

No. 71984



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THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

**Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas**

CARL W. GORDON,
STATE BAR OF TEXAS CARD NO. 24047659,
APPELLANT

V.

COMMISSION FOR LAWYER DISCIPLINE,
APPELLEE

*On Appeal from an Evidentiary Panel
For the State Bar of Texas District 4
No. 202306618 [Wolf]*

BRIEF OF APPELLEE
COMMISSION FOR LAWYER DISCIPLINE

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CARL W. GORDON,

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V.

COMMISSION FOR LAWYER DISCIPLINE,

APPELLEE

*On Appeal from an Evidentiary Panel
For the State Bar of Texas District 4
No. 202306618 [Wolf]*

**BRIEF OF APPELLEE
COMMISSION FOR LAWYER DISCIPLINE**

TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

Appellee, the Commission for Lawyer Discipline, submits this brief in response to the brief filed by Appellant, Carl W. Gordon. For clarity, this brief refers to Appellant as “Gordon” and Appellee as “the Commission.” References to the record are labeled CR __ (clerk’s record), Supp CR __ (supplemental clerk’s record), RR __ (reporter’s record of the evidentiary hearing held on October 8, 2025), RR Pet. Ex. __ (Petitioner’s exhibits admitted at the evidentiary hearing), RR Resp. Ex. __ (Respondent’s exhibits admitted at the evidentiary hearing), and App. __

(appendix to brief). References to Appellant’s Brief are labeled Apt. Br. ___. References to rules refer to the Texas Disciplinary Rules of Professional Conduct (the “TDRPCs”) or the Texas Rules of Disciplinary Procedure (the “TRDPs”), as appropriate.¹

¹ *Reprinted in* TEX. GOV’T CODE ANN., tit. 2, subtit. G, app A (West 2026), and TEX. GOV’T CODE ANN., tit. 2, subtit. G, app A-1 (West 2026), respectively, unless noted otherwise.

STATEMENT OF THE CASE

Type of Proceeding: Attorney Discipline

Petitioner/Appellee: The Commission for Lawyer Discipline

Respondent/Appellant: Carl W. Gordon

Evidentiary Panel: 4-6

Judgment: Judgment of Partially Probated Suspension
[App 1] [CR 800-07]

*Violations found (Texas
Disciplinary Rules of
Professional Conduct):*

Rule 3.01: A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous.

Rule 3.02: In the course of litigation, a lawyer shall not take a position that unreasonably increases the costs or other burdens of the case or that unreasonably delays resolution of the matter.

STATEMENT OF JURISDICTION

The Board of Disciplinary Appeals has jurisdiction over this appeal from the decision of an Evidentiary Panel of the State Bar of Texas District 4 Grievance Committee pursuant to Rules 2.23 and 7.08(D) of the Texas Rules of Disciplinary Procedure.

STATEMENT AS TO ORAL ARGUMENT

Appellant has not requested oral argument. Pursuant to Rule 4.06(b) of the Board's Internal Procedural Rules, Appellee believes oral argument is unnecessary in this case as the dispositive issues have been authoritatively decided, the facts and legal arguments are adequately presented in the briefs and the record, and/or the Board's decisional process would not be significantly aided by oral argument.

STATEMENT OF THE ISSUES

1. The evidentiary panel did not err in issuing its Judgment of Partially Probated Suspension against Gordon, nor did it err in denying his motion for new trial.
2. The evidentiary panel did not err in denying Gordon's motion to stay.

STATEMENT OF FACTS

I. The Commission’s disciplinary proceedings against Gordon.

On or about September 27, 2023, attorney Alexander Wolf (“Wolf”), outside counsel for the Quantlab Entities throughout the underlying matters in Brazoria and Harris Counties, filed a grievance against Gordon related to same. That grievance was subsequently upgraded to a complaint by the Office of the Chief Disciplinary Counsel (“CDC”). [CR 8-16 & 28-32 (specifically, CR 30)]. After preliminary investigation, the CDC notified Gordon that it had determined his alleged behavior concerned in Wolf’s complaint constituted potential violations of TDRPCs 3.01 and 3.02. [CR 8-16].

On March 21, 2025, the Commission for Lawyer Discipline (the “Commission”) filed its Original Evidentiary Petition and Request for Disclosure related to Wolf’s complaint against Gordon. [CR 28-32]. On April 14, 2025, Gordon filed his Response to Original Petition. [CR 46-49].

The live pleadings in this matter are the Commission’s Second Amended Evidentiary Petition (the “Evidentiary Petition”), filed on August 20, 2025, and Gordon’s Response to Petitioner’s Second Amended Evidentiary Petition, filed on September 9, 2025. [CR 171-77 and 191-363, respectively]. Generally, the Evidentiary Petition alleged that Gordon violated TDRPCs 3.01 and/or 3.02 through his conduct in the divorce matter of Wilma and David Reynolds (“Wilma” and

“David”, respectively), and more specifically, through a multitude of groundless, repetitive pleadings in multiple trial courts and through several appellate proceedings, over a number of years. [Id.].

II. The evidentiary hearing.

The evidentiary hearing in Gordon’s case was held on October 8, 2025. [RR]; [App 1]. At the outset, while the panel took up preadmission of the parties’ exhibits, Gordon objected to the use of such exhibits to prove professional misconduct that took place prior to September 27, 2019, as outside limitations. [RR 15-17]. The Commission’s counsel noted that evidence related to conduct that took place outside limitations would still be useful to provide context and/or to show a pattern of conduct that continued well into the limitations period, and the panel chair indicated that such evidence would be admitted but that, “any finding of misconduct will have to be as to conduct that happens within the statute of limitations.”² [Id.].

A. *The Commission’s case.*

The Commission presented the testimony of Fran Shuman (“Shuman”), an attorney since 2005 and the Assistant General Counsel for one of the Quantlab Entities since September 2018, along with several documentary exhibits, setting

² In his brief, Gordon states that the “panel and the parties stipulated that pursuant to TRDP 17.06 that ‘any finding of misconduct will have to be as to conduct that happens with the statute of limitations.’” [Apt. Br. 8, fn. 1 (citing RR 15-17)]. While the referenced exchange does not demonstrate a “stipulation,” the Commission does not dispute the importance of TRDP 17.06(a) to the analysis.

forth Gordon's conduct throughout the underlying matters, including such conduct that took place after September 27, 2019, up through the time of the evidentiary hearing. [RR 24-95]; [RR Pet. Exs. 1-55].

1. Wilma and David's 2009 divorce.

Wilma and David were divorced in May of 2009, in Case No. 48170 in the 300th District Court of Brazoria County, Texas (the initial divorce case, and each of the associated post-judgment matters docketed in Brazoria County under the same cause number, are individually and/or collectively referred to as the "Divorce Case"). [RR 26-29]; [RR Pet. Exs. 2-5]; [RR Resp. Exs. 2 & 5]. Gordon represented Wilma throughout the Divorce Case. [RR 26 & 28].

At the time of the divorce, David was employed by Quantlab Financial, LLC., ("QFL"). [RR 28]; [RR Pet. Ex. 4] [App 2]. David was paid a base salary by QFL, and also participated in associated entities, Quantlab Trading Partners US, LP/Quantlab Trading Partners, LP ("QTP"), and Quantlab Incentive Partners I, LLC ("QIP") (collectively, the "Quantlab Entities"). [App 2]. David was a limited partner in QTP and received monthly income and bonuses from that entity along with a share of its profits, and he also received income from QIP. [Id.]. The final decree of divorce included a division of Wilma and David's marital property, including David's interests in QTP and QIP, and resulted in an award to Wilma of just over \$3.2 million - \$1.7 million of which Wilma paid to Gordon. [RR 28-30]; [App 2].

2. Gordon’s 17-year-long (and counting) litigation barrage.

Following the entry of the final decree, Gordon commenced an unending and repetitive torrent of litigation related to the divorce (both in multiple trial courts and on appeal) – first only against David, but later, against the Quantlab Entities as well. [RR 30 and *passim* (testimony of Shuman)]; [RR Pet. Exs. 5-10, 12-20, 22-28, 31, 33-36, 38-41, & 44-50]. The common theme throughout that subsequent litigation has been Gordon’s persistent, unsuccessful pursuit of certain financial documents from the Quantlab Entities related to David and/or his interests in QTP (the “In Camera Documents”), as well as seeking patently unreasonable, exorbitant damages in an apparent attempt to force David and/or the Quantlab Entities to pay Wilma (and Gordon) more money on top of the \$3.2 million dollars the parties had agreed to in the divorce. [RR 31-33 & 59-66].

3. The initial post-divorce litigation against David (2009 – 2017).

David’s interest(s) in and income from the Quantlab Entities was a central issue in the divorce, which was adjudicated in the trial court and affirmed through subsequent appellate proceedings, as well as several additional trial court proceedings followed by *their* subsequent appellate proceedings. [RR 32]; [e.g., RR Pet. Ex. 3] [App 3]. Wilma’s initial appeal of the divorce decree in 2010 failed, as the 14th Court of Appeals (the “14th COA”) determined she was estopped from same

because of her acceptance of the approximately \$3.2 million dollar award from that judgment.³ [RR 32]; [App 2]; [App 3].

Following that appeal from the divorce decree – from 2010 through 2017 – Gordon filed multiple “new” lawsuits (all still apparently under the original Brazoria County case number, 48170) seeking to reopen or revisit the divorce proceedings in one way or another. [RR 31-33 & 59-66]; [App 2]; [App 3]. That litigation included (at least): a petition to modify the parent-child relationship, a bill of review, a petition to enforce property division; a petition for post-divorce division of community property; appeals of each such proceeding; and several petitions for writ of mandamus in the 14th COA and the Texas Supreme Court. [Id.].

As to the petition to modify the parent child-relationship, the trial court reviewed the In Camera Documents and determined that they did not show David’s “earning, potential earnings, share or interest” in QTP. [RR 31-33 & 59-63]; [RR Resp. Ex. 1]. Thus, the trial court denied Wilma’s request for discovery on December 7, 2011, and those documents were withheld from production. [Id.]. Her related petition for writ of mandamus as to the trial court’s discovery decision, as well as her appeal of the trial court’s ultimate decision denying the petition to modify

³ **All** of the underlying appellate proceedings arising from the Divorce Case that are referenced herein have taken place in the Houston 14th Court of Appeals.

altogether, were both denied. [RR 31-35 & 59-63]; [RR Pet. Exs. 1 & 2] [App 4 and App 5, respectively].

Later, in the following separate, additional proceedings within the Divorce Case: (1) a bill of review; and (2) a petition to enforce the property division (again, each pursued under the original cause number, 48170), Gordon again unsuccessfully sought production of the In Camera Documents. [RR 31-35 & 59-63]; [App 3 (referenced)]. And finally, Gordon filed a petition for a post-divorce division of community property on Wilma's behalf in 2015 (again, within cause number 48170), alleging that the community estate's earned income from QTP and QIP remained undivided, and again seeking the In Camera Documents. [Id.]. The trial court again denied the discovery requests (again finding the In Camera Documents were not relevant) and granted David's motions for protection and for summary judgment, and the 14th COA affirmed. [App 3].

4. Later litigation against David/the Quantlab Entities (2017 – present).

a. *The Harris County Case*

Gordon tried a new tack in December of 2017, filing a completely *new* complaint on behalf of Wilma against David **and** the Quantlab Entities, this time alleging (amongst other things) fraud, negligent misrepresentation, theft, conversion, and conspiracy against all of the defendants and seeking “at least \$1,000,000,000.00” in damages, in case number 2017-83411 in the 152nd District

Court of Harris County (the “Harris County Case”). [RR 35-37]; [RR Pet. Ex. 5] (emphasis added). And again, Gordon sought the In Camera Documents that he had been denied in the Divorce Case and throughout its earlier appellate proceedings. [Id.]; [Statement of Facts, II(A), *supra*].

Fairly early in the Harris County Case, the Quantlab Entities sought and obtained a protective order related to discovery of the In Camera Documents. [RR 36-37]; [RR Pet. Ex. 6] [App 6]. Notwithstanding that protective order, Gordon continued to seek the In Camera Documents throughout the Harris County Case. [RR 37-38]; [RR Pet. Exs. 7-9].

Initially, the Harris County Case was dismissed on a Rule 91a motion but was remanded on procedural grounds. [RR 38-39]; [App 2]. After additional litigation on remand, on February 22, 2021, the trial court granted summary judgment to both David and the Quantlab Entities, and assessed attorney’s fees against Gordon and Wilma, jointly and severally, pursuant to both Chapter 10 of the Texas Civil Practice and Remedies Code and Texas Rule of Civil Procedure 13 (\$103,212.57 for the Quantlab Entities’ fees and \$20,987.92 for David’s fees). [RR 38-39]; [RR Pet. Ex. 10] [App 7]. On January 19, 2023, the 14th COA affirmed, and the Texas Supreme Court later denied a petition for review. [RR 38-39]; [App 2]. And throughout the Quantlab Entities’ efforts to collect the attorney’s fees awarded them against Gordon – Gordon did not produce documents in response to post-judgment discovery

requests, did not produce documents in response to court orders, repeatedly sought (unsuccessfully) to abate such post-judgment collection efforts, and has not paid the judgment. [RR 39-48]; [RR Pet. Exs. 12-32].

b. Back to the Divorce Case

On June 9, 2023 (the same day the Texas Supreme Court denied the petition for review in the Harris County Case), Gordon filed another “new” petition in the Divorce Case in Brazoria County. [RR 51-53]; [RR Pet. Ex. 38]. Gordon styled this “new” petition as Plaintiff’s Original Petition and Second Post-Divorce Division of Community Property and named as defendants both David and the Quantlab Entities. [Id.].

The “new” petition alleged the same causes of action that had been alleged in the Harris County Case, added a claim for post-divorce division of marital assets under Texas Family Code Chapter 9, and again sought “at least \$1,000,000,000.00” in damages. [Id.] (emphasis added). Gordon filed an amended petition on July 11, 2023, though it maintained the same causes of action against the same defendants. [RR Pet. Ex. 39]. And Gordon again sought production of the In Camera Documents. [RR 51]; [RR Pet. Ex. 40].

On September 11, 2023, the trial court entered an order dismissing this “new” case pursuant to the Quantlab Entities’ motion to dismiss, sanctioning Gordon and his client, and referring Gordon to the State Bar for disciplinary proceedings. [RR

51-52]; [RR Pet. Ex. 41]. The 14th COA ultimately vacated the trial court’s dismissal order and dismissed the appeal for want of jurisdiction in a memorandum opinion issued October 31, 2024. [RR 51-52]; [RR Resp. Ex. 2, pdf pp. 6-11]; [RR Pet. Ex. 43].

Within two weeks of the 14th COA’s decision on that “new” petition, Gordon filed yet another “new” petition in the Divorce Case. [RR 51-52]; [RR Pet. Ex. 44]. *This* “new” petition was nearly identical to the one the 14th COA had recently identified as a “nullity,” save the addition of nine paragraphs of allegations related to Gordon’s attempt to more explicitly invoke the trial court’s continuing jurisdiction under the Family Code and an increase in the amount of damages sought to “at least \$2,000,000,000.00.” [Id.] (emphasis added). And Gordon again sought production of the In Camera Documents. [RR 51-52]; [RR Pet. Ex. 45 & 47]. But as with the appeal of the prior “new” suit, the 14th COA vacated the trial court’s order and dismissed the appeal for want of jurisdiction, for the same reasons, this time in a memorandum opinion issued April 29, 2025. [RR 51-52]; [RR Resp. Ex. 2, pdf pp. 12-15].

c. Finally, a “new” Brazoria County Case

On April 30, 2025 (one day after the 14th COA had resolved the 2nd of Gordon’s most recent “new” Divorce Case suits), Gordon filed yet another “new” petition in Brazoria County, but this time under a new cause number, 134266-F (the

“New Brazoria County Case”) and again seeking damages of “at least \$2,000,000,000.00”. [RR 51-53]; [RR Pet. Ex. 49] (emphasis added); [RR Resp. Ex. 4]. The “new” petition in the New Brazoria County Case was substantially similar to the ones the 14th COA had recently identified as “nullities” in the context of the Divorce Case, save additional allegations related to Gordon’s attempt to invoke the trial court’s continuing jurisdiction under the Family Code and additional allegations regarding the In Camera Documents.⁴ [Id.]. On June 13, 2025, the trial court entered an order granting the Quantlab Entities’ motions for summary judgment and for sanctions against Gordon and Wilma. [RR Pet. Ex. 50] [App 8].

Gordon attempted to appeal that determination, but the 14th COA dismissed same because the above-referenced order was interlocutory as it had not disposed of the claims against David. [RR Resp. Ex. 3, pdf pp. 17-18]. A subsequent appeal in that case is currently pending before the 14th COA. [RR Resp. Ex. 14].

B. The Commission’s additional sanctions evidence.

In addition to the evidence regarding Gordon’s professional misconduct under TDRPCs 3.01 and 3.02 with regard to the Divorce Case, the Harris County Case, the New Brazoria County Case and the associated cases and appellate proceedings, the Commission also offered documentary evidence regarding its attorney’s fees and costs incurred in Gordon’s disciplinary proceeding. [RR 97-98]; [RR Pet. Ex. 55].

⁴ This petition also sought damages of “at least \$2,000,000,000.00.”

C. Gordon's case.

For his part, Gordon offered Respondent's 14 documentary exhibits, 11 of which were admitted (Respondent's Exhibits 1-6 and 10-14 were admitted, and Respondent's Exhibits 7-9 were excluded). [RR 20-23]; [RR Resp. Exs. 1-6 & 10-14]. He did not offer any testimonial evidence, beyond his cross-examination of Shuman. [RR 59-90, 92-95, 96 & 98].

III. The panel's Judgment and this appeal.

At the completion of the evidentiary hearing the panel found that Gordon's above-described conduct constituted violations of both TDRPC 3.01 and 3.02 and imposed a 3-year Partially Probated Suspension (1 year active, and two years probated), 9 additional hours of MCLE in the area of Ethics and 18 additional hours of MCLE in the areas of Texas Rules of Appellate Procedure and Family Law during the periods of suspension as set forth therein, along with \$7,517.00 in attorney's fees and costs. [RR 109]. On October 15, 2025, the Chair of the evidentiary panel signed a Judgment of Partially Probated Suspension, in accordance with the panel's decision (the "Judgment"). [App 1].

