

CAUSE NO. 017-352358-24

AFG COMPANIES, INC.,

Plaintiff,

v.

GENUINE LIFETIME, LLC, AND
TYLER J. LUCK,

Defendants.

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IN THE DISTRICT COURT

17th JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

JURY TRIAL DEMANDED

**FITZPATRICK’S OBJECTION AND RESPONSE TO CONSIDERATION OF
PLAINTIFF’S VERIFIED MOTION FOR ADMINISTRATIVE RESET PRIOR TO
ADJUDICATION OF HIS PENDING MOTION TO INTERVENE**

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW, Maurice Fitzpatrick, Jr. (Prospective Intervenor” or “Fitzpatrick”), pro se,
and respectfully files this *Objection and Response to Consideration of Plaintiff’s Verified Motion
for Administrative Reset Prior To Adjudication of His Pending Motion to Intervene*, and
respectfully shows the Court as follows:

A. Pending Motion to Intervene

1. Fitzpatrick filed his Motion to Intervene with its accompanying exhibit(s) in this Court on
November 12, 2024. That motion has remained pending and unadjudicated for nearly ten (10)
months.

2. On September 10, 2025, Fitzpatrick contacted the Court Coordinator to request hearing dates for the Motion to Intervene. To date, no hearing date(s) has/have been provided.
3. By contrast, other parties and counsel in this case routinely obtain hearing dates on their motions, papers, and requests with minimal delay. The disparate treatment of Fitzpatrick's Motion to Intervene raises a serious fairness concern and further supports the need to resolve his status before addressing later-filed motions.
4. Consideration of Plaintiff's Verified Motion for Administrative Reset prior to adjudication of Fitzpatrick's Motion to Intervene would compound prejudice, leaving Fitzpatrick's status unresolved and in limbo while other parties continue to shape the case and schedule.

B. Plaintiff's Grounds for Reset Cut in Favor of Intervention

5. Plaintiff argues that discovery delays and the "newly-discovered" role of Shawn Lucas justify a trial reset. Yet, Plaintiff and other parties have resisted adjudication of Fitzpatrick's Motion for Intervention, itself central to discovery and trial scope.
6. Plaintiff now claims Lucas is a "necessary party" whose joinder requires a reset. This underscores why Fitzpatrick's status must also be adjudicated. Like Lucas, Fitzpatrick possesses direct and material knowledge of facts bearing on the case, including the facts and circumstances surrounding Fitzpatrick's own fraudulent inducement into employment, internal concealment, wrongful and retaliatory termination, and post-termination retaliation which have all caused Fitzpatrick direct, substantial, concrete, and ongoing injury.
7. Plaintiff further cites the cancellation of mediation as justification for reset. That cancellation, however, does not outweigh the need for procedural fairness. Moreover, mediation

conducted without resolution of Fitzpatrick's status would be incomplete and risk duplicative effort.

C. Fairness and Judicial Economy Require Intervention to Be Decided First

8. Trial dates have already been reset multiple times in this case. Resetting trial again without ruling on Fitzpatrick's pending motion risks further inefficiency.

9. If Fitzpatrick is granted leave to intervene after a reset is ordered, the Court and parties will be forced to revisit scheduling yet again. Deciding the Motion to Intervene now promotes judicial efficiency and prevents prejudice.

D. Jurisdictional Irregularities During Fitzpatrick's Appeal

10. On April 17, 2025, the federal district court for the northern district of Texas entered an order remanding this case. On the same day and within three hours, Fitzpatrick filed a Notice of Appeal to the United States Court of Appeals for the Fifth Circuit under 28 U.S.C. § 1443.

11. Despite the pending appeal, one or more parties presented only the remand order to this Court but did not present or disclose Fitzpatrick's Notice of Appeal filed on the same day and the ensuing appeal thereafter.

12. During the pendency of Fitzpatrick's appeal (April 17–July 29, 2025), this Court and the parties proceeded with substantive scheduling and discovery matters. Jurisdiction during that period was in question, and Fitzpatrick's rights were adversely affected by proceedings in his absence.

13. This Court and the parties proceeded with substantive matters in Fitzpatrick's absence, despite jurisdiction being in question and without disclosure of his appeal to the Court. This history underscores how and why procedural irregularities have prejudiced Fitzpatrick, raises

serious concerns about counsel's candor with the Court, and underscores the fundamental fairness and due process concern in that Fitzpatrick's Motion to Intervene must be adjudicated before Plaintiff's Motion for Administrative Reset.

14. Further, the continued pendency of Fitzpatrick's Motion to Intervene without a written order impairs Fitzpatrick's due process rights and appellate remedies. Without adjudication of his status, Fitzpatrick remains unable to fully participate in proceedings or to seek meaningful review in higher courts, compounding the prejudice described herein.

PRAYER

WHEREFORE, Maurice Fitzpatrick, Jr. respectfully prays that this Court:

1. Schedule, hear, and adjudicate the Motion to Intervene prior to any hearing or ruling on the Plaintiff's Verified Motion for Administrative Reset;
2. Promptly set the Motion to Intervene for a 45-minute to 1-hour hearing and permit Fitzpatrick to appear via Zoom if necessary, given his current circumstances; and
3. Grant such other and further relief, at law or in equity, to which Fitzpatrick may be justly entitled.

Dated: September 12, 2025

Respectfully submitted,

/s/ Maurice Fitzpatrick, Jr.
Maurice Fitzpatrick, Jr.
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