

CAUSE NO. 2024-48085

ATLANTIC WAVE HOLDINGS, LLC	§	IN THE DISTRICT COURT
AND SECURE COMMUNITY, LLC	§	
<i>Plaintiffs/Judgment-Creditors,</i>	§	
	§	
v.	§	129th JUDICIAL DISTRICT
	§	
CYBERLUX CORPORATION and	§	
MARK SCHMIDT, Individually,	§	
<i>Defendants/Judgment-Debtors.</i>	§	HARRIS COUNTY, TEXAS

NOTICE OF SECOND REMAND ORDER

Pursuant to 237a of the Texas Rules of Civil Procedure, Plaintiffs Atlantic Wave Holdings, LLC, and Secure Community, LLC (Plaintiffs) file this notice of the Federal Court's memorandum and opinion remanding the action to this Court for a second time.

First Remand Order. On February 12, 2025, Judgment-Debtors Cyberlux Corporation and Mark Schmidt (Judgment-Debtors) filed a notice of removal seeking to remove this action to the United States District Court for the Southern District of Texas (Federal Court). Plaintiffs timely filed a motion to remand on February 21, 2025, seeking to remand the action to this Court. Judgment-Debtors filed an opposition to the motion to remand on March 14, 2025, and Plaintiffs filed a reply in support of the motion to remand on March 24, 2025. The Federal Court conducted a hearing on the motion to remand and subsequently signed an order on March 27, 2025 (First Remand Order), granting the motion and remanding the action to this Court. Attached as **Exhibit 1** is a true and correct copy of the First Remand Order.

Second Remand Order. On April 11, 2025, Judgment-Debtors filed a second notice of removal seeking to remove this action to the Federal Court. Plaintiffs timely filed an emergency motion to remand on April 22, 2025, seeking to remand the action to this Court, among other relief. Judgment-Debtors filed an opposition to the motion to remand on April 25, 2025, and Plaintiffs filed a reply in support of the motion to remand on April 29, 2025. The Federal Court issued a memorandum and opinion on the second motion to remand on May 14, 2025 (Second Remand Order), granting the motion and again remanding the action to this Court. Attached as **Exhibit 2** is a true and correct copy of the Second Remand Order. The Second Remand Order also provides: “[Plaintiffs’] request for an award of the attorney’s fees and costs incurred in responding to the second removal is granted,” for which Plaintiffs are to submit to the Federal Court supporting documentation by May 19, 2025, and Judgment-Debtors may file objections to the documentation by May 26, 2025.

Unofficial Copy Office of Marlyn Burgess District Clerk

Dated: May 14, 2025.

Respectfully submitted,

By: /s/ David A. Walton

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***Counsel for Plaintiffs
Atlantic Wave Holdings, LLC, and
Secure Community, LLC***

CERTIFICATE OF SERVICE

I certify that on May 14, 2025, a true and correct copy of the foregoing document was served on all parties of record via electronic service from the court's ECF system for registered users, in accordance with Rule 21a of the Texas Rules of Civil Procedure.

By: /s/ David A. Walton

David A. Walton

Automated Certificate of eService

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Jemisha Gandhi on behalf of David Walton
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Envelope ID: 100844991
Filing Code Description: Notice
Filing Description: Notice of Second Remand Order
Status as of 5/15/2025 8:23 AM CST

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