

## CAUSE NO. 017-352358-24

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AFG COMPANIES, INC.,	}	IN THE DISTRICT COURT
	}	
Plaintiff,	}	17th JUDICIAL DISTRICT
	}	
v.	}	TARRANT COUNTY, TEXAS
	}	
GENUINE LIFETIME, LLC, AND	}	
TYLER J. LUCK,	}	
	}	
Defendants.	}	JURY TRIAL DEMANDED

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**FITZPATRICK’S SUPPLEMENTAL OBJECTION AND RESPONSE TO “AGREED”  
MOTION FOR ADMINISTRATIVE RESET PRIOR TO ADJUDICATION OF HIS  
PENDING MOTION TO INTERVENE**

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TO THE HONORABLE SENIOR JUDGE KEN CURRY:

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

**I. REFERENCE TO PRIOR OBJECTION**

1. On September 12, 2025, Fitzpatrick filed his *Objection and Response to Consideration of Plaintiff’s Verified Motion for Administrative Reset Prior To Adjudication of His Pending Motion to Intervene* (“Objection”), which remains pending before this Court.

2. That filing set forth the clear procedural impropriety of resetting trial dates and re-calendarizing this matter prior to a hearing and ruling on Fitzpatrick's longstanding Motion to Intervene, originally filed November 12, 2024.
3. Fitzpatrick incorporates his prior Objection by reference herein in its entirety as though fully set forth.

## **II. PRIOR PENDING MOTIONS LEFT UNADJUDICATED**

4. On January 8, 2025, Fitzpatrick filed his *Motion to Consolidate Related Cases, Motion for Expedited Hearing, Motion to Appear by Zoom, and Motion to Stay Proceedings in Denton County* ("Prior Motion") in connection with his then pending and unadjudicated Motion to Intervene in this matter.
5. That prior motion specifically requested:
  - a) Expedited hearing of the Motion to Intervene;
  - b) Authority to appear remotely via Zoom;
  - c) Consolidation of related matters, including the retaliatory Denton County case, into this action; and
  - d) A stay of parallel proceedings in Denton County pending adjudication of intervention.
6. To date, nearly eight months later, no ruling has issued on that prior motion, and no hearing has been provided on Fitzpatrick's Motion to Intervene itself. This Court's continued silence and the original parties' and their counsel's retaliatory and obstructive conduct has materially prejudiced Fitzpatrick, thus far, leaving him without the ability to participate in any meaningful way including discovery, responding to pleadings, protecting his rights and interests, and/or advancing his own state and common law claims against the original parties for the injury and damages they have caused Fitzpatrick personally through their conspiracy and fraudulent conduct, while the original parties and their counsel carry forward with their collusive litigation

strategy advancing a fraudulent “contract dispute” narrative, also a fraud on the Court that is injurious to Fitzpatrick.

7. Proceeding with an administrative reset before adjudicating Fitzpatrick’s intervention risks prejudicing his rights in ways that are not hypothetical but already realized. Fitzpatrick has been excluded from discovery requests, depositions, and scheduling negotiations while his intervention has remained pending, despite his timely motion filed November 12, 2024. This exclusion has impaired his ability to protect his claims, to prepare defenses, and to access evidence directly relevant to his allegations of fraud, retaliation, and conspiracy.

8. Moreover, allowing the litigation to continue through resets and scheduling adjustments without resolving intervention effectively denies Fitzpatrick due process. The Court’s inaction on his intervention thus far has the same practical effect as a de facto denial, but without the clarity of a written order that could be reviewed on appeal. Judicial economy and fairness require that this threshold issue be adjudicated first, so that the Court and all parties know with certainty who the litigants are before expending further resources on scheduling, discovery, or trial settings.

9. Granting an administrative reset before adjudicating Fitzpatrick’s Motion to Intervene would result in material prejudice. Fitzpatrick remains excluded from discovery, scheduling, and trial preparation despite having live claims that are directly implicated by the subject matter of this litigation. Resetting deadlines without first resolving his intervention request risks duplicative proceedings, wasted judicial resources, and irreversible prejudice to Fitzpatrick’s ability to prosecute his claims on equal footing.

10. Judicial economy demands that the Court first resolve who the parties to this case are before altering the schedule. If Fitzpatrick’s intervention is granted, as is his right to seek, then any trial reset must account for his claims, defenses, and participation. Addressing intervention

now avoids the likelihood of repeated resets, inconsistent rulings, and a fragmented litigation process. It is far more efficient to adjudicate intervention first, then calibrate the case schedule accordingly.

### **III. SUPPLEMENTAL OBJECTION**

11. On or about September 17, 2025, Plaintiff AFG, by and through prior counsel<sup>1</sup>, and its new counsel Kelly Hart, together with Defendants Genuine Lifetime, LLC and Tyler Luck, by and through McCathern Law, PLLC and their associates, jointly filed an “Agreed” Motion for Administrative Reset, which is **not** agreed to by Fitzpatrick in its present form or sequence.

12. This joint filing, on its face cooperative, once again sidesteps Fitzpatrick's longstanding and unadjudicated Motion to Intervene, other pending motion(s) and/or objections, and if heard or granted ahead of intervention adjudication, will cause further prejudice to Fitzpatrick and ongoing harm.

13. The Agreed Motion for Administrative Reset illustrates the continuing pattern of alignment between Plaintiff and Defendants, who seek to manage this case in ways that exclude Fitzpatrick. By attempting to secure a reset without resolving intervention, both sides effectively collude to suppress Fitzpatrick's participation, preserve their false contract-dispute narrative, and frustrate the Court's ability to adjudicate the full scope of fraud and misconduct at issue.

14. Intervention is a threshold issue that must be resolved before any meaningful trial setting can occur. Until the Court determines whether Fitzpatrick may intervene, any trial date or discovery schedule is premature and risks nullification upon a later ruling. It is therefore

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<sup>1</sup> Including without limitation, Mark Hill, Steven Ovando, Leslie Sanderson, Barbara Blaylock, others at Scheef & Stone LLP, and their spin-off law firm, Henry Hill PLLC, encompassing Mark Hill and other Scheef & Stone LLP alumni

procedurally improper for the Court to consider an administrative reset prior to hearing and deciding Fitzpatrick's Motion to Intervene and related motions.

15. Fitzpatrick does not oppose reasonable case management or the Court's inherent authority to control its docket. He objects only to the sequence: the Court should not privilege scheduling over the adjudication of his long-pending intervention. Fitzpatrick respectfully requests that the Court deny or defer the Agreed Motion for Administrative Reset until after a full hearing and ruling on his Motion to Intervene, and that a hearing on intervention be set forthwith.

### **III. REQUEST FOR RELIEF**

WHEREFORE, Fitzpatrick respectfully requests that this Court:

- a) Deny or defer ruling on the Agreed Motion for Administrative Reset until after Fitzpatrick's Motion to Intervene has been scheduled, heard, and adjudicated;
- b) Set an immediate hearing on Fitzpatrick's Motion to Intervene, pending motions and objections, prior to any consideration of resets or discovery motions noticed by other parties;
- c) Take judicial notice of all of Fitzpatrick's prior filings in this case, including his Objection filed September 12, 2025;
- d) Grant Fitzpatrick the relief previously sought in his Motion to Intervene (November 12, 2024) and his follow-up Motion (January 8, 2025); and
- e) Grant such other and further relief, both at law and in equity, to which Fitzpatrick may be justly entitled.

Dated: September 17, 2025

Respectfully submitted,

/s/ Maurice Fitzpatrick, Jr.

Maurice Fitzpatrick, Jr.

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???Agreed??? Motion for Administrative Reset

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