Plaintiff chose to “dump” irrelevant documents. Indeed, Plaintiff was willing to go above and beyond its obligations to do the work and take the time to cull out the irrelevant documents and information if given

additional time, which neither the respondents in the arbitration action nor the Defendants in this matter were willing to grant.²

Under the Federal Rule 26 (a)(1)(A)(ii) and Rule 34(b)(2), the response to the third-party subpoena is considered discovery, and Plaintiff was obligated to make the produced materials available to all parties. Nothing in the Rules prohibits Plaintiff from bates labeling the documents with its own bates label; however, de-designating the production from the AEO designation provided by the producing party could be actual sanctionable conduct.

Rule 34(b)(2)(E) permits production as kept in the usual course of business without re-sorting. Here, Plaintiff produced the data received from the nonparty to this action as it was produced to Plaintiff. Defendants' complaints and requests for sanctions in this matter are particularly absurd as the subpoenaed documents were already included in discovery through the third party subpoena.

F. Plaintiff's Production is reasonably designated AEO, as this is a trade secret case.

Defendants argue that Plaintiff's production (in the arbitration) outside of the Hayes third-party documents is also over-designated as AEO. However, Defendants point this Court to no documents Plaintiff produced outside of Hayes' production that are allegedly over-designated. Even if they were,

² Exhibit B – Email exchanges with opposing counsel.

Plaintiff produced the documents in response to requests from the *arbitration*, and while the parties can use them in this Court by agreement, any dispute over their designation must be taken up with the arbitrator.

G. No Evidence of Bad Faith or False Certification

Even if this Court could reach arbitration conduct (it cannot), sanctions would still require proof that Plaintiff knowingly made false statements in a discovery paper filed here or acted in bad faith in this forum. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44–46 (1991). The motion identifies no such falsehood in any federal interrogatory response or filing.

H. Defendants’ Expert-Related Allegations Are Contradictory and Premature.

Defendants’ Position on Plaintiff’s expert designation is inherently inconsistent. On the one hand, Defendants insist it is “too late” for experts in this case and the arbitration (which is beyond this Court’s authority); on the other, they seek sanctions because Plaintiff has not yet designated experts.

Defendants fail to mention that Plaintiff has formally moved this Court for additional time to designate experts. That motion remains pending. Until the Court rules, there is no violation of any expert designation deadline—only an unresolved scheduling dispute.

Defendants’ two arguments cannot be reconciled: if the Court grants Plaintiff’s request for additional time, the alleged “failure” disappears; if the

Court denies the request, the proper remedy under Rule 37(c) is exclusion of untimely opinions—not punitive sanctions for consulting with experts.

Further, nothing in the Federal Rules prohibits a party from consulting with experts before formal designation. In fact, it is routine to work with consulting experts to analyze evidence and assist in case development. See Fed. R. Civ. P. 26(b)(4)(D). The Rules draw a distinction between consulting experts (not testifying) and testifying experts (subject to disclosure). The fact that Plaintiff has consulted experts to assist with discovery and analysis is not sanctionable; it is prudent litigation practice.

Nor have Defendants identified any expert opinion that Plaintiff has used in a way that prejudices them in this federal action. If and when Plaintiff designates testifying experts (subject to the Court’s ruling on the pending motion), Defendants will have the opportunity to depose those experts, receive full Rule 26(a)(2) disclosures, and challenge admissibility under *Daubert*.

Sanctions for alleged late disclosure are governed by Rule 37(c)(1) and are determined at the time the evidence is offered or when the violation becomes clear—not before the Court has even ruled on the scheduling motion. Imposing sanctions now would be punitive, speculative, and risk mooted the Court’s pending scheduling decision.

Furthermore, even if Defendants had *some* grounds for seeking sanctions on the late designation of experts, sanctions cannot be imposed for conduct that

is the subject of a pending motion for relief. *See Harmon v. Georgia Gulf Lake Charles L.L.C.*, 476 F. App'x 31, 36 (5th Cir. 2012) (sanctions improper where party sought extension before deadline and ruling was pending); *Primrose Operating Co. v. Nat'l Am. Ins. Co.*, 382 F.3d 546, 563 (5th Cir. 2004) (discussing Rule 37 exclusion as remedy for late expert disclosure).

