

**CAUSE NO. 2024-48085**

**ATLANTIC WAVE HOLDINGS, LLC** § **IN THE DISTRICT COURT OF**  
**and SECURE COMMUNITY, LLC,** §  
§  
**Plaintiff/Judgment-Creditor** §  
§  
**v.** § **HARRIS COUNTY, TEXAS**  
§  
**CYBERLUX CORPORATION and** §  
**MARK D. SCHMIDT, Individually,** §  
§  
**Defendant/Judgment Debtors.** § **129<sup>TH</sup> JUDICIAL DISTRICT**

**DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR RECONSIDERATION**

Defendants file this brief response to correct various misrepresentations set forth in Plaintiffs' Motion for Reconsideration and made through the Declaration of Federico Zablah.

**INTRODUCTION**

On October 28, 2024, this Court properly granted a thirty-day stay of any collection efforts concerning the Virginia judgment by the Plaintiffs. On November 1, 2024, Plaintiffs filed their Motion for Reconsideration. Plaintiffs' motion is based, in part, on unfounded claims that Cyberlux and its counsel made various misrepresentations to the Court and engaged in dilatory tactics. The motion also rests on Plaintiffs' incorrect claim that Cyberlux is not challenging the Virginia judgment.<sup>1</sup> Plaintiffs are wrong, and therefore this Court should deny Plaintiffs' Motion for Reconsideration.

**ARGUMENT**

Plaintiffs insist that the Court should lift the stay because Defendants' counsel represented that the Virginia court had issued a stay. This is flat wrong. At the October 28, 2024 hearing, the

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<sup>1</sup> In a single sentence in the background of their motion, Plaintiffs state that "Defendant has evasively moved assets to avoid payment of the Judgment." Plaintiffs present no evidence of this, and they presented no evidence of this when they made the same argument at the October 28, 2024 hearing.

parties and the Court discussed this issue, at which time counsel for Plaintiffs informed the Court that no formal stay had in fact been issued in Virginia.<sup>2</sup> In other words, the Court was correctly informed that no stay had been entered in Virginia at the time it decided to stay this action for a period of thirty days.

Further, Plaintiffs' motion and the supporting Declaration by Zablak falsely claim that Defendants have not challenged the Virginia judgment. Cyberlux is challenging the validity of the Stipulated Judgment and Cyberlux seeks to reform or modify the Stipulated Judgment pursuant to the Settlement Agreement, as modified. *See* Declaration of J. Robinson, at ¶ 8. Cyberlux is challenging the Virginia judgment in three separate legal proceedings pending in Virginia.<sup>3</sup> *Id.*

In Cause No. **CL22003882-00**, the original action from which the Settlement Agreement between the parties arose, Cyberlux is opposing Plaintiffs' illegal attempts to enforce the Stipulated Judgment. *See* Declaration of J. Robinson, at ¶ 8(a).

In Cause No. **CL24002919-00**, an action for injunctive relief brought by Cyberlux, Cyberlux seeks injunctive relief to (1) enjoin Atlantic Wave and Secure Community from their illegal attempts to use the Stipulated Judgment under false pretenses, or (2) to reform the Stipulated Judgment. *See* Declaration of J. Robinson, at ¶ 8(b).

In Cause No. **CL24002960-00**, Cyberlux's declaratory judgment action for Atlantic Wave and Secure Community's breach of the Settlement Agreement, Cyberlux is asking the Court to, among other things, declare the rights and obligations of the parties with respect to the Stipulated Judgment considering the parties' modification of the Settlement Agreement. *See* Declaration of J. Robinson, at ¶ 8(c).

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<sup>2</sup> Defendants' counsel indicated to the Court that he believed—but was unsure—that a stay had been entered. Plaintiffs informed the Court that no formal stay was in effect. Defendants' counsel reiterated Defendants' contention that a stay in Virginia is not required for a stay of this action. All that is required is that Cyberlux is challenging the judgment in Virginia, which it is.

<sup>3</sup> There is a fourth proceeding, CL24003910-00, which is a breach of contract action recently filed by the Plaintiffs in this action against Defendants. On November 4, 2024, Cyberlux filed a demurrer in that action. *See* Declaration of J. Robinson, at 8(d).