On October 17, 2025, Gordon filed his Notice of Appeal. [CR 820-30]. On October 20, 2025, Gordon filed his Motion for New Trial. [CR 835-922]. The Commission also filed its response to Gordon's motion for new trial on or about October 22, 2025. [CR 923-26]. On October 28, 2025, Gordon filed his Motion to

Stay, asking the panel to stay the Judgment pending resolution of his appeal. [CR 929-1041]. The Commission filed its response to Gordon's motion for stay on or about October 30, 2025. [CR 1043-61]. On November 10, 2025, the panel issued its orders denying Gordon's post-judgment motions. [CR 1063 & 1065]. Gordon then filed an Amended Notice of Appeal on November 19, 2025. [CR 1079-92]. This appeal followed.

SUMMARY OF THE ARGUMENT

The Board should affirm the Judgment of Partially Probated Suspension against Gordon. In his first issue, Gordon essentially argues there was insufficient evidence presented to demonstrate that he engaged in the complained-of conduct throughout a seventeen-year-long (and counting) litigation campaign related to the Reynolds's divorce, and that for the same reason, the panel abused its discretion in denying his motion for new trial. Gordon relies almost exclusively on an insupportable argument from two 14th COA opinions that vacate trial court orders in two, discrete post-divorce matters on jurisdictional grounds, that do not expressly or by implication invalidate any of the several other orders/judgments against him and his client over the years. However, there is ample evidence in the record to support the evidentiary panel's findings that Gordon: (1) brought and defended a proceeding where he reasonably should have known or believed that the basis for doing so would be frivolous; and (2) in the course of litigation took a position that unreasonably increased the costs or other burdens of the case or that unreasonably delayed resolution of the matter – violations of both TDRPCs 3.01 and 3.02.

In his second issue, Gordon contends the panel erred in denying his motion for stay for much the same reasons. But again, the record does not support his arguments. The facts established in the case support the panel's decisions in all respects and the panel's Judgment should be affirmed.

ARGUMENT

I. *Response to Gordon’s 1st Issue: The panel did not err in issuing the Judgment against Gordon, nor did it err in denying his motion for new trial.*

In his first issue, Gordon argues that the evidentiary panel erred because it “improperly relie[d] on void evidence” in both arriving at its Judgment and in denying his motion for new trial. [Apt. Br. 12-30]. Gordon attempts to support this issue in a couple of different ways, but his arguments fail for the following reasons.

A. *Gordon failed to preserve any error as to evidence admitted by the panel.*

First, to the extent Gordon argues the panel improperly admitted any of the Commission’s exhibits into evidence, he failed to properly preserve any such error for review. “To preserve error for appellate review the complaining party must timely and specifically object to the evidence and obtain a ruling,” or object to the trial court’s refusal to rule on the objection. *Austin v. Weems*, 337 S.W.3d 415, 421 (Tex.App. – Houston [1st Dist.] 2011, no pet.) (citing TEX. R. APP. P. 33.1(a); TEX. R. EVID. 103(a)(1)); *see also Service Corp. Int’l v. Guerra*, 348 S.W.3d 221, 234 (Tex. 2011).

Gordon suggests that he “made the Panel aware” of the Commission’s alleged reliance on “void” orders on two occasions during his cross-examination of Shuman regarding ***Respondent’s*** Exhibit 1, an order entered by the trial court on December 7, 2011, in one of the Divorce Case’s many post-judgment proceedings [Apt. Br. 16,

citing “RR 95:4-19”, and 19, citing “RR 66-67”].⁵ But *neither* of those instances demonstrated **any** specific objection by Gordon to **any** particular evidence offered by the Commission and then admitted by the panel. Nor has Gordon argued, or shown, that he obtained a ruling from the panel, or objected to its failure to rule on, any objection(s) he raised with respect to **any** of the Commission’s exhibits. As such, Gordon failed to preserve any error for the Board’s review as to the admission of any of the Commission’s exhibits.

B. Even if Gordon had preserved any such alleged error, the panel did not abuse its discretion by admitting any of the Commission’s exhibits.

Even assuming Gordon had preserved error with respect to admission of the Commission’s exhibits, insofar as his argument asserts the panel abused its discretion in admitting **any** of them is flawed as to the panel’s *admission* of those exhibits, **as well as** to its consideration of same. The admission of evidence is within the trial court’s discretion and the trial court abuses such discretion only when it acts in “an arbitrary or unreasonable manner or without reference to guiding rules or principles.” *Willie v. Comm’n for Lawyer Discipline*, No. 14-13-00872-CV, 2015 WL 1245965, *9 (Tex.App. – Houston [14th Dist.] Mar. 17, 2015, pet. denied) (mem. op.) (citations omitted). An appellate court cannot substitute its judgment for the trial court’s and must uphold the evidentiary ruling on any legitimate basis. *Id.* Further,

⁵ That is, the exhibit being referenced was **not** an exhibit offered or admitted by the Commission.

any such error would only be reversible error if it (1) probably caused the rendition of an improper judgment; or (2) probably prevented the appellant from presenting the case to the court of appeals. *Id.*; TEX. R. APP. P. 44.1.

Gordon essentially argues that any of the Commission’s exhibits that arise after June 17, 2009, including pleadings, orders, judgments, and/or appellate opinions, are evidence that is “derived from directly or indirectly the enforcement of...void orders,” that cannot support the panel’s findings of misconduct. [Apt. Br. 16-17]. To set up this argument, Gordon points to the 14th COA’s memorandum opinions arising from the Divorce Case in Case Nos. 14-23-00829-CV and 14-25-00043-CV (the “2023 & 2025 Vacated Orders Opinions”). [Apt. Br. 18, et. seq.]; [RR Resp. Ex. 2]. But Gordon’s analysis misperceives the reach of those two decisions.

1. The 2023 & 2025 Vacated Orders Opinions are more limited in scope than Gordon suggests.

Gordon basically asserts that the 14th COA’s 2023 & 2025 Vacated Orders Opinions invalidate **any and all** orders that the trial court issued in **any** matter arising from the Divorce Case after June 17, 2009. [Apt. Br. 18-20]. More specifically, Gordon argues that those decisions render the trial court’s orders regarding the In Camera Documents issued in 2011 **void**, and the panel’s consideration of such orders, as well as the 14th COA opinions flowing from same, improper. But Gordon misapplies the authority he cites in support of this proposition

and the 2023 & 2025 Vacated Orders Opinions do not wipe away Gordon’s conduct that the panel determined was violative of TDRPCs 3.01 and 3.02.

More importantly, the opinions speak for themselves. In Case No. 14-23-00829-CV, the 14th COA reasoned that the “original petition” Gordon filed on Wilma’s behalf on June 9, 2023, (as well as the “first amended petition” filed on July 11, 2023) was **ineffective** to invoke the trial court’s jurisdiction under Ch. 9 of the Family Code (whether *continuing* jurisdiction under Tex. Family Code Ch. 9, Subchapters A or B - §§9.001-.014 & 9.101-.106, respectively; or the, essentially, then-*original* jurisdiction invoked under Subchapter C - §§9.201-.205). [Statement of Facts, Sec. II(A)(4)(b), *supra*]; [RR Resp. Ex. 2, pdf pp. 6-11]; *Reynolds v. Quantlab Trading Partners US, LLP*, No. 14-23-00829-CV, 2024 WL 4643378 at *1 fn. 1 (Tex.App. – Houston [14th Dist.] Oct. 31, 2024, no pet.) (mem. op.) (citing TEX. FAM. CODE §§9.002, .007, .008, .201, and *S.C. v. M.B.*, 650 S.W.3d 423, 443 (Tex. 2022)).⁶ As a result, *that* petition was a “nullity” as the Brazoria County court’s plenary power otherwise ended 30 days after the May 2009 divorce decree was

⁶ One interesting aspect of the Texas Supreme Court’s decision in *S.C.*, was a dispute between the majority and dissent regarding whether TEX. FAM. CODE §9.201’s grant of jurisdiction was meant to be a grant of general, original jurisdiction to any appropriate district court, or (essentially) a further grant of potential *continuing* jurisdiction to the actual divorce court only. The majority argued the former, the dissent the latter. *Id.*, at 439-52 and 453-62, respectively. While that particular issue is not dispositive in *this* case, the Texas Legislature apparently weighed in in support of the dissent’s view, as it amended §9.201, effective Sept. 1, 2025, to expressly establish that, “[t]he court that rendered a final decree of divorce or annulment or another final order dividing property under this title retains continuing, exclusive jurisdiction to render an order under this subchapter...” TEX. FAM. CODE §9.201.

entered. *Reynolds*, 2024 WL 4643378, at *3 (citing *Malone v. Hampton*, 182 S.W.3d 465, 470 (Tex.App. – Dallas 2006, no pet.)). As a result, the 14th COA vacated the trial court’s orders of September 11, 2023, and October 6, 2023, as void, as the trial court had entered them outside of the plenary power period of the original, underlying divorce. [Id.]; *see also State ex rel. Latty v. Owens*, 907 S.W.2d 484, 485-86 (Tex. 1995) (per curiam). But the 14th COA’s decision in that 2023 matter did not vacate, explicitly or implicitly, prior orders (or even later orders) generally arising from the Reynolds’s divorce, for which jurisdiction (continuing or otherwise) **was** present; in fact, the *Owens* Court expressly contemplates this:

While it is wholly unnecessary to appeal from a void judgment, it is nevertheless settled that an appeal may be taken and the appellate court in such a proceeding may declare the judgment void... We declare the order appealed from void because it was signed after the district court’s plenary jurisdiction expired. *This leaves intact as the final order in this case the prior order establishing Owens’ paternity and setting child support.*

-- *Id.*, at 486 (internal citation omitted) (emphasis added).⁷

Likewise, in Case No. 14-25-00043-CV, the 14th COA held that a petition Gordon filed in the Divorce Case in 2025, with “minor alterations” from the 2023 petition, was **also** ineffective to invoke the trial court’s jurisdiction under Ch. 9 of the Family Code, for the same reasons as before. [Statement of Facts, Sec.

⁷ *See also e.g., In re Rodriguez*, No. 07-02-0507-CV, 2004 WL 814298 at *1 (Tex.App. – Amarillo Apr. 15, 2004, no pet.); *Estate of Goswami*, No. 05-23-00257-CV, 2023 WL 7532812 at *2 n. 5 (Tex.App. – Dallas Nov. 14, 2023, no pet.) (mem. op.).

II(A)(4)(b), *supra*]; [RR Resp. Ex. 2, pdf pp. 12-15]; *Reynolds v. Quantlab Trading Partners US, LLP*, No. 14-25-00043-CV, 2025 WL 1232068 (Tex.App. – Houston [14th Dist.] Apr. 3, 2025, no pet.) (mem. op.). This time, the Quantlab Entities and David filed pleas to the jurisdiction, expressly pointing the trial court to the 14th COA’s 2023 determination on Gordon’s most recent attempt at the same litigation. [RR Pet. Ex. 46]. On January 17, 2025, the trial court entered an order granting the pleas to the jurisdiction and dismissing *this* “new” case, **or** in the alternative, granting summary judgment motions that had been filed by the Quantlab Entities and David, as well as their requests for sanctions as, “the lawsuit is frivolous and groundless, was filed for an improper purpose including to harass and needlessly increase the costs of litigation, and was filed in bad faith.” [RR 51-53]; [RR Pet. Ex. 48]. As with the appeal of the prior “new” suit, the 14th COA vacated the trial court’s January 2025 order, as void, and **only** that order, and dismissed the appeal for want of jurisdiction, for the same reasons. *Reynolds*, 2025 WL 1232068, at *1-2.

2. The 2023 & 2025 Vacated Orders Opinions did not invalidate any of the other orders or opinions in the Divorce Case, the Harris County Case, or the New Brazoria County Case.

In each of the 2023 & 2025 Vacated Orders Opinions, the 14th COA acknowledged its own prior history of dealing with the extensive litigation arising from the Divorce Case. *Reynolds*, 2024 WL 4643378, at *1; *Reynolds*, 2025 WL 1232068, at *1. The 14th COA identified twenty-plus of the appellate matters that

had preceded the 2023 & 2025 Vacated Orders Opinions and did not indicate, or even imply, that its decision in either of those matters directly impacted those that had come before.

That is, the 14th COA's decisions in *either* of *those* matters did not somehow invalidate: (1) other trial court orders/judgments in post-judgment matters **in the Divorce Case** in which the trial court *did* have jurisdiction (continuing or otherwise), or the 14th COA's own appellate opinions flowing therefrom; (2) trial court orders/judgments **in the Harris County Case**, an ostensibly *separate* civil matter that Gordon initiated, or the 14th COA's own appellate opinions flowing therefrom; or (3) trial court orders/judgments **in the New Brazoria County Case**, an ostensibly *separate* family law case (again, in Brazoria County) that Gordon *later* launched, or the 14th COA's own appellate opinions flowing therefrom – **none of which were at issue** in *either* of the 2023 & 2025 Vacated Orders Opinions, and **all of which** were within the jurisdiction of the issuing courts. The Commission's witness, Shuman, also attempted to explain the relevant concepts implicated by the 2023 & 2025 Vacated Orders Opinions to Gordon during cross-examination, apparently to no avail. [RR 64-66].

Thus, the 2023 & 2025 Vacated Orders Opinions did not invalidate (amongst other orders/judgments):

- i) The trial court's order of Dec. 7, 2011, determining the relevance (or lack thereof) of the In Camera Documents in the post-divorce modification

- matter **in the Divorce Case**, or the 14th COA's subsequent denial of mandamus relief and affirmance of the trial court's judgment. [App 4] [App 5]; See *In re Reynolds*, No. 14-11-01097-CV, 2012 WL 51028 (Tex.App. – Houston [14th Dist.] Jan. 10, 2012, orig. proceeding) (mem. op.), and *In re L.R.*, 416 S.W.3d 675 (Tex.App. – Houston [14th Dist.] 2013, no pet.), respectively;
- ii) The trial court's summary judgment in David's favor and denial of Gordon's attempts to again obtain the In Camera Documents in the post-divorce division of community property matter **in the Divorce Case**, or the 14th COA's subsequent affirmance of same. [App 3]; See *Reynolds v. Reynolds*, No. 14-15-00990-CV, 2017 WL 1366680 (Tex.App. – Houston [14th Dist.] April 13, 2017, pet. denied) (mem. op.);⁸
 - iii) The trial court's summary judgment in favor of both David and the Quantlab Entities, and award of sanctions against Gordon and Wilma **in the Harris County Case**, or the 14th COA's subsequent affirmance of same. [App 2]; *Reynolds v. Quantlab Trading Partners US, LP*, No. 14-21-00087-CV, 2023 WL 313248 (Tex.App. – Houston [14th Dist.] Jan. 19, 2023, pet. denied) (mem. op.); or,
 - iv) The trial court's summary judgment in favor of the Quantlab Entities and award of sanctions against Gordon and Wilma **in the New Brazoria County Case**. [App 8].⁹

In short, even if Gordon had preserved error as to an evidentiary issue related to the Commission's exhibits, he fails to demonstrate that the evidentiary panel admitted any such exhibit(s) arbitrarily or without reference to guiding principles,

⁸ Here, the 14th COA also noted Gordon's prior, additional unsuccessful attempts to obtain the In Camera Documents in the Divorce Case via (1) a bill of review and (2) a petition to enforce property division. *Id.*, at *2 fn. 1 (citing *Reynolds v. Reynolds*, No. 14-14-00080-CV, 2015 WL 4504626, at *2 n. 1 (Tex.App. – Houston [14th Dist.] July 23, 2014, no pet.) (mem. op.), and *Reynolds v. Reynolds*, No. 14-14-00624-CV, 2015 WL 7456059, at *3 (Tex.App. – Houston [14th Dist.] Nov. 24, 2015, no pet.) (mem. op.), respectively).

⁹ As alluded to above, an appeal is pending from that determination in the 14th COA in Case No. 14-25-00865-CV. [Statement of Facts, Sec. II(A)(4)(c), *supra*]. The docket for that pending case is available at: <https://search.txcourts.gov/Case.aspx?cn=14-25-00865-CV&coa=coa14>.

or that the admission of any such exhibit(s) probably caused an improper judgment or affected his ability to present this appeal, in any way. Gordon's reliance on the 2023 & 2025 Vacated Orders Opinions in this way is both disingenuous and misplaced.

C. Substantial evidence supports the panel's conclusions that Gordon violated TDRPCs 3.01 and 3.02.

Gordon's first issue, construed as broadly as possible (if not past the breaking point), seems to be that there was insufficient evidence presented to the panel to support one or both of the ethical violations the panel ultimately found. [Apt. Br. 12-30]. Gordon's contention in this respect centers on his argument that the 2023 & 2025 Vacated Orders Opinions somehow act to absolve him of the multitude of improper actions he has taken from September of 2019 through the present, in bringing or defending proceedings that he did not have a reasonable belief there was a basis for doing so that was not frivolous and/or taking positions that unreasonably increased the costs or burdens of such matters or that unreasonably delayed resolution of same. As noted at length above, the 2023 & 2025 Vacated Orders Opinions are simply not the panacea that Gordon would like them to be. Thus, his contentions in this regard are without merit.

1. Standard of Review

The substantial-evidence standard of review applies to the Board's review of the decisions of evidentiary panels. TEX. GOV'T CODE ANN. §81.072(b)(7) (West

2022); TEX. RULES DISCIPLINARY P. R. 2.23. The focus under the substantial-evidence standard is whether the record provides some reasonable basis for the action taken by an administrative body. *City of El Paso v. Pub. Util. Comm'n of Tex.*, 883 S.W.2d 179, 185 (Tex. 1994). The reviewing tribunal “must determine whether the evidence as a whole is such that reasonable minds could have reached the conclusion the [administrative body] must have reached in order to take the disputed action.” *Id.* at 186, citing *Texas State Bd. of Dental Examiners v. Sizemore*, 759 S.W.2d 114, 116 (Tex. 1988), *cert. denied*, 490 U.S. 1080 (1989). Moreover, the “findings, inferences, conclusions, and decisions of [the administrative body] are presumed to be supported by substantial evidence,” and the party challenging the decision bears the burden of proving otherwise. *Id.* (citations omitted).