I. Defendants' "Fabrication or Trade Secret Theft" Argument Is Baseless and Misplaced.

Defendants assert that Plaintiff's interrogatory responses in the arbitration must be either fabricated or an admission of trade secret theft. This false premise is built on an incomplete account of the facts and an improper attempt to convert an arbitral discovery dispute into a federal sanctions issue.

First, as explained to Defense counsel, the information that Plaintiff cited came from public sources. Corva's mobile applications are listed in app stores and Corva publishes code and technical information so that third-party developers can create companion applications. This data can be located by anyone with the knowledge to search in the correct locations—not just by Plaintiff's experts. Plaintiff's experts did identify and review such materials, but those materials remain publicly accessible to any member of the public. Lawful access to public information is not trade secret misappropriation. *See Tex. Civ. Prac. & Rem. Code* § 134A.002(6)(defining trade secret to exclude information readily ascertainable by proper means); *Wellogix, Inc. v.*

Accenture, L.L.P., 716 F.3d 867, 874 (5th Cir. 2013) (no trade secret where information is generally known or readily ascertainable).

Second, Defendants offer zero evidence of fabrication. Defendants have not shown that any factual statement by Plaintiff was false. Their dispute is one of characterization—whether certain public materials qualify as “Corva’s code” or “internal specifications”—not proof that Plaintiff invented evidence. Disagreements over interpretation or relevance are not grounds for sanctions.

Third, any challenge to the timing or verification of these arbitration interrogatory responses, again, belongs before the Arbitrator, not this Court. Hayes and Gupte propounded the interrogatories at issue in the arbitration, under arbitral rules, and Defendants never served them in this case. The Arbitrator issued orders governing those responses. Defendants’ own reliance on the Arbitrator’s order in their motion confirms that the authority to address any alleged noncompliance lies with the Arbitrator. Rule 26(g) and Rule 37 sanctions do not apply to discovery served in another proceeding.

Finally, the use of experts to locate and analyze technical information is standard and proper. Consulting experts are routinely employed to assist with discovery and case preparation, and as explained above, consulting experts are permitted under Rule 26(b)(4)(D). Plaintiff’s engagement of experts in this capacity—particularly while a motion for additional time to designate

testifying experts is pending—is prudent litigation practice, not sanctionable conduct.

Defendants’ “fabrication or theft” narrative is malicious and collapses under scrutiny. The materials are publicly available, their identification was lawful, and disputes over their significance or the form of arbitration verifications must be resolved in the forum that issued and compelled those discovery responses: the arbitration.

J. Defendants’ Own Unclean Hands Barrs Their Motion

The doctrine of unclean hands exists to prevent precisely this kind of inequitable conduct. A party who has acted inequitably in relation to the subject matter of the litigation cannot obtain relief from a court of equity. *Precision Instrument Mfg. Co. v. Auto. Maint. Mach. Co.*, 324 U.S. 806, 814 (1945). Federal courts regularly deny sanctions motions when the moving party is itself in violation of the same rules it seeks to enforce. *See, e.g., EEOC v. JetStream Ground Servs., Inc.*, 878 F.3d 960, 966 (10th Cir. 2017) (affirming denial of sanctions where movant also failed to meet discovery obligations).

Here, Defendants’ misconduct is twofold.

1. Failure to Verify Interrogatory Responses.

Rule 33(b)(5) requires responding parties to sign interrogatory responses under oath. Corva and Dawson never verified their own interrogatory responses *in this Court*, yet simultaneously demand sanctions against

Plaintiff for alleged defects in arbitration discovery. This inequitable conduct is precisely what the unclean hands doctrine is designed to prevent. Defendants' sanctions request should be denied for this reason alone.

