

NO. PR-10-1517-3

FILED

2012 SEP 12 PM 3:36

IN RE: ESTATE OF  
MAX D. HOPPER  
DECEASED

§ IN THE PROBATE COURT  
§  
§ NO. 3  
§  
§ DALLAS COUNTY, TEXAS

JOHN F. WARREN  
COUNTY CLERK  
DALLAS COUNTY

ORIGINAL

**JO N. HOPPER'S MOTION TO QUASH DEPOSITIONS OF BOTH:  
JO N. HOPPER, AND, SARAH WILLIAMSON**

COMES NOW Jo N. Hopper ("Hopper") an interested person in the referenced Estate and files this her *Motion to Quash Depositions of Both: Jo N. Hopper, and, Sarah Williamson* ("Motion") and in support thereof would respectfully show the Court as follows:

I.

Hopper was served with the attached two deposition notices by the Defendant Independent Administrator, JPMorgan Chase Bank, N.A. (the "IA"), by facsimile late on September 9, 2012, requiring/commanding both she and Ms. Sarah Williamson (her personal accountant) to appear for their respective depositions on October 1, 2012 and October 3, 2012, per the Notices attached (*see* Exhibit "A" and "B" hereto, respectively -- the "Notices"). Hopper, as well as Stephen Hopper and Laura Wassmer, heirs to the Estate, have previously filed in this cause a Joint Motion To Stay this cause, pending an appeal of certain issues in a related cause, Cause No. 11-3238-3, which issues are also germane to this proceeding (*see* Exhibit "C" hereto). No discovery, including the depositions of Hopper and Williamson, should take place pending the Court's consideration and decision on the

Jo N. Hopper's Motion to Quash Depositions of Both:  
Jo N. Hopper and Sarah Williamson

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aforesaid Joint Motion To Stay in this cause. This Joint Motion To Stay was filed on August 30, 2012, well before the IA's Notices were served. Such Notices were served in the face of said pending Joint Motion To Stay – so the IA's claims it had “tried” but failed to secure cooperation as to dates for these depositions, is absurd in its face – given that Hopper and the heirs had all made clear their respective positions that no further activity should obtain in this cause. Accordingly, Hopper objects to both the time and location of the depositions (particularly also as they were “noticed” to occur in the IA's attorney's offices – which is not the usual practice and custom), and indeed, to their being taken at all. This Motion was filed within three business days of service of the Notices. Therefore, the depositions are stayed until this Motion is decided.

II.

WHEREFORE, PREMISES CONSIDERED, Jo N. Hopper prays that the Court grant this Motion, quash the Notices entirely, and grant her such protection from such Notices and other further relief to which she is entitled.

By: 

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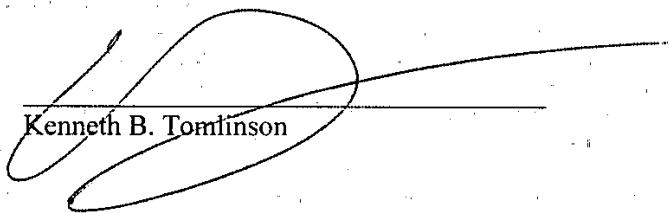
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ATTORNEYS FOR JO N. HOPPER

**CERTIFICATE OF CONFERENCE**

I hereby certify that John Eichman, counsel for Bank/IA, is opposed to this Motion. I called Mark Enoch, counsel for Stephen Hopper and Laura Wassmer; agrees with the relief requested in this Motion.



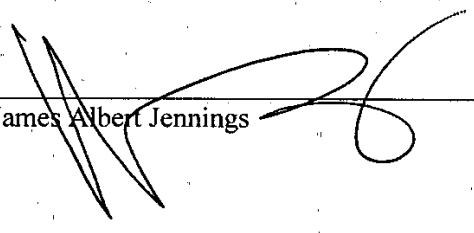
Kenneth B. Tomlinson

Jo N. Hopper's Motion to Quash Depositions of Both:  
Jo N. Hopper and Sarah Williamson

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via facsimile to: counsel for the Independent Administrator, Thomas H. Cantrill and John Eichman, Hunton & Williams, 1445 Ross Avenue, Suite 3700, Dallas, Texas 75202, and to interested persons Stephen Hopper and Laura Wassmer, via their counsel of record, Mark Enoch, Gary Stolbach, and Melinda Sims, Glast, Phillips & Murray, P.C., 14801 Quorum Drive, Suite 500, Dallas, Texas 75254 on the 17<sup>th</sup> day of September, 2012.

  
James Albert Jennings

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**NOTICE OF INTENTION TO TAKE THE  
DEPOSITION OF JO N. HOPPER**

To: ALL COUNSEL OF RECORD


Please take notice that, pursuant to Rule 199 of the Texas Rules of Civil Procedure, Defendant JPMorgan Chase Bank, N.A., in its capacity as Independent Administrator, will take the deposition upon oral examination of Jo N. Hopper at 10:00 a.m. on Monday, October 1, 2012 at the offices of Hunton & Williams LLP, 1445 Ross Avenue, Suite 3700, Dallas, Texas 75202. The oral examination will continue from day to day until completed. The deposition will be taken before a certified court reporter and might be videotaped. You are invited to attend and cross-examine the witness.