“Substantial evidence requires only more than a mere scintilla, and ‘the evidence on the record actually may preponderate against the decision of [the administrative body] and nonetheless amount to substantial evidence.’” *R.R. Comm'n of Tex. v. Torch Operating Co.*, 912 S.W.2d 790, 792 (Tex. 1995), citing *Texas Health Facilities Comm'n v. Charter Medical – Dallas, Inc.*, 665 S.W.2d 446, 452 (Tex. 1984); *see also Wilson v. Comm'n for Lawyer Discipline*, BODA Case No. 46432, 2011 WL 683809, at *2 (January 30, 2011). In determining whether there is substantial evidence to support the findings and conclusions of the administrative body, the reviewing court may not substitute its judgment for that of the

administrative body and must consider only the record upon which the decision is based. *R.R. Comm'n of Tex.*, 912 S.W.2d at 792; *Tex. State Bd. of Dental Exam'rs*, 759 S.W.2d at 116. The ultimate question is not whether the panel's decision is correct, but only whether the record demonstrates a reasonable basis for its decision. *City of El Paso*, 883 S.W.2d at 185.

2. The record supports the panel's conclusions that Gordon's conduct violated both TDRPCs 3.01 and 3.02.

TDRPC 3.01 provides, "A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not **frivolous**." TEX. DISCIPLINARY R. PROF'L CONDUCT 3.01 (emphasis added). And TDRPC 3.02 provides, "In the course of litigation, a lawyer shall not take a position that unreasonably increases the costs or other burdens of the case or that unreasonably delays resolution of the matter." TEX. DISCIPLINARY R. PROF'L CONDUCT 3.02. Further, TDRPCs 3.01 and 3.02 do not turn on the lawyer's subjective belief, but instead on an objective standard based on the conduct of "a reasonably prudent and competent lawyer." TEX. DISCIPLINARY RULES PROF'L CONDUCT R. TERMINOLOGY, 3.01, 3.02. Here, as is set forth at length above, the record demonstrates that Gordon persistently pursued proceedings that courts **expressly** found were, "for an improper purpose, without legal support, in bad faith, and with the intention to harass," or were "frivolous and groundless." [Statement of Facts, Sec. II(A)(4), *supra*].

For example, from December of 2018 through February of 2021, Gordon brought and prosecuted the Harris County Case, continuing his attempts to obtain the In Camera Documents as well as to pursue causes of action against both David and the Quantlab Entities that had already been denied by multiple trial court judges in the Divorce Case and its associated post-divorce matters, and upheld on appeal in nearly two-dozen appellate proceedings. [Statement of Facts, Sec. II(A)(4)(a), *supra*]. In its February 22, 2021, summary judgment, the trial court found that Wilma and Gordon had “filed and prosecuted the instant action for an improper purpose, without legal support, in bad faith, and with the intention to harass,” and assessed attorney’s fees against them in accordance with that ruling. [Id.].

And as noted above, as the Quantlab entities attempted to collect on, or determine the collectability of, the judgment in the Harris County Case over the next few years, Gordon did not produce documents in response to post-judgment discovery requests, did not produce documents in response to court orders, repeatedly sought (unsuccessfully) to abate such post-judgment collection efforts, and has not paid the judgment. [Id.]. In fact, Gordon’s conduct in *that* respect resulted in an award of **additional** attorney’s fees against both he and Wilma in the amount of \$235,000.00 (plus appellate fees for appeals resolved in the Quantlab

Entities’ favor), which Gordon also unsuccessfully challenged. [RR 48-50]; [RR Pet. Ex. 34 & 37].¹⁰

Then, from June of 2023 through April of 2025, Gordon prosecuted (to no effect) the two matters in the Divorce Case that led to the 2023 & 2025 Vacated Orders Opinions. [Statement of Facts, Sec. II(A)(4)(b), *supra*]; [Argument, Sec. I(B)(1), *supra*]. And while the orders that disposed of each of those cases at the trial court level were ultimately vacated, that does not mean that Gordon’s underlying pleadings that led to that point and/or the 14th COA opinions identifying such as “nullities” are not (in themselves) *some* evidence that would support the evidentiary panel’s determinations that Gordon had violated TDRPCs 3.01 and/or 3.02 through such conduct.

Finally, from April of 2025 through the evidentiary hearing in his disciplinary case (and indeed, beyond), Gordon pursued the New Brazoria County Case, tilting at the same windmills he had chased in all of the preceding matters over more than fifteen years. [Statement of Facts, Sec. II(A)(4)(c), *supra*]. And though that matter is

¹⁰ Gordon points out that though he was found in contempt by a Harris County judge in connection with at least some of his alleged failures to respond to post-judgment production requests, that *contempt* charge was later reversed in a hearing before a different judge under TEX. GOV’T CODE §21.002(d). [Apt. Br. 24-25]. Gordon apparently believes that determination precludes **any** finding of professional misconduct against him as to *all* of his conduct in the Harris County Case related to the Quantlab Entities’ collection efforts. Of course, those contempt proceedings did not address Gordon’s several unsuccessful attempts to abate the Quantlab Entities’ post-judgment collection efforts, nor do they necessarily preclude a finding of *professional misconduct* based on some part (or all) of that conduct.

still pending on appeal, the trial court dismissed same stating, “this lawsuit is frivolous and groundless, was filed for an improper purpose including to harass and needlessly increase the costs of litigation, and was filed in bad faith.” [Id.]; [App 8] (emphasis added).

Gordon did not controvert any of the Commission’s above-referenced evidence during the evidentiary hearing, nor does he argue in his brief that any of the trial court orders/judgments, or 14th COA opinions arising therefrom, are inaccurate. Rather, as explained above, Gordon’s argument boils down to his assertion that the 2023 & 2025 Vacated Orders Opinions basically ‘clear the decks’ as to any potential professional misconduct on his part. But the shortcomings in that argument are clear, as demonstrated above. And while Gordon’s argument sets forth his alleged perception of the evidence presented during the evidentiary hearing, the factfinder (here, the panel) was the sole judge of witness credibility and the weight to be given testimony. *Allison v. Comm’n for Lawyer Discipline*, 374 S.W.3d 520, 525 (Tex.App. – Houston [14th Dist.] 2012, no pet.), citing *Curtis v. Comm’n for Lawyer Discipline*, 20 S.W.3d 227, 231 (Tex.App. – Houston [14th Dist.] 2000, no pet.). Indeed, determining Gordon’s intent as to the above-referenced conduct was “uniquely within the realm of the trier of fact.” *Yetiv v. Comm’n for Lawyer Discipline*, No. 14-17-00666-CV, 2019 WL 1186822, at *7 (Tex.App. – Houston [14th Dist.] Mar. 14, 2019, no pet.) (mem. op.).

Here, taking each instance of Gordon's conduct individually, and certainly collectively, there is substantial evidence in the record supporting the panel's conclusion that he violated TDRPCs 3.01 and 3.02 *throughout* the Divorce Case, the Harris County Case, and the New Brazoria County Case.

D. The panel did not abuse its discretion in denying Gordon's motion for new trial.

Gordon suggests the evidentiary panel also erred in denying his motion for new trial, for all of the same reasons that he alleges its judgment was in error. As the Commission noted in its response to his motion for new trial, Gordon offered nothing new in such motion that would have called for the panel to revisit its decision. [CR 923-26]. Similarly, the argument in his brief on *this* point fails for the same reasons that it fails as to the panel's Judgment, explained at length above.

A trial court (or here, the evidentiary panel) has broad discretion in ruling on a motion for new trial. *DolgenCorp of Texas, Inc. v. Lerma*, 288 S.W.3d 922, 926 (Tex. 2009) (per curiam); *Dir., State Employees Workers' Comp. Div. v. Evans*, 889 S.W.2d 266, 268 (Tex. 1994). And generally, "the test for an abuse of discretion is not whether, in the opinion of the reviewing court, the facts present an appropriate case for the trial court's action, but 'whether the court acted without reference to any guiding rules and principles.'" *Cire v. Cummings*, 134 S.W.3d 835, 838-39 (Tex. 2004) (citing *Downer v. Aquamarine Operators, Inc.*, 701 S.W.2d 238, 241 (Tex. 1985)).

The panel considered and ultimately denied Gordon’s motion for new trial based on the relevant pleadings. [CR 1065]. Gordon’s arguments that the panel abused its discretion by denying his motion for new trial are also without merit.

II. *Response to Gordon’s 2nd Issue: The panel did not err in denying Gordon’s motion to stay the Judgment.*

In his second issue, Gordon argues that the evidentiary panel erred in denying his motion to stay its judgment pending appeal. [Apt. Br. 31-35]. Once again, Gordon’s contentions in this regard rely largely on his apparent belief that the 2023 & 2025 Vacated Orders Opinions in the Divorce Case render “void” **all** other post-divorce decree orders/judgments (i.e., those orders/judgments arising after the trial court’s plenary power in the underlying divorce case expired in June of 2009), whether such orders/judgments were rendered: (1) in the Divorce Case, pursuant to the trial court’s continuing jurisdiction under the Tex. Family Code; or (2) in the Harris County Case or the New Brazoria County Case, to the extent any such orders/judgments arose and/or relate to orders/judgments described in (1), *supra*.

TRDP 2.24 provides, in relevant part:

“The Respondent may within thirty days from entry of judgment petition the Evidentiary Panel to stay a judgment of suspension. The Respondent carries the burden of proof by preponderance of the evidence to establish by competent evidence that the Respondent’s continued practice of law does not pose a continuing threat to the welfare of Respondent’s clients or to the public.

-- TEX. R. DISCIPLINARY P.R. 2.24

This procedure “[c]reates a rebuttable presumption that a suspended attorney’s continued practice of law *will* threaten the welfare of his clients or the public,” that the respondent attorney must rebut in order to stay the suspension on appeal. *Sarfo v. Comm’n for Lawyer Discipline*, No. 03-16-00554-CV, 2018 WL 1004473 at *8 (Tex.App. – Austin Feb. 22, 2018, pet. denied) (mem. op.) (emphasis added) (citing *Wade v. Comm’n for Lawyer Discipline*, 961 S.W.2d 366, 373 (Tex.App. – Houston [1st Dist.] 1997, no writ) (analyzing analogous rule regarding motions for stay in disciplinary proceedings in district court). Here, Gordon failed to carry the burden of proof necessary to rebut that presumption.

In his motion for stay, Gordon states, “Therefore, it is my position that I cannot be held to be a threat to the welfare of my clients or the public because I refuse to comply with and give deference to void orders.” [CR 929-1041, specifically 932]. But as is set forth at length above, none of the orders/judgments that contribute to demonstrating Gordon’s professional misconduct in this disciplinary matter, save those expressly addressed in the 2023 & 2025 Vacated Orders Opinions, can be remotely characterized as “void” orders.

Gordon further relies on what he characterizes as the “uncontroverted” affidavits of himself and Wilma in support of his argument in this respect. But as pointed out in the Commission’s response to Gordon’s motion for stay, the allegations in *each* of those affidavits are controverted by, amongst other things, the

evidence presented during the evidentiary hearing establishing Gordon's persistent, abusive litigation tactics in these matters, and that such tactics have (so far) resulted in judgments for attorney's fees against himself **and** Wilma to date, jointly and severally, in excess of \$400,000.00. [CR 1043-61]. That is, the threat that Gordon poses to Wilma's welfare, as well as that of the public and the judicial system generally, is self-evident. Gordon's second issue is also without merit.

PRAYER

For the foregoing reasons, the Commission prays that the Board affirm the judgment of the District 4-6 Evidentiary Panel of the State Bar of Texas in this matter, in all respects.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF COMPLIANCE

Pursuant to the Board of Disciplinary Appeals Internal Procedural Rules, the foregoing brief on the merits contains approximately 7,484 words (total for all sections of brief that are required to be counted), which is less than the total words permitted by the Board's Internal Procedural Rules. Counsel relies on the word count of the computer program used to prepare this petition.



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CERTIFICATE OF SERVICE

This is to certify that the above and foregoing brief of Appellee, the Commission for Lawyer Discipline has been served on Appellant, Carl W. Gordon, via electronic mail to cgordon@gordonlawyers.com on the 29th day of April, 2026.



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No. 71984

**Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas**

CARL W. GORDON,

APPELLANT

V.

COMMISSION FOR LAWYER DISCIPLINE,

APPELLEE

*On Appeal from an Evidentiary Panel
For the State Bar of Texas District 4
No. 202306618 [Wolf]*

**APPENDIX TO BRIEF OF APPELLEE
COMMISSION FOR LAWYER DISCIPLINE**

- APP 1:** Judgment of Partially Probated Suspension (CR 800-07)
- APP 2:** 14th COA Mem. Op., Harris County Case – 1/19/23 (RR Pet. Ex. 4)
- APP 3:** 14th COA Mem. Op., Harris County Case – 4/13/17 (RR Pet. Ex. 3)
- APP 4:** 14th COA Mem. Op., Divorce Case – 1/10/12 (RR Pet. Ex. 1)
- APP 5:** 14th COA Maj. & Conc. Ops., Divorce Case – 10/1/13 (RR Pet. Ex. 2)
- APP 6:** Protective Order, Harris County Case – 5/11/18 (RR Pet. Ex. 6)
- APP 7:** Amended Judgment, Harris County Case – 2/22/21 (RR Pet. Ex. 10)

App 8: Order Granting Quantlab's Motion for Summary Judgment and Motion for Sanctions, New Brazoria County Case – 6/13/25 (RR Pet. Ex. 50)

App 1



**Houston Office
Chief Disciplinary Counsel**

**BEFORE THE DISTRICT 4 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 4-6
STATE BAR OF TEXAS**

COMMISSION FOR LAWYER	§	
DISCIPLINE,	§	
Petitioner	§	
	§	
V.	§	202306618 [ALEXANDER WOLF]
	§	
CARL WESLEY GORDON,	§	
Respondent	§	

JUDGMENT OF PARTIALLY PROBATED SUSPENSION

Parties and Appearance

On October 8, 2025, came to be heard the above-styled and numbered cause. Petitioner, Commission for Lawyer Discipline, appeared by and through its attorney of record and announced ready. Respondent, Carl Wesley Gordon, Texas Bar Number 24047659, appeared in person and announced ready.

Jurisdiction and Venue

The Evidentiary Panel 4-6 having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 4, finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper.

Professional Misconduct

The Evidentiary Panel, having considered all of the pleadings, evidence, stipulations, and argument, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

The Evidentiary Panel, having considered the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. Respondent resides in and maintains his principal place of practice in Harris County, Texas.
3. Respondent brought and defended a proceeding where he reasonably should have known or believed that the basis for doing so would be frivolous.
4. Respondent in the course of litigation took a position that unreasonably increased the costs or other burdens of the case or that unreasonably delayed resolution of the matter.
5. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorneys' fees and direct expenses associated with this Disciplinary Proceeding in the amount of \$7,517.

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: Rules 3.01 and 3.02.

Sanction

The Evidentiary Panel, having found that Respondent has committed Professional Misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Partially Probated Suspension.

Accordingly, it is ORDERED, ADJUDGED, and DECREED that Respondent be suspended from the practice of law for a period of three (3) years, beginning November 1, 2025, and ending October 31, 2028. Respondent shall be actively suspended from the practice of law for a period of one (1) year beginning November 1, 2025, and ending October 31, 2026. If Respondent complies with all of the following terms and conditions timely, the two (2) year period of probated suspension shall begin on November 1, 2026, and shall end on October 31, 2028:

1. Respondent shall pay all reasonable and necessary attorneys' fees and direct expenses to the State Bar of Texas in the amount of \$7,517 on or before May 1, 2026.
2. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete three (3) out of the nine (9) additional hours of continuing legal education in the area of Ethics between November 1, 2025, and October 31, 2026.
3. Further, in addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete six (6) out of the 18 additional hours of continuing legal education in the areas of Texas Rules of Appellate Procedure, and Family Law between November 1, 2025, and October 31, 2026.
4. Respondent shall make contact with the Office of the Chief Disciplinary Counsel's Compliance Monitor at 512-427-1334 and Special Programs Coordinator at 512-427-1343, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Should Respondent fail to comply with all of the above terms and conditions timely, Respondent shall remain actively suspended until the date of compliance or until October 31, 2028, whichever occurs first.

Terms of Active Suspension

It is further ORDERED that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, Respondent shall be prohibited from practicing law in Texas; holding himself out as an attorney at law; performing any legal services for others; accepting any fee directly or indirectly for legal services; appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal court or before any administrative body; or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further ORDERED that, on or before November 1, 2025, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further ORDERED that Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further ORDERED Respondent shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) on or before November 1, 2025, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, unearned monies and other property belonging to all current clients have been returned as ordered herein. If it is Respondent's assertion that at the time of suspension he possessed no current clients and/or Respondent was not in possession of any files, papers, unearned monies or other property belonging to clients, Respondent shall submit an affidavit attesting that, at the time of suspension, Respondent had no current clients and did not possess any files, papers, unearned monies and other property belonging to clients.

It is further ORDERED Respondent shall, on or before November 1, 2025, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing.

It is further ORDERED Respondent shall file with the State Bar of Texas, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) on or before November 1, 2025, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice of each and every court in which Respondent has any matter pending of the terms of this

judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in Court. If it is Respondent's assertion that at the time of suspension he was not currently listed as counsel or co-counsel in any matter pending before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice of any court or tribunal, Respondent shall submit an affidavit attesting to the absence of any such pending matter before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice.

It is further ORDERED that, on or before November 1, 2025, Respondent shall surrender his law license and permanent State Bar Card to the State Bar of Texas, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), to be forwarded to the Supreme Court of Texas.

