

From: Gavin B. Parsons <gparsons@coatsandbennett.com>
Sent: Monday, May 6, 2024 12:57 PM
To: David Gibbs III <dgibbs@gibbsfirm.com>; Richardson, Keith E (74963) <kerichardson@michaelbest.com>
Cc: Andrews, Andy (75044) <Andy.Andrews@michaelbest.com>; Mertz, Justin M (14972) <jmmertz@michaelbest.com>; Katya Y. Fox <kfox@coatsandbennett.com>
Subject: RE: Order re: Prelim. Injun. - DOF v. FBC [Common Interest / Joint Defense]

Folks,

Attached is a draft of the proposed preliminary injunction with our edits.

I am going to send this to Plaintiff's counsel shortly. I will also ask for their consent to a 30 day extension of time on the discovery they served on us which is currently due this Wednesday May 8.

Also, we filed a Notice of Appeal on Thursday of Judge Ridgeway's Order denying our Motion to Dismiss pursuant to Rule 12(b)(1). A copy of that filing is attached.

I am happy to chat regarding any of this.

Gavin B. Parsons

COATS+BENNETT, PLLC

direct (919) 719-4868 | mobile (919) 274-4185

www.coatsandbennett.com

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From: David Gibbs III <dgibbs@gibbsfirm.com>
Sent: Monday, May 6, 2024 12:16 PM
To: Richardson, Keith E (74963) <kerichardson@michaelbest.com>
Cc: Andrews, Andy (75044) <Andy.Andrews@michaelbest.com>; Mertz, Justin M (14972) <jmmertz@michaelbest.com>; Gavin B. Parsons <gparsons@coatsandbennett.com>
Subject: Re: Order re: Prelim. Injun. - DOF v. FBC [Common Interest / Joint Defense]

I added Gavin on this email. He can answer your questions.

From: Richardson, Keith E (74963) <kerichardson@michaelbest.com>
Date: Thursday, May 2, 2024 at 11:55 AM
To: David Gibbs III <dgibbs@gibbsfirm.com>
Cc: Andrews, Andy (75044) <Andy.Andrews@michaelbest.com>, Mertz, Justin M (14972) <jmmertz@michaelbest.com>
Subject: RE: Order re: Prelim. Injun. - DOF v. FBC [Common Interest / Joint Defense]

Hey David,

Hope you're well. The discovery that DOF side previously served on your client, do you know the status of that? Has DOF side given you all an extension to respond to that discovery until after the Preliminary Injunction Order is entered? And if so, then is that 30 or 60 days until after the order is entered? Or, is there another timeframe in which you all have to respond to their discovery, and if yes, what is that? Just spoke to Summit leadership, and they were inquiring, particularly with respect to any discovery requests for communications or docs between FBC and Summit (which we can claim common interest / joint defense privilege on; I can be involved in helping there).

Also, if you don't mind sharing with us a copy of the most recent draft form of the proposed order for the PI, that'd be great. Our bankruptcy counsel (Justin) is copied, who's been in communication with FBC's bankruptcy counsel, and would be good for him to see the proposed order language as bankruptcy pursuits are considered.

Thanks,

[Keith E. Richardson](#)

Partner

☎ T 919.670.4963 | M 919.622.1506

✉ kerichardson@michaelbest.com | [bio](#)



From: Richardson, Keith E (74963)

Sent: Wednesday, May 1, 2024 10:27 AM

To: David Gibbs III <dgibbs@gibbsfirm.com>

Cc: Andrews, Andy (75044) <Andy.Andrews@michaelbest.com>

Subject: RE: Order re: Prelim. Injun. - DOF v. FBC [Common Interest / Joint Defense]

Thanks. That is interesting on other side not being thrilled about \$25k bond.

[Keith E. Richardson](#)

Partner

☎ T 919.670.4963 | M 919.622.1506

✉ kerichardson@michaelbest.com | [bio](#)



From: David Gibbs III <dgibbs@gibbsfirm.com>

Sent: Wednesday, May 1, 2024 10:25 AM

To: Richardson, Keith E (74963) <kerichardson@michaelbest.com>

Cc: Andrews, Andy (75044) <Andy.Andrews@michaelbest.com>

Subject: Re: Order re: Prelim. Injun. - DOF v. FBC [Common Interest / Joint Defense]

Still in draft form. We are slow rolling on our side to give church time to file bankruptcy prior to an order actually being entered. Interestingly, other side is not thrilled having to put \$25k up as a bond.

On May 1, 2024, at 9:43 AM, Richardson, Keith E (74963) <kerichardson@michaelbest.com> wrote:

Hey David –

Just checking, any update on the draft order? Have both sides made their desired tweaks and it's been submitted to the judge for review? Or still in draft form with attorneys?

Thanks,

Keith E. Richardson

Partner

<image001.png>

T

919.670.4963 | **M** 919.622.1506

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[kerichardson@michaelbest.co](mailto:kerichardson@michaelbest.com)
[m](#) | [bio](#)

<image004.png>

<image003.p

ng>

Michael Best & Friedrich
LLP · A LexMundi Member

<image005.png>

www.michaelbest.com

From: David Gibbs III <dgibbs@gibbsfirm.com>

Sent: Friday, April 26, 2024 7:48 PM

To: Richardson, Keith E (74963) <kerichardson@michaelbest.com>

Cc: Andrews, Andy (75044) <Andy.Andrews@michaelbest.com>

Subject: Re: Order re: Prelim. Injun. - DOF v. FBC [Common Interest / Joint Defense]

We just received a draft this evening. We are going to file a Notice of Appeal on the B1 ruling to preserve it and order the transcript. We will work to postpone the foreclosure hearing as bankruptcy options are evaluated.

On Apr 26, 2024, at 3:42 PM, Richardson, Keith E (74963) <kerichardson@michaelbest.com> wrote:

David,

Hope you're well. If you can share with us a copy of the Order granting Preliminary Injunction once the Judge signs and enters it, that'd be most helpful. I recognize the order may still be in draft form.

Thanks,

Keith E. Richardson

Partner

<image001.png>

T

919.670.4963 | **M** 919.622.1506

<image002.png>

[kerichardson@michaelbest.co](mailto:kerichardson@michaelbest.com)
[m](#) | [bio](#)

<image004.png>

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ng>

Michael Best & Friedrich
LLP · A LexMundi Member

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