The Stipulated Judgment was not a judgment on the merits. It did not find, nor recite, any findings of legal liability. *See* Exhibit 7 to Defendants’ Motion to Vacate and Motion to Stay. The Stipulated Judgment was attached as an exhibit to the parties’ Settlement Agreement. *Id.* In other words, all parties to the Settlement Agreement knew that the Stipulated Judgment was intended as a vehicle for use if—and only if—Cyberlux breached the Settlement Agreement. *See id.*

The representations set forth in Plaintiffs’ Motion for Reconsideration are incorrect. Cyberlux is challenging use of the Stipulated Judgment and, alternatively, seeking reformation of the Stipulated Judgment. *See* Declaration of J. Robinson, at ¶¶ 8, 9, 17.

The remainder of Plaintiffs’ motion rests on Cyberlux’s supposed stonewalling and alleged failure to prosecute claims in Virginia. However, Plaintiffs’ representation to the Court that Defendants’ “first date of availability” for hearings in Cyberlux’s Virginia injunction action was not until April 2025 is patently false.

Since September 12, 2024, the parties have been attempting to schedule a hearing in the Virginia injunction action. *See* Declaration of J. Robinson, at ¶ 12, Exhibit A. For more than six weeks, the parties worked with the Court to try to schedule a 30-minute hearing on Atlantic Wave’s motion to compel. *Id.* Then, by agreement, the parties decided to instead schedule a 1-hour hearing to address Atlantic Wave’s motion for summary judgment. *Id.* The parties and the Court could not find any mutually available date for a hearing in 2024. So, on October 30, 2024, they **agreed** to set a hearing on Atlantic Wave’s motion for summary judgment on March 27, 2025. *Id.*<sup>4</sup> The Court **accepted this agreed setting.** *Id.*

Counsel for Atlantic Wave has since canceled the agreed setting. *See* Declaration of J. Robinson, at ¶ 13. Cyberlux immediately obtained—and offered—April 21, 2025, which was the Court’s

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<sup>4</sup> 10/30/2024 3:19 p.m. e-mail correspondence from Zablach, counsel for Atlantic Wave, to S. Ceruti, Circuit Court Judges Office: “Ms. Ceruti, Thank you for you [sic] assistance with this mater [sic]. I can confirm that we have agreed to March 27, 2025 at 10am . . .”

next available date for hearing. *See* Declaration of J. Robinson, at ¶ 13. Only at that point did Atlantic Wave and Secure Community begin demanding that Cyberlux agree to hearing dates on which Atlantic Wave's counsel knew counsel for Cyberlux was unavailable. *See* Declaration of J. Robinson, at ¶ 14. Counsel for Cyberlux is scheduled for trial on November 19, 2024, and is out of the country on December 27, 2024. *See* Declaration of J. Robinson, at ¶ 14.

Simply put, there is no reason for this Court to reconsider the stay that it put in place. Plaintiffs' claims regarding Cyberlux's supposed dilatory tactics in Virginia are baseless. The parties are simultaneously litigating four contentious actions in Virginia, and Cyberlux is acting cooperatively to try and move all four actions along. Unfortunately, the respective courts' busy dockets have presented challenges that Plaintiffs have made more difficult by their shifting availability. *See* Declaration of J. Robinson, at ¶ 15.

Cyberlux has challenged and continues to challenge the validity of the Stipulated Judgment, and Cyberlux seeks reformation of the Stipulated Judgment to the extent the Virginia court is unwilling to prohibit its enforcement. As described herein, Cyberlux is working with the parties to prosecute its affirmative actions and defend against Atlantic Wave's and Secure Community's meritless attempts following Plaintiffs' breach of the Settlement Agreement.

### **CONCLUSION**

For the reasons set forth above, Defendants ask this Court to deny Plaintiffs' Motion for Reconsideration, leave the existing stay in place, and grant Defendants all such other and further relief to which they may be entitled.

Dated: November 7, 2024

Respectfully submitted,

By: /s/ Katharine Battaia Clark

**Katharine Battaia Clark**

State Bar No. 24046712

**Alexander J. Pennetti**

State Bar No. 24110208

**THOMPSON COBURN LLP**

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**COUNSEL FOR  
CYBERLUX CORPORATION**

**CERTIFICATE OF SERVICE**

I certify that on November 7, 2024, I had this document served on all counsel of record via electronic service.

/s/ Katharine Battaia Clark

Katharine Battaia Clark

Unofficial Copy Office of Marilyn Burgess District Clerk

# EXHIBIT 1

CAUSE NO. 2024-48085

ATLANTIC WAVE HOLDINGS, LLC  
and SECURE COMMUNITY, LLC,

Plaintiff/Judgment-Creditor

v.

CYBERLUX CORPORATION and  
MARK D. SCHMIDT, Individually,

Defendant/Judgment Debtors.