Terms of Probated Suspension

It is further ORDERED that during the period of probated suspension (and all periods of suspension), Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.

8. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete the remaining six (6) out of the nine (9) additional hours of continuing legal education in the area of Ethics. Three (3) of those six (6) remaining additional hours of CLE shall be completed between November 1, 2026, and October 31, 2027. The final three (3) additional hours of CLE shall be completed between November 1, 2027, and October 31, 2028.
9. Further, in addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete the remaining 12 out of the 18 additional hours of continuing legal education in the areas of Texas Rules of Appellate Procedure, and Family Law. Six (6) of those 12 remaining additional hours of CLE shall be completed between November 1, 2026, and October 31, 2027. The final six (6) additional hours of CLE shall be completed between November 1, 2027, and October 31, 2028.
10. Respondent shall make contact with the Office of the Chief Disciplinary Counsel's Compliance Monitor at 512-427-1334 and Special Programs Coordinator at 512-427-1343, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Probation Revocation

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.22 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further ORDERED that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline

as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

Additional CLE

In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete nine (9) additional hours of continuing legal education in the area of Ethics and 18 additional hours in the areas of Texas Rules of Appellate Procedure, and Family Law. These additional hours of CLE are to be completed as outlined in the terms and conditions listed in the preceding sections entitled Sanctions and Terms of Probated Suspension. Within ten (10) days of the completion of each of these additional CLE hours, Respondent shall verify completion of the course to the State Bar of Texas, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, TX 78711 (1414 Colorado St., Suite 200, Austin, TX 78701).

Respondent shall make contact with the Office of the Chief Disciplinary Counsel's Compliance Monitor at 512-427-1334 and Special Programs Coordinator at 512-427-1343, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Attorneys' Fees and Expenses

It is further ORDERED Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of \$7,517. The payment shall be due and payable on or before May 1, 2026, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further ORDERED that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(FF) of the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

It is further ORDERED that Respondent shall remain actively suspended from the practice of law as set out above until such time as Respondent has completely paid attorney fees and direct expenses in the amount of \$7,517 to the State Bar of Texas.

Publication

This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

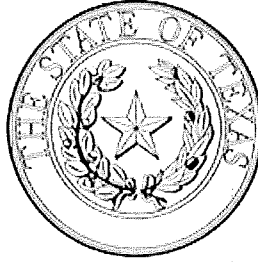
SIGNED this 15th day of October, 2025.

**EVIDENTIARY PANEL 4-6
DISTRICT NO. 4 STATE BAR OF TEXAS**

A handwritten signature in black ink, appearing to read "Linda J. White". The signature is written in a cursive, flowing style.

**LINDA J. WHITE
District 4-6 Presiding Member**

App 2



THE STATE OF TEXAS

COUNTY OF HARRIS

I, Deborah M. Young, Clerk of the Fourteenth Court of Appeals, of the State of Texas, at Houston, do hereby certify that the preceding **22** pages contain a true and correct copy of the Court's **Opinion** dated January 19, 2023.

In the Cause No. 14-21-00087-CV

Wilma Reynolds and Carl Gordon, Appellant

v.

Quantlab Trading Partners US, LP, Quantlab Incentive Partners I, LLC, Quantlab Financial, LLC and David Reynolds, Appellee

from Harris County, and now do file in my office.

TO CERTIFY WHICH, I hereunto set my hand and affix the Seal of said Court of Appeals, at Houston, this September 29, 2025.

Deborah M. Young, Clerk

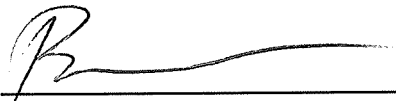
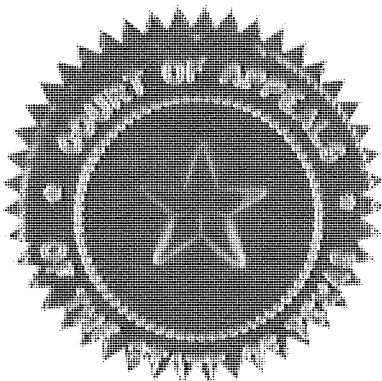
By  Deputy

EXHIBIT
CFLD EXH 4



Affirmed and Memorandum Opinion filed January 19, 2023.



In The

Fourteenth Court of Appeals

NO. 14-21-00087-CV

WILMA REYNOLDS AND CARL GORDON, Appellants

V.

QUANTLAB TRADING PARTNERS US, LP; QUANTLAB INCENTIVE PARTNERS I, LLC; QUANTLAB FINANCIAL, LLC; AND DAVID REYNOLDS, Appellees

**On Appeal from the 152nd District Court
Harris County, Texas
Trial Court Cause No. 2017-83411**

MEMORANDUM OPINION

The trial court granted summary judgment in favor of appellees Quantlab Trading Partners US, LP (“QTP”), Quantlab Incentive Partners I, LLC (“QIP”), Quantlab Financial, LLC (“QFL”), and David Reynolds (“David”). The trial court also granted appellees’ motion for sanctions against appellants Wilma Reynolds (“Wilma”) and her counsel, Carl Gordon (“Gordon”). In three issues, appellants argue that the trial court erred by (1) granting appellees’ motion for summary

judgment; (2) sanctioning Wilma and Gordon, and awarding attorney's fees to appellees; and (3) denying Wilma's motion to compel discovery. We affirm.

I. BACKGROUND

The parties have appeared before us numerous times. Over the past fourteen years, Wilma Gordon have filed twenty-one appellate and mandamus proceedings in this court related to the underlying divorce proceeding, docketed as case Nos. 14-09-00720-CV, 14-10-00535-CV, 14-10-00951-CV, 14-11-00002-CV, 14-11-00174-CV, 14-11-00626-CV, 14-11-01097-CV, 14-12-00379-CV, 14-13-00323-CV, 14-13-00589-CV, 14-13-00871-CV, 14-13-00924-CV, 14-13-01029-CV, 14-14-00329-CV, 14-14-00624-CV, 14-14-00875-CV, 14-14-00423-CV, 14-14-00080-CV, 14-15-00990-CV, 14-17-00614-CV, 14-18-00746-CV. Accordingly, because our court has detailed the underlying facts multiple times over the years, we will summarily state the facts and background necessary for this appeal.¹

David is the chief technology officer of QFL, for which he is paid a base salary and substantial bonuses. *See Reynolds v. Reynolds*, No. 14-09-00720-CV, 2010 WL 3418209 at *1 (Tex. App.—Houston [14th Dist.] Aug. 31, 2010, pet. denied) (mem. op.). He also participates with QFL in two related entities: QTP and QIP. According to David, he is a limited partner in QTP and receives monthly income and the majority of his bonuses from that entity. *See id.* Additionally, he is entitled to receive a share of QTP's profits and he receives income from QIP.

¹ The facts of this case, as well as its procedural history, are well known to the parties, especially given the number of appeals related to the underlying issues; therefore, we will discuss the facts of the case only to the extent they are relevant to the issues on appeal. *See* Tex. R. App. P. 47.1 (“The court of appeals must hand down a written opinion that is as brief as practicable but that addresses every issue raised and necessary to final disposition of the appeal.”).

Prior Litigation

After eleven years of marriage, Wilma and David filed for divorce in July 2008. The property division was contested, during which Wilma disputed the value of David's interest in QFL, QIP, and QTL, and the division of this property. During the divorce proceedings, Wilma propounded numerous discovery requests to appellees seeking information about David's QFL, QTP, and QIP bonuses. David produced information relating to the QFL bonuses he received, his income, and produced the agreements concerning QIP. However, appellees objected and filed motions for protection in response to Wilma's discovery requests relating to David's QTP bonuses, QIP bonuses, and accrued Quantlab bonuses. Wilma filed a motion to compel discovery, but the trial court sustained appellees' objections to discovery and granted their motions for protection. *Reynolds v. Quantlab Trading Partners US, LP*, 608 S.W.3d 549, 554 (Tex. App.—Houston [14th Dist.] 2020, no pet.).

In April 2009, the trial court conducted the property-division trial without the QTP partnership agreements, QTP financial statements, QIP financial statements, and other material financial information about the marital property estate's bonuses being produced to Wilma. *See id.* At the conclusion of the trial, the trial court awarded David the estate's entire interest in QTP and QIP, which includes the estate's interest in investment accounts that held the estate's accrued bonuses/funds. *Id.* The trial court also awarded David the estate's accrued QFL, QTP, and QIP bonuses. *See id.*

In May 2009, the trial court signed the final decree of divorce, which included a division of the parties' marital property. After the divorce decree was signed in 2009, financial information relating to the estate's QTP bonuses was produced in camera to Judge Hufstetler for inspection, specifically: (1) "David Reynolds' (Unredacted) Limited Partnership Agreement for Quantlab Trading Partners US,

LP”); (2) “Written Agreement between Quantlab Trading Partners US, LP and Quantlab Trading Partners, LP”); and (3) the “2009 and 2010 Audited Financial Statements for Quantlab Trading Partners US, LP and Quantlab Trading Partners, LP.” Judge Hufstetler ruled that these documents contained “no relevant” information relating to David’s QTP interest, income, or bonuses. *Id.*

Wilma appealed the division of property, but our court affirmed, concluding that Wilma was estopped from appealing the division of property because she had accepted the benefits of the trial court’s division of the property: the record reflected that Wilma was awarded \$3,220,874.74 and that within ten days of the funds being transferred to Wilma, she had spent approximately \$1.7 million of those funds. *See Reynolds*, 2010 WL 3418209 at *4.

In 2012, Wilma filed a bill of review, alleging in part that if she were allowed to obtain additional discovery, it would be revealed that David had concealed documents, given false testimony, and introduced false evidence concerning the division of property. The trial court denied her bill of review, and we affirmed. *See Reynolds v. Reynolds*, No. 14-14-00080-CV, 2015 WL 4504626, at *2 (Tex. App.—Houston [14th Dist.] July 23, 2015, no pet.) (memo op.). We noted that Wilma had already unsuccessfully appealed the question of “how to divide Wilma and David’s marital estate.” *Id.* at *3. Additionally, we concluded that a “divorce judgment may not be set aside by a bill of review when the complainant voluntarily accepted the benefits of the divorce judgment.” *Id.* at *4. Furthermore, this court observed that Wilma’s bill of review failed because she did not present prima facie evidence that the property division was affected by extrinsic fraud. *See id.* We noted that Wilma’s accusations regarding David’s allegedly false testimony and David’s concealment of documents—even if we assumed they were true—“would constitute only intrinsic fraud because they concern matters at issue in the divorce proceeding.” *Id.* at *5. As

stated in the opinion, bills of review can only be supported by extrinsic fraud. *Id.*

In 2015, Wilma filed a petition for a post-divorce division of community property, alleging that the community estate's earned income from QTP and QIP had been left undivided. Wilma served discovery requests on David; David filed a motion for protection from Wilma's requests. *Reynolds v. Reynolds*, No. 14-15-00990-CV, 2017 WL 1366680, at *2 (Tex. App.—Houston [14th Dist.] Apr. 13, 2017, pet. denied) (mem. op.). Wilma then filed a motion to compel David to respond. *Id.* David filed a traditional motion for summary judgment based on three affirmative defenses: (1) statute of limitations; (2) res judicata; and (3) collateral estoppel. *Id.* The trial court denied Wilma's motion to compel and granted David's motion for protection and motion for summary judgment. *Id.* Wilma appealed, and this court concluded that the summary judgment evidence established David's collateral estoppel defense as a matter of law. *Id.* at *4. Specifically, we concluded: "(1) the facts sought to be litigated in the second action—division of the estate's interest in QTP and QIP and other financial accounts—were fully and fairly litigated in the first action; (2) those facts were essential to the judgment in the first action; and (3) David and Wilma were cast as adversaries in the first action." *Id.* Accordingly, we affirmed the trial court's summary judgment. *Id.*

Present Lawsuit

In December 2017, Wilma filed the present lawsuit against David, QTP, QIP, and QFL for fraud, negligent misrepresentation, conversion, damages under the Theft Liability Act, money had and received, and conspiracy for acts and omissions related to the trial in which their marital property was divided. Wilma alleged that David, QTP, QIP, and QFL made fraudulent statements, causing the trial court to award David an unfair amount of the community's interest in his QTP, QIP, and QFL bonuses. Wilma sought more than One Billion dollars, and served discovery

requests on appellees.

QTP, QIP, and QFL filed an answer and a motion for protective order, arguing that Wilma's discovery requests were "unreasonably duplicative of discovery that was exchanged before the bench trial between Plaintiff and Defendant David Reynolds in 2009, which settled all issues that Plaintiff now seeks to relitigate" and "a further example of Plaintiff and her attorney's 'abusive litigation conduct' and 'gamesmanship.'" The trial court signed an order prohibiting Wilma from obtaining responses to her discovery until the trial court ordered QTP, QIP, and QFL to respond.

QTP, QIP, and QFL also filed a motion to dismiss all of Wilma's claims pursuant to Rule 91a, which David joined. *See* Tex. R. Civ. P. 91a.1. On August 21, 2018, the trial court signed an interlocutory order dismissing all of Wilma's claims against David with prejudice and ordering Wilma to pay attorney's fees and costs in the total amount of \$36,757.87 to QTP, QIP, and QFL. Wilma appealed the dismissal to this court, which observed that "[a] party may not rely on judicial notice in a Rule 91a proceeding because judicial notice is a matter of evidence." *Id.* (internal quotation omitted). This court concluded that the trial court could not have properly granted the 91a motion to dismiss based on res judicata or collateral estoppel because that would have required taking judicial notice. *Id.* at 560. Accordingly, we reversed the trial court's dismissal and remanded for further proceedings. *Id.*

Several months after this court issued its opinion, QTP, QIP, and QFL filed a traditional motion for summary judgment and a motion for sanctions in the trial court. David joined in the motions. The movants argued that they were entitled to summary judgment based on res judicata, collateral estoppel, and statute of limitations. Wilma filed an amended petition, pleading fraudulent concealment and the discovery rule in response to the statute of limitations defense.

On January 19, 2021, the trial court signed orders granting motion for summary judgment filed by David and the motion for summary judgment filed by QTP, QIL, and QFL. In addition, the trial court found that Wilma and Gordon “have filed and prosecuted this lawsuit for an improper purpose, without legal support, in bad faith, and with the intention to harass.” Accordingly, the trial court ruled that appellees were entitled to recover their attorney’s fees. Appellees submitted their provision of attorney’s fees, asserting that they had incurred \$148,517.00 in attorney’s fees. David claimed he had incurred \$28,637.92 in attorney’s fees.

On February 16, 2021, the trial court signed a final judgment denying all relief to Wilma. The trial court ordered Wilma and Gordon to pay \$103,212.57 to QTP, QIP, and QFL for their reasonable attorney’s fees and \$20,987.92 to David for his reasonable attorney’s fees. Wilma filed a timely notice of appeal.

II. ANALYSIS

Wilma argues on appeal that the trial court erred by (1) granting appellees’ motions for summary judgment; (2) sanctioning Wilma and her counsel and awarding attorney’s fees to appellees; and (3) denying Wilma’s motion to compel discovery.

A. SUMMARY JUDGMENT

1. Standard of Review & Applicable Law

We review a trial court’s order granting a traditional summary judgment de novo. *Mid-Century Ins. Co. v. Ademaj*, 243 S.W.3d 618, 621 (Tex. 2007). To prevail on a traditional motion for summary judgment, a movant must prove entitlement to judgment as a matter of law on the issues set out in the motion. Tex. R. Civ. P. 166a(c); *Masterson v. Diocese of Nw. Tex.*, 422 S.W.3d 594, 607 (Tex. 2013). When the movant is a defendant, a trial court should grant summary judgment only if the

defendant (1) negates at least one element of each of the plaintiff's causes of action, or (2) conclusively establishes each element of an affirmative defense. *Clark v. ConocoPhillips Co.*, 465 S.W.3d 720, 724 (Tex. App.—Houston [14th Dist.] 2015, no pet.). When the trial court's order granting a summary judgment does not specify the grounds relied on for the ruling, the summary judgment will be affirmed if any of the theories advanced are meritorious. *Dow Chem. Co. v. Francis*, 46 S.W.3d 237, 242 (Tex. 2001); *Olmstead v. Napoli*, 383 S.W.3d 650, 652 (Tex. App.—Houston [14th Dist.] 2012, no pet.).

“Res judicata, or claims preclusion, prevents the re-litigation of a claim or cause of action that has been finally adjudicated, as well as related matters that, with the use of diligence, should have been litigated in the prior suit.” *Barr v. Resolution Tr. Corp. ex rel. Sunbelt Fed. Sav.*, 837 S.W.2d 627, 628 (Tex. 1992). “The doctrine of res judicata in Texas holds that a final judgment in an action bars the parties and their privies from bringing a second suit ‘not only on matters actually litigated, but also on causes of action or defenses which arise out of the same subject matter and which might have been litigated in the first suit.’” *Compania Financiară Libano, S.A. v. Simmons*, 53 S.W.3d 365, 367 (Tex. 2001) (quoting *Barr*, 837 S.W.2d at 630). “For res judicata to apply, there must be: (1) a prior final judgment on the merits by a court of competent jurisdiction; (2) identity of parties or those in privity with them; and (3) a second action based on the same claims that were raised or could have been raised in the first action.” *Citizens Ins. Co. of Am. v. Daccach*, 217 S.W.3d 430, 449 (Tex. 2007).

“Under the transactional approach followed in Texas, a subsequent suit is barred if it arises out of the same subject matter as the prior suit, and that subject matter could have been litigated in the prior suit.” *Id.* (citing *Barr*, 837 S.W.2d at 631). A final judgment on an action extinguishes the right to bring suit on the

transaction, or series of connected transactions, out of which the action arose. *See Daccach*, 217 S.W.3d at 449. “A determination of what constitutes the subject matter of a suit necessarily requires an examination of the factual basis of the claim or claims in the prior litigation. It requires an analysis of the factual matters that make up the gist of the complaint, without regard to the form of action. Any cause of action which arises out of those same facts should, if practicable, be litigated in the same lawsuit.” *Barr*, 837 S.W.2d at 629. “Claim preclusion prevents splitting a cause of action.” *Id.* Joinder of tort claims with a divorce suit is encouraged, when feasible. *Twyman v. Twyman*, 855 S.W.2d 619, 625 (Tex. 1993). Tort claims in divorce cases, like other civil actions, are subject to the principles of res judicata. *Id.* at 624.