**NOTICE OF INTENTION TO TAKE THE DEPOSITION OF JO N. HOPPER - Page 1**

Respectfully submitted,

HUNTON & WILLIAMS LLP

By:   
John C. Eichman

State Bar No. 06494800

Thomas H. Cantrill

State Bar No. 03765950

1445 Ross Avenue, Suite 3700

Dallas, Texas 75202-2700

Telephone: (214) 979-3000

Telecopy: (214) 468-3599

**ATTORNEYS FOR  
JPMORGAN CHASE BANK, N.A.  
IN ITS CAPACITY AS INDEPENDENT  
ADMINISTRATOR OF THE ESTATE  
OF MAX D. HOPPER, DECEASED**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document has been served via facsimile on the following counsel of record on the 7<sup>th</sup> day of September, 2012:

James Albert Jennings  
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Laura Wassmer and Stephen Hopper

  
John C. Eichman

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**NOTICE OF INTENTION TO TAKE THE  
DEPOSITION OF SARAH WILLIAMSON**

To: ALL COUNSEL OF RECORD

Please take notice that, pursuant to Rule 199 of the Texas Rules of Civil Procedure, Defendant JPMorgan Chase Bank, N.A., in its capacity as Independent Administrator, will take the deposition upon oral examination of Sarah Williamson at 10:00 a.m. on Wednesday, October 3, 2012 at the offices of Hunton & Williams LLP, 1445 Ross Avenue, Suite 3700, Dallas, Texas 75202. The oral examination will continue from day to day until completed. The deposition will be taken before a certified court reporter and might be videotaped. You are invited to attend and cross-examine the witness.



**NOTICE OF INTENTION TO TAKE THE DEPOSITION OF SARAH WILLIAMSON - Page 1**



Respectfully submitted,

HUNTON & WILLIAMS LLP

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IN ITS CAPACITY AS INDEPENDENT  
ADMINISTRATOR OF THE ESTATE  
OF MAX D. HOPPER, DECEASED

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Attorneys for  
Laura Wassmer and Stephen Hopper

  
John C. Eichman

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PLAINTIFF'S AND DEFENDANT CHILDREN'S JOINT MOTION TO STAY

COMES NOW Jo N. Hopper ("Plaintiff" or "Hopper") and Decedent's children, Stephen B. Hopper and Laura S. Wassmer (the "Children" or "Defendant Children") and file this *Plaintiff's and Children's Joint Motion to Stay* ("Motion") and in support thereof would respectfully show the Court as follows:

I.

ARGUMENT

Plaintiff and the Children have filed a companion Joint Motion to Stay in Cause No. PR-11-3238-3 (the "Litigation Case"). The reasons for a stay in the Litigation Case are equally applicable in this case. Fundamental issues in the Litigation Case are the subject of Motions for Partial Summary Judgment, which were filed separately by Plaintiff Jo N. Hopper and Defendants Stephen B. Hopper and Laura S. Wassmer (the "Children" or "Stepchildren"). The Court heard those Motions, conducted a hearing on them, and issued orders on August 15, 2012 in regard to same (the "Orders").



On August 6, 2012, the Court heard also the Plaintiff and Defendant Children's respective First Amended Motion to Sever and Hopper's Motion to Sever Subject to Plaintiff Jo N. Hopper's Motion to Modify and Reconsider the Court's May 18<sup>th</sup> Order, or Alternatively, Motion for New Trial. After hearing the various severance motions, the Court entered its Severance Order. In the Severance Order the Court severed certain issues/claims from the main cause into a separate cause in order to allow the appeal of the Orders.

The final resolution and adjudication of certain of the issues/claims severed in the Litigation Case will have an impact on claims/issues remaining in this case, including challenges to the proposed inventory, incomplete accountings by the Independent Administrator, and the form and nature of distribution and delivery of assets under administration. If the parties are forced to go forward with this case while significant issues are on appeal, then the parties will be operating under certain legal findings that could be reversed pursuant to that appeal. Accordingly, this cause should be stayed in all respects.

Granting this Motion to Stay will do justice, avoid prejudice, and will be more convenient and cost-effective for all the parties and the Court.

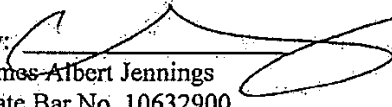
## **II.**

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Hopper request that the Court grant this Joint Motion to Stay and grant all other and further relief, at law and in equity, to which she may be justly entitled.

Respectfully submitted,

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ATTORNEYS FOR STEPHEN B.  
HOPPER AND LAURA S. WASSMER

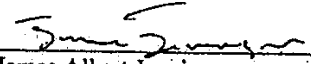
CERTIFICATE OF CONFERENCE

I hereby certify that I called John Eichman, counsel for Bank/IA, is opposed to this Motion.

  
James Albert Jennings WP KAT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via facsimile to: counsel for the Independent Administrator and Bank, Thomas H. Cantrill and John Eichman, Hunton & Williams, 1445 Ross Avenue, Suite 3700, Dallas, Texas 75202, and to Defendants Stephen Hopper and Laura Wassmer, via their counsel of record, Mark Enoch, Gary Stolbach, and Melinda Sims, Glast, Phillips & Murray, P.C., 14801 Quorum Drive, Suite 500, Dallas, Texas 75254 on the 2<sup>nd</sup> day of August, 2012.

  
James Albert Jennings WP KAT