

**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**

**129TH JUDICIAL DISTRICT**

**DEFENDANTS' NOTICE OF DESIGNATION FOR CLERK'S RECORD**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Defendants Cyberlux Corporation ("Cyberlux") and Mark D. Schmidt, Individually (collectively "Defendants") and file this Notice of Designation for Clerk's Record.

<b>Tab</b>	<b>Description</b>	<b>App. No.</b>
1	2024.07.30 Plaintiffs' Petition to Enforce Foreign Judgment	0001-0008
2	2024.08.23 Defendants' Motion to Vacate and Motion to Stay	0009-0287
3	2024.10.28 Plaintiffs' Response to Defendants' Motion to Vacate and Motion to Stay	0288-0363
4	2024.10.31 Order Granting Defendants' Motion to Vacate and Motion to Stay	0364-0365
5	2024.11.01 Plaintiffs' Motion for Reconsideration	0366-0390
6	2024.11.07 Defendants' Response to Plaintiffs' Motion for Reconsideration	0391-0417
7	2024.11.12 Plaintiffs' Amended Reply in Support of Motion for Reconsideration	0418-0481
8	2024.11.15 Defendants' Motion to Extend Stay of Enforcement	0482-0512
9	2024.11.15 Proposed Order Granting Defendants' Motion to Extend Stay of Enforcement	0513

<b>Tab</b>	<b>Description</b>	<b>App. No.</b>
10	2024.12.02 Plaintiffs' Opposition to Judgment-Debtors' Motion to Extend Stay of Execution	0514-0522
11	2024.12.02 Plaintiffs' Request for Abstract of Judgment	0523
12	2024.12.02 Plaintiffs' Request for Writ of Execution	0524
13	2024.12.05 Defendants' Reply to Plaintiffs' Opposition to Judgment-Debtors' Motion to Extend Stay of Execution	0525-0537
14	2024.12.09 Order Denying Defendants' Motion for Stay and for Extension of Stay	0538-0540
15	2025.01.09 Application for Turnover After Judgment and for Appointment of Receiver	0541-0587
16	2025.01.09 Plaintiffs' Motion to Enter Property of Defendant Cyberlux Corporation	0588-0593
17	2025.01.10 Defendants' Letter to Clerk re Plaintiffs' Request for Writ of Execution	0594-0596
18	2025.01.13 Defendants' Response to Plaintiffs' Application for Turnover After Judgment and for Appointment of Receiver	0597-0604
19	2025.01.13 Defendants' Response to Plaintiffs' Motion to Enter Property of Defendant Cyberlux Corporation	0605-0618
20	2025.01.14 Plaintiffs' Response to Judgment-Debtors' Response in Opposition to Motion Requesting Property Inspection	0619-0628
21	Court Reporter's Record of January 16, 2025 Hearing	0629-0765
22	2025.01.16 Plaintiffs' Exhibit 2 admitted into evidence at the January 16, 2025 hearing on Application for Turnover After Judgment and for Appointment of Receiver	0766-0815
23	2025.01.17 Oath of Receiver	0816-0820
24	2025.01.21 Defendants' Letter Brief	0821-0891
25	2025.01.22 Plaintiffs' Response Letter Brief	0892-0903
26	2025.01.23 Defendants' Supplemental Letter Brief	0904-0906

<b>Tab</b>	<b>Description</b>	<b>App. No.</b>
27	2025.01.27 Defendants' Emergency Motion to Stay, or in the Alternative, Motion to Set Amount of Security to Suspend, Turnover and Appointment of Receiver; Motion to Set Bond for Potential Receiver; and Motion for Emergency Hearing	0907-0920
28	2025.04.05 Letter Brief re Appointment of Receiver	0921-1183
29	2025.05.22 Order Appointing Receiver	1184-1215
30	2025.06.02 C. Schwab Notice to M. Schmidt	1216-1219
31	2025.06.03 Defendants' Emergency Motion to Correct Order Appointing Receiver to Exclude Mark D. Schmidt, His Wife, and Their Property from the Imposition of the Receivership	1220-1642
32	2025.06.05 Defendants' Objections to Court's Order Appointing Receiver Dated May 22, 2025	1643-1724
33	2025.06.06 Defendants' Emergency Motion to Stay or Otherwise Suspend Order Appointing Receiver	1725-1746
34	2025.06.08 Receiver's Response to Defendants' Objections, Emergency Motion for Stay, and Receiver's Request for Sanctions	1747-1896
35	2025.06.08 Receiver's Proposed Order Overruling Defendants' Objections, Denying Defendants' Motion for Stay, and Granting Receiver's Request for Sanctions	1897-1899
36	2025.06.09 Defendants' Proposed Amended Order Granting Defendants' Motion to Stay or Otherwise Suspend Order Appointing Receiver	1900-1902
37	2025.06.11 Defendants' Reply in Support of Emergency Motion to Stay or Otherwise Suspend Order Appointing Receiver	1903-1929
38	2025.06.11 Receiver's Final Report, Final Accounting, Motion for Disbursement, and Motion to Terminate Receivership	1930-1942
39	2025.06.12 Defendants' Objection to Receiver's Report and Order to Distribute Funds	1943-2130

