

REPORTER'S RECORD  
VOLUME 1 OF 5  
COURT OF APPEALS NO. 05-18-00558-CV  
CAUSE NO. PR-11-3238-15th COURT OF APPEALS  
DALLAS, TEXAS

6/6/2018 5:41:04 PM

THE PROBATE COURT  
LISA MATZ  
Clerk

IN THE ESTATE OF  
MAX D. HOPPER,  
DECEASED

JO N. HOPPER  
Plaintiff,

v.

JPMORGAN CHASE BANK N.A.  
STEPHEN B. HOPPER,  
LAURA S. WASSMER  
Defendants.

JOHN L. MALESOVAS d/b/a  
MALESOVAS LAW FIRM, and FEE  
SMITH, SHARP & VITULLO, LLP  
Intervenors,

v.

STEPHEN B. HOPPER, LAURA S.  
WASSMER, and JPMORGAN CHASE  
BANK N.A.,  
Defendants.

NUMBER ONE

DALLAS COUNTY, TEXAS

=====

**MASTER INDEX**

=====

A P P E A R A N C E S

BRIAN LAUTEN, Attorney  
SBOT No. 24031603  
Brian Lauten, PC  
3811 Turtle Creek Blvd.  
Suite 1450  
Dallas, Texas 75219  
Telephone: 214-414-0996  
ATTORNEY FOR: THE INTERVENORS

APPEARANCES CONT'D.

Loewinsohn Flegle Deary Simon  
SBOT No. 12481600  
12377 Merit Drive, Suite 900  
Dallas, Texas 75251  
Telephone: 214-572-1700  
Facsimile: 214-572-1717  
ATTORNEY FOR: JO N. HOPPER

ANNE M. JOHNSON, Attorney  
SBOT No. 00794271  
Haynes and Boone LLP  
2323 Victory Avenue, Suite 700  
Dallas, Texas 75219  
Telephone: 214-651-5376  
Facsimile: 214-200-0487

--AND--

JAMES E. PENNINGTON, Attorney  
SBOT No. 15758510  
Law Offices of James E. Pennington, P.C.  
900 Jackson Street, Suite 440  
Dallas, Texas 75202  
Telephone: 214-741-3022  
Facsimile: 214-741-3022  
ATTORNEY FOR: DEFENDANTS

ALAN S. LOEWINSOHN, Attorney  
SBOT No. 12481600  
Loewinsohn Flegle Deary Simon LLP  
12377 Merit Drive, Suite 900  
Dallas, Texas 75251  
Telephone: 214-572-1700  
Facsimile: 214-572-1717  
ATTORNEY FOR: JO N. HOPPER

VAN H. BECKWITH, Attorney  
SBOT No. 02020150  
JESSICA PULLIAM, Attorney  
SBOT No. 24037309  
Baker Botts, LLP  
2001 Ross Avenue, Suite 700  
Dallas, Texas 75201  
Telephone: 214-953-6505  
ATTORNEYS FOR: JPMORGAN CHASE BANK, N.A.

**CHRONOLOGICAL INDEX**

|                                                             | <u>PAGE</u> | <u>VOL.</u> |
|-------------------------------------------------------------|-------------|-------------|
| <b>Volume 2 of 5</b>                                        |             |             |
| Style and Caption                                           | 1           | 2           |
| Appearances                                                 | 2           | 2           |
| Index                                                       | 3           | 2           |
| Proceedings, April 9, 2018<br>Temporary Restraining Hearing | 4           | 2           |
| Court Reporter's Certificate                                | 59          | 2           |
| <b>Volume 3 of 5</b>                                        |             |             |
| Style and Caption                                           | 1           | 3           |
| Appearances                                                 | 2           | 3           |
| Index                                                       | 3           | 3           |
| Proceedings, April 24, 2018<br>Temporary Injunction Hearing | 4           | 3           |
| Court Reporter's Certificate                                | 66          | 3           |
| WITNESSES:                                                  | DE          | CE          |
| ANTHONY L. VITULLO                                          | 38          |             |
| <b>Volume 4 of 5</b>                                        |             |             |
| Style and Caption                                           | 1           | 4           |
| Appearances                                                 | 2           | 4           |
| Index                                                       | 3           | 4           |
| Proceedings, May 8, 2018<br>Motion to Compel Arbitration    | 4           | 4           |
| Court Reporter's Certificate                                | 39          | 4           |

