

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

| | | |
|-----------------------------|---|-----------------------|
| MARK W. RASMUSSEN, RECEIVER | § | |
| FOR ARISEBANK | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | Case No. 3:18-CV-1034 |
| | § | |
| RICHARD SMITH, JR., and | § | |
| KURT F. MATTHEW, JR. | § | |

DEFENDANT KURT MATTHEW'S INITIAL DISCLOSURES

Defendant KURT MATTHEW hereby makes the following Initial Disclosures to Plaintiff Mark W. Rasmussen, Receiver for Arisebank, pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and the Court's Scheduling Order.

INITIAL DISCLOSURES

A. Witnesses (FRCP 26(a)(1)(A)(i)) and Persons Having Knowledge of Facts

Defendant identifies the following individuals who may have discoverable, non-privileged information that Defendant may use to support his claims or defenses, exclusive of information used solely for impeachment:

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

Possible discoverable information: (a) all claims made in the Complaint; (b) information

about the receivership relating to Arisebank; (c) information about the receivership relating to the Defendant; (d) communication with Defendant, and between Defendants; and (e) financial transactions between the Defendants, or between Defendant and others.

2. Kurt Matthew
C/O John Teakell
Law Office of John R. Teakell
2911 Turtle Creek Blvd., Ste. 300
Dallas, TX 75219
(214) 523-9076

Possible discoverable information: (a) claims made in the Complaint; (b) information about the receivership relating to the Defendant; (c) communication between Defendants; and (d) financial transaction(s) that are the subject of the claims.

3. Richard Smith
C/O John Teakell
Law Office of John R. Teakell
2911 Turtle Creek Blvd., Ste. 300
Dallas, TX 75219
(214) 523-9076

Possible discoverable information: (a) claims made in the Complaint; (b) information about the receivership relating to the Defendant; (c) communication between Defendants; and (d) financial transaction(s) that are the subject of the claims.

4. Jared Rice
C/O John A. Garland
Garland, Samuel & Loeb, P.C.
3151 Maple Dr., NE
Atlanta, GA
(404) 262-2225

Possible discoverable information: (a) claims made in the Complaint; (b) contact by or with the Defendant; and (c) financial transaction(s) that are the subject of the claims.

5. TD Bank

Possible discoverable information: (a) financial transaction(s) that are the subject of the claims.

B. Documents (FRCP 26t(a)(1)(A)(ii))

Defendant identifies the following categories of documents in their possession, custody, or control, which they may use to support claims or defenses, exclusive of information used solely for impeachment, in addition to the documents produced.

1. Documents concerning a proposed purchase by Titan.
2. Email communication concerning #1.
3. Email communication with Richard Smith.
4. Term sheet related to #1.
5. Letter to Richard Smith about wire transfers.

These documents will be produced during litigation, to the extent not already produced at a deposition or otherwise. Defendant reserves the right to use any documents used or produced by Plaintiff or any third party, to supplement, amend, or modify this list as they identify additional information and relevant documents.

C. Computation of Damages (FRCP 26(a)(1)(A)(iii))

Defendant has not quantified potential damages at this time. Defendant will present damages methodology and quantification at an appropriate time and reserve all rights to modify, supplement, or amend damages methodology and calculation as appropriate.

D. Insurance Agreement (FRCP 26(a)(1)(A)(iv))

The Defendant is not aware of any such agreement

Respectfully Submitted,

/s/ John Teakell
John Teakell
Law Office of John R. Teakell
2911 Turtle Creek Blvd.
Suite 300
Dallas, TX 75219
Tele. (214) 523-9076
Fax (214) 523-9077

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Initial Disclosures was served upon the counsel of record on August 2, 2018.

/s/ John Teakell
John Teakell