Res judicata applies to the property division in a final divorce decree, just as it does to any other final judgment, barring subsequent collateral attack even if the divorce decree improperly divided the property. *See Baxter v. Ruddle*, 794 S.W.2d 761, 762 (Tex. 1990); *DeAcetis v. Whitley*, No 14-08-00429-CV, 2010 WL 1077904, at *3 (Tex. App.—Houston [14th Dist.] Mar. 25, 2010, pet. denied) (mem. op.) (concluding that appellant’s claims of fraud, conspiracy, and conversion which related to the determination of ownership of certain real property were barred by res judicata because such property was awarded to the defendant in the final divorce decree and appellant either did or could have asserted her claims in the divorce proceeding); *see also Nelson v. Williams*, 135 S.W.3d 202, 206 (Tex. App.—Waco 2004, pet. denied) (mem. op.) (holding res judicata barred claims for breach of fiduciary duty, fraud, civil conspiracy, and negligence because the underlying matter, i.e., fraud concerning the value of the community estate, could have been litigated in the divorce case).

However, this court has recognized that “the inquiry [for res judicata] is whether the claim, through exercise of reasonable diligence, should have been

litigated in the previous case.” *Whitmire v. Greenridge Place Apartments*, No. 14-09-01002-CV, 2011 WL 1413412, at *4 (Tex. App.—Houston [14th Dist.] Apr. 14, 2011, no pet.) (mem. op.) (citing *Barr*, 837 S.W.2d at 628). Thus, res judicata does not bar a claim of which the plaintiff was unaware and which could not have discovered through the exercise of due diligence in the first action. See *Reynolds*, 608 S.W.3d at 558–59.

2. Does the summary judgment evidence establish David’s res judicata affirmative defense as a matter of law?

In our 2020 *Reynolds* opinion, we concluded that “Wilma’s petition, *standing alone*, does [not] establish that her claims[, including claims for fraud and conspiracy,] against David and the Quantlab Defendants are barred by res judicata.” *Id.* at 559 (emphasis added). But the procedural context of that decision was a review of the trial court’s order granting appellees’ Rule 91a motion to dismiss. In reviewing a Rule 91a motion to dismiss, “[w]e look solely to the pleading and any attachments to determine whether the dismissal standard is satisfied.” *In re Estate of Savana*, 529 S.W.3d 587, 592 (Tex. App.—Houston [14th Dist.] 2017, no pet.); *Wooley v. Schaffer*, 447 S.W.3d 71, 76 (Tex. App.—Houston [14th Dist.] 2014, pet. denied). Additionally, we construe the pleadings liberally in favor of the plaintiff, look to the pleader’s intent, and accept as true the factual allegations in the pleadings. *Wooley*, 447 S.W.3d at 76. Thus, under the standard applicable to Rule 91a motions to dismiss and referring only to Wilma’s pleadings, we concluded that David’s res judicata affirmative defense was not established as a matter of law. Here, we review the trial court’s summary judgment, and in doing so, consider the appellees’ summary judgment evidence in addition to Wilma’s pleadings.

a. Was there a prior final judgment on the merits by a court of competent jurisdiction?

The appellees’ summary judgment evidence included several separate final

judgments on the merits. The first final judgment was signed in 2009, when the divorce court rendered a final decree, awarding to David the full value of the estate's interest in both QTP and QIP, with the exception of the one-half interest Wilma received in David's 2008 income from QIP. *Reynolds*, 2010 WL 3418209, at *1. This was a prior final judgment on the merits of the parties' respective interests in the marital property. *See Barr*, 837 S.W.2d at 629.

b. Is there an identity of parties or those in privity with them?

QTP, QIP, and QFL were not parties to the 2009 divorce proceeding, but assert that they are in privity with David because he was a party to the action and he represented their interest. We agree with appellees.

“Privity exists if the parties share an identity of interests in the basic legal right that is the subject of the litigation.” *Espeche v. Ritzell*, 123 S.W.3d 657, 667 (Tex. App.—Houston [14th Dist.] 2003, pet. denied). David was an employee of QFL, and Wilma raises the same claims of misrepresenting and concealing David's financial interest in QTP, QIP, and QFL against David and QTP, QIP, and QFL. Thus, David and the Quantlab appellees' interests align against Wilma. The Quantlab appellees had an interest in the outcome of the divorce proceedings to ensure both Wilma and David's interest in QTP, QIP, and QFL were properly classified and divided. QTP, QIP, and QFL seek to avoid potential legal repercussions by incorrectly distributing funds. Further, QTP, QIP, and QFL have an interest in ensuring that Wilma does not seek an amount greater than the total amount that David himself would be entitled to. Ultimately, David, QTP, QIP, and QFL all share an interest in the same basic legal right that is the subject of the litigation: the proper division of the community estate's interest in the QTP, QIP, and QFL. *See id.*

We note that in our 2020 opinion, we concluded that “[t]he allegations in Wilma's petition do not establish that the Quantlab Defendants were parties to the

divorce action between Wilma or David or that they were in privity with either Wilma or David.”² *Reynolds*, 608 S.W.3d at 560. But again, our analysis was restricted in that appeal because of the standard applicable to review of the Rule 91a motion to dismiss.

For the same reasons that QTP, QIP, and QFL are in privity with David in the divorce proceeding, we conclude that they are also in privity with David as to the bill of review and the post-divorce division of property proceedings. QTP, QIP, and QFL were interested in the outcome to avoid potential legal repercussions by incorrectly distributing funds. Their interests are also aligned against Wilma because her claims are brought against appellees collectively, and the appellees share an interest in the division of the marital property. *Espeche*, 123 S.W.3d at 667.

c. Does Wilma’s pleading constitute a second action based on the same claims that were raised or could have been raised in the first action?

The appellees argue that the present proceeding is yet another action based on the same claims that were, or could have been, raised in the original 2009 divorce proceeding. We agree with appellees. Although Wilma raises different claims here than those alleged in the 2009 proceeding, her claims arise out of the same facts and could have been litigated in the prior proceeding. *See Barr*, 837 S.W.2d at 631. Our conclusion in *DeAcetis* is instructive. *See* 2010 WL 1077904, at *3. *DeAcetis* concerned the division of a marital estate in a divorce proceeding. *See id.* The plaintiff sought declaratory relief in regard to the ownership of real property, asserting claims of fraud, trespass to try title, conversion, and conspiracy. The defendant argued that res judicata barred the claims. The trial court agreed and

² In that appeal, the Quantlab Defendants were Quantlab Trading Partners, U.S., LP; Quantlab Incentive Partners I, LLC; and Quantlab Financial, LLC.

granted summary judgment. Our court affirmed, observing:

Division of the property of the marital estate was the subject matter of Marianne and appellant's divorce proceeding. Thus, (1) appellant's claims to [the property] arise out of the same subject matter as his divorce proceeding, (2) appellant either did or could have asserted claims to [the property] during the divorce proceeding, and (3) there is a final judgment in appellant's divorce proceeding. All claims alleged against Marianne, including claims of fraud, conspiracy, and conversion, are related to the determination of ownership of [the property] and consequently are barred by res judicata.

Id. (internal citations omitted). Here, the division of the marital estate was the subject matter of David and Wilma's divorce proceeding. Wilma's subsequent claims arise out of the same subject matter, the claims could have been asserted during the divorce proceedings, and there is a final judgment in the divorce proceeding. *See id.* Any additional claims that are related to the same subject matter and could have been brought in the divorce proceeding, including claims for fraud, negligent misrepresentation, conversion, damages under the Theft Liability Act, money had and received, and conspiracy, and thus, are barred by res judicata. *See id.* Accordingly, we conclude that the trial court did not err in granting summary judgment. *See Clark*, 465 S.W.3d at 724.

Wilma argues on appeal that res judicata is inapplicable because she exercised diligence in attempting to discover the documents necessary to verify the value of the marital estate's Quantlab bonuses. *See Reynolds*, 608 S.W.3d at 558–59 (“[R]es judicata does not bar a claim of which the plaintiff was unaware and which could not have discovered through the exercise of due diligence in the first action.”). However, the test is not—as Wilma implies—whether she exercised due diligence in seeking the documents. The test is whether Wilma was unaware of the claims she raises in the present case and, if she was unaware, whether she could have discovered the availability of these claims had she exercised due diligence. *See id.* In 2012,

when Wilma filed her bill of review, her allegations included that David had given false testimony, concealed documents, and introduced false evidence concerning the division of property. *See Reynolds*, 2015 WL 4504626, at *2. In the original divorce proceeding, Wilma continually sought discovery because she suspected that David and the other defendants were concealing assets from her, and she was entitled to a greater portion of the marital property. Stated differently, Wilma was aware of her potential claim for fraud since the original divorce proceeding. Thus, Wilma was previously aware of, or could have discovered through the exercise of due diligence, the same claims she raises in the present suit. *See id.* Accordingly, we conclude that res judicata is not negated by Wilma's due diligence in seeking discovery.

Because the trial court did not specify on which ground the summary judgment was granted, and we have concluded that appellees established res judicata as a matter of law, we do not need to address other summary judgment grounds asserted by the appellees. *See Dow*, 383 S.W.3d at 652. We overrule Wilma's first issue.

B. MOTION FOR SANCTIONS

In her second issue, Wilma argues that the trial court erred by granting appellees' cross-motions for sanctions.

1. Standard of Review & Applicable Law

A trial court's ruling on a motion for sanctions is reviewed under an abuse of discretion standard. *See Cire v. Cummings*, 134 S.W.3d 835, 838 (Tex. 2004); *Thottumkal v. McDougal*, 251 S.W.3d 715, 717 (Tex. App.—Houston [14th Dist.] 2008, pet. denied). The test for abuse of discretion is not whether, in the opinion of the reviewing court, the facts present an appropriate case for the trial court's action, but whether the court acted without reference to any guiding rules and principles.

Cire, 134 S.W.3d at 838–39. When determining if the trial court abused its discretion, we engage in a two-part inquiry. First, we determine whether the punishment was imposed on the true offender and tailored to remedy any prejudice caused. *Thottumkal*, 251 S.W.3d at 717. Second, we must make certain that less severe sanctions would not have been sufficient. *Id.*

We will not conclude that a trial court abused its discretion in levying sanctions if some evidence supports its decision. *Nath v. Tex. Children's Hosp.*, 446 S.W.3d 355, 361 (Tex. 2014). Generally, courts presume that pleadings and other papers are filed in good faith. *Low v. Henry*, 221 S.W.3d 609, 614 (Tex. 2007); *Commc'ns Sys. Corp. v. Tanner*, 856 S.W.2d 725, 730 (Tex. 1993). The party seeking sanctions bears the burden of overcoming this presumption of good faith. *Low*, 221 S.W.3d at 614.

Section 10.004(a) of the Texas Civil Practice and Remedies Code states “[a] court that determines that a person has signed a pleading or motion in violation of [s]ection 10.001 may impose a sanction on the person, a party represented by the person, or both.” Tex. Civ. Prac. & Rem. Code Ann. § 10.004(a). Section 10.001 provides:

The signing of a pleading or motion as required by the Texas Rules of Civil Procedure constitutes a certificate by the signatory that to the signatory’s best knowledge, information, and belief, formed after reasonable inquiry:

- (1) the pleading or motion is not being presented for any improper purpose, including to harass or to cause unnecessary delay or needless increase in the cost of litigation;
- (2) each claim, defense, or other legal contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(3) each allegation or other factual contention in the pleading or motion has evidentiary support or, for a specifically identified allegation or factual contention, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) each denial in the pleading or motion of a factual contention is warranted on the evidence or, for a specifically identified denial, is reasonably based on a lack of information or belief.

Id. § 10.001.

Rule 13 of the Texas Rules of Civil Procedure provides that pleadings that are groundless and made in bad faith, are made for the purposes of harassment, or were false when made are also sanctionable:

The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment. Attorneys or parties who . . . make statements in pleading which they know to be groundless and false, for the purpose of securing a delay of the trial of the cause, shall be held guilty of a contempt. . . . Courts shall presume that pleadings, motions, and other papers are filed in good faith. No sanctions under this rule may be imposed except for good cause, the particulars of which must be stated in the sanction order. "Groundless" for purposes of this rule means no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law. . . .

Tex. R. Civ. P. 13. "Importantly, Rule 13 does not permit sanctions on the issue of groundlessness alone. Rather, the filing in question must be groundless and also either brought in bad faith, brought for the purpose of harassment, or false when made." *Nath*, 446 S.W.3d at 362–63. A pleading or motion is not groundless merely because it is not a winner, lacks legal merit, or because we disagree with the factual and legal assertions. *Mattox v. Grimes Cnty. Comm'rs Court*, 305 S.W.3d 375, 386

(Tex. App.—Houston [14th Dist.] 2010, pet. denied).

2. Did the trial court err in granting the motions for sanctions?

In the trial court's orders granting appellees' motions for summary judgment, the court also found that "Plaintiff Wilma Reynolds and her attorney, Carl Gordon, have filed and prosecuted this lawsuit for an improper purpose, without legal support, in bad faith, and with intention to harass." Accordingly, under § 10 of the Texas Civil Practice and Remedies Code and Texas Rule of Civil Procedure 13, the trial court ordered that QTP, QIP, QFL, and David were entitled to recover their attorney's fees.

We cannot conclude that the trial court abused its discretion in awarding sanctions. As briefly summarized above, Wilma and Gordon have repeatedly attacked the underlying division of marital property. Wilma appealed the original divorce judgment, which our court affirmed. *See Reynolds*, 2010 WL 3418209 at *4. We concluded that by accepting the benefits of the property division, she was estopped from challenging the division of the marital property. *See id.* Subsequently, the trial court denied Wilma's petition for bill of review, the denial of which was affirmed on appeal, concluding that Wilma had already appealed the division of marital property unsuccessfully. *Reynolds*, 2015 WL 4504626, at *3.

Finally, the trial court denied Wilma's petition for post-divorce division of property and granted appellees' motion for summary judgment. *See Reynolds*, 2017 WL 1366680, at *2. We affirmed, concluding that Wilma's claims were barred by collateral estoppel. *Id.* Because we have previously concluded that Wilma's claims were barred by collateral estoppel, the trial court could have concluded that Wilma's current claims have no basis in law or fact. *See Tex. R. Civ. P. 13; see also Mattox*, 305 S.W.3d at 386.

The trial court could have also concluded that Wilma's pleadings were brought for the purpose of harassment or in bad faith because Wilma and Gordon have already been admonished by the trial court regarding the filing of frivolous pleadings. In 2015, when the trial court granted appellees' motion for summary judgment on Wilma's petition for post-divorce division of community property, the trial court also ordered Gordon "to refrain from filing any frivolous and/or groundless pleadings in any forum in connection with this cause number." Despite the trial court's admonition, Wilma and Gordon filed the present lawsuit against David and the Quantlab entities, once again asserting claims related to the division of Wilma and David's community property. Wilma and Gordon have now filed, combined, twenty-two appeals and petitions for writs of mandamus related to the same underlying issues. Accordingly, the trial court could have concluded that the present litigation was brought in bad faith or for the purpose of harassment. *See* Tex. R. Civ. P. 13; *Interest of D.Z.*, 583 S.W.3d 284, 296 (Tex. App.—Houston [14th Dist.] 2019, no pet.) (concluding that the trial court did not abuse its discretion in awarding sanctions when plaintiff filed numerous pleadings and motions that were "not factually well grounded"); *see also Campos v. Ysleta Gen. Hosp., Inc.*, 879 S.W.2d 67, 73 (Tex. App.—El Paso 1994, writ denied) (affirming the trial court's finding of bad faith where the plaintiff filed suit despite the "doctrine of res judicata clearly appl[ying] to the facts of this situation").

The trial court also sanctioned Wilma for moving to compel QTP, QIP, and QFL's payment of appellate costs. In its order granting sanctions against Wilma and Gordon, the trial court noted that "[b]efore Plaintiff moved to compel, Quantlab offered to repay her costs voluntarily. The Court therefore sees no need to *compel* repayment of those costs when Quantlab will pay them willingly." Thus, the trial court could have reasonably concluded that Wilma had only filed the motion to

compel to harass appellees. Additionally, we do not find the sanctions to be excessive because the sanctions awarded by the trial court are directly related to the offensive conduct; the trial court awarded sanctions in accordance with the appellees' attorneys' fees in litigating against the bad faith claim. *Nath*, 446 S.W.3d at 365 (concluding that sanction fees were not excessive when there was a "direct nexus between this portion of the trial court's sanctions and the offensive conduct").

We conclude that the sanctions are aimed at the true offenders, the sanctions remedy the prejudice caused, and a lesser sanction would not have sufficed. *See Cire*, 134 S.W.3d at 839. The trial court levied sanctions against both Wilma and Gordon, her attorney. By filing numerous lawsuits and appeals in conjunction with the divorce, the sanctions attempt to remedy the prejudice suffered by appellees by awarding appellees' their costs in defending against these suits. Due to the number of lawsuits and appeals filed and the cost involved in defending against them, a lesser sanction would not have sufficed to deter Wilma and Gordon. Therefore, we conclude that the trial court did not abuse its discretion in the award of sanctions. *See id.* We overrule Wilma's second issue.

C. MOTION TO COMPEL DISCOVERY

In her third issue, Wilma argues that the trial court erred by failing to grant her motion to compel discovery.

1. Standard of Review

We review a trial court's order denying a motion to compel discovery for an abuse of discretion. *Ford Motor Co. v. Castillo*, 279 S.W.3d 656, 661 (Tex. 2009); *see Reynolds v. Reynolds*, No. 14-14-00624-CV, 2015 WL 7456059, at *3 (Tex. App.—Houston [14th Dist.] Nov. 24, 2015, no pet.) (mem. op.). Trial courts have broad discretion in matters of discovery. *Reynolds*, 2015 WL 7456059, at *3. "A

trial court abuses its discretion if it misinterprets or misapplies the law or acts arbitrarily or unreasonably.” *Tanglewood Homes Ass’n, Inc. v. Feldman*, 436 S.W.3d 48, 69 (Tex. App.—Houston [14th Dist.] 2014, pet. denied). To establish that the trial court abused its discretion when it denied her motion to compel, Wilma must demonstrate that none of David’s objections support the trial court’s action. *Id.*

2. Did the trial court abuse its discretion in denying Wilma’s motions to compel discovery?

Throughout the history of this case, the trial court has repeatedly denied Wilma’s requests to compel discovery. And we have previously concluded that the trial court did not abuse its discretion in denying her various motions to compel discovery. *See Reynolds*, 2017 WL 1366680, at *2 (“Because the divorce decree addressed and divided 100 percent of the marital estate’s interest in QTP and QIP, which would include any bonuses deposited in accounts controlled by QTP and QIP, we hold that the trial court reasonably could have concluded that Wilma’s discovery requests sought documents and information that were not relevant.”); *Reynolds*, 2015 WL 7456059, at *3 (“Because David had provided Wilma with his 2008 QIP Schedule K–1 filed with the Internal Revenue Service, we conclude that the trial court did not abuse its discretion when it denied Wilma’s motion to compel because the trial court reasonably could have decided that Wilma had all the information she needed to veri[f]y the accuracy of David’s proffered payment.”); *In re Reynolds*, No. 14-11-01097-CV, 2012 WL 51028, at *1 (Tex. App.—Houston [14th Dist.] Jan. 10, 2012, orig. proceeding) (“On this record, Wilma has not established that the trial court abused its discretion in its December 7, 2011 order denying discovery of the QTP documents described therein.”).

Stated differently, this court has affirmed on multiple occasions that the trial court did not err in denying Wilma’s motions to compel based on the trial’s court

findings that the documents sought were duplicative and irrelevant. In their response to Wilma’s motion to compel discovery, appellees argued that discovery requests were unreasonably duplicative of discovery already exchanged between the parties in 2009, in addition to asserting that the “discovery requests are patently overbroad, seek irrelevant information, and impose an undue burden that outweighs any benefit to the [Wilma].”³ In their motion for protective order, QTP, QIP, and QFL argued that the discovery requests were overly broad, burdensome, and seek irrelevant information because Wilma sought:

with respect to *all* accounts reflecting funds . . . on deposit with domestic banks . . . or other financial institutions, for *all* statements of account reflecting account balances, copies of *all* canceled checks, *all* deposit slips, *all* withdrawal slips, and *all* documents evidencing transfer into or withdrawals from the account over a **12 year period**, from May 1997 to April 2009. Plaintiff requests the same materials for the same time period for all offshore accounts.

The trial court did not misinterpret or misapply the law or act arbitrarily in denying Wilma’s motions to compel discovery. *See Tanglewood Homes*, 436 S.W.3d at 69. Accordingly, we conclude that the trial court did not abuse its discretion in denying Wilma’s motions to compel discovery. *See Castillo*, 279 S.W.3d at 661.

We overrule Wilma’s third issue.

³ We note that appellees never raised any issue preclusion affirmative defenses below as it relates to the discovery requests, and Wilma did not object. Tex. R. App. P. 33.1(a).

III. CONCLUSION

We affirm the judgment of the trial court.

/s/ Margaret “Meg” Poissant
Justice

Panel consists of Chief Justice Christopher and Justices Spain and Poissant.

App 3



THE STATE OF TEXAS

COUNTY OF HARRIS

I, Deborah M. Young, Clerk of the Fourteenth Court of Appeals, of the State of Texas, at Houston, do hereby certify that the preceding **10** pages contain a true and correct copy of the Court's **Opinion** dated April 13, 2017.

In the Cause No. 14-15-00990-CV

Wilma Reynolds, Appellant

v.

David Reynolds, Appellee

from Brazoria County, and now do file in my office.

TO CERTIFY WHICH, I hereunto set my hand and affix the Seal of said Court of Appeals, at Houston, this September 29, 2025.

Deborah M. Young, Clerk

By  Deputy

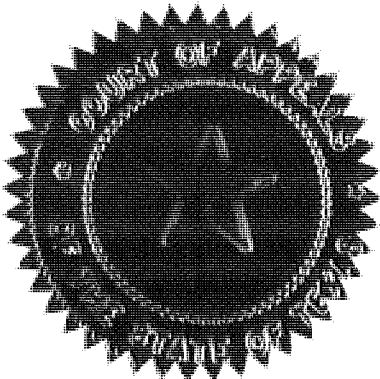
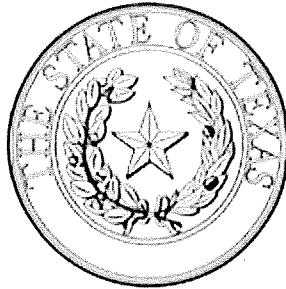


EXHIBIT
CFLD EXH 3

Affirmed and Memorandum Opinion filed April 13, 2017.



In The

Fourteenth Court of Appeals

NO. 14-15-00990-CV

WILMA REYNOLDS, Appellant

V.

DAVID REYNOLDS, Appellee

**On Appeal from the 300th District Court
Brazoria County, Texas
Trial Court Cause No. 48170**

M E M O R A N D U M O P I N I O N

These former spouses appear regularly on our docket. In this latest chapter of their long-running dispute, appellant Wilma Reynolds challenges two rulings by the trial court: (1) the denial of her motion to compel appellee David Reynolds to produce financial records; and (2) the granting of David's traditional motion for summary judgment. Because we conclude that the trial court did not abuse its discretion when it denied her motion to compel, we overrule Wilma's first issue.

We overrule Wilma's second issue because David's summary judgment evidence established as a matter of law his affirmative defense of collateral estoppel. We therefore affirm the trial court's judgment.

BACKGROUND

David petitioned for divorce from Wilma in 2008. *Reynolds v. Reynolds*, No. 14-09-00720-CV, 2010 WL 3418209, at * 1 (Tex. App.—Houston [14th Dist.] Aug. 31, 2010, pet. denied). David is employed by QuantLab Financial, LLC. *Id.* David also participates with his employer in two entities, QuantLab Trading Partners US, LLP (QTP) and Quantlab Incentive Partners I LLC (QIP). *Id.* In addition to his salary from Quantlab Financial, David receives income from both QTP and QIP. *Id.* During the 2009 divorce trial, a central dispute between the parties was “David’s interest in and income derived from those entities, and how those items should be divided in the divorce decree.” *Reynolds v. Reynolds*, No. 14-14-00080-CV, 2015 WL 4504626, at *1 (Tex. App.—Houston [14th Dist.] 2015, July 23, 2015, no pet.). This issue was litigated and both David and Wilma submitted proposed divisions of the marital estate that encompassed the estate’s interest in QTP and QIP.

In the 2009 judgment dividing the marital estate, the trial court adopted David’s proposed division and awarded Wilma \$3,220,874.74 and other property, and also awarded her “50 percent of the year 2008 Estimated Income from [QIP] after taxes are paid on the income.” *Reynolds*, 2010 WL 3418209, at *2. The divorce decree awarded David the marital estate’s entire interest in both QTP and QIP except for the 50 percent of the 2008 estimated income from QIP specifically awarded to Wilma. In 2010, “[t]his Court affirmed the trial court’s divorce decree and division of the marital estate because we concluded Wilma was estopped from challenging the decree on appeal as a result of her acceptance of the benefits of the

property division.” *Reynolds*, 2015 WL 4504626, at *1.

The record does not reveal how much of the estate has been consumed by further litigation between the parties, which has included: a petition to modify the parent-child relationship; a bill of review; a petition to enforce property division; a petition for post-divorce division of community property; appeals associated with each of these proceedings; and at least thirteen petitions for writ of mandamus in this Court and three in the Supreme Court of Texas. Much of this litigation has concerned income (or records of income) from QTP and QIP.

In 2015, Wilma filed the present petition seeking a post-divorce division of community property. Wilma alleged that there were community assets “undivided by the trial court,” including (1) the “community estate’s earned income/bonuses or the community estate’s share of earned profits” for QTP; and (2) the “community estate’s earned QIP income/bonuses for the years 2007 or 2009.” Soon thereafter, Wilma served requests for production on David. Among other things, Wilma asked David to produce his ownership and financial records related to QTP, QIP, and Quantlab Financial. Wilma also asked for records for all of David’s accounts with domestic banks or other financial institutions and foreign banks or other financial institutions, for the period May 3, 1997 until April 22, 2009. Wilma served interrogatories on David inquiring into the same subjects.

David filed a motion for protection from Wilma’s discovery requests. Among other objections, David objected that the requests were not relevant, were an improper fishing expedition prohibited by the rules of discovery, were served for improper purposes including expense and harassment, were redundant of previous requests that had already been ruled on by the trial court and affirmed on appeal, and sought protected proprietary and financial information. Wilma responded with a motion to compel, which included no argument in response to

David's objections. Instead, Wilma simply asked the trial court to overrule David's objections, deny his motion for protection, and compel him to respond to the discovery. Wilma also asked the trial court to take judicial notice of various documents that had been filed previously for in camera inspection, review the documents, determine their relevance to the pending action, and release any relevant documents to her.¹

David also filed a traditional motion for summary judgment on Wilma's petition for post-divorce division of community property. David argued he was entitled to summary judgment on three affirmative defenses: (1) statute of limitations, (2) res judicata, and (3) collateral estoppel.

The trial court held a hearing in which it considered these pending motions. At the end of the hearing, the trial court denied Wilma's motion to compel, granted David's motion for protection, and granted David's motion for summary judgment. This appeal followed.

¹ This request was based (at least in part) on Wilma's belief that documents she had sought in discovery—after filing a petition for modification of the parent-child relationship based on alleged changed financial circumstances—would reveal that David had concealed documents, given false testimony, and introduced false evidence in the property division trial. *See In re L.R.*, 416 S.W.3d 675, 676 (Tex. App.—Houston [14th Dist.] 2013, no pet.). The documents were submitted to the trial court handling the modification proceeding for in camera inspection. After that inspection, the trial court found that the documents were not relevant and denied Wilma's motion to compel their production. *Id.* The trial court then granted David's motion for directed verdict, and Wilma unsuccessfully appealed. *Id.* Wilma later sought discovery of the same documents by filing (1) a bill of review and (2) a petition to enforce the property division, in each case without success. *Reynolds*, 2015 WL 4504626, at *2 n.1; *see also Reynolds v. Reynolds*, No. 14-14-00624-CV, 2015 WL 7456059, at *3 (Tex. App.—Houston [14th Dist.] Nov. 24, 2015, no pet.).

ANALYSIS

I. The trial court did not abuse its discretion when it denied Wilma's motion to compel.

Wilma argues in her first issue that the trial court abused its discretion when it denied her motion to compel and granted David's motion for protection. According to Wilma, David's interest in QTP and QIP was unvested at the time of the 2009 divorce decree, so any bonuses that had accrued to David from QTP and QIP were retained in accounts controlled by those entities. She argues that because these accrued bonuses remained in company-controlled accounts, they were not divided by the 2009 divorce decree and the requested discovery is relevant to the present litigation. We conclude that Wilma has not demonstrated an abuse of discretion by the trial court.

A. Standard of review

We review a trial court's order denying a motion to compel discovery for an abuse of discretion. *Ford Motor Co. v. Castillo*, 279 S.W.3d 656, 661 (Tex. 2009). Trial courts have broad discretion in matters of discovery. *Hernandez v. Abraham, Watkins, Nichols, Sorrels & Friend*, 451 S.W.3d 58, 66 (Tex. App.—Houston [14th Dist.] 2014, pet. denied). A trial court abuses its discretion when it compels overly broad discovery. *In re Jacobs*, 300 S.W.3d 35, 44 (Tex. App.—Houston [14th Dist.] 2009, orig. proceeding).

A party may obtain discovery regarding matters that are not privileged and are relevant to the subject matter of the pending action. Tex. R. Civ. P. 192.3(a). Relevant evidence is evidence that has a tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. Tex. R. Evid. 401. The information sought in discovery need not be admissible, however; it need only be

“reasonably calculated to lead to the discovery of admissible evidence.” Tex. R. Civ. P. 192.3(a).

Although the scope of discovery is broad, it is limited by the legitimate interests of the opposing party in avoiding overly broad requests, harassment, or disclosure of privileged information. *In re Am. Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998). Discovery may not be used as a fishing expedition. *K Mart Corp. v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996) (orig. proceeding). Therefore, discovery requests must be reasonably tailored to include only matters relevant to the case. *In re Alford Chevrolet-Geo*, 997 S.W.2d 173, 180 (Tex. 1999); *In re Jacobs*, 300 S.W.3d at 44. Trial courts have broad discretion to determine the relevance of material sought in discovery. *See In re Issuance of Subpoenas Depositions of Bennett*, 502 S.W.3d 373, 378 (Tex. App.—Houston [14th Dist.] 2016, orig. proceeding). This discretion is particularly broad when a party seeks discovery into another party’s personal finances. *In re Jacobs*, 300 S.W.3d at 46. Such discovery raises privacy concerns and also provides the requesting party with an opportunity for abuse and harassment. *Id.*

B. The trial court did not abuse its discretion because it could have reasonably concluded that Wilma sought discovery of information that was not relevant.

The premise behind Wilma’s latest proceeding against David is her belief that community property—specifically David’s accrued bonuses from QTP and QIP that were retained in accounts controlled by QTP and QIP—was not divided by the 2009 divorce decree. This subjective belief by Wilma is insufficient to demonstrate that the trial court abused its discretion when it denied her motion to compel and granted David’s motion for protection. *See In re Beeson*, 378 S.W.3d 8, 15 (Tex. App.—Houston [1st Dist.] 2011, orig. proceeding) (holding that a

party's distrust, standing alone, is insufficient to support a motion to compel disclosure of financial records).

As set out above, the question of the marital estate's interest in QTP and QIP bonuses was litigated during the original property division trial. Both David and Wilma proposed property divisions that encompassed those bonuses. The trial court awarded to David, among other property, 100 percent of the marital estate's membership interest in QTP and QIP, except for 50 percent of the QIP 2008 post-tax estimated income. The court also awarded David "all sums" and "rights related to" any "benefits existing by reason of [his] past, present, or future employment," whether "matured or unmatured, accrued or unaccrued, vested or otherwise," including "accrued unpaid bonuses." We conclude that, based on the literal language used, this property division encompassed the entirety of the marital estate's interest in both QTP and QIP, including any bonuses that had not been distributed but remained on deposit in accounts controlled by QTP and QIP. *See Hagen v. Hagen*, 282 S.W.3d 899, 901 (Tex. 2009) (stating courts must construe unambiguous divorce decrees by adhering to "literal language used").

Because the divorce decree addressed and divided 100 percent of the marital estate's interest in QTP and QIP, which would include any bonuses deposited in accounts controlled by QTP and QIP, we hold that the trial court reasonably could have concluded that Wilma's discovery requests sought documents and information that were not relevant. *See In re Hallmark County Mutual Ins. Co.*, No. 08-16-00175-CV, 2016 WL 6996584, at *4 (Tex. App.—El Paso Nov. 30, 2016, orig. proceeding) (holding trial court abused discretion by compelling production of information not relevant to the subject matter of the case). The same conclusion applies to Wilma's renewed effort to obtain access to the in camera documents that had been previously produced and reviewed by the trial court, as

well as her request for other financial records from the period May 3, 1997 until April 22, 2009.² *See id.* We overrule Wilma's first issue on appeal.

II. David established that he was entitled to summary judgment on his affirmative defense of collateral estoppel.

David moved for traditional summary judgment on Wilma's petition seeking a post-divorce division of community property. David asserted he was entitled to judgment as a matter of law on any of three different affirmative defenses: (1) the statute of limitations, (2) *res judicata*, and (3) collateral estoppel. The trial court agreed and granted the motion without specifying the grounds on which it was granted. Wilma contends in her second issue that the trial court erred when it granted David's motion for summary judgment because he failed to prove his affirmative defenses as a matter of law. Because David proved his affirmative defense of collateral estoppel as a matter of law, we disagree.

A. Standard of review and applicable law

We review a trial court's order granting a traditional summary judgment *de novo*. *Mid-Century Ins. Co. v. Ademaj*, 243 S.W.3d 618, 621 (Tex. 2007). To prevail on a traditional motion for summary judgment, a movant must prove entitlement to judgment as a matter of law on the issues set out in the motion. Tex. R. Civ. P. 166a(c). When the movant is a defendant, a trial court should grant summary judgment only if the defendant (1) negates at least one element of each of the plaintiff's causes of action, or (2) conclusively establishes each element of an

² In addition to addressing the marital estate's interest in QTP and QIP, the 2009 Divorce Decree also addressed the couple's accounts with other banks and financial institutions. It awarded David (1) the funds on deposit in a specified Bank of America account; (2) 100 percent of his retirement plans, including a Fidelity Quantlab Financial 401(k) Plan; (3) approximately \$1.8 million in a Morgan Stanley Investment account; (4) all stocks, bonds, and securities in David's name; and (5) 100 percent of a specified Ameriprise Financial Services, Inc. account. The divorce decree awarded Wilma (1) \$3,220,874.74 deposited in a Morgan Stanley Investment account; and (2) the funds on deposit in a specified Frost Bank account.

affirmative defense. *Clark v. ConocoPhillips Co.*, 465 S.W.3d 720, 724 (Tex. App.—Houston [14th Dist.] 2015, no pet.). When the trial court’s order granting summary judgment does not specify the grounds relied on for the ruling, the summary judgment will be affirmed if any of the theories advanced are meritorious. *Olmstead v. Napoli*, 383 S.W.3d 650, 652 (Tex. App.—Houston [14th Dist.] 2012, no pet.).

The doctrine of collateral estoppel, also known as issue preclusion, prevents a party from relitigating an issue that it previously litigated unsuccessfully. *Calabrian Corp. v. Alliance Specialty Chems., Inc.*, 418 S.W.3d 154, 158 (Tex. App.—Houston [14th Dist.] 2013, no pet.). The doctrine “serve[s] the vital functions of bringing litigation to an end, maintaining stability of court decisions, avoiding inconsistent results, and promoting judicial economy.” *Id.* at 157–58. Collateral estoppel is an affirmative defense, and the party asserting it bears the burden of pleading the defense and proving that (1) the facts sought to be litigated in the second action were fully and fairly litigated in the first action; (2) those facts were essential to the judgment in the first action; and (3) the parties were cast as adversaries in the first action. *Id.* at 158. If David establishes these elements, then Wilma is precluded from litigating the issue again. *Id.* Whether collateral estoppel applies is a question of law. *Id.*

B. The summary judgment evidence established David’s collateral estoppel affirmative defense as a matter of law.

In his motion for summary judgment, David argued that collateral estoppel applied because Wilma had previously litigated the division of the community estate’s interest in any QTP and QIP bonuses and other financial accounts during the original property division trial in 2009. David attached to his motion the final divorce decree, his Second Amended Inventory and Appraisement, and Wilma’s

Inventory and Appraisalment. Wilma filed a response to David's motion and attached, in addition to other items, the transcript of the 2009 property division trial.

This summary judgment evidence establishes that the division of the marital estate's interest in QTP and QIP bonuses and other financial accounts was an issue known to the parties during the property division trial, litigated during the trial, and resolved by the divorce decree. Because the summary-judgment evidence conclusively proved (1) the facts sought to be litigated in the second action—division of the estate's interest in QTP and QIP and other financial accounts—were fully and fairly litigated in the first action; (2) those facts was essential to the judgment in the first action; and (3) David and Wilma were cast as adversaries in the first action, we hold that the trial court did not err when it granted David's motion for summary judgment based on the affirmative defense of collateral estoppel. See Tex. R. Civ. P. 166a(c); *Haase v. Abraham, Watkins, Nichols, Sorrels, Agosto & Friend, L.L.P.*, 499 S.W.3d 169, 177 (Tex. App.—Houston [14th Dist.] 2016, no pet.) (“The summary-judgment record includes the evidence [the nonmovant] attached to his response, and we may rely upon [that] evidence to affirm the trial court's summary judgment.”); *Calabrian Corp.*, 418 S.W.3d at 158. We overrule Wilma's second issue.

CONCLUSION

Having overruled both issues raised by Wilma in this appeal, we affirm the trial court's judgment.

/s/ J. Brett Busby
Justice

Panel consists of Justices Boyce, Busby, and Wise.

App 4

Petition for Writ of Mandamus Denied and Memorandum Opinion filed January 10, 2012.



In The

Fourteenth Court of Appeals

NO. 14-11-01097-CV

IN RE WILMA REYNOLDS, Relator

ORIGINAL PROCEEDING
WRIT OF MANDAMUS
300th District Court
Brazoria County, Texas
Trial Court Cause No. 48170

MEMORANDUM OPINION

On December 21, 2011, relator Wilma Reynolds (Wilma) filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code § 22.221; *see also* Tex. R. App. P. 52. Wilma complains that the respondent, the Honorable Randall Hufstetler, presiding judge of the 300th District Court of Brazoria County, abused his discretion in denying her requested discovery on August 24, 2011, and December 7, 2011.

The underlying case is Wilma's post-divorce suit for modification of conservatorship of the couple's two children, child support, and attorney's fees. Wilma is seeking financial information about her ex-husband David Reynolds (David). Specifically,

EXHIBIT
CFLD EXH 1

Wilma is seeking information about David's income, including his interest in Quantlab Trading Partners (QTP), a company affiliated with his employer.¹

During the course of this discovery dispute, David's QTP Limited Partnership Agreement, QTP financial statements, and other documents related to his interest in QTP were produced for *in camera* inspection. On August 24, 2011, the trial court made an oral ruling that the QTP agreement did not contain any relevant information necessary to determine David's interest, income, or bonuses. The trial court made a ruling by a November 17, 2011, letter that the documents contained "no relevant information." Wilma requested that the trial court enter a formal ruling on the relevancy of the *in camera* documents, and on December 7, 2011, the trial court signed an order stating that the *in camera* documents contain no relevant information. Wilma then filed this original proceeding.

Mandamus is an extraordinary remedy that will issue only if (1) the trial court clearly abused its discretion and (2) the party requesting mandamus relief has no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004). A trial court abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law, or if it clearly fails to analyze or apply the law correctly. *In re Cerberus Capital Mgmt., L.P.*, 164 S.W.3d 379, 382 (Tex. 2005).

On this record, Wilma has not established that the trial court abused its discretion in its December 7, 2011, order denying discovery of the QTP documents described therein. *See* Tex. R. App. P. 52.3(k), 52.7; *see also Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992); *In re Le*, 335 S.W.3d 808, 814 (Tex. App.—Houston [14th Dist.] 2011, orig. proceeding). Accordingly, we deny relator's petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Frost, Seymore, and Jamison.

¹ David has produced tax returns and other documents related to his income. At issue are Wilma's requests for production of the QTP U.S., LP and QTP "Master Fund" partnership agreements and 2009-10 financial statements for QTP and QTP, U.S.



THE STATE OF TEXAS

COUNTY OF HARRIS

I, Deborah M. Young, Clerk of the Fourteenth Court of Appeals, of the State of Texas, at Houston, do hereby certify that the preceding 2 pages contain a true and correct copy of the Court's **Opinion** issued January 10, 2012.

In the Cause No. 14-11-01097-CV

In Re Wilma Reynolds, Appellant

from Brazoria County, and now do file in my office.

TO CERTIFY WHICH, I hereunto set my hand and affix the Seal of said Court of Appeals, at Houston, this September 29, 2025.

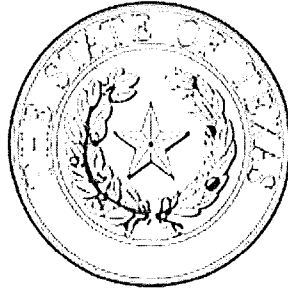
Deborah M. Young, Clerk

By *C. Herrera* Deputy



App 5

Affirmed and Majority and Concurring Opinions filed October 1, 2013.



In The

Fourteenth Court of Appeals

NO. 14-12-00440-CV

IN THE INTEREST OF L.R. AND A.R., Children.

**On Appeal from the 300th District Court
Brazoria County, Texas
Trial Court Cause No. 48170**

MAJORITY OPINION

The mother of two minor children, L.R. and A.R., appeals the denial of her petition to modify the parent-child relationship. In a single issue, she contends that the trial court abused its discretion when it denied her discovery request for documents that she claims are relevant to the financial resources of the children's father. *See* Tex. Fam. Code Ann. §§ 154.062, 154.067 (West 2008 & Supp. 2012).

The father argues that, under the law-of-the-case doctrine, we need not address the mother's discovery issue because we resolved it in a prior mandamus

EXHIBIT
CFLD EXH 2

proceeding. We conclude that our mandamus opinion did not address the merits of the mother's discovery request and therefore is not dispositive here. Nonetheless, we conclude that any error in denying the mother's discovery request was harmless because, given the facts presented at trial, the evidence that the mother sought could not have altered the trial court's judgment. We therefore affirm.

BACKGROUND

L.R. and A.R.'s parents divorced in 2009, when the children were twelve and eleven years old. The parents' divorce decree gave the father the exclusive right to designate the children's primary residence and made him responsible for the children's medical expenses. The decree did not require either parent to pay child support.

The mother filed this action to modify certain provisions in the divorce decree. Among other things, she wanted the father to pay child support. To establish a change in the father's financial circumstances justifying a modification, the mother sought to discover certain financial documents relating to the company where the father worked.¹ In considering the discovery request, the trial court reviewed the documents in camera and determined that they "d[id] not show [the father's] earnings, potential earnings, share or interest in [the company]." It found the documents to be "irrelevant and not reasonably calculated to lead to the discovery of admissible evidence relating to [the father's] ability to pay child support."

The trial court denied the mother's discovery request, and the mother petitioned this court for a writ of mandamus. She asked that we order the trial

¹ Specifically, the mother requested the father's partnership agreement, a written agreement between the father's company and its parent, and financial statements for the father's company and its parent.

court to require production of the requested documents. We denied the mother's petition.

Then the case was tried to a jury. During the trial, the father testified that he could afford to pay up to \$10,000 a month in child support—more than five times the maximum amount recommended in the child support guidelines.² He said that he also could have afforded this amount when the parties initially divorced. Based upon the father's ability to pay well over the recommended amount, the trial court excluded other evidence of the father's resources as irrelevant.

At the close of the mother's case, the trial court granted a directed verdict for the father. It held that the mother had failed to introduce evidence meeting the statutory requirement that "the circumstances of the child or a person affected by the order ha[d] materially and substantially changed since . . . the date of the order's rendition." Tex. Fam. Code Ann. § 156.401 (West Supp. 2012).

The mother now appeals but does not challenge the directed verdict. Instead, she asserts in a single issue that the trial court abused its discretion in denying her discovery request.

ANALYSIS

The father contends that we should affirm the trial court's judgment because: (1) the law-of-the-case doctrine requires us to affirm the trial court's discovery ruling based upon our prior denial of the mother's mandamus petition; (2) the trial court did not abuse its discretion by denying the discovery request; and (3) even if

² The guidelines presumptively apply only to \$7,500 of the obligor's monthly net resources. *See* Tex. Fam. Code Ann. §§ 154.125, 154.126 (West 2008 & Supp. 2012). For a parent with two children, the presumptive support obligation is 25% of this maximum amount, or \$1,875. *See id.* § 154.125.

the trial court did abuse its discretion, any error was harmless.³ We conclude that our mandamus opinion is not law of the case and does not bind us here, but that any error was harmless.

I. Our mandamus opinion did not address the merits of the mother’s discovery complaint and therefore the opinion is not law of the case.

Under the law-of-the-case doctrine, a decision rendered in a former appeal is generally binding in a later appeal of the same case. *Paradigm Oil, Inc. v. Retamco Operating, Inc.*, 372 S.W.3d 177, 182 (Tex. 2012). The doctrine’s purpose is to streamline litigation by winnowing the issues in each successive appeal. *Id.* In this way, the doctrine promotes efficiency and uniformity in the decisionmaking process. *Id.* When applying the law-of-the-case doctrine, “the decision to revisit the conclusion is left to the discretion of the court under the particular circumstances.” *City of Houston v. Jackson*, 192 S.W.3d 764, 769 (Tex. 2006). While the doctrine is not mandatory or jurisdictional, *see id.*, we exercise our discretion to consider it here because (1) the father has raised it; (2) we need not reach the merits of the mother’s issue if the doctrine applies; and (3) this case provides an opportunity to address the doctrine’s application in the mandamus context.

Denial of a mandamus petition does not necessarily establish law of the case. *See Chambers v. O’Quinn*, 242 S.W.3d 30, 32 (Tex. 2007). A writ of mandamus is discretionary, so its denial without comment on the merits does not prevent an appellate court from considering the matter in a subsequent appeal. *Id.* Here, the parties disagree about whether our mandamus opinion commented on the merits of

³ The father also argues that the mother waived review of her issue by failing to brief it adequately. We have reviewed the mother’s briefing and conclude that it complies sufficiently with Tex. R. App. P. 38.1 to allow us to review the mother’s issue on the merits, which we do below.

the mother's discovery request. We conclude that it did not.

Our memorandum opinion denying the mother's petition briefly explained the nature of her discovery complaint, stated the standard for mandamus, and concluded: "On this record, [the mother] has not established that the trial court abused its discretion in its December 7, 2011 order denying discovery of the [financial] documents described therein." *In re Reynolds*, No. 14-11-01097-CV, 2012 WL 51028, at *1 (Tex. App.—Houston [14th Dist.] Jan. 10, 2012, orig. proceeding) (mem. op.) (per curiam). This conclusion is not a comment on the merits of the mother's petition because it does not explain our reasons for denying mandamus relief. *See Siemens AG v. Houston Cas. Co.*, 127 S.W.3d 436, 442 (Tex. App.—Dallas 2004, pet. dism'd) (denial of mandamus petition did not constitute law of the case where court stated that relator "failed to show itself entitled to the relief requested").

Moreover, the authorities we cited to support our conclusion demonstrate that we denied the mother's petition because she failed to provide an adequate record. First, we cited Texas Rules of Appellate Procedure 52.3(k) and 52.7. These rules relate to original proceedings and govern the record and the contents of a petition's appendices. Neither states substantive rules that would bear on the merits of the mother's discovery request. We also cited portions of two cases in which mandamus petitions were dismissed because the relators failed to produce an adequate record. *See Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding); *In re Le*, 335 S.W.3d 808, 814 (Tex. App.—Houston [14th Dist.] 2011, orig. proceeding) ("[I]n the final analysis, this court cannot and will not find an abuse of discretion on an incomplete record.").

Our reliance upon authorities that discussed the mandamus record—rather than substantive discovery law—demonstrates that we dismissed the mother's

petition based upon the inadequacy of the record. Because our denial of the mother's mandamus petition did not comment on the merits, it is not law of the case and does not bind us here. *See Perry Homes v. Cull*, 258 S.W.3d 580, 586 (Tex. 2008). We therefore turn to the merits of the mother's appeal.

II. Any error in denying the mother's discovery request was harmless.

In requesting the documents, the mother contended they were relevant because they would demonstrate (1) the father's ability to pay child support and (2) whether the value of the father's interest in the company where he worked had materially and substantially changed since the parties divorced. For purposes of our analysis, we will assume, without deciding, that the trial court erred by denying the request and that the documents would have demonstrated significant increases in both the father's ability to pay child support and the value of his interest in the company.⁴ Even with these assumptions, however, the mother failed to establish that the trial court's denial of her discovery request was harmful.

If the trial court abuses its discretion in a discovery ruling, the complaining party must show harm on appeal to obtain a reversal. *Ford Motor Co. v. Castillo*, 279 S.W.3d 656, 667 (Tex. 2009). Harmful error is error that "probably caused the rendition of an improper judgment" or "probably prevented the appellant from properly presenting the case to the court of appeals." Tex. R. App. P. 44.1(a). The mother argues only the first type of harm here.⁵

⁴ The documents the mother wished to discover are not in the appellate record, and a motions panel of this Court denied the mother's request that the documents be sealed and transferred to us for review.

⁵ To the extent the mother's reply brief arguably raises the second type of harmful error, her initial brief failed to do so. Thus, we need not address it. *Brown v. Green*, 302 S.W.3d 1, 15 n.17 (Tex. App.—Houston [14th Dist.] 2009, no pet.). In any event, we disagree that any error by the trial court prevented the mother from demonstrating harm on appeal. As explained next, even if the appellate record had included documents showing that the father's financial resources increased, the record also shows that financial circumstances were not material to the initial

To explain why the denial of discovery did not cause an improper judgment, we begin with the relevant issue at trial and how the evidence that the mother sought would have fit in. The mother requested a modification because, she alleged, “the circumstances of the children, a conservator, or other party affected by the order to be modified h[ad] materially and substantially changed since the date of the signing of the order to be modified.”

When such changes in circumstances occur, the Family Code permits child support and custody modifications. *See* Tex. Fam. Code. Ann. § 156.401. Because the mother requested the modification, she had the burden of demonstrating that circumstances had materially and substantially changed. *Rumscheidt v. Rumscheidt*, 362 S.W.3d 661, 667 (Tex. App.—Houston [14th Dist.] 2011, no pet.). Determining whether a modification is necessary requires comparing the circumstances of the parents and children at the time of the initial order with the circumstances when modification is sought. *London v. London*, 192 S.W.3d 6, 15 (Tex. App.—Houston [14th Dist.] 2005, pet. denied).

The mother contends that the trial court’s discovery denial harmed her because the trial court effectively excluded documents that would have established a material change in the father’s financial circumstances. We disagree because the father’s financial circumstances appear to have been immaterial to the parties’ initial support order, so an increase in the father’s resources alone could not have been a *material* change in circumstances for purposes of a modification.

When the parties initially divorced, both possessed significant resources, and neither was ordered to pay child support. There is no contention that the absence of child support resulted from either party’s inability to afford it. Indeed, all evidence at trial was to the contrary. For example, the mother testified that she

order, and thus an increase alone would not support a modification of child support.

received over \$3 million in the divorce settlement. The father, who had primary custody, testified that he could have afforded a support payment of up to \$10,000 per month at all times since the divorce.

As a result, an increase in the father's resources alone could not have justified modifying the support arrangement. *Cf. Clark v. Jamison*, 874 S.W.2d 312, 320 (Tex. App.—Houston [14th Dist.] 1994, no writ) (where trial court's finding of changed circumstances could have referred only to the father's income increasing, trial court did not abuse discretion by declining to modify order). When the parties divorced, the father could have afforded \$10,000 per month, but he was ordered to pay \$0. Nothing in the record suggests that had the father been able to pay more than \$10,000, an obligation of more than \$0 would have been imposed.

Thus, even assuming that the denied discovery would have established an increase in the father's ability to pay, this would not mean that circumstances had “*materially . . . changed since the date of the order's rendition.*” Tex. Fam. Code Ann. § 156.401 (emphasis added). Rather, such evidence would only demonstrate that a factor not material to begin with—the father's ability to pay substantial child support—had changed. We therefore reject the mother's argument that her lack of access to the requested documents prevented her from demonstrating a material change in the father's financial circumstances.

Of course, this does not mean that a change in income alone will never constitute a material and substantial change. Indeed, some cases suggest that it can. *See, e.g., Holley v. Holley*, 864 S.W.2d 703, 707 (Tex. App.—Houston [1st Dist.] 1993, writ denied) (where father's income increased, but opinion did not discuss any other changes, evidence sufficed to increase father's support obligation); *Woodall v. Woodall*, 837 S.W.2d 856, 859 (Tex. App.—Houston [14th

Dist.] 1992, no writ) (income reduction, without discussion of other changes, provided sufficient evidence to reduce obligation).⁶ In this case, however, the father's already substantial income was immaterial to the issue of child support on "the date of the order's rendition." Tex. Fam. Code Ann. § 156.401. We therefore hold that any increase in income, standing alone,⁷ would also have been immaterial for purposes of the modification analysis. As a result, we reject the mother's argument that the trial court's discovery denial probably resulted in the rendition of an improper judgment. Because any error was harmless, we overrule the mother's issue.

CONCLUSION

Having overruled the mother's sole issue, we affirm the judgment of the trial court.

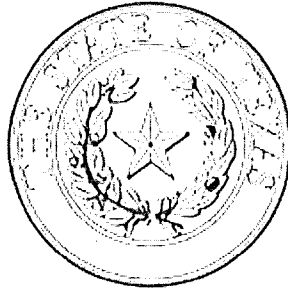
/s/ J. Brett Busby
Justice

Panel consists of Chief Justice Frost and Justices Brown and Busby (Frost, C.J., concurring).

⁶ But see *In re C.C.J.*, 244 S.W.3d 911, 916, 918 (Tex. App.—Dallas 2008, no pet.) (where father's income had increased, but "there [wa]s no evidence in the record of the financial circumstances of Mother or the children at the time of the divorce decree," trial court's finding of a material and substantial change not supported by the record).

⁷ We note that the trial court, in granting a directed verdict, held that the mother introduced no evidence that any material circumstance had changed. With the exception of her argument about discovery of the father's income, the mother does not challenge this ruling.

Affirmed and Majority and Concurring Opinions filed October 1, 2013.



In The

Fourteenth Court of Appeals

NO. 14-12-00440-CV

IN THE INTEREST OF L.R. AND A.R., Children

On Appeal from the 300th District Court
Brazoria County, Texas
Trial Court Cause No. 48170

C O N C U R R I N G O P I N I O N

In this appeal from the trial court's denial of a mother's petition to modify the parent-child relationship as to her two minor children, the sole issue presented is whether the trial court reversibly erred by ruling that certain documents were not discoverable because they were irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is clear that any such error did not probably cause the rendition of an improper judgment or probably prevent the mother from properly presenting this case to the court of appeals. To affirm the trial court's judgment it is not necessary to address the father's law-of-the-case

argument. In addressing this argument, the majority tackles matters not necessary to the law-of-the-case analysis. The better course would be to affirm the trial court's judgment based solely upon the absence of reversible error.

Any error in the trial court's discovery ruling was not reversible error.

As pertinent to the issue presented, to be entitled to modification of the divorce decree's child-support provisions, the mother was required to prove that the circumstances of one of the children or one of the parents have changed materially and substantially since the date of the divorce decree. *See* Tex. Fam. Code Ann. § 156.401(a) (West 2013). Even upon proof of such a change in circumstances, the trial court still has broad discretion to determine whether to modify the child-support provisions of the divorce decree. *See In re D.S.*, 76 S.W.3d 512, 520 (Tex. App.—Houston [14th Dist.] 2002, no pet.). For individuals like the father, whose monthly net resources exceed \$7,500, the trial court has discretion to order child-support payments in excess of the amount of the monthly payment established by the child-support guidelines, to meet the proven needs of the children. *See* Tex. Fam. Code Ann. §§ 154.125, 154.126 (West 2013).

Under the divorce decree, the father had the exclusive right to designate the children's primary residence, and the father had to pay for the children's medical expenses. On appeal, the mother is not challenging the trial court's denial of her request that the decree be modified to give her the exclusive right to designate the children's primary residence. Nor does the mother challenge the trial court's conclusion that she failed to introduce evidence at trial raising a fact issue as to whether the circumstances of a child or a parent had changed materially and substantially since the date of the divorce decree. The father testified that he would have been able to pay \$10,000 per month in child support if the trial court had ordered him to do so in the divorce decree. The father also testified that he

would be able to pay \$10,000 per month in child support if the trial court ordered him to do so in the modification proceeding. The evidence shows that the father's financial resources were more than sufficient to provide for the needs of his children and to pay any court-ordered child support both on the date of the divorce decree and when the mother sought modification.

Presuming for the sake of argument that the trial court erred in concluding that the documents in question were not discoverable and that these documents would show the value of certain assets owned by the father, any such evidence would not have raised a genuine fact issue as to whether the circumstances of one of the children or one of the parents had changed materially and substantially since the date of the divorce decree. It is clear that any such error did not probably cause the rendition of an improper judgment or probably prevent the mother from properly presenting this case to the court of appeals. *See Johnson v. Davis*, 178 S.W.3d 230, 243–44 (Tex. App.—Houston [14th Dist.] 2005, pet. denied) (holding that trial court's error in granting protective order did not probably cause the rendition of an improper judgment or probably prevent the mother from properly presenting this case to the court of appeals). *See also* Elizabeth G. Thornburg, *Interlocutory Review of Discovery Orders: An Idea Whose Time Has Come*, 44 Sw. L.J. 1045, 1056 (1990) (stating that “even if the party aggrieved by the discovery order lost the case at trial and appealed, only an unusual discovery order would be dispositive enough to show the harmful error that most jurisdictions require for appellate reversal”).

Because any error was not reversible, this court need not and should not address the father's law-of-the-case argument as to why this court should affirm the trial court's judgment.

On appeal, the only issue before this court is whether the trial court reversibly erred by ruling that certain documents were not discoverable. In his

appellate brief, the father asserts that this issue lacks merit for four different reasons, including these two:

- under the law-of-the-case doctrine, this court should decline the mother's invitation to revisit this court's previous ruling on the same issue in its denial of the mother's mandamus petition regarding the same trial court ruling; and
- even if the trial court abused its discretion, any such error did not probably cause the rendition of an improper judgment or probably prevent the mother from properly presenting this case to the court of appeals.

If either of these arguments have merit, then this court should affirm the trial court's judgment.

The law-of-the-case doctrine is discretionary and prudential, rather than jurisdictional or mandatory. *See City of Houston v. Jackson*, 192 S.W.3d 764, 769 (Tex. 2006). Because any error is not reversible, resolution of the law-of-the-case argument is not necessary to the disposition of this appeal. Accordingly, this court need not and should not address the father's law-of-the-case argument. *See, e.g., Sonat Exploration Co. v. Cudd Pressure Control, Inc.*, 340 S.W.3d 570, 577 (Tex. App.—Texarkana 2011, no pet.) (concluding that court need not and would not address appellee's law-of-the-case argument because it was not necessary to the disposition of the appeal).

In the law-of-the-case analysis, the only issue is whether this court commented on the merits of the mandamus petition.

Even if it were proper to address the father's law-of-the-case argument, the issue would be whether, in its prior opinion in the mandamus proceeding, this court *commented* on the merits of the mandamus petition, not whether this court *ruled* on the merits. *See Perry Homes v. Cull*, 258 S.W.3d 580, 586 (Tex. 2008); *Chambers*

v. *O'Quinn*, 242 S.W.3d 30, 32 (Tex. 2007). In a mandamus opinion, a court of appeals may deny mandamus relief on the merits without commenting on the merits. *See* Tex. R. App. P. 52.8(d). *See also In re City of Georgetown*, 53 S.W.3d 328, 337 (Tex. 2001) (Hecht, J., concurring) (noting that, in an appeal, a court of appeals is obliged to explain its decision by written opinion but that there is no such requirement when a court of appeals denies a petition for mandamus).

Thus, even if it were proper to address the law-of-the-case argument, it still would be unnecessary to interpret the language of this court's prior opinion in the mandamus proceeding to determine the basis for this court's ruling on the mandamus petition. *See ante* at pp. 4–6; *Perry Homes*, 258 S.W.3d at 586; *Chambers*, 242 S.W.3d at 32. The majority concludes that this court denied the mother's petition because she failed to provide an adequate record, and the majority mentions nothing about the merits of the petition. *See ante* at pp. 4–6. Thus, the majority suggests that this court did not rule on the merits of the mandamus petition. *See id.* Even if it were proper to address the law-of-the-case argument, the only issue would be whether, in its prior opinion in the mandamus proceeding, this court commented on the merits of the mandamus petition. *See Perry Homes*, 258 S.W.3d at 586; *Chambers*, 242 S.W.3d at 32. It would be unnecessary to determine the basis for this court's ruling on the mandamus petition or to suggest that this court did not rule on the merits of the mandamus petition. *See Perry Homes*, 258 S.W.3d at 586; *Chambers*, 242 S.W.3d at 32.

Conclusion

The only issue presented is whether the trial court reversibly erred by ruling that certain documents were not discoverable. Any such error would not be reversible. To affirm the trial court's judgment this court need not and should not tackle the father's law-of-the-case argument. Instead, this court should affirm the

trial court's judgment solely because there is no reversible error. Because it does not, I respectfully decline to join the majority opinion, but I concur in the court's judgment.

/s/ Kem Thompson Frost
 Chief Justice

Panel consists of Chief Justice Frost and Justices Brown and Busby. (Busby, J., majority).



THE STATE OF TEXAS

COUNTY OF HARRIS

I, Deborah M. Young, Clerk of the Fourteenth Court of Appeals, of the State of Texas, at Houston, do hereby certify that the preceding **15** pages contain a true and correct copy of the Court's **Opinion** issued October 1, 2013.

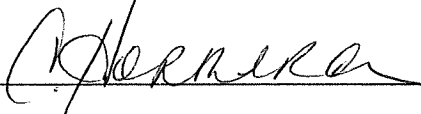
In the Cause No. 14-12-00440-CV

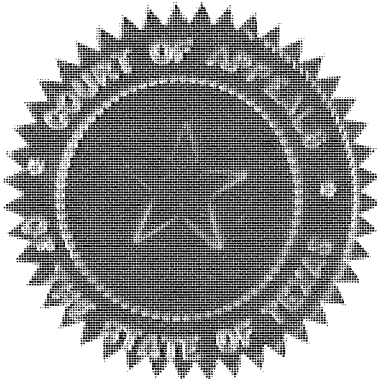
In the Interest of L.R and A.R, Appellant

from Brazoria County, and now do file in my office.

TO CERTIFY WHICH, I hereunto set my hand and affix the Seal of said Court of Appeals, at Houston, this September 29, 2025.

Deborah M. Young, Clerk

By  Deputy



App 6

CAUSE NO. 2017-83411

WILMA REYNOLDS,

Plaintiff

v.

QUANTLAB TRADING PARTNERS U.S., LP,
QUANTLAB INCENTIVE PARTNERS I, LLC,
QUANTLAB FINANCIAL, LLC, AND
DAVID REYNOLDS,

Defendants

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

152nd JUDICIAL DISTRICT

ORDER

The Motion for Protective Order filed by Quantlab Trading Partners, U.S., LP, Quantlab Incentive Partners I, LLC, and Quantlab Financial, LLC (collectively, "Quantlab") is currently pending before this Court. After considering the Motion, any response, the record evidence, the arguments of counsel, and the applicable law, the Court finds and holds that the Motion should be GRANTED. Accordingly, the Court ORDERS that Plaintiff may not obtain answers or responses of any type to its Requests for Disclosure, Requests for Production, or Interrogatories until this Court orders that Quantlab must respond to these discovery requests.

Dated _____, 2018

Signed: 
5/11/2018

THE HONORABLE ROBERT SCHAFFER

EXHIBIT
CFLD EXH 6



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this September 9, 2025

Certified Document Number: 79890998 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

App 7

CAUSE NO. 2017-83411

Pgs-2

WILMA REYNOLDS,

Plaintiff,

v.

QUANTLAB TRADING PARTNERS U.S.,
LP; QUANTLAB INCENTIVE PARTNERS
I, LLC; QUANTLAB FINANCIAL, LLC;
AND DAVID REYNOLDS,

Defendants.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

152ND JUDICIAL DISTRICT

8B

[PROPOSED] AMENDED FINAL JUDGMENT

On February 12, 2021, a status conference/hearing was held in the above-styled case. Plaintiff Wilma Reynolds (“Plaintiff”) and Quantlab Trading Partners U.S., LP, Quantlab Incentive Partners I, LLC, Quantlab Financial, LLC (“Quantlab Defendants”), and David Reynolds (“Defendant Reynolds”) (collectively, “Defendants”) appeared through their respective attorneys.

All matters in controversy, legal and factual, were submitted to the Court for its determination. The Court heard the testimony, evidence, and arguments of counsel. The Court hereby renders judgment for the Defendants against Plaintiff, as follows:

- By Order on January 19, 2021, the Court entered summary judgment in favor of Quantlab Defendants and further found that the Quantlab Defendants were entitled to recover their attorneys’ fees for defending this action—fees to be paid by Plaintiff and her attorney, Carl Gordon—under Chapter 10 of the Civil Practice and Remedies Code and Texas Rule of Civil Procedure 13 on account of Plaintiff and her counsel having filed and prosecuted the instant action for an improper purpose, without legal support, in bad faith, and with the intention to harass;
- By Order on January 19, 2021, the Court entered summary judgment in favor of Defendant Reynolds and further found that Defendant Reynolds was entitled to recover his attorneys’ fees for defending this action—fees to be paid by Plaintiff and her attorney, Carl Gordon—under Chapter 10 of the Civil Practice and Remedies Code and Texas Rule of Civil Procedure 13 on account of Plaintiff and her counsel having filed and prosecuted the instant action for an improper purpose, without legal support, in bad faith, and with the intention to harass;

EXHIBIT
CFLD EXH 10

- By Order on January 21, 2021, the Court denied as moot Plaintiff's Motion to Compel Repayment of Appellate Costs (which Quantlab Defendants elected to pay Plaintiff the requested costs) and further found that the Quantlab Defendants were entitled to recover their attorneys' fees for defending this motion—fees to be paid by Plaintiff and her attorney, Carl Gordon—under Chapter 10 of the Civil Practice and Remedies Code and Texas Rule of Civil Procedure 13 on account of Plaintiff and her counsel having filed and prosecuted said motion for an improper purpose, in bad faith, and with the intention to harass;
- By Order on February 2, 2021, the Court denied as moot Plaintiff's Motion to Compel Discovery from the Quantlab Defendants and;
- By Order on February 2, 2021, the Court denied as moot Plaintiff's Motion to Compel Discovery from David Reynolds.

It is therefore:

- ORDERED that Plaintiff and her counsel, Carl Gordon, are jointly and severally liable to pay the Quantlab Defendants ~~\$ 148,517.00~~ for their reasonable and necessary attorneys' fees; **\$103,212.57**
- ORDERED that Plaintiff and her counsel, Carl Gordon, are jointly and severally liable to pay Defendant Reynolds ~~\$ 28,637.92~~ for his reasonable and necessary attorneys' fees; **\$20,987.92**
- ORDERED that post-judgment interest shall run at the rate of 5.25% per annum on all amounts awarded herein, beginning with the date the trial court signs an order confirming this award until satisfied in full.

All other relief requested by either Plaintiff or Defendants not expressly granted herein is DENIED. This judgment is final, disposes of all claims and all parties, and is appealable.

Dated _____, 2021.

Signed: 
 2/22/2021

 HON. ROBERT SCHAFFER



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this September 9, 2025

Certified Document Number: 94482259 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

App 8

FILED
At 2:50 o'clock P.M.

JUN 13 2025

Cassandra Tigner
Clerk of District Court Brazoria Co., Texas
BY _____ DEPUTY

Filed for Record
5/22/2025 6:47 PM
Cassandra C. Tigner, District Clerk
Brazoria County, Texas
134266-F
Kennadie Garcia, Deputy

CAUSE NO. 134266-F

WILMA REYNOLDS,
Plaintiff,

v.

DAVID REYNOLDS,
QUANTLAB TRADING PARTNERS,
US, LP, AND *et al.*,
Defendants.

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IN THE DISTRICT COURT

BRAZORIA COUNTY, TEXAS

300TH JUDICIAL DISTRICT

**ORDER GRANTING QUANTLAB'S
MOTION FOR SUMMARY JUDGMENT AND MOTION FOR SANCTIONS**

Pending before the Court is Quantlab's *Traditional Motion for Summary Judgment and Motion for Sanctions*. After considering Quantlab's motions, any response, any reply, the evidence, and the applicable law, the Court finds and holds as follows:

- Quantlab's motion for summary judgment is GRANTED;
- Quantlab's request for sanctions against Plaintiff Wilma Reynolds and her counsel Carl W. Gordon is GRANTED because this lawsuit is frivolous and groundless, was filed for an improper purpose including to harass and needlessly increase the costs of litigation, and was filed in bad faith;
- Quantlab's request for its attorneys' fees in defending against this lawsuit is GRANTED because the lawsuit is frivolous and groundless, was filed for an improper purpose including to harass and needlessly increase the costs of litigation, and was filed in bad faith;
- The Court ORDERS Quantlab to submit materials supporting its fee award within 30 days of the date of this Order;
- All other relief requested by either Plaintiff or Quantlab that is not expressly granted herein is DENIED.

IT IS SO ORDERED.

This is a final and appealable order.

Dated June 13, 2025.



JUDGE PRESIDING

EXHIBIT
CFLD EXH 50

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Deborah Hardy on behalf of Alexander Wolf

Bar No. 24095027

dhardy@steptoe.com

Envelope ID: 101187011

Filing Code Description: Proposed

Filing Description: Order Granting Quantlab's Motion for Summary Judgment and Motion for Sanctions

Status as of 5/23/2025 8:34 AM CST

Case Contacts

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THE STATE OF TEXAS }
COUNTY OF BRAZORIA }

I, CASSANDRA TIGNER, Clerk of the District Court within and for Brazoria County, Texas, do hereby certify that the above and foregoing is a true and correct copy of Order Granting Quantlab's Motion for Summary Judgment and Motion for Sanctions in Cause No. 134266-F, styled Wilma Reynolds vs. David Reynolds, et al as the same appears on the file in the Office of the Clerk of the District Court of Brazoria County, Texas.

Given under my hand and the seal of said Court on this 2nd day of October, 2025.

CASSANDRA TIGNER
Clerk, District Court,
Brazoria County, Texas



Maureen Roy

Digitally signed by
Maureen Roy
Date: 2025.10.02
16:43:12 -05'00'

Maureen Roy, Deputy