

jfriedman@fflawoffice.com

Jason H. Friedman

State Bar No. 24059784

jason@fflawoffice.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on December 29, 2021, a true and correct copy of the foregoing has been served on all counsel of record via E-Service pursuant to Rule 21 of the Texas Rules of Civil Procedure.

/s/ Jason H. Friedman _____

Attorney

INITIAL DISCLOSURES

1. The correct names of the parties to the lawsuit.

RESPONSE: Plaintiff believes that the parties are correctly named.

2. The name, address, and telephone number of any potential parties.

RESPONSE:

(a) Steve Ivy

Heritage Auctions
2801 W. Airport Freeway
Dallas, Texas 75261
Tel: (214) 528-3500

(b) Jacki Pick

10134 Waller Drive,
Dallas, Texas 75229
Tel: Unknown

(c) HRJ Consulting Ltd.

1122 4 St. SW #300
Calgary, AB T2R 1M1,
Canada
Tel: +1 (403) 243-7664

(d) Lori Carr

Estes, Thorne & Carr, PLLC
3811 Turtle Creek Blvd., #2000
Dallas, Texas 75219
Tel: (214) 599-4000

(e) Jerry Mills

JM Mills Interest, LLC
13995 Diplomat Drive, Ste. 300
Farmers Branch, Texas 75234
Tel: (972) 590-5560

3. The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

RESPONSE:

Plaintiff fully incorporates herein the allegations contained within its Amended Petition, and any amendments and/or supplements thereto. Plaintiff brings claims for breach of fiduciary duty, common-law fraud, fraudulent inducement, and fraud by non-disclosure.

(a) Breach of Fiduciary Duty

A fiduciary relationship existed between the Plaintiff and Defendants, as Plaintiff granted Defendants the authority to act on its behalf in the care, control, and management of the restricted funds. Defendants thus had fiduciary obligations of full disclosure, loyalty, to refrain from self-dealing, integrity of the strictest kind, and fair and honest dealing. However, Defendants Batman, Gross, and Whalen:

- (i) Hired and failed to monitor Joshua Galloway as Chief Financial Officer, which led to Mr. Galloway's embezzlement and the misappropriation of the Restricted Funds for operations and to cover the embezzlement;
- (ii) Neglected the NCPA's financial standards and controls, which facilitated Joshua Galloway's embezzlement and left the NCPA in an alarming and precarious financial position, such that Defendants had to use the Restricted Funds for operations and to cover the embezzlement;
- (iii) Negligently hired Dennis McCuiston as Interim Chief Executive Officer, which affected the NCPA's image and donations, leading to the misappropriation of the Restricted Funds for operational uses;

Additionally, Defendants Batman, Gross, Whalen, and McCuiston:

- (i) Approved unrealistic budgets, even though the NCPA could not even maintain its expenses, leading to the misappropriation of the Restricted Funds for operations;
- (ii) Engaged the NCPA in costly public relations battles and frivolous suits against the NCPA's founder, Dr. John Goodman, and the NCPA board secretary, W. Mike Baggett, all of which were expensive and took a financial toll on the NCPA, leading to the misappropriation of the Restricted Funds;
- (iii) Negligently hired Allen West as Chief Executive Officer, which affected the NCPA's image and donations, leading to the misappropriation of the Restricted Funds for operational uses;
- (iv) Negligently hired James Amos as Chief Executive Officer, which affected the management of the NCPA and led to the misappropriation of the Restricted Funds for operational uses.

Further, Defendants Amos and Stewart:

- (i) Stripped the NCPA's assets and sold them at below-market value, even when there were offers that may have covered the value of the Restricted Funds; and
- (ii) Failed to obtain the necessary authority to negotiate and sell the NCPA's assets.

(b) Common-Law Fraud

Defendant Amos made false statements of fact, opinion, and promises of future performance to the Plaintiff regarding the existence, value, and intended use of the Restricted Funds. These representations were material to Plaintiff's decision to keep the Restricted Funds within the NCPA's care. Additionally, each Defendant made false representations to the Plaintiff, and conspired, assisted, and contributed to the misappropriation of the Restricted Funds and the

concealment thereof. The representations were false and/or made recklessly, as a positive assertion and without knowledge of their truth, with the intent to convince Plaintiff keep the Restricted Funds within the NCPA's care and not demand their return. The Plaintiff relied on the Defendant's misrepresentations in its decision to do so and as a result, lost the Restricted Funds.

