

ORIGINAL

NO. PR-10-1517-3

IN RE: ESTATE OF
MAX D. HOPPER,
DECEASED

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IN THE PROBATE COURT

FILED
NO. 3 2011 OCT -4 PM 2:37

DALLAS COUNTY CLERK
JOHN E. WARREN
DALLAS COUNTY

**STEPHEN HOPPER'S AND LAURA WASSMER'S RESPONSE TO THE
INDEPENDENT EXECUTOR'S COMPLAINT TO COMPEL DELIVERY OF PAPERS
BELONGING TO THE ESTATE OF MAX D. HOPPER**

STEPHEN HOPPER and LAURA WASSMER ("Respondents") file this Response to the Independent Executor's Complaint to Compel Delivery of Papers Belonging to the Estate of Max D. Hopper, and in support therefore would respectfully show the Court as follows:

1. Sarah Williamson and her firm, Sarah Jane Pate Williamson, C.P.A., PC, were required to deliver the Williamson Documents, and Withheld Documents that belong to the Estate or involve community property, (as those terms are defined in the Independent Executor's Complaint) to the Independent Executor, without any protective order, pursuant to Texas Probate Code Sections 75, 232, and 177.
2. Sarah Williamson and her firm hold papers that belong to the Estate, and papers that involve community property under the administration of the Independent Administrator. Because the Independent Administrator stands in the shoes of the Decedent and administers the separate and community property, there is no confidentiality protection that is necessary to produce those very papers to the Independent Administrator. Therefore, Sarah Williamson's withholding of Estate documents has been without good cause and is a violation of Texas Probate Code Section 75. Only after the Independent Administrator filed its Complaint and Jo Hopper's lawyer entered into an agreement with the Independent Administrator's lawyer did Sarah Williamson deliver the Williamson Documents to the Independent

Administrator. Sarah Williamson still has not delivered the Withheld Documents to the Independent Administrator.

3. The protective order filed by the Independent Administrator on August 22, 2011 is overly broad and unduly burdensome. As beneficiaries of Estate assets, Respondents will be entitled to own, possess, and use documents at issue pursuant to Texas Probate Code Section 232. Under Section 232,

The personal representative of an estate, immediately after receiving letters, shall collect and take into possession the personal property, record books, title papers, and other business papers of the estate, and all such in his possession shall be delivered to the person or persons legally entitled thereto when the administration has been closed or a successor has received letters.

TEX. PROB. CODE 232 (emphasis added). Accordingly, if the Court enters a protective order, it should not restrict the beneficiaries' rights to, and use of, documents and information to which they are entitled under the Texas Probate Code or otherwise.

4. In the event that the Court enters a protective order, the Independent Administrator's proposed protective order should be revised to eliminate undue restrictions on the use of the information, reduce unduly burdensome procedures, eliminate unequal protection afforded to some parties over others, and otherwise facilitate the effectiveness of the proposed order and protect Respondents' rights.

WHEREFORE, PREMISES CONSIDERED, Stephen Hopper and Laura Wassmer respectfully request that the Court:

1. Order Sarah Williamson to appear and show cause why she should not deliver all Williamson Documents and Withheld Documents to the Independent Administrator of the Estate without limitation;
2. Order that Sarah Williamson and Sarah Jane Pate Williamson, C.P.A., deliver all Williamson Documents and Withheld Documents without limitation to the

Independent Administrator of the Estate, within three (3) days of the entry of the Court's order;

3. In the event that the Court enters a protective order, that the Court grant Stephen Hopper's and Laura Wassmer's requests as to the contents of the protective order;
4. Award Stephen Hopper and Laura Wassmer the attorneys' fees and costs that they have incurred in this proceeding; and
5. Grant Stephen Hopper and Laura Wassmer such other and further relief, at law and in equity, to which they are justly entitled.

Respectfully submitted,

By: Melinda H. Sims
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CERTIFICATE OF SERVICE

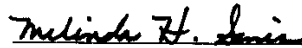
The undersigned certifies that on the 4th day of October, 2011, a true and correct copy of the above and foregoing document was served on the following counsel by the methods indicated:

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