**ALPHABETICAL WITNESS INDEX**

| Witnesses       | Direct | Cross | Voir Dire | VOL. |
|-----------------|--------|-------|-----------|------|
| Anthony Vitullo | 38     | --    | --        | 3    |

**EXHIBITS****Volume 5 of 5**

| <u>INTERVENORS</u> | <u>Description</u>                                          | <u>Offered</u> | <u>Admitted</u> | <u>Vol.</u> |
|--------------------|-------------------------------------------------------------|----------------|-----------------|-------------|
| No. 1              | Contingency Fee<br>Contract signed<br>By Laura Wassmer      | 28             | 34              | 2           |
| No. 2              | Contingency Fee<br>Contract signed<br>By Stephen Hopper     | 28             | 34              | 2           |
| No. 3              | Letter dated 4/5/18<br>From Mr. Pennington<br>To Mr. Lauten | 28             | 37              | 2           |

DEFENDANTS

|       |                                                                                  |    |    |   |
|-------|----------------------------------------------------------------------------------|----|----|---|
| No. 1 | Letter dated 4/6/18<br>From Mr. Pennington<br>To Mr. Malesovas and<br>Mr. Lauten | 36 | 58 | 2 |
|-------|----------------------------------------------------------------------------------|----|----|---|

| <u>INTERVENORS</u> | <u>DESCRIPTION</u>                                                    | <u>Offered</u> | <u>Admitted</u> | <u>Vol.</u> |
|--------------------|-----------------------------------------------------------------------|----------------|-----------------|-------------|
| No. 1              | Contingency Fee<br>Contract signed by<br>Laura Wassmer                | 24             | 25              | 3           |
| No. 2              | Contingency Fee<br>Contract signed by<br>Stephen Hopper               | 25             | 25              | 3           |
| No. 3              | Charge of the Court<br>Filed Sept. 25, 2017                           | 25             | 25              | 3           |
| No. 6              | Rule 11 Letter<br>Filed April 4, 2018                                 | 28             | 31              | 3           |
| No. 7              | Letter to Mr. Lauten<br>From Mr. Pennington<br>Dated April 5, 2018    | 29             | 31              | 3           |
| No. 8              | Letter to Mr. Malesovas<br>From Mr. Pennington<br>Dated April 5, 2018 | 29             | 31              | 3           |

### EXHIBITS, cont'd.

| <u>INTERVENORS</u> | <u>DESCRIPTION</u>                                                                | <u>Offered</u> | <u>Admitted</u> | <u>Vol.</u> |
|--------------------|-----------------------------------------------------------------------------------|----------------|-----------------|-------------|
| No. 11             | Letter to Mr. Eichman<br>From Mr. Vitullo<br>Dated October 8, 2015                | 29             | 31              | 3           |
| No. 13             | Email to Mr. Vitullo<br>From Mr. Stephen Hopper<br>Dated Jan. 25, 2016            | 30             | 31              | 3           |
| No. 66             | Order Granting Plaintiff's<br>Motion for Legal Rulings<br>Dated March 28 2018     | 30             | 31              | 3           |
| No. 70             | Email to Mr. Vitullo<br>From Mr. Levinger<br>Dated April 3, 2018                  | 31             | 31              | 3           |
| No. 14             | Email to Mr. Vitullo<br>From Ms. Laura Wassmer<br>Dated Jan. 25, 2016             | 34             | 33              | 3           |
| <u>DEFENDANTS</u>  | <u>DESCRIPTION</u>                                                                | <u>Offered</u> | <u>Admitted</u> | <u>Vol.</u> |
| No. 2              | Letter from Mr.<br>Pennington to Mr.<br>Vitullo and Mr.<br>Malesovas dated 4/6/18 | 36             | 38              | 3           |