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Filed  
11 October 4 P4:28  
John Warren  
County Clerk  
Dallas County

NO. PR-10-1517-3

IN RE: ESTATE OF § IN THE PROBATE COURT  
MAX D. HOPPER, § NO. 3  
DECEASED § DALLAS COUNTY, TEXAS

**INDEPENDENT ADMINISTRATOR'S MOTION TO COMPEL MEDIATION**

JPMorgan Chase Bank, N.A., in its capacity as Independent Administrator (the "Administrator") of the Estate of Max D. Hopper (the "Estate"), files this Motion to Compel Mediation pursuant to Texas Civil Practice and Remedies Code § 154.021, as follows:

1. The relevant parties to this proceeding are: Jo Hopper, the surviving spouse of Max D. Hopper ("Decedent"); Laura Wassmer and Stephen Hopper, Decedent's children from a prior marriage; and the Administrator (collectively, the "Parties").

2. Multiple disputes have arisen over the course of the administration of the Estate between Jo Hopper, Laura Wassmer and Stephen Hopper, and the Administrator.

- 3. Currently pending before the court are:
  - i) Jo Hopper's *Original Complaint for Correction of Inventory, Appraisal, and List of Claims* (filed Jun. 30, 2011);
  - ii) Laura Wassmer and Stephen Hopper's *Objection to Inventory, Appraisal, and List of Claims* (filed July 8, 2011);
  - iii) The Administrator's *Complaint to Compel Delivery of Papers Belonging to the Estate of Max D. Hopper* (filed Aug. 23, 2011); and
  - iv) Jo Hopper's *Original Petition For: Declaratory Judgment, Breach of Contract, Breach of Fiduciary Duty, Fraud, et al, For Removal of Independent Administrator, and, Jury Demand* (filed in ancillary case No. PR-11-328-3 on Sept. 21, 2011 against JPMorgan Chase Bank, N.A., in its capacity as Independent Administrator of the Estate of Max D. Hopper, Deceased, and in its corporate capacity, and against Stephen Hopper and Laura Wassmer).

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In addition, the Administrator will be filing its *Original Answer, Special Exceptions, Counterclaim and Cross Claim* in ancillary case No. PR-11-328-3.

4. The parties also have additional disputes that have not been presented to the Court by formal petition or motion.

5. Section 154.021 of the Texas Civil Practice and Remedies Code provides that “[a] court may, on its own motion or the motion of a party, refer a pending dispute for resolution by an alternative dispute resolution procedure.” TEX. CIV. PRAC. & REM. CODE § 154.021(a).

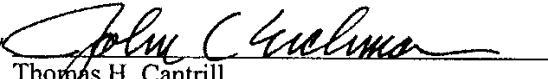
6. In attempt to resolve the outstanding disputes between all parties in the most efficient manner possible, and to promote judicial economy, the Administrator hereby moves this Court for an order compelling all relevant parties to mediation. *See* TEX. CIV. PRAC. & REM. CODE § 154.023. To facilitate the mediation, the Administrator also requests that the Court appoint a mediator who, in its judgment, is duly qualified as an impartial third party and will assist in the resolution of these matters. TEX. CIV. PRAC. & REM. CODE §§ 154.051-.052.

WHEREFORE, the Administrator respectfully requests that the Court order all disputes between the parties in this proceeding to mediation under Texas Civil Practice and Remedies Code § 154.021(a) before a court appointed mediator.

Respectfully submitted,

HUNTON & WILLIAMS LLP .

By

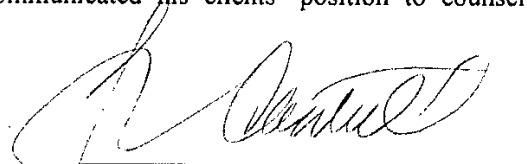
  
Thomas H. Cantrill  
State Bar No. 03765950  
John C. Eichman  
State Bar No. 06494800

1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202-2700  
Telephone: (214) 468-3300  
Telecopy: (214) 468-3599

**ATTORNEYS FOR  
JPMORGAN CHASE BANK, N.A.  
IN ITS CAPACITY AS INDEPENDENT  
ADMINISTRATOR OF THE ESTATE  
OF MAX D. HOPPER, DECEASED**

**CERTIFICATE OF CONFERENCE**

Counsel for the Administrator have conferred on multiple occasions, by email and by telephone, with counsel for the other parties, and in person with Mr. Stolbach, about the Administrator's proposal to mediate the disputes in this proceeding. Mr. Jennings has informed counsel for the Administrator that Mrs. Hopper is agreeable to mediation if it can be done quickly. Mr. Stolbach has not yet communicated his clients' position to counsel for the Administrator.

  
Thomas H. Cantrill

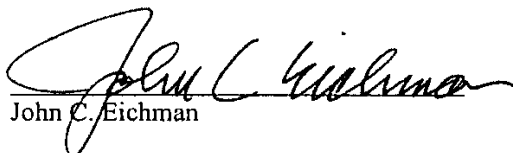
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document has been served by electronic mail and hand delivery on the following counsel of record on the 4th day of October, 2011:

James Albert Jennings  
Erhard & Jennings, P.C.  
1601 Elm Street, Suit 4242  
Dallas, Texas 75201  
**Attorney for Jo N. Hopper**

Michael L. Graham  
Janet P. Strong  
The Graham Law Firm, P.C.  
100 Highland Park Village, Suite 200  
Dallas, Texas 75205  
**Attorneys for Jo N. Hopper**

Gary Stolbach  
Melinda H. Sims  
Glast, Phillips & Murray, P.C.  
14801 Quorum Drive, Suite 500  
Dallas, Texas 75254-1449  
**Attorneys for Laura Wassmer and Stephen Hopper**

  
John C. Eichman