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§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

129<sup>TH</sup> JUDICIAL DISTRICT

**DECLARATION OF JIMMY F. ROBINSON**

1. My name is Jimmy F. Robinson. I am over the age of twenty-one (21) years, of sound mind, and otherwise competent to make this declaration. The facts and statements contained in this declaration are within my personal knowledge and are true and correct.

2. I submit this Declaration in support of Defendants' Response to Plaintiffs' *Motion for Reconsideration* ("Motion").

3. I am the Office Managing Shareholder of the Richmond, Virginia office of Ogletree, Deakins, Nash, Smoak & Stewart, PC.

4. I am lead-counsel for Cyberlux Corporation and Mark D. Schmidt (collectively, "Cyberlux") in four active cases pending in the Circuit Court of the City of Richmond, Virginia (the "Virginia litigation").

5. On November 1, 2024, I was apprised of Plaintiffs' Motion for Reconsideration filed in this case. I have reviewed Plaintiffs' Motion for Reconsideration and the Declaration of Federico Zablah.

6. The purpose of this declaration is to provide the Court with the recent and upcoming activity in the Virginia litigation between the parties, as well as to correct some of the statements in Mr. Zablah's declaration.

### **Pending Virginia Litigation**

7. On November 1, 2024, I was notified that Plaintiffs represented to this Court that Cyberlux was not challenging the Stipulated Judgment in Virginia. This is incorrect.

8. Cyberlux is challenging the validity of the Stipulated Judgment and Cyberlux seeks to reform or modify the Stipulated Judgment pursuant to the Settlement Agreement, as modified. Cyberlux is taking action in several pending Virginia proceedings to accomplish this, including:

- a. **CL22003882-00:** This is the original action from which a Settlement Agreement between Cyberlux on the one hand, and Atlantic Wave and Secure Community on the other, arose. The Settlement Agreement was executed on or about June 15, 2023. As part of that Settlement Agreement, the parties agreed to the entry of a Stipulated Judgment, in part to ensure finality surrounding claims involving third-party Strikepoint Consulting LLC. The payments set forth in the Settlement Agreement and referenced by the Stipulated Judgment were later modified by agreement of the parties. Cyberlux is opposing Plaintiffs' illegal attempts to enforce the Stipulated Judgment.
- b. **CL24002919-00:** On July 8, 2024, Cyberlux filed this injunction against Atlantic Wave and Secure Community. Atlantic Wave and Secure Community filed their answer on August 1, 2024. In Cause No. CL24002919-00, Cyberlux seeks injunctive relief to prohibit Atlantic Wave and Secure Community from further misrepresenting the terms of the Stipulated Judgment and the Settlement Agreement and to prohibit enforcement of the Stipulated Judgment. In short, Cyberlux is asking the Court to either (a) stop Atlantic Wave and Secure Community from their illegal attempts to use the Stipulated Judgment under false pretenses; or (b) to reform the Stipulated Judgment such that the value of the Stipulated Judgment is reformed to reflect the remaining amount due under the Settlement Agreement.
- c. **CL24002960-00:** On July 8, 2024, Cyberlux filed this action for declaratory judgment for breach of the Settlement Agreement by Atlantic Wave and Secure Community. Atlantic Wave and Secure Community filed a demurrer. In this action, Cyberlux is requesting that the Virginia court, among other things, declare the rights and obligations of the parties with respect to the use of the Stipulated Judgment pursuant to the terms of the Settlement Agreement, as modified.

- d. **CL24003910-00**: This action was filed by Plaintiffs against Cyberlux regarding Cyberlux's alleged breaches of the Settlement Agreement. On November 4, 2024, Cyberlux filed a demurrer.<sup>1</sup>

9. Simply put, the representations set forth in Plaintiffs' Motion for Reconsideration are incorrect. Cyberlux is challenging use of the Stipulated Judgment and, alternatively, seeking reformation of the Stipulated Judgment pursuant to the terms of the modified Settlement Agreement in the Virginia actions as described above.

### **Upcoming Activity in the Virginia Litigation**

10. Plaintiffs' representations concerning Cyberlux's alleged inactivity and dilatory tactics are baseless.

11. In his declaration, Mr. Zablah suggested to this Court that Cyberlux was improperly delaying a hearing until March 27, 2025. *See* Declaration of F. Zablah, at par. 13-14. That is not true.

