

CAUSE NO. 2024-48085

ATLANTIC WAVE HOLDINGS, LLC AND SECURE COMMUNITY, LLC,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff/Judgment-Creditor	§	
	§	
V.	§	129th JUDICIAL DISTRICT
	§	
CYBERLUX CORPORATION and MARK SCHMIDT, Individually,	§	
	§	
Defendant/Judgment-Debtors.	§	
	§	
	§	HARRIS COUNTY, TEXAS

**PLAINTIFFS' OPPOSITION TO JUDGMENT-DEBTORS'
MOTION TO EXTEND STAY OF EXECUTION**

TO THE HONORABLE JUDGE OF THE SAID COURT:

Comes Now ATLANTIC WAVE HOLDINGS, LLC and SECURE COMMUNITY, LLC ("Plaintiffs") and files this Reply to Defendants CYBERLUX CORPORATION and MARK SCHMIDT'S ("Defendants") Opposition to Judgment-Debtors' Motion to Extend Stay of Execution:

1. On October 28, 2024, the court heard Defendants' Motion to Vacate and Motion to Stay Execution.
2. The court denied Judgment-Debtors' Motion to Vacate but granted a thirty (30) day stay so that Judgment-Debtors could provide the court with documentation evidencing a Stay of the Virginia judgment.
3. Thirty (30) days have past and Judgment-Debtors have not filed one court document evidencing a Stay of the Virginia litigation or judgment.

4. Plaintiffs have provided the court with all the relevant court Orders, and Defendants' complaints in the Virginia litigation.¹

5. Counsel for Judgment-Debtors continues to misrepresent facts to the Court. First, Counsel represented to Court that a Stay had been entered in the Virginia litigation. That is not true. Next, they represented that the Virginia litigation attacks the validity of the Judgment and asks for reformation of the Judgment. That is not true. Plaintiffs have provided the actual complaint filed by Defendants to Judgment-Debtors' Counsel. Those complaints do not mention the validity of the Judgment or reformation whatsoever.

6. Now Counsel for Judgment-Debtors represent within their Motion to Extend Stay that Judgment-Debtors have made all payments due. Only partial payments were made from October 2023 through May 2024. No payments have been made since June 2024.

7. No stay was ever entered in the Virginia litigation. No stay was even contemplated. Contrarily, the Virginia court has allowed collection activity to continue and released funds garnished in Virginia to plaintiffs in August.

8. Lastly, Judgment-Debtors waived all rights of appeal, reconsideration and bankruptcy, as permitted by law. Paragraph B of the Final Judgment states in part: "The parties agree that the final judgment shall not be dischargeable in bankruptcy to the fullest extent permissible at law, and Defendants hereby waive all rights of reconsideration and appeal." A true and correct copy of the Final Judgment is attached as **Exhibit A**.

9. Judgment-Debtor continues to file frivolous motions, not supported by facts but rather designed to delay and impede Plaintiffs' collection actions.

¹ See Exhibit B (with attachments), Declaration of Federico J. Zablah, attached to Plaintiffs' Amended Reply in Support of Motion for Reconsideration filed with this court on November 12, 2024.

II. RELIEF SOUGHT

WHEREFORE, PREMISES CONSIDERED, Plaintiffs Atlantic Wave Holdings, LLC and Secure Community, LLC pray that the Court denies Judgment-Debtors' Motion to Extend Stay of Execution and award Plaintiffs their costs, including reasonable attorney's fees, and for such further relief as Plaintiffs may show itself is justly entitled.

Respectfully Submitted,

LAW FIRM OF SHAWN M. GRADY, PLLC

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record pursuant to the Texas Rules of Civil Procedure, on the 2nd day of December, 2024.

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ATTORNEYS FOR DEFENDANTS

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Shawn M. Grady

Unofficial Copy Office of Marilyn Burgess District Clerk

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Shawn Grady on behalf of Shawn Grady

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Status as of 12/2/2024 10:49 AM CST

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