2. Paltry Production Despite Broad Claims.

Even setting aside the procedural defects in Defendants' motion, the request for sanctions is inequitable in light of Defendants' own discovery conduct. In response to Plaintiff's properly served discovery requests in this case, Corva has produced exactly three pages of documents—total (CORVA 0016-018; CORVA_RULE_202 001-015 were produced in response to the Rule 202 proceedings in Texas state court). This paltry production is not remotely proportional to the scope of claims and defenses in a multi-million-dollar trade secrets dispute.

Plaintiff has already followed this Court's procedures and sought permission to file a motion to compel to obtain responses to its existing discovery requests and has separately requested additional time to pursue further discovery. Those motions remain pending. Until Defendants comply with their own obligations—or even begun to do so—they cannot credibly accuse Plaintiff of “discovery abuse” or demand sanctions.

Here, Corva's failure to produce more than three pages in this complex trade secrets case—while simultaneously asking this Court to impose sanctions based on disputes in another forum—is the very definition of unclean

hands. The Court should reject Defendants' attempt to wield sanctions as a one-sided weapon while ignoring their own outstanding discovery violations.

IV. CONCLUSION

Defendants' motion is fatally flawed. It seeks sanctions for conduct that occurred in arbitration, where only the Arbitrator has authority to manage discovery. Extending this Court's sanctions power to collateral proceedings would contravene the Federal Arbitration Act, risk duplicative litigation, and undermine judicial economy.

The motion also improperly targets Plaintiff's co-counsel, Colleen E. McKnight, who has never appeared in the arbitration and cannot be sanctioned for discovery she did not direct, sign, or certify. And Defendants come to this Court with unclean hands, having failed to verify their own interrogatory responses and having produced only a handful of pages in this case, while demanding sanctions for supposed abuses elsewhere.

Even apart from these threshold defects, Defendants identify no false certification, no bad faith, and no violation of Rule 26(a) or this Court's orders. Their arguments about confidentiality designations, volume of production, and expert consultation are either disputes that belong before the Arbitrator or routine litigation practices expressly permitted by the Rules.

For all these reasons, Defendants' Motion for Sanctions should be denied in its entirety.

Date: August 22, 2025

Respectfully submitted,

McKnight Law PLLC

/s/ Colleen McKnight

Colleen McKnight

State Bar No. 24078976 | SDTX No.
1357849

Colleen E. McKnight

801 Travis Street

Suite 2101 PMB 698

Houston, Texas 77002

T: (713) 487-5645

Email: colleen.mcknight@mcknightlaw.us

/s/ Jaclyn I. Barbosa

Jaclyn I. Barbosa

(Attorney-in-Charge)

State Bar No. 24109223 | SDTX No.
3686275

Jaclyn I. Barbosa, Attorney at Law,
PLLC

2339 Commerce Street, Suite 102

Houston, Texas 77002

T: (832) 696-8050

Email: jaclyn@jbarbosalaw.com

**ATTORNEYS FOR PLAINTIFF AKM
ENTERPRISES, INC. d/b/a MOBLIZE**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed via CM/ECF on August 22, 2025 and accordingly that all counsel of record were served via electronic means.

By: /s/ Jaclyn I. Barbosa
Jaclyn I. Barbosa

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AKM ENTERPRISES, INC	§	
d/b/a MOBLIZE,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	CIVIL ACTION NO. 4:23-CV-4144
RYAN DAWSON and	§	
CORVA AI, LLC.	§	
<i>Defendants.</i>	§	

[PROPOSED]
ORDER DENYING DEFENDANTS' MOTION FOR SANCTIONS

Before the Court is Defendants Ryan Dawson and Corva AI, LLC's Motion for Sanctions (ECF No. 119). Having considered the motion, the response, the applicable law, and the record, the Court finds that the motion is without merit.

Accordingly, IT IS **ORDERED** that Defendants' Motion for Sanctions is **DENIED** in its entirety.

It is so **ORDERED**.

Signed at Houston, Texas, on this ____ day of _____, 2025.