(c) Fraudulent Inducement

Defendant Amos made false statements of fact, opinion, and promises of future performance to the Plaintiff regarding the existence, value, and intended use of the Restricted Funds. These representations were material to Plaintiff's decision to keep the Restricted Funds within the NCPA's care. Additionally, each Defendant made false representations to the Plaintiff, and conspired, assisted, and contributed to the misappropriation of the Restricted Funds and the concealment thereof. The representations were false and/or made recklessly, as a positive assertion and without knowledge of their truth, with the intent to induce the Plaintiff keep the Restricted Funds within the NCPA's care and continue to donate to the NCPA. The Plaintiff relied on the Defendant's misrepresentations in its decision to do so and as a result, lost the Restricted Funds.

(d) Fraud by Non-Disclosure

The Defendants concealed from the Plaintiff and failed to disclose material facts pertaining to the Restricted Funds, including their use to cover operations in light of Joshua Galloway's embezzlement. Defendants, as Plaintiff's agents, had a duty to speak, but remained deliberately silent. All Defendants knew that the Plaintiff was ignorant of the facts and did not have an equal opportunity to discover the facts. Defendants withheld these material facts in order to induce the Plaintiff to keep the Restricted Funds within the NCPA's care and not demand their return. The Plaintiff relied on the Defendant's omissions in its decision to do so and as a result, lost the Restricted Funds.

4. The amount and any method of calculating economic damages.

RESPONSE:

As an initial note, the full extent of Plaintiff's economic damages are being assessed through continuing discovery in this matter. Accordingly, Plaintiff expressly reserves the right to amend and/or supplement this Response as discovery continues.

Plaintiff seeks economic damages of at least \$142,787.49, calculated as the value of the grant before being lost entirely due to the Defendants' conduct.

5. The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

- (a) Corporate Representative of Recovery Funding Service, LLC, as assignee of Hatton W. Sumners Foundation for the Study and Teaching of the Science of Self-Government, Inc., d/b/a Sumners Foundation**
c/o Jason H. Friedman

Friedman & Feiger, LLP
5301 Spring Valley Road, Suite 200
Dallas, Texas 75254
Tel: (972) 788-1400
Fax: (972) 788-2667

Corporate Representative will have knowledge of the facts and circumstances underlying the allegations in Plaintiff's Original Petition, and any amendments and/or supplements thereto.

(b) Hugh Akin

Address: Unknown
Tel: (214) 676-4973

Hugh Akin is the former Chief Executive Officer of the Hatton W. Sumners Foundation. Mr. Akin negotiated the HWS grant agreement with the NCPA and was witness to the NCPA's fraudulent misrepresentations.

(c) Eileen Resnik

Hatton W. Sumners Foundation
325 N. St. Paul Street #3920,
Dallas, Texas 75201
Tel: (214) 220-2128

Eileen Resnik is the former NCPA Development Director and current employee of the Hatton W. Sumners Foundation. Ms. Resnik is a witness to fraudulent misrepresentations made to Hugh Akin and the failure of Jim Amos to meet his obligation to be a full-time manager of the NCPA. Ms. Resnik accompanied Mr. Dennis McCuiston on fundraising calls where it was "standard procedure" to hand out copies of a D-Magazine article describing the NCPA sex scandal in salacious detail and repeating some of the same statements for which the NCPA had only recently paid Dr. Goodman \$575,000 to settle a libel and slander claim.

(d) Jeanette Goodman

400 Lomax Cove,
Austin, Texas 78732
Tel: (972) 965-3380

Ms. Goodman negotiated the restricted grant agreement between the NCPA and the Hatton W. Sumners Foundation. She created and implemented a system of financial controls for the NCPA, which the Defendants subsequently dismantled. She was approached by the Defendants in search of damaging personal information about Dr. Goodman as part of the Defendants' "Swift-Boat" campaign.

(e) Josh Galloway

Contact Information Unknown

Mr. Galloway was the former Chief Financial Officer of the NPCA who embezzled more than \$1.2 million and spent time in prison for that crime. He has intimate knowledge of the opportunities created by the dismantlement of the NPCA's financial controls.

(f) Jason E. Sibley

Address: Unknown
Tel: (214) 671-3546

Mr. Sibley was the Dallas Police Department Investigator in charge of investigating the embezzlement by Mr. Galloway.

