

# EXHIBIT B

Unofficial Copy Office of Marilyn Burgess District Clerk

**Archived:** Thursday, February 6, 2025 3:53:05 PM

**From:** [Pennetti, Alex](#)

**Sent:** Monday, February 3, 2025 12:31:28 PM

**To:** '[Kessinger, Jennifer \(CD4\)](#)'

**Subject:** RE: 2024-48085; Atlantic Wave Holdings LLC vs. Cyberlux Corp. and Mark D Schmidt

**Importance:** Normal

**Sensitivity:** None

**Attachments:**

[Jan 16 hearing transcript excerpt.pdf](#) [2025.01.17 Oath of Receiver Robert W. Berleth.pdf](#) [Declaration of C Watts.pdf](#) [Jan 27 - Doc - VA COE Mitchell Holt 1.pdf](#)

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Good morning, Ms. Kessinger.

I apologize for the delay, as I was traveling for business when you contacted me.

The underlying consent judgment was signed as part of a settlement agreement between the parties. It did not flow from any litigation in Texas. As a result, the Court has not awarded the plaintiffs any costs or issued a bill of costs for this matter. In fact, the Court entered on its docket a note stating no costs have been allocated in this matter.

The settlement agreement of which this judgment is a part is currently the subject of litigation in four separate lawsuits in Virginia. In those lawsuits, the parties to this judgment are disputing whether a breach of the settlement has occurred and whether the consent judgment is enforceable.

Notwithstanding the above, after requesting a writ of execution be issued to your office, Plaintiffs sought the appointment of a receiver. After the writ was issued to your office on January 15, 2025, the Court held a hearing at which the Court indicated it would appoint a receiver. An excerpt from the hearing transcript is attached, and for convenience I highlighted the relevant portion of the transcript where the Court expressed its ruling on the receivership application. I also attached the Oath of Receiver that was submitted to the Court. In short, the Court's appointment of a receiver obviates the need for any further activity by the Harris County constable's office.

As an aside, yesterday I was notified that Deputy Constable Montgomery left a notice at the Cyberlux leased facility located at 21631 Rhodes Road, Spring, Texas. Of note, the receiver plaintiffs proposed has already participated in an inspection of property at that facility.

Additionally, the personalty in the facility is subject to a United States Government subcontract and, although being held and stored by Cyberlux, is owned by third parties. Please see the attached declarations of Charles Watts, special counsel to Cyberlux, and United States Air Force Major General (ret.) Cameron G. Holt. These declarations have already been provided to the plaintiffs, and my clients have compiled serialized inventory lists of said property. Those lists are also being provided to the plaintiffs for the proposed receiver's benefit.

Although the Court's appointment of a receiver obviates any need for further activity by the Harris County constable, if someone from your office wishes to discuss this matter, please feel free to contact me.

Best,

**Alex Pennetti**

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**From:** Kessinger, Jennifer (CD4) <Jennifer.Kessinger@cd4.hctx.net>  
**Sent:** Friday, January 24, 2025 11:06 AM  
**To:** Pennetti, Alex <APennetti@thompsoncoburn.com>  
**Subject:** 2024-48085; Atlantic Wave Holdings LLC vs. Cyberlux Corp. and Mark D Schmidt

RECEIVED FROM EXTERNAL SENDER - USE CAUTION

Good morning, my office received the writ of execution for the above referenced case. Please scan and email the bill of costs so that the deputy can begin working the writ. The court should have issued the bills of costs with the writ.

Thank you,

**Jennifer Kessinger /Civil Clerk**

**Civil / Writs**

Office of

**Mark Herman, Constable**

**Harris County, Precinct 4**

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Frankie Huff on behalf of Katherine Clark

Bar No. 24046712

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Envelope ID: 97103416

Filing Code Description: No Fee Documents

Filing Description: Defs Response to Plfs Request for Emergency Hearing

Status as of 2/7/2025 3:22 PM CST

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