

# TAB 39



NO. 412,249-401

ESTATE OF	§	IN PROBATE COURT
NELVA E. BRUNSTING,	§	NUMBER FOUR (4) OF
DECEASED	§	HARRIS COUNTY, TEXAS

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CARL HENRY BRUNSTING, Et Al	§
V.	§
ANITA KAY BRUNSTING, Et Al	§

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**Rule 11 Agreement of Plaintiff Carl Brunsting,  
Defendant & Co-Trustee Anita Brunsting, &  
Defendant & Co-Trustee Amy Brunsting**

The parties to this Rule 11 Agreement are:

- A. Plaintiff Carl Brunsting.
- B. Defendant & Co-Trustee Anita Brunsting.
- C. Defendant & Co-Trustee Amy Brunsting.

The Parties, as identified above, appearing through their respective counsel, reached the following agreements:

1. Plaintiff Carl Brunsting requests that the Court ***not*** rule on the portion of his July 9, 2015 motion for partial summary judgment, which relates to the issue of:

Carl also seeks a determination, as a matter of law, that disbursements in 2011 of Exxon Mobil stock and Chevron stock were improper distributions for which Anita, as the trustee making the disbursements is liable, and for which the beneficiaries who received benefits from those distributions are also liable pursuant to TEX. PROP. CODE §114.031, including through an offset of the applicable beneficiary's liability against that beneficiary's remaining interest in the trust estate.

2. Defendant & Co-Trustee Anita Brunsting and Defendant & Co-Trustee Amy Brunsting request that the Court ***not*** rule on any portion of the Co-Trustees Motion for Summary Judgment, filed on November 5, 2021, to the extent that the motion relates in whole or in part to



*Drina Brunsting*



Plaintiff Carl Brunsting. Rather, the Court should construe the motion for summary judgment as filed solely against Candace Louise Curtis.

**3. Notwithstanding any other provision of this Rule 11 Agreement to the contrary, this Rule 11 Agreement does not and shall not be construed as an intent to delay any ruling by the Court on the Co-Trustees Motion for Summary Judgment, filed on November 5, 2021, with regard to the Plaintiff Candace Louise Curtis.**

4. More specifically, Co-Trustees continue to seek a summary judgment as to Candace Louise Curtis on the following issues:

- A. By pursuing her claims, Candace Louise Curtis triggered the Trust’s forfeiture provisions (or other similar provisions in other trust documents);
- B. No unauthorized distributions were made by Anita Brunsting;
- C. During their tenure, the Co-Trustees have not materially breached any duties; and
- D. Attorneys’ fees and expenses incurred by the Co-Trustees are the obligation of the Trust and/or Candace Louise Curtis.

5. Plaintiff Carl Brunsting, Defendant & Co-Trustee Anita Brunsting, and Defendant & Co-Trustee Amy Brunsting each reserve the right, in their sole and absolute discretion, to reset for oral hearing or written submission, the summary judgment issues set forth in sections 1 and 2 of the Rule 11 Agreement; provided that the resubmission or resetting of those issues meets the twenty-one (21) day notice requirements of a motion for summary judgment, or such other requirements as required by law or the Court.

Respectfully submitted,

// s // Bobbie G. Bayless

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Attorney for Drina Brunsting,  
 Attorney-in-Fact for Carl Brunsting



*James Matthews*



Respectfully submitted,

// s // Stephen A. Mendel

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Attorneys for Anita Brunsting

&

Respectfully submitted,

// s // Neal Spielman

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Attorney for Amy Brunsting



*Handwritten signature*



### Certificate of Service

I certify that a true and correct copy of the foregoing instrument was served on the following:

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Pro Se

via eService, email, telefax, or first class mail, on this December 5, 2021.

// s // Stephen A. Mendel

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Stephen A. Mendel





I, Teneshia Hudspeth, County Clerk of Harris County, Texas certify that these pages are a true and correct copy of the original record filed and recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office  
This April 18, 2022

Teneshia Hudspeth, County Clerk  
Harris County, Texas

Confidential information may have been redacted from the document in compliance with the Public Information Act.

