

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**MARK W. RASMUSSEN, RECEIVER
FOR ARISEBANK,**

Plaintiff,

vs.

**RICHARD SMITH, JR., and
KURT F. MATTHEW, JR.,**

Defendants.

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Civil Action No. 3:18-cv-1034-M

PLAINTIFF’S INITIAL DISCLOSURES

Pursuant to Fed. R. Civ. P. 26(a)(1)(A), Plaintiff Mark W. Rasmussen, Receiver for AriseBank, makes the following initial disclosures:

(i) The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

1. Mark W. Rasmussen, Receiver for AriseBank
C/O James A. Cox
Jones Day
2727 N. Harwood St.
Dallas, Texas 75201
(214) 220-3939

Subjects of possible discoverable information: (a) efforts to collect and preserve property of the receivership estates; (b) information obtained during the receivership relating to proposed acquisition by Defendants and/or by AriseBank of bank; and (c) bases of claims against Defendants as alleged in the complaint.

2. Kurt F. Matthew, Jr.
C/O John Teakell
Law Office of John R. Teakell
2911 Turtle Creek Blvd., Suite 300
Dallas, Texas 75219
214-523-9076

Subjects of possible discoverable information: (a) proposed acquisition by Defendants and/or by AriseBank of bank; and (b) bases of claims against Defendants as alleged in the complaint.

3. Richard Smith, Jr.
C/O John Teakell
Law Office of John R. Teakell
2911 Turtle Creek Blvd., Suite 300
Dallas, Texas 75219

Subjects of possible discoverable information: (a) proposed acquisition by Defendants and/or by AriseBank of bank; and (b) bases of claims against Defendants as alleged in the complaint.

4. Jared Rice, Sr.
C/O John A. Garland
Garland, Samuel & Loeb, P.C.
3151 Maple Drive, N.E.
Atlanta, George
404-262-2225

Subjects of possible discoverable information: (a) proposed acquisition by Defendants and/or by AriseBank of bank; and (b) bases of claims against Defendants as alleged in the complaint.

5. Stanley Ford
P.O. Box 17015
Dubai, Dubai, 17015 AE
stormkrow@gmail.com

Subjects of possible discoverable information: (a) proposed acquisition by Defendants and/or by AriseBank of bank; and (b) bases of claims against Defendants as alleged in the complaint.

(ii) A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

Plaintiff and his counsel are in possession of documents relating to the purported bank sale transaction, the PIVX transaction between Defendant Smith and Mr. Rice, and the transfer from Defendant Smith to Defendant Matthew. Plaintiff will produce these documents in the course of this litigation.

Plaintiff may also rely on any document submitted by Plaintiff or other parties through initial disclosures or discovery, and any other confidential documents that may be later produced pursuant to an appropriate protective order.

(iii) A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

Plaintiff seeks damages in the amount of at least USD \$1.3 million from Richard Smith, Jr. and damages in the amount of at least USD \$123,000 from Kurt F. Matthew, Jr. based on Defendants' unjust enrichment, not including interest and attorneys' fees. In the alternative, Plaintiff seeks these damages based on Defendants' conversion of such funds or based on the fraudulent and void transfer of these funds pursuant to Texas Business & Commerce Code § 24.005. Additionally, Plaintiff seeks attorneys' fees, prejudgment interest, post-judgment interest as provided by law from the date of judgment until paid, and other costs and expenses associated with this lawsuit.

(iv) For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

N/A.

Dated: August 1, 2018

Respectfully submitted,

/s/ James A. Cox

James A. Cox

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Richard J. Johnson

Texas Bar No. 24088799

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*ATTORNEYS FOR PLAINTIFF MARK W.
RASMUSSEN, RECEIVER FOR
ARISEBANK*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 1, 2018, a true and correct copy of the foregoing document was served on counsel for all parties through electronic mail.

/s/ James A. Cox

James A. Cox