12. Since September 12, 2024, the parties have been attempting to schedule a hearing in the injunction action on various matters. *See* Exhibit A to this Declaration. Initially, the parties were working to schedule a 30-minute hearing on Atlantic Wave's motion to compel. Then, after further discussion, the parties decided to instead schedule a 1-hour hearing to address Atlantic Wave's motion for summary judgment. *See* Exhibit A. The parties were unable to find a mutually agreeable date for a hearing in 2024. However, on October 30, 2024, the parties ***agreed*** to set a hearing on Atlantic Wave's motion for summary judgment on March 27, 2025. The Court ***accepted this agreed setting. Id.***

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<sup>1</sup> In Virginia, a demurrer is a procedural vehicle used to challenge the legal sufficiency of a plaintiff's complaint.

13. However, counsel for Atlantic Wave later indicated he had a conflict and could no longer agree to the March 27, 2025 hearing date. *Id.* After counsel for Atlantic Wave and Secure Community reneged on their agreement to the March 27, 2025 hearing date, Cyberlux offered the court's next available date, which was on April 21, 2025. *Id.* Counsel for Atlantic Wave and Secure Community has not agreed to that date and now complains of this offer in his declaration.

14. Despite previously agreeing to a hearing date on March 27, 2025, Atlantic Wave and Secure Community now accuse Cyberlux of dilatory tactics because Cyberlux has not agreed to the Court's recently offered hearing date of November 19, 2024. I am scheduled to be in a labor arbitration on November 18 -19, 2024. *Id.* Although the Court also offered December 27, 2024, I am not available because of previously scheduled travel out of the country on that date.

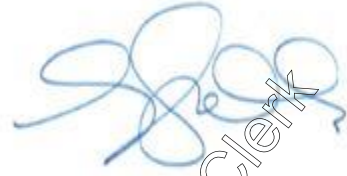
15. Since counsel for Atlantic Wave and Secure Community will not agree to the April 21, 2025 hearing date, which was the next available date provided by the Court following what was the *agreed* upon March 27, 2025 hearing date, the parties continue to evaluate their availability. In other words, despite more than *six weeks* of communications with the Court, the parties still have not been able to schedule a first hearing date in the injunction action.

16. In sum, there is no basis for the claim by Atlantic Wave and Secure Community concerning supposed inaction by Cyberlux. Cyberlux has been working with the parties and the Court to move the action forward.

17. Cyberlux has challenged and continues to challenge the validity of the Stipulated Judgment, and Cyberlux seeks reformation of the Stipulated Judgment to the extent the Virginia court is unwilling to prohibit its enforcement. As described herein, Cyberlux is working with the parties to prosecute its affirmative actions and defend against Atlantic Wave and Secure Community's meritless attempts following their breach of the Settlement Agreement.

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

Executed in Richmond, Virginia, State of Virginia, on the 7th day of November, 2024.



---

Jimmy F. Robinson, Declarant

Unofficial Copy Office of Marilyn Burgess District Clerk

*Unofficial Copy Office of Marilyn Burgess District Clerk*

# EXHIBIT A

**From:** Federico Zablah <fjz@petersenfirm.com>  
**Sent:** Thursday, October 31, 2024 11:37 AM  
**To:** Robinson, Jr., Jimmy F.  
**Cc:** Chap Petersen; Sandra Luevano; Patrick R Corish; Gills, Sandy D.; Johnson, Alicia Roberts  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

[Caution: Email received from external source]

Mr. Robinson,

Thank you for your email. I cannot agree to set this matter for April or anytime later next year as this is a time sensitive matter as any relief for temporary injunctive relief is. It strains reason why one would file a complaint for preliminary injunction and want to wait almost 1 year before the first hearing takes place, unless the sole purpose of that filing was for delay. If your complaint and request for injunctive relief is warranted, there is no reason to wait to resolve this matter and it is in all our clients' best interest to get this resolved as soon as possible.

As a preliminary matter, you filed this injunction matter in July, have failed to set the injunction for hearing, failed to respond to discovery, failed to show for the deposition of your plaintiff client (or set it for a replacement date), refused to set the motion to compel for hearing or taken any steps to comply with the rules of the Court.

Additionally, as it concerns the injunction you have requested and summary judgment, I have clear indications that no payment on the settlement agreement has been received in almost a year to Atlantic Wave, besides the garnishments, which were almost all consumed by interest and attorney's fees.

Given this, I think it is in our mutual interest to have this matter set as soon as possibly. The Court has been very accommodating to give us November 19, 2025. I suggest we make this date work. You stated you are in trial on that date. Is that trial definitely going to proceed? Perhaps your co-counsel can cover the hearing on November 19?