Tab	Description	App. No.
40	2025.06.12 Receiver's Proposed Order Denying Motion to St	2131-2132
41	2025.06.12 Defendants' Objections to Receiver's Proposed Order Denying Stay	2133-2138
42	Court Reporter's Record of June 9, 11, and 12, 2025 Hearing	2139-2218
43	2025.06.18 Defendants' Notice of Appeal	2219-2222
44	Tex. Civ. Prac. & Rein. Code Ann. § 31.002	2223-2224
45	Tex. Civ. Prac. & Rein. Code Ann. § 51.014	2225-2228
46	Tex. Gov't Code Ann. § 22.221	2229-2230

Respectfully submitted,

*s/ Alexander J. Pennetti*

Douglas S. Lang  
State Bar No. 11895500  
Alexander J. Pennetti  
State Bar No. 24110208

**THOMPSON COBURN LLP**  
2100 Ross Avenue, Suite 3200  
Dallas, Texas 75201  
Tel Phone: (972) 629-7100  
Fax: (972) 629-7171  
dlang@thompsoncoburn.com  
apennetti@thompsoncoburn.com

*Attorneys for Defendants Cyberlux Corporation and Mark D. Schmidt*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing instrument was served on all counsel pursuant to the Texas Rules of Civil Procedure on July 1, 2025.

/s/ Alexander J. Pennetti

Alexander J. Pennetti

Unofficial Copy Office of Marilyn Burgess District Clerk

## Automated Certificate of eService

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Paula Gentry on behalf of Alex Pennetti

Bar No. 24110208

pgentry@thompsoncoburn.com

Envelope ID: 102650844

Filing Code Description: Notice

Filing Description: Cyberluxs Notice of Designation of Clerks Record

Status as of 7/1/2025 3:55 PM CST

Associated Case Party: Robert Berleth

Name	BarNumber	Email	TimestampSubmitted	Status
Robert W.Berleth		rberleth@berlethlaw.com	7/1/2025 2:30:58 PM	SENT

### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Robert W.Berleth		rberleth@berlethlaw.com	7/1/2025 2:30:58 PM	SENT
David A.Walton		dwalton@bellnunnally.com	7/1/2025 2:30:58 PM	SENT
LaDonna Arey		LArey@bellnunnally.com	7/1/2025 2:30:58 PM	SENT
Sandra Meiners		smeiners@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Linda Carranza		lcarranza@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Laurie DeBardeleben		ldebardeleben@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Shawn Grady		shawn@gradycollectionlaw.com	7/1/2025 2:30:58 PM	SENT
Shawn Grady		shawn@gradycollectionlaw.com	7/1/2025 2:30:58 PM	SENT
Roxanna Lock		rlock@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Travis Vargo		tvargo@vargolawfirm.com	7/1/2025 2:30:58 PM	SENT
Micah Jackson		mjackson@berlethlaw.com	7/1/2025 2:30:58 PM	SENT
Sheli Davis		sdavis@berlethlaw.com	7/1/2025 2:30:58 PM	SENT
Paula Gentry		pgentry@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Lena Brasher		lbrasher@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Frankie Huff		fhuff@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Records Department		Records@bellnunnally.com	7/1/2025 2:30:58 PM	SENT
Hannah Petrea		hpetrea@bellnunnally.com	7/1/2025 2:30:58 PM	SENT
Michael Poynter		mpoynter@vargolawfirm.com	7/1/2025 2:30:58 PM	SENT

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### Case Contacts

Michael Poynter		mpoynter@vargolawfirm.com	7/1/2025 2:30:58 PM	SENT
Daniel A Ardmore		ardmorelawfirm@gmail.com	7/1/2025 2:30:58 PM	SENT
Bernadette Martin		bernadette@gradycollectionlaw.com	7/1/2025 2:30:58 PM	SENT
Bernadette Martin		bernadette@gradycollectionlaw.com	7/1/2025 2:30:58 PM	SENT
Alex Pennetti		apennetti@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Douglas S.Lang		dlang@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Katharine Clark		kclark@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Jeff Brown		jbrown@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Edward W.Gray, Jr.		EGray@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Tristian Harris		tharris@berlethlaw.com	7/1/2025 2:30:58 PM	SENT
Corinne Martin		cmartin@berlethlaw.com	7/1/2025 2:30:58 PM	SENT
Hannah Fischer		hfischer@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT
Greg Nieman		gnieman@bellnunnally.com	7/1/2025 2:30:58 PM	SENT
Jemisha Gandhi		jgandhi@bellnunnally.com	7/1/2025 2:30:58 PM	SENT
David M.Keithly		dkeithly@mortensontaggart.com	7/1/2025 2:30:58 PM	SENT
Jocelin A.Tapia		jtapia@thompsoncoburn.com	7/1/2025 2:30:58 PM	SENT