(g) Richard Walker

Benjamin Rush Institute
8612 Glenmount Dr.,
North Richland Hills, Texas 76183
Tel: (214) 507-4610

Mr. Walker was the former Chief Operating Officer of the NPCA. He has knowledge of the NPCA financial controls that were dismantled by the Defendants and how that enabled Galloway to embezzle funds. Mr. Walker was witness to the "Swift Boat" campaign against Dr. Goodman, Dennis McCuiston's sexual harassment of female employees, the lawsuit against Mike Baggett and Winstead, McCuiston's publicizing of a sex scandal to donors, and McCuiston's failure to meet his obligation to be a full-time manager of the NPCA.

(h) Jacki Pick

10134 Waller Drive,
Dallas, Texas 75229

Ms. Pick was the Chief Operating Officer of the NPCA and Josh Galloway's supervisor during the eight-month period that Galloway embezzled more than \$1.2 million from the organization. Ms. Pick also participated in the dissolution of the NPCA's assets.

(i) Merrie Spaeth

Spaeth Communications
8150 N. Central Expressway, Ste. 1410
Dallas, Texas 75206
Tel: (214) 871-8888

Ms. Spaeth produced the "Swift Boat" ads used against John Kerry in his presidential campaign, and was hired by the Defendants to conduct a "Swift Boat" campaign against John Goodman, of which she planned, organized, and directed. On information and belief, Ms. Spaeth also helped get media coverage for the lawsuit against Mike Baggett and Winstead, which generated continuing publicity for the NPCA's sex scandal.

(j) Catherine Daniel

Address: Unknown

Tel: (817) 991-1041

Ms. Daniel was an NCPA employee in charge of media relations and helped implement the “Swift Boat” campaign under Merrie Spaeth’s direction.

(k) Lori Carr

Estes, Thorne & Carr, PLLC
3811 Turtle Creek Blvd, #2000
Dallas, Texas 75219
Tel: (214) 599-4000

Ms. Carr was the NCPA’s attorney who participated in the planning, approval, and execution of the “Swift Boat” campaign. In a formal document to a mediator, Ms. Carr argued that there were good reasons to believe that John Goodman was not guilty of sexual misconduct and argued at mediation that there was no sexual misconduct (although she approved a press release saying the opposite only a few weeks earlier). She participated (without objection) in a series of emails in which Defendants expressed extreme malice toward John Goodman and communicated their desire to discredit him at all costs, even if that led to the destruction of the NCPA. Ms. Carr appeared on behalf of the NCPA at another mediation in which the Defendants agreed to pay Dr. Goodman \$575,000 to settle a libel and slander claim.

(l) Jerry Mills

JM Mills Interest, LLC
13995 Diplomat Drive, Suite 300
Farmers Branch, Texas 75234
Tel: (972) 590-5560

Mr. Mills was the former NCPA board Chairman who participated in the planning, approval, and execution of the “Swift Boat” campaign. After Dr. Goodman announced his decision to retire, Mr. Mills headed a search committee that received applications and interviewed candidates to replace him over a period of about twelve months. The committee was dissolved when the Defendants, rather than accept Dr. Goodman’s offer to retire, insisted on firing him. Mr. Mills received and rejected Dr. Goodman’s offer to separate from the NCPA peacefully, in a way that would encourage donor support.

Mr. Mills also made a \$50,000 restricted grant to the NCPA and demanded return of the grant after the funds were misused. In his capacity as chairman, he asked Mike Baggett to rejoin the NCPA board, even though the Defendants were accusing Mike Baggett of malpractice at the time.

(m) Steve Ivy

Heritage Auctions
2801 W. Airport Freeway
Dallas, Texas 75261
Tel: (214) 528-3500

Mr. Ivy is a former NCPA board member who became chairman after Jerry Mills resigned. He hired Merrie Spaeth, participated in the planning, approval and execution of the “Swift Boat” campaign, and participated in a series of emails in which the Defendants expressed extreme malice toward Dr. Goodman and communicated their desire to discredit Goodman at all costs, even if that led to the destruction of the NCPA. Mr. Ivy participated in the frivolous (but publicly very damaging to the NCPA) lawsuit against Mike Baggett and Winstead, and in a similar frivolous lawsuit against Dan Dargene and the Ogletree Deakins law firm. Mr. Ivy asked John Goodman to return to the NCPA in the final year of the organization’s existence. Mr. Ivy approached Goodman Institute board member Coley Clark on several occasions seeking Dr. Goodman’s return to the NCPA and a merger of the two think-tanks. Mr. Ivy had a major role in the disposition of the NCPA’s assets, including the decision to sell the NCPA’s website address to the Community Pharmacists, thereby guaranteeing that all internet links to the NCPA’s intellectual property would be destroyed.

(n) Coley Clark

3500 Drexel Drive,
Dallas, Texas 75205
Tel: (214) 668-3077

Mr. Clark is a board member of the Goodman Institute who was approached by Steve Ivy on several occasions, seeking Dr. Goodman’s return to the NCPA and a merger of the two think-tanks.

(o) Michael Rae

Lexicon Ltd.
P.O. Box 36021,
Lakeview Post Office
Calgary, Alberta
Canada T3E 7C6
Tel: (877) 573-2506

Mr. Rae was the NCPA’s internet service provider. He estimated the value of the NCPA’s website and the harm done by severing the internet links to the NCPA’s intellectual property. He maintains the NCPA’s only remaining webpage and the only existing archive of NCPA documents.

(p) Dierdre Ruckman

Foley & Lardner, LLP
2021 McKinney Ave. #1600
Dallas, Texas 75201
Tel: (214) 999-3000

Dierdre “Dee” Ruckman represented the NCPA during the disposition of the NCPA’s assets. She met with Dr. Goodman, Reagan Stewart, and Mike McConnell to discuss Dr.

Goodman's acquisition of the NCPA's web address and other assets. She approved of Dr. Goodman's method of bidding and was appraised of the harm to be done if the NCPA's web address was sold to the Community Pharmacists. Ms. Ruckman also received Dr. Goodman's offer to pay more than any other bidder for the NCPA's assets and rejected the offer on behalf of the Defendants.

(q) Larry Wedekind

IntegraNet Health
2900 N. Loop W,
Houston, Texas 77092
Tel: (281) 447-6800

Larry Wedekind was an NCPA board member who was present at the last board meeting at which the board voted to close down the organization and transfer the assets to Dr. Goodman and the Goodman Institute. He objected to the selling of assets below market value and pocketing the proceeds, the destruction of the NCPA's intellectual property, and the chairman's failure to share board meeting minutes with the other board members. He also objected to the chairman's refusal to disclose what NCPA assets had been sold, to whom they had been sold, and for what price. He filed a formal complaint with the Attorney General.

(r) Joe Barnett

Beacon Hill Institute
1013 Rosewood Lane,
Arlington, Texas 76010
Tel: Unknown

Joe Barnett was an NCPA employee who was in charge of the NCPA's tax policy work, funded by a restricted grant.

(s) Chris MacGregor

The Freeman Company
1600 Viceroy Dr., Ste 100
Dallas, Texas 75235
Tel: (214) 445-1000

Chris MacGregor was an NCPA employee who was in charge of the NCPA's technical support and IT improvements, funded by restricted grant money.

(t) John Goodman

c/o Jason H. Friedman
Friedman & Feiger, LLP
5301 Spring Valley Road, Suite 200
Dallas, Texas 75254
Tel: (972) 788-1400
Fax: (972) 788-2667

Mr. Goodman was a witness to the "Swift-Boat" campaign.

(u) Pam Villareal
1612 Savage Drive,
Plano, Texas 75023
Tel: Unknown

Ms. Villareal was an NCPA employee who was a victim of sexual harassment by Dennis McCuiston.

(v) Dayana Osuma
Address: Unknown
Tel: (214) 425-7414

Dayana Osuma was an NCPA employee who was a victim of sexual harassment by Dennis McCuiston.

(w) Nezmaris Hassan
Address: Unknown
Tel: (214) 551-0793

Nezmaris Hassan was an NCPA employee who was a victim of sexual harassment by Dennis McCuiston.

(x) Tiana Windland
Contact Information Unknown

Tiana Windland was an NCPA employee who was a victim of sexual harassment by Dennis McCuiston.

(y) Lauren Flake
Address: Unknown
Tel: (214) 777-3175

Ms. Flake was one of several NCPA secretaries who received unwanted sexual advances from Jerry Mills.

(z) James Amos, Jr.
c/o R. Heath Cheek
BELL, NUNNALLY & MARTIN LLP
2323 Ross Avenue, Ste. 1900
Dallas, Texas 75201
Tel: (214) 740-1400
And
c/o H.N. Cunningham, III
ROBERTS CUNNINGHAM & STRIPLING, LLP

13155 Noel Road, Suite 900
Dallas, Texas 75240
Tel: (214) 696-3200

James Amos, Jr. was the acting President and CEO of the NCPA and is a Defendant in this case and will have knowledge of the facts underlying the claims alleged in Plaintiff's Petition, and any amendments and/or supplements thereto as they pertain to, among others, the representations made regarding the value of the restricted funds, his neglect of the NCPA financial standards and controls, his actions and omissions in his position as CEO, the loss of donors, Joshua Galloway's embezzlement and the NCPA's actions afterword, and the sale of the NCPA's assets.

(aa) Stephen A. Batman

c/o R. Heath Cheek
BELL, NUNNALLY & MARTIN LLP
2323 Ross Avenue, Ste. 1900
Dallas, Texas 75201
Tel: (214) 740-1400

And

c/o H.N. Cunningham, III
ROBERTS CUNNINGHAM & STRIPLING, LLP
13155 Noel Road, Suite 900
Dallas, Texas 75240
Tel: (214) 696-3200

Steven A. Batman was a member of the NCPA's Board of Directors and is a Defendant in this case and will have knowledge of the facts underlying the claims alleged in Plaintiff's Petition, and any amendments and/or supplements thereto as they pertain to, among others, the NCPA's actions to disparage Goodman's name, the lawsuits against Goodman, Mr. Baggett and Winstead, P.C., the negligent hiring and oversight of Joshua Galloway, the NCPA's failure to properly manage and maintain financial standards and controls, the decisions pertaining to hiring Allen West as CEO, the decisions pertaining to hiring Dennis McCuiston as Interim CEO, the decisions pertaining to hiring James Amos as CEO, and the sale of the NCPA's assets.

(bb) William D. Gross

C/O Stephen Kennedy, Esq.
Kennedy Law, P.C.
1445 Ross Ave. Ste. 2750
Dallas, Texas 75202
(214) 716-4343

William D. Gross was a member of the NCPA's Board of Directors and is a Defendant in this case and will have knowledge of the facts underlying the claims alleged in Plaintiff's Petition, and any amendments and/or supplements thereto as they pertain to, among others, the NCPA's actions to disparage Goodman's name, the lawsuits against Goodman, Mr.

Baggett and Winstead, P.C., the negligent hiring and oversight of Joshua Galloway, the NCPA's failure to properly manage and maintain financial standards and controls, the decisions pertaining to hiring Allen West as CEO, the decisions pertaining to hiring Dennis McCuistion as Interim CEO, Dennis McCuistion's illicit sexual advances with NCPA employees, the decisions pertaining to hiring James Amos as CEO, and the sale of the NCPA's assets.

(cc) Dennis McCuistion

2192 rte Imperiale
64300 Argagnon
France
Tel: Unknown

Mr. McCuistion is a defendant in this case and was the interim CEO of the NCPA, who will have knowledge of the facts underlying the claims alleged in Plaintiff's Petition, and any amendments and/or supplements thereto, as they pertain to, among others, his actions, omissions, and decisions in his position as Interim CEO, his approval of unrealistic budgets and failure to properly oversee financial controls and standards, the NCPA's lawsuits against Goodman, Baggett, and Winstead, P.C., the decisions pertaining to hiring Allen West as CEO, the decisions pertaining to hiring James Amos as CEO, and the sale of the NCPA's assets.

(dd) Reagan Stewart

c/o R. Heath Cheek
BELL, NUNNALLY & MARTIN LLP
2323 Ross Avenue, Ste. 1900
Dallas, Texas 75201
Tel: (214) 740-1400

And

c/o H.N. Cunningham, III
ROBERTS CUNNINGHAM & STRIPLING, LLP
13155 Noel Road, Suite 900
Dallas, Texas 75240
Tel: (214) 696-3200

Reagan Stewart oversaw the liquidation of the NCPA's assets and is a Defendant in this case, who will have knowledge of the facts underlying the claims alleged in Plaintiff's Petition, and any amendments and/or supplements thereto, as they pertain to, among others, the NCPA's failure to pay its web host and the subsequent loss of the NCPA website, the NCPA's failure to pay the NCPA auditor and the results of that failure, the NCPA's failure to pay rent and the results of that failure, the NCPA's failure to pay its storage facility and the results of that failure, and the events leading to the loss of the Restricted Funds.

(ee) Michael L. Whalen

c/o R. Heath Cheek
BELL, NUNNALLY & MARTIN LLP
2323 Ross Avenue, Ste. 1900
Dallas, Texas 75201
Tel: (214) 740-1400

And

c/o H.N. Cunningham, III
ROBERTS CUNNINGHAM & STRIPLING, LLP
13155 Noel Road, Suite 900
Dallas, Texas 75240
Tel: (214) 696-3200

Michael L. Whalen was a member of the NCPA's Board of Directors and is a Defendant in this case, who will have knowledge of the facts underlying the claims alleged in Plaintiff's Petition, and any amendments and/or supplements thereto, as they pertain to, among others, the negligent hiring and oversight of Joshua Galloway, the NCPA's failure to properly manage and maintain financial standards and controls, the NCPA's actions to disparage Goodman's name, the lawsuits against Goodman, Mr. Baggett and Winstead, P.C., the decisions pertaining to hiring Allen West as CEO, the decisions pertaining to hiring Dennis McCuiston as Interim CEO, the decisions pertaining to hiring James Amos as CEO, and the sale of the NCPA's assets.

(ff) Lloyd Bentsen IV
Address: Unknown
Tel: (214) 304-9553

Lloyd Bentsen was an NCPA intern who was assigned to several jobs at once: Chief Financial Officer, Head of Human Resources, and Office Manager, even though he had no prior experience or training in these roles. Mr. Bentsen arguably ran the NCPA in the last months of the organization's existence.

- 6. A copy-or a description by category and location-of all documents, electronically stored information, and tangible things that the responding party has in its possession, custody, or control, and may use to support its claims or defenses, unless the use would be solely for impeachment.**

RESPONSE:

The following documents are being produced simultaneously with this Response:

- (a)** PLF000001–274: Documents attached as Exhibits to Plaintiff's Amended Petition;
(b) PLF000275–643: Documents produced by Merrie Spaeth;

- (c) PLF000644–712: Transcript from the Deposition of Jacki Pick, dated November 7, 2016, in *The National Center for Policy Analysis v. Ogletree, Deakins, Nash, Smoak & Stewart, P.C.*;
- (d) PLF000713–769: Transcript from the Deposition of Lori Carr, dated November 11, 2016, in *The National Center for Policy Analysis v. Ogletree, Deakins, Nash, Smoak & Stewart, P.C.*;
- (e) PLF000770–771: Emails from Michael Whalen to John Goodman;
- (f) PLF000772: Discussion document for Steve Ivy, Coley Clark, and John Goodman regarding a proposed merger between the Goodman Institute and the NCPA;
- (g) PLF000773–788: John Goodman’s letter to the NCPA’s Board of Directors addressing several contentious issues;
- (h) PLF000789–793: Article: “The Harm Done by Selling the Domain Name *ncpa.org* to the Community Pharmacists”, available at <https://www.ncpathinktank.org/w18/the-harm-done-by-selling-the-domain-name-ncpa-org-to-the-community-pharmacists/>.

The following documents are either under seal, confidential, or otherwise not in Plaintiff’s possession. However, Plaintiff hereby provides notice of its intent to use the following documents and reserves the right to supplement this Response once said documents become available:

- (i) Exhibits to the depositions conducted in *The National Center for Policy Analysis v. Ogletree, Deakins, Nash, Smoak & Stewart, P.C.*, formerly pending in the 192nd Judicial District Court, Dallas, Texas, including but not limited to the depositions of Eileen Resnik, Dennis McCuiston, Merrie Spaeth, Richard Walker, Jerry Mills, Joshua Galloway, Corporate Representative of the National Center for Policy Analysis, Sherri Collins, Jacki Pick, and any NCPA Board Member;
- (j) Materials used in the mediation between John Goodman and the NCPA;
- (k) The NCPA Audit;
- (l) Documents evidencing the NCPA’s cancellation of a D&O agreement;
- (m) Private investigator’s criminal background report on Sherri Collins, commissioned by the NCPA Board of Directors.

7. Any indemnity and insuring agreements described in Rule 192.3(f).

RESPONSE: None exist.

8. Any settlement agreements described in Rule 192.3(g).

RESPONSE: None exist.

9. Any witness statements described in Rule 192.3(h).

RESPONSE: None exist.

10. In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

RESPONSE: None at this time.

11. In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

RESPONSE: None at this time.

12. The name, address, and telephone number of any person who may be designated as a responsible third party.

RESPONSE: Plaintiff is unaware of any responsible third parties at this time. Plaintiff expressly reserves the right to amend and/or supplement this Response as discovery continues.