While we are on the subject of clearing dates, we need discuss your recent objection to our garnishments (which **you did not send to us** despite indicating the certificate of service). I am aware that you are using this matter to delay collection on the judgment in this and other jurisdictions. Given that you have put forth objections based on this pending case, it makes it paramount that we resolve these objections and this matter to determine the propriety of your objections. Accordingly, we are again requesting the deposition of Mark Schmidt and Cyberlux in this matter. Please provide available dates for a deposition in November.

Lastly I would also like to set our Motion for Turnover for Hearing in CL22003882-00. Can you confirm if you or your colleague are available one hour in November? Once we have those I will be able to coordinate with Court in that case.

I am happy to have a call with you to go over this and meet and confer on these issues.

Best,

Federico J. Zablah, Esq.  
Chap Petersen & Associates, PLC

Direct Dial: (571) 459-2520  
Email: [fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)  
Fax: (571) 459-2307

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**From:** Robinson, Jr., Jimmy F. <jimmy.robinson@ogletree.com>  
**Sent:** Thursday, October 31, 2024 10:27 AM  
**To:** Federico Zablah <fjz@petersenfirm.com>  
**Cc:** Chap Petersen <jcp@petersenfirm.com>; Sandra Luevano <sl@petersenfirm.com>; Patrick R Corish <prc@petersenfirm.com>; Gills, Sandy D. <sandy.gills@ogletreedeakins.com>; Johnson, Alicia Roberts <alicia.johnson@ogletreedeakins.com>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

Good morning Federico-

Cyberlux has the following dates/times available for a hearing on Atlantic Wave's Summary Judgment Motion before Judge Cardwell.

Apr 21 at 10:00  
Apr 28 at 9:00

Best, JfR

**Jimmy F. Robinson, Jr. | Ogletree Deakins**

Riverfront Plaza - West Tower, 901 East Byrd Street, Suite 1300 | Richmond, VA 23219 | Telephone: 804-663-2336  
[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com) | [www.ogletree.com](http://www.ogletree.com) | [Bio](#)

---

**From:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>  
**Sent:** Thursday, October 31, 2024 9:34 AM  
**To:** Robinson, Jr., Jimmy F. <[Jimmy.Robinson@ogletreedeakins.com](mailto:Jimmy.Robinson@ogletreedeakins.com)>  
**Cc:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>; Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Gills, Sandy D. <[sandy.gills@ogletreedeakins.com](mailto:sandy.gills@ogletreedeakins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Apr 21 at 10:00  
Apr 25 at 9:00  
Apr 28 at 9:00  
Apr 29 at 9:00 (30 minutes)  
Apr 30 at 9:00 (30 minutes)

Sandra Ceruti, Judicial Assistant  
Office of the Honorable Claire G. Cardwell  
John Marshall Courts Building  
400 North 9th Street  
Richmond, VA 23219  
(804) 646-6511 (Office)  
(804) 646-7818 (Fax)

---

**From:** Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>  
**Sent:** Thursday, October 31, 2024 9:24 AM  
**To:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>  
**Cc:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>; Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Gills, Sandy D. <[sandy.gills@ogletreedekins.com](mailto:sandy.gills@ogletreedekins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** Re: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Good morning Ms. Ceruti-

Thank you for your patience with helping us find a date. Defendants are not available on November 19 inasmuch as we have a trial that day. Also it does not give us time to file our brief. If March 27 does not work now for Atlantic Wave we will have to find later dates. If you could provide us later dates (beyond March 27) we will discuss between each other and confirm a date so we do not clog up your email with the back and forward. And hopefully this time we will confirm a date that actually works for both parties before confirming with you that it does.

JfR

***Please excuse all typos and grammatical errors inasmuch as this message was sent from my iPhone. Thank you.***

**Jimmy F. Robinson, Jr. Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**

Riverfront Plaza - West Tower, [901 East Byrd Street, Suite 1300 | Richmond, VA 23219](https://www.ogletree.com) | Telephone: [804-663-2336](tel:804-663-2336) |

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On Oct 31, 2024, at 8:43 AM, Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)> wrote:

[Caution: Email received from external source]

I'll squeeze it in on Nov 19 at 12:30 if everyone is available.

