

CAUSE NO. 471-01040-2022

HENRY MISHKOFF	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	471 <sup>ST</sup> JUDICIAL DISTRICT
	§	
SONIA BRYANT	§	
	§	
<i>Defendant.</i>	§	COLLIN COUNTY, TEXAS

**DEFENDANT’S INITIAL DISCLOSURES**

TO: Plaintiff, Henry Mishkoff, by and through his attorney of record, Robert Newton, THE LAW OFFICE OF ROBERT NEWTON, P.C., 9355 John W. Elliott Dr. #25450, Frisco, Texas 75034.

Pursuant to Texas Rule of Civil Procedure 194, Defendant Sonia Bryant (“Defendant”), serves her initial disclosures as follows:

Respectfully submitted,

SCHEEF & STONE, LLP

By: /s/ *T. Chase Garrett*

**T. Chase Garrett**  
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***Attorney for Defendant***

**CERTIFICATE OF SERVICE**

I certify that on May 31, 2022, a true and correct copy of the foregoing was sent to all parties who have made an appearance or their attorney of record in accordance with Texas Rules of Civil Procedure.

/s/ *7. Chase Garrett*

## DEFENDANT'S INITIAL DISCLOSURES

**REQUEST 194.2(b)(1):** The correct names of the parties to the lawsuit.

**RESPONSE:** The names of the parties appear to be correctly named.

**REQUEST 194.2(b)(2):** The name, address, and telephone number of any potential parties.

**RESPONSE:** Defendant is considering adding claims against Donna Mishkoff for trespass to real property.

**REQUEST 194.2(b)(3):** The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

**RESPONSE:** With respect to the claims asserted against her, Defendant generally denies all of Plaintiff's allegations, which places the burden on Plaintiff to prove all of its allegations by a preponderance of the evidence. Defendant further incorporated his First Amended Answer into his response to this disclosure which includes the following affirmative defenses to Plaintiff's claims:

- a) Plaintiff's claims are barred in whole or in part as a result of a his unclean hands; and
- b) Plaintiff's claims are barred in whole or in part because of waiver and/or estoppel;

Defendant has also specifically denied that all conditions precedent have occurred with regard to any of Plaintiff's causes of action.

With respect to the claims that Defendant asserts Counter-Plaintiff, she would show that Mr. Mishkoff has trespassed onto her property numerous times for which she seeks a judgment of trespass and nominal damages.

Defendant reserves the right to supplement this response.

**REQUEST 194.2(b)(4):** A computation of each category of damages claimed by the responding party - who must also make available for inspection and copying the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered;

**RESPONSE:** Defendant seeks only nominal damages and attorney's fees at this time.

**REQUEST 194.2(b)(5):** The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

**RESPONSE:** Defendant discloses the following:

1. Henry Mishkoff  
c/o Robert Newton  
THE LAW OFFICE OF ROBERT NEWTON, P.C.  
9355 John W. Elliott Dr. #25450  
Frisco, Texas 75034  
*Henry Mishkoff is the Plaintiff.*
2. Sonia Bryant  
c/o T. Chase Garrett  
Scheef & Stone, L.L.P.  
2600 Network Blvd., Suite 400  
Frisco, Texas 75034  
*Ms. Bryant is the defendant in this lawsuit and has knowledge regarding Plaintiff's claims and its defenses to same.*
3. All individuals disclosed by Plaintiff.
4. All persons identified by any party in written discovery responses or documents produced.
5. All persons reflected in any document that has been or will be obtained through use of an authorization.
6. All persons whose name appears in the transcript of any deposition taken in this matter.

Defendant reserves the right to amend or supplement this response.

**REQUEST 194.2(b)(6):** A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the responding party has in its possession, custody, or control, and may use to support its claims or defenses, unless the use would be solely for impeachment.

**RESPONSE:** Defendant is in possession of numerous photographs and videos depicting Plaintiff and his wife trespassing onto her property. She will make these available for inspection and copying at the offices of her counsel during normal business hours.

**REQUEST 194.2(b)(7):** Any indemnity and insuring agreements described in Rule 192.3(f).

**RESPONSE:** None.

**REQUEST 194.2(b)(8):** Any settlement agreements described in Rule 192.3(g).

**RESPONSE:** None.

**REQUEST 194.2(b)(9):** Any witness statements described in Rule 192.3(h).

**RESPONSE:** None at this time.

**REQUEST 194.2(b)(10):** In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

**RESPONSE:** None at this time.

**REQUEST 194.2(b)(11):** In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

**RESPONSE:** None at this time.

**REQUEST 194.2(b)(12):** The name, address, and telephone number of any person who may be designated as a responsible third party.

**RESPONSE:** None.

**REQUEST 195.5:** For any testifying expert, state:

1. the expert's name, address, and telephone number;
2. the subject matter on which the expert will testify;
3. the general substance of the expert's mental impressions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to your control, documents reflecting such information;
4. if the expert is retained by, employed by, or otherwise subject to your control:
  - (A) produce all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony;
  - (B) produce the expert's current resume and bibliography;

- (C) the expert's qualifications, including a list of all publications authored in the previous 10 years;
- (D) except when the expert is the responding party's attorney and is testifying to attorney fees, a list of all other cases in which, during the previous four years, the expert testified as an expert at trial or by deposition; and
- (E) a statement of the compensation to be paid for the expert's study and testimony in the case.

**RESPONSE:**

1. **T. Chase Garrett**  
Scheef & Stone, LLP  
2600 Network Blvd., Suite 400  
Frisco, Texas 75034  
214-472-2100

Mr. Garrett is counsel for Defendant. A copy of his current bibliography is available for review at [www.solidcounsel.com](http://www.solidcounsel.com). He is expected to testify on the amount of attorneys' fees incurred by Defendant in defending this action and that the amount is reasonable and necessary. Mr. Garrett may also testify in rebuttal concerning attorneys' fees.

The substance and basis of Mr. Garrett's mental impressions and opinions will be that the amounts of Defendant's attorneys' fees for (1) investigating, preparing for, discovery and trial are reasonable and necessarily incurred, (2) post-trial and pre-appeal motions and activities will be reasonