

CAUSE NO. 2024-48085

ATLANTIC WAVE HOLDINGS, LLC § IN THE DISTRICT COURT  
and SECURE COMMUNITY, LLC., §  
*Plaintiffs, Judgment-Creditors,* §  
v. § 129<sup>TH</sup> JUDICIAL COURT  
CYBERLUX CORPORATION and §  
MARK D. SCHMIDT, individually, § IN AND FOR  
*Defendants, Judgment-Debtors.* § HARRIS COUNTY, TEXAS

**RECEIVER'S FIFTH AND FINAL REPORT, FINAL ACCOUNTING,  
VERIFIED MOTION FOR DISBURSEMENT OF FUNDS,  
AND MOTION TO TERMINATE RECEIVERSHIP**

**NOTICE: IF NO WRITTEN RESPONSE OR OBJECTION TO THE  
MOTION IS FILED WITH THE COURT WITHIN FIVE DAYS OF THE  
DATE OF SERVICE, THE COURT MAY GRANT THE RELIEF  
REQUESTED WITHOUT FURTHER NOTICE OF HEARING.**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Robert W. Berleth, of Berleth, as Receiver, appointed by this Honorable Court as Receiver on May 22, 2025 hereinafter the "Order" to take and files this Receiver's Fifth Final Report, Final Accounting, Verified Motion for Disbursement of Funds, and Motion to Terminate Receivership, and for good cause shows the following:

**A. REPORT OF RECEIVER**

1. The work performed by Receiver in this Receivership to date includes, without limitation, the following: researching the latest developments in relevant turnover receivership law, communications with Plaintiff's counsel, communications with Defendant's counsel, communications with other creditors,

reviewing records concerning Defendant, preparing and filing the Receiver Oath, posting bond, taking physical possession of the real property, engaging and supervising the inventory and shipment of goods in a commercially reasonable manner, receiving and accounting for recovered funds, physical reconnoiter of the debtors going concerns, and preparing and filing this Receiver's Verified Motion for Disbursement and the proposed Order.

2. In accordance with the Order, The Receiver has recovered from the Debtor **\$3,083,639.75**, the balance owed on the Judgment Calculation.

3. It is the Receiver's opinion the Receiver's actions in this receivership to date were reasonable and necessary. It is the Receiver's belief all expenses and fees incurred during the receivership is a customary, reasonable, and necessary fee for the services rendered in Harris County, Texas. The receiver collected the full amount of the judgment, and is thus entitled to his presumptive fee of 33% of the total amount collected.

4. The receiver incurred expenses of **\$722,728.68**. These expenses were necessary to complete the receivership and shipment of the final inventory.

5. The receiver is aware of several potential TRO/serial receiverships that will take effect upon the termination of this receivership.

## **B. COLLECTIONS ACCOUNTING**

6. During the receivership there have been funds totaling **\$3,083,639.75** which are being held in trust for this receivership.
7. The Receiver recommends and has disburse funds as follows:
  - a. \$873,639.75 to Plaintiff, reflecting full and final satisfaction of the Harris county court judgment, Cause No. 2024-48085, styled *Atlantic Waves Holdings, LLC, et al. v. Cyberlux Corporation et al.* in the 129<sup>th</sup> District Court, Harris County.
  - b. \$722,728.68 to the Receiver as reasonable and incurred expenses in the prosecution of the receivership, to be taxed as a cost of court.
  - c. \$1,017,601.11 as the Receiver's Fee to be taxed as a cost of court.
  - d. \$469,670.21 to be disbursed to the employees of Cyberlux, that remain unpaid.
  - e. Any incidental interest, fractional cents, or small calculation errors to be forwarded to the Texas Access to Justice Foundation.

8. As of date of this filing, the Receiver has distributed funds, to the Creditor. The Receiver's funds are being held by the Receiver for distribution in trust.