Sandra Ceruti, Judicial Assistant  
Office of the Honorable Claire G. Cardwell  
John Marshall Courts Building  
400 North 9th Street  
Richmond, VA 23219  
(804) 646-6511 (Office)  
(804) 646-7818 (Fax)

**From:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Sent:** Wednesday, October 30, 2024 4:49 PM  
**To:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>; Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Gills, Sandy D. <[sandy.gills@ogletreedeadkins.com](mailto:sandy.gills@ogletreedeadkins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request - CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Ms. Ceruti,

I apologize, I was informed that March 27, 2025 at 10am will not work for us as we have a trial scheduled on that date in another jurisdiction. Are there any other available dates in November for even for a 30 minute hearing? Once I have that, I will confer with opposing counsel on a new date and get back to you. Since this is a preliminary injunction matter, I believe this is a time sensitive matter. Thank you.

Best,

Federico J. Zablah, Esq.  
<image001.png>  
Chap Petersen & Associates, PLC  
Direct Dial: (571) 459-2520  
Email: [fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)  
Fax: (571) 459-2307

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**From:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>  
**Sent:** Wednesday, October 30, 2024 3:48 PM  
**To:** Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>; Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Gills, Sandy D. <[sandy.gills@ogletreedeadkins.com](mailto:sandy.gills@ogletreedeadkins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

Thanks.

Sandra Ceruti, Judicial Assistant  
Office of the Honorable Claire G. Cardwell  
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**From:** Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>  
**Sent:** Wednesday, October 30, 2024 3:43 PM  
**To:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>; Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Gills, Sandy D. <[sandy.gills@ogletreedeadkins.com](mailto:sandy.gills@ogletreedeadkins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Agreed.

**Jimmy F. Robinson, Jr. | Ogletree Deakins**  
Riverfront Plaza - West Tower, 901 East Byrd Street, Suite 1300 | Richmond, VA 23219 | Telephone: 804-663-2336  
[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com) | [www.ogletree.com](http://www.ogletree.com) | [Bio](#)

---

**From:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Sent:** Wednesday, October 30, 2024 3:32 PM  
**To:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>; Robinson, Jr., Jimmy F. <[Jimmy.Robinson@ogletreedeadkins.com](mailto:Jimmy.Robinson@ogletreedeadkins.com)>

**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Gills, Sandy D. <[sandy.gills@ogletreedeakins.com](mailto:sandy.gills@ogletreedeakins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>

**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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1 hour works for us. Thank you.

Best,

Federico J. Zablah, Esq.  
<image001.png>  
Chap Petersen & Associates, PLC  
Direct Dial: (571) 459-2520  
Email: [fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)  
Fax: (571) 459-2307

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**From:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>

**Sent:** Wednesday, October 30, 2024 3:31 PM

**To:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>; Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>

**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Gills, Sandy D. <[sandy.gills@ogletreedeakins.com](mailto:sandy.gills@ogletreedeakins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>

**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

March 27 at 10:00 a.m. confirmed for summary judgment. I have set the matter for one hour. Please let me know if more time is needed.

Thank you.

Sandra Ceruti, Judicial Assistant  
Office of the Honorable Claire G. Cardwell  
John Marshall Courts Building  
400 North 9th Street  
Richmond, VA 23219  
(804) 646-6511 (Office)  
(804) 646-7818 (Fax)

---

**From:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Sent:** Wednesday, October 30, 2024 3:19 PM  
**To:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>; Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Gills, Sandy D. <[sandy.gills@ogletreedekins.com](mailto:sandy.gills@ogletreedekins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Ms. Ceruti,

Thank you for your assistance with this matter. I can confirm that we have agreed to March 27, 2025 at 10am for a hearing on Atlantic Wave's Summary Judgment Motion before Judge Cardwell.

If that works, I will have notice of hearing filed with the Clerk's office and provide you a courtesy copy once filed.

Best,

Federico J. Zablah, Esq.  
<image001.png>  
Chap Petersen & Associates, PLC  
Direct Dial: (571) 459-2520  
Email: [fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)  
Fax: (571) 459-2307

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**From:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>  
**Sent:** Wednesday, October 30, 2024 3:10 PM  
**To:** Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>; Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Gills, Sandy D. <[sandy.gills@ogletreedekins.com](mailto:sandy.gills@ogletreedekins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

Please coordinate your dates with all parties and confirm date with me before sending a notice of hearing with the clerk's office.

Thanks.

Sandra Ceruti, Judicial Assistant

Office of the Honorable Claire G. Cardwell  
John Marshall Courts Building  
400 North 9th Street  
Richmond, VA 23219  
(804) 646-6511 (Office)  
(804) 646-7818 (Fax)

---

**From:** Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>  
**Sent:** Wednesday, October 30, 2024 3:07 PM  
**To:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>; Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Gills, Sandy D. <[sandy.gills@ogletreedekins.com](mailto:sandy.gills@ogletreedekins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Thank you Ms. Ceruti-

Cyberlux has March 27, 2025 at 10am available for a hearing on Atlantic Wave's Summary Judgment Motion before Judge Cardwell.

Best, JfR

**Jimmy F. Robinson, Jr. | Ogletree Deakins**

Riverfront Plaza - West Tower, 901 East Byrd Street, Suite 1300 | Richmond, VA 23219 | Telephone: 804-663-2336

[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com) | [www.ogletree.com](http://www.ogletree.com) | [Bio](#)

---

**From:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>  
**Sent:** Wednesday, October 30, 2024 3:02 PM  
**To:** Robinson, Jr., Jimmy F. <[Jimmy.Robinson@ogletreedekins.com](mailto:Jimmy.Robinson@ogletreedekins.com)>; Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Gills, Sandy D. <[sandy.gills@ogletreedekins.com](mailto:sandy.gills@ogletreedekins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Feb 28 at 9:00

Mar 27 at 10:00

Mar 28 at 9:00

Sandra Ceruti, Judicial Assistant  
Office of the Honorable Claire G. Cardwell  
John Marshall Courts Building  
400 North 9th Street  
Richmond, VA 23219  
(804) 646-6511 (Office)  
(804) 646-7818 (Fax)

---

**From:** Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>  
**Sent:** Wednesday, October 30, 2024 2:51 PM  
**To:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>; Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Gills, Sandy D. <[sandy.gills@ogletreedeakins.com](mailto:sandy.gills@ogletreedeakins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Good afternoon Ms. Ceruti-

Thank you for the dates. Can you provide dates in February as well. We are holding the week of January 27<sup>th</sup> for another matter and have conflicts on earlier dates.

Thank you, JfR

**Jimmy F. Robinson, Jr. | Ogletree Deakins**

Riverfront Plaza - West Tower, 901 East Byrd Street, Suite 1300 | Richmond, VA 23219 | Telephone: 804-663-2336

[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com) | [www.ogletree.com](http://www.ogletree.com) | [Bio](#)

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**From:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>  
**Sent:** Wednesday, October 30, 2024 2:48 PM  
**To:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Robinson, Jr., Jimmy F. <[Jimmy.Robinson@ogletreedeakins.com](mailto:Jimmy.Robinson@ogletreedeakins.com)>; Gills, Sandy D. <[sandy.gills@ogletreedeakins.com](mailto:sandy.gills@ogletreedeakins.com)>; Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Good afternoon,

None of the dates below are available. Please see additional dates below:

Dec 27 at 10:30  
Jan 17 at 10:30  
Jan 29 at 12:00  
Jan 31 at 9:00

Sandra Ceruti, Judicial Assistant  
Office of the Honorable Claire G. Cardwell  
John Marshall Courts Building  
400 North 9th Street  
Richmond, VA 23219  
(804) 646-6511 (Office)  
(804) 646-7818 (Fax)

---

**From:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Sent:** Wednesday, October 30, 2024 2:12 PM  
**To:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>; [SANDY.GILLS@OGLETREE.COM](mailto:SANDY.GILLS@OGLETREE.COM); Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Ms. Ceruti,

I apologize for the delay in getting back to you, we are having difficulties agreeing to a date. Are the below dates (or any additional dates in November and December) still available for a hearing?

We would be looking to set our motion for Summary Judgment recently filed in this matter for a hearing rather than the previously mentioned motion to compel.

Best,

Federico J. Zablah, Esq.  
<image001.png>  
Chap Petersen & Associates, PLC  
Direct Dial: (571) 459-2520  
Email: [fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)  
Fax: (571) 459-2307

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**From:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>  
**Sent:** Tuesday, October 1, 2024 9:47 AM  
**To:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>; [SANDY.GILLS@OGLETREE.COM](mailto:SANDY.GILLS@OGLETREE.COM); Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

Good morning,

Nov 19 at 11:30  
Nov 20 at 9:30  
Dec 16 at 9:00

Sandra Ceruti, Judicial Assistant  
Office of the Honorable Claire G. Cardwell  
John Marshall Courts Building  
400 North 9th Street  
Richmond, VA 23219  
(804) 646-6511 (Office)  
(804) 646-7818 (Fax)

---

**From:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Sent:** Monday, September 30, 2024 4:55 PM  
**To:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>; [SANDY.GILLS@OGLETREE.COM](mailto:SANDY.GILLS@OGLETREE.COM); Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Ms. Ceruti,

I apologize for the delay in getting back to you. Does Judge Cardwell have any available dates in November? Thank you.

Best,

Federico J. Zablah, Esq.

<image001.png>

Chap Petersen & Associates, PLC

Direct Dial: (571) 459-2520

Email: [fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)

Fax: (571) 459-2307

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**From:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>

**Sent:** Thursday, September 12, 2024 2:26 PM

**To:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>

**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>; [SANDY.GILLS@OGLETREE.COM](mailto:SANDY.GILLS@OGLETREE.COM); Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>

**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

Judge Cardwell has nothing available on the 30<sup>th</sup> and the next two weeks are criminal dates. She then has a 7-day jury trial and the next available date is Oct 31 at 2:00 p.m.

Sandra Ceruti, Judicial Assistant  
Office of the Honorable Claire G. Cardwell  
John Marshall Courts Building  
400 North 9th Street  
Richmond, VA 23219  
(804) 646-6511 (Office)  
(804) 646-7818 (Fax)

---

**From:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>

**Sent:** Thursday, September 12, 2024 2:07 PM

**To:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>

**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>; [SANDY.GILLS@OGLETREE.COM](mailto:SANDY.GILLS@OGLETREE.COM); Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>

**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Thank you. If possible, could you also provide available dates in the following week? (Week of September 30<sup>th</sup>)

Best,

Federico J. Zablah, Esq.  
<image001.png>  
Chap Petersen & Associates, PLC  
Direct Dial: (571) 459-2520  
Email: [fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)  
Fax: (571) 459-2307

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**From:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>  
**Sent:** Thursday, September 12, 2024 1:48 PM  
**To:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>; [SANDY.GILLS@OGLETREE.COM](mailto:SANDY.GILLS@OGLETREE.COM); Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** RE: Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

Good afternoon,

Available dates for motion to compel:

Sep 23 at 2:00  
Sep 24 at 9:30  
Sep 25 at 12:00

Please coordinate dates with opposing counsel and confirm date with me before filing a notice of hearing with the clerk's office.

Thank you.

Sandra Ceruti, Judicial Assistant  
Office of the Honorable Claire G. Cardwell  
John Marshall Courts Building  
400 North 9th Street  
Richmond, VA 23219  
(804) 646-6511 (Office)  
(804) 646-7818 (Fax)

---

**From:** Federico Zablah <[fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)>  
**Sent:** Thursday, September 12, 2024 12:45 PM  
**To:** Ceruti, Sandra A. - Circuit Court Judges Office <[Sandra.Ceruti@rva.gov](mailto:Sandra.Ceruti@rva.gov)>  
**Cc:** Chap Petersen <[jcp@petersenfirm.com](mailto:jcp@petersenfirm.com)>; Sandra Luevano <[sl@petersenfirm.com](mailto:sl@petersenfirm.com)>; Patrick R Corish <[prc@petersenfirm.com](mailto:prc@petersenfirm.com)>; Robinson, Jr., Jimmy F. <[jimmy.robinson@ogletree.com](mailto:jimmy.robinson@ogletree.com)>; [SANDY.GILLS@OGLETREE.COM](mailto:SANDY.GILLS@OGLETREE.COM); Pollock, Emily - Circuit Court <[Emily.Pollock@rva.gov](mailto:Emily.Pollock@rva.gov)>  
**Subject:** Short Hearing Scheduling Request -CYBERLUX CORPORATION v ATLANTIC WAVE HOLDINGS LLC (CL24002919-00)

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Good Afternoon Ms. Ceruti,

We recently filed a Motion to Compel Deposition in the above matter and I understand from the Clerk's office that this matter was assigned to Judge Cardwell. Per the suggested practices of Richmond City, I am contacting you to set the motion for a thirty-minute hearing before Judge Cardwell on our Motion to Compel Deposition. I am attaching a copy of the motion. If possible, could you please provide us with available hearing dates in the next couple of weeks to set this matter for a hearing. Thank you in advance for your attention to this matter.

Best,

Federico J. Zablah, Esq.  
<image001.png>  
Chap Petersen & Associates, PLC  
Direct Dial: (571) 459-2520  
Email: [fjz@petersenfirm.com](mailto:fjz@petersenfirm.com)  
Fax: (571) 459-2307

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Frankie Huff on behalf of Katherine Clark  
Bar No. 24046712  
fhuff@thompsoncoburn.com  
Envelope ID: 94054206  
Filing Code Description: Answer/ Response / Waiver  
Filing Description: Cyberlux Atlantic Wave Defs Response to Motion for Reconsideration re Stay  
Status as of 11/7/2024 4:01 PM CST

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