JUDGE PRESIDING

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AKM ENTERPRISES, INC
d/b/a MOBLIZE,
Plaintiff,

vs.
RYAN DAWSON and
CORVA AI, LLC.
Defendants.

§
§
§
§
§
§
§
§

§ CIVIL ACTION NO. 4:23-CV-4144

DECLARATION OF COLLEEN E. MCKNIGHT IN SUPPORT OF
PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS RYAN
DAWSON AND CORVA AI, LLC'S MOTION FOR SANCTIONS

I, Colleen E. McKnight, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an attorney licensed to practice in the State of Texas and am counsel of record for Plaintiff in the federal action *AKM Enterprises, Inc. d/b/a Moblize v. Ryan Dawson and Corva AI, LLC*, Civ. No. 4:23-cv-04144, pending in the United States District Court for the Southern District of Texas.
2. I have not entered an appearance in the related arbitration between Plaintiff and Steven Hayes and Samarth Gupte.
3. I have not signed, prepared, or served any discovery requests, discovery responses, or discovery certifications in the arbitration proceeding.
4. I have not participated as counsel of record in the arbitration and have had no role in discovery management before the Arbitrator.

I declare under penalty of perjury the foregoing is true and correct.

Executed on August 22, 2025, in Houston, Texas.



Colleen E. McKnight

Exhibit B



Outlook

RE: AKM / Amended Discovery and Document Production

From Omid Abaei <oabaei@jdkglaw.com>**Date** Tue 7/8/2025 11:47 AM**To** Colleen McKnight <colleen.mcknight@mcknightlaw.us>; Randee Rogers <randee@jbarboslaw.com>;
Bradley L. Deluca <bdeluca@jdkglaw.com>; Sarah R. Chivleatto <SChivleatto@jdkglaw.com>**Cc** Jaclyn Barbosa <jaclyn@jbarboslaw.com>; Tara Dennis <tara@jbarboslaw.com>

If I tell you what the most logical and cost-efficient approach would be, you would frame it as "intimidation."

We are opposed to any extensions. Plaintiff already received an extension earlier in this case to conduct the discovery and expert designations that it needed to do.

Sincerely,

Omid Abaei
Associate Attorney



4 Houston Center
1221 Lamar Street, Suite 1000
Houston, Texas 77010
Telephone: 713-652-2525
Direct Office: 713-658-3343
Facsimile: 713-652-5130
Email: oabaei@jdkglaw.com

From: Colleen McKnight <colleen.mcknight@mcknightlaw.us>**Sent:** Tuesday, July 8, 2025 11:43 AM**To:** Omid Abaei <oabaei@jdkglaw.com>; Randee Rogers <randee@jbarboslaw.com>; Bradley L. Deluca <bdeluca@jdkglaw.com>; Sarah R. Chivleatto <SChivleatto@jdkglaw.com>**Cc:** Jaclyn Barbosa <jaclyn@jbarboslaw.com>; Tara Dennis <tara@jbarboslaw.com>**Subject:** RE: AKM / Amended Discovery and Document Production

Omid,

I agree that the current arrangement and time crunch Jaclyn and I stepped into creates unnecessary costs.

Please let us know if Defendants are willing to grant an extension to allow a more cost-efficient process.

--

Colleen McKnight

Founding Partner
McKnight Law PLLC
972.310.9303

From: Omid Abaei <oabaei@jdkglaw.com>

Sent: Tuesday, July 8, 2025 11:39 AM

To: Colleen McKnight <colleen.mcknight@mcknightlaw.us>; Randee Rogers <randee@jbarboslaw.com>;
Bradley L. Deluca <bdeluca@jdkglaw.com>; Sarah R. Chivleatto <SChivleatto@jdkglaw.com>

Cc: Jaclyn Barbosa <jaclyn@jbarboslaw.com>; Tara Dennis <tara@jbarboslaw.com>

Subject: RE: AKM / Amended Discovery and Document Production

We appreciate the explanation, but Moblize's approach to discovery remains deeply problematic. This is unnecessarily costly, for both sides.

Sincerely,

Omid Abaei
Associate Attorney



4 Houston Center
1221 Lamar Street, Suite 1000
Houston, Texas 77010
Telephone: 713-652-2525
Direct Office: 713-658-3343
Facsimile: 713-652-5130
Email: oabaei@jdkglaw.com

From: Colleen McKnight <colleen.mcknight@mcknightlaw.us>

Sent: Tuesday, July 8, 2025 11:25 AM

To: Omid Abaei <oabaei@jdkglaw.com>; Randee Rogers <randee@jbarboslaw.com>; Bradley L. Deluca
<bdeluca@jdkglaw.com>; Sarah R. Chivleatto <SChivleatto@jdkglaw.com>

Cc: Jaclyn Barbosa <jaclyn@jbarboslaw.com>; Tara Dennis <tara@jbarboslaw.com>

Subject: RE: AKM / Amended Discovery and Document Production

Hi Omid,

Our purpose was twofold:

1. The production was too large and produced too late for us to have an opportunity to fully review the documents. Thus, as it was produced to us, we produced it back.
2. We wanted to be sure that we could use the documents in the production for our dispositive motions and at trial. As you know, the Rules allow a party to use the documents it produces with notice, which has been provided here. We anticipate the Hayes production contains many key and helpful documents for our client's claims, but we have not had the time from its production to review it all. Again, we would have loved to make it more tailored but give the time constraints and the volume of the production, we made the best call that we could.

As you know, we are working diligently to get this case back on track now that we have been

retained. We've requested additional time from the Defendants for that purpose, and you've refused. While we wait on the Court's ruling on our request, we are doing our best to comply with the rules, the deadlines, and preserve our client's rights and ability to present its case.

If Defendants are willing to reconsider their position on the deadlines in the case, we are willing to revisit the Hayes production with the additional time we will get to narrow the production to what we can determine is relevant.

Thanks so much.

--

Colleen McKnight
Founding Partner
McKnight Law PLLC
972.310.9303

From: Omid Abaei <oabaei@jdkglaw.com>

Sent: Tuesday, July 8, 2025 11:06 AM

To: Randee Rogers <randee@jbarboslaw.com>; Bradley L. Deluca <bdeluca@jdkglaw.com>; Sarah R. Chivleatto <SChivleatto@jdkglaw.com>

Cc: Jaclyn Barbosa <jaclyn@jbarboslaw.com>; Colleen McKnight <colleen.mcknight@mcknightlaw.us>; Tara Dennis <tara@jbarboslaw.com>

Subject: RE: AKM / Amended Discovery and Document Production

Why did your side produce all of these documents? What purpose does it serve to have hundreds of thousands of Steven Hayes's personal files, including music files, in the record?

Sincerely,

Omid Abaei
Associate Attorney



4 Houston Center
1221 Lamar Street, Suite 1000
Houston, Texas 77010
Telephone: 713-652-2525
Direct Office: 713-658-3343
Facsimile: 713-652-5130
Email: oabaei@jdkglaw.com

From: Randee Rogers <randee@jbarboslaw.com>

Sent: Tuesday, July 8, 2025 11:04 AM

To: Omid Abaei <oabaei@jdkglaw.com>; Bradley L. Deluca <bdeluca@jdkglaw.com>; Sarah R. Chivleatto <SChivleatto@jdkglaw.com>

Cc: Jaclyn Barbosa <jaclyn@jbarboslaw.com>; Colleen McKnight <colleen.mcknight@mcknightlaw.us>; Tara Dennis <tara@jbarboslaw.com>; Randee Rogers <randee@jbarboslaw.com>

Subject: Re: AKM / Amended Discovery and Document Production

Thanks for reaching out, Omid. All production from us with a MOBLIZE Bates prefix is

intended for both the arbitration and federal matters.

Randee Rogers, Senior Paralegal
Jaclyn I. Barbosa, Attorney at Law, PLLC

2339 Commerce Street, Suite 102
Houston, TX 77002
Phone: (832) 696-8050
Email: Randee@jbarbosalaw.com

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From: Omid Abaei <oabaei@jdkglaw.com>
Sent: Tuesday, July 8, 2025 10:56 AM
To: Randee Rogers <randee@jbarbosalaw.com>; Bradley L. Deluca <bdeluca@jdkglaw.com>; Tony Stergio <astergio@andrewsmyers.com>; Sarah R. Chivleatto <SChivleatto@jdkglaw.com>; ABroady@andrewsmyers.com <abroady@andrewsmyers.com>; Jasmine Nash <jnash@andrewsmyers.com>; Elliot Kudisch <ekudisch@andrewsmyers.com>
Cc: Jaclyn Barbosa <jaclyn@jbarbosalaw.com>; Colleen McKnight <colleen.mcknight@mcknightlaw.us>; Tara Dennis <tara@jbarbosalaw.com>
Subject: RE: AKM / Amended Discovery and Document Production

Jaclyn/Colleen,

Is this production supposed to be for both the federal court case and the arbitration?

Sincerely,

Omid Abaei
Associate Attorney



4 Houston Center
1221 Lamar Street, Suite 1000
Houston, Texas 77010
Telephone: 713-652-2525
Direct Office: 713-658-3343
Facsimile: 713-652-5130
Email: oabaei@jdkglaw.com

From: Randee Rogers <randee@jbarbosalaw.com>
Sent: Tuesday, July 8, 2025 7:26 AM
To: Bradley L. Deluca <bdeluca@jdkglaw.com>; Tony Stergio <astergio@andrewsmyers.com>; Sarah R. Chivleatto <SChivleatto@jdkglaw.com>; ABroady@andrewsmyers.com; Jasmine Nash

<jnash@andrewsmyers.com>; Elliot Kudisch <ekudisch@andrewsmyers.com>; Omid Abaei

<oabaei@jdkglaw.com>

Cc: Jaclyn Barbosa <jaclyn@jbarbosalaw.com>; Colleen McKnight <colleen.mcknight@mcknightlaw.us>;

Randee Rogers <randee@jbarbosalaw.com>; Tara Dennis <tara@jbarbosalaw.com>

Subject: AKM / Amended Discovery and Document Production

Dear Counsel:

Please use the following link to access a Word document containing links to AKM's supplemental document production, Bates labeled MOBLIZE0548015-MOBLIZE0780549 and MOBLIZE220166-MOBLIZE2204255: [MOBLIZE0548015-MOBLIZE2204255.docx](#). The password to access the documents will follow under separate cover. As Jaclyn mentioned, the production MOBLIZE0780550-MOBLIZE2201165 is still running; as soon as it is complete, we will update the Word document with the link to access same and let you know.

In addition, I have attached the following items for your review and file:

1. Claimant AKM's Amended Objections and Responses to Respondent Samarth Gupte's First Requests for Production and Interrogatories;
2. Claimant's Amended Objections and Responses to Respondent Steven Lee Hayes, Jr.'s First Requests for Production and Interrogatories to Claimant AKM Enterprises Inc. d/b/a Moblize;
3. AKM's Amended Objections and Responses to Respondent Steven Lee Hayes, Jr.'s Second Requests for Production to Claimant AKM Enterprises Inc. d/b/a Moblize; and
4. a spreadsheet distinguishing which documents Moblize produced are original productions as opposed to documents already produced by Steven Hayes.

Later this morning, we will send over signed copies of the following:

1. Verification of Amit Mehta in support of Claimant AKM's Amended Objections and Responses to Respondent Samarth Gupte's Interrogatories; and
2. Verification of Amit Mehta in support of Claimant's Amended Objections and Responses to Respondent Steven Lee Hayes, Jr.'s First Interrogatories.

Please let me know if you have any questions.

Thank you,

Randee

Randee Rogers, Senior Paralegal
Jaclyn I. Barbosa, Attorney at Law, PLLC

2339 Commerce Street, Suite 102
Houston, TX 77002
Phone: (832) 696-8050
Email: Randee@jbarbosalaw.com

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