## **C. APPELLATE BOND**

9. Pursuant to Texas Rule of Appellate Procedure 24 and Texas law, the Receiver requests that this Court set the supersedeas/appellate bond in the amount of \$150,000.00. The Receiver further requests that the bond be accepted in cash or by an approved surety and that the Clerk be authorized

to issue any necessary bond paperwork or order as required to effectuate the stay of enforcement pending appeal. Alternatively, if the Court requires a different form of security, the Receiver requests leave to post such security in conformity with the Court's directions.

**D. MOTION TO TERMINATE**

10. The Receivership has completed with no further remaining issues pending the final distribution of funds as detailed above. The Receiver has fulfilled his obligations required by law. The Receiver moves the Court order the judgment satisfied and Receivership terminated. Effective on the of entry of the Termination Order, the Receivership be terminated, the Receiver be discharged, and the Receivership cease to exist as a legal entity.

**E. PRAYER**

11. **WHEREFORE**, Receiver prays that this Motion be considered by submission more than five days from the date of service to Judgment Defendants or, alternatively, by oral hearing, and that after consideration of the Motion, the Court grant Receiver's Verified Motion, and that this Court order the following:

- a. The Receiver Fee is reasonable. The Receiver's actions to date during this receivership were reasonable;
- f. Receiver has disbursed \$873,639.75 to Plaintiff's Counsel, reflecting full and final satisfaction of the Harris county court judgment, Cause

No. 2024-48085, styled *Atlantic Waves Holdings, LLC, et al. v. Cyberlux Corporation et al.* in the 129<sup>th</sup> District Court, Harris County.

- b. Receiver disburse \$722,728.68 to the Receiver as reasonable and incurred expenses in the prosecution of the receivership, to be taxed as a cost of court.
- c. Receiver disburse \$1,017,601.11 as the Receiver's Fee to be taxed as a cost of court.
- d. Receiver disburse the remaining **\$469,670.21** in the following order of possibility:
  - i. Transfer the funds to the next receivership, if present; or then,
  - ii. Within 45 days of this order, distribute \$469,670.21 to the previous unpaid employees of Cyberlux at the Spring, Texas manufacturing facility, until the funds are exhausted.
- e. The Receivership be terminated; and,
- f. Such other and further relief which Receiver is justly entitled.

SIGNATURE PAGE FOLLOWS:

Unofficial Copy Office of Marlyn Burgess District Clerk

Respectfully submitted by:



**BERLETH & ASSOCIATES**

Robert W. Berleth

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APPOINTED RECEIVER

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**VERIFICATION**

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

BEFORE ME, the undersigned authority on this day personally appeared Robert Berleth, who, being by me duly sworn upon oath deposed and stated as follows:

“My name is Robert Berleth. I am the appointed Receiver in the above-styled case and I have personal knowledge of the facts contained and asserted herein. The facts contained herein are true and correct and I am fully authorized to make this affidavit.”



Robert Berleth

APPOINTED RECEIVER

SWORN TO AND SUBSCRIBED before me by Robert Berleth on Wednesday, May 27, 2026, to certify which, witness my hand and seal of office.



Notary Public in and for the  
State of Texas



Printed Name:  
My Commission Expires:

**Sheli Marie Davis**  
**April 25, 2029**

**CERTIFICATE OF SERVICE**

I hereby certify that on Wednesday, May 27, 2026, a true and correct copy of the above and foregoing was forwarded to all counsel of record via certified mail, return receipt requested, regular mail, e-mail and/or facsimile. Electronic records were also forwarded in accordance with local rules through the E-file or CM/ECF system.

Respectfully submitted by:



**BERLETH & ASSOCIATES**

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## Automated Certificate of eService

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Sheli Davis on behalf of Robert Berleth

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Envelope ID: 115406488

Filing Code Description: Motion (No Fee)

Filing Description: Receivers Fifth and Final Report, Final Accounting, verified Motion for Disbursement of Funds and Motion to Terminate Receivership

Status as of 5/28/2026 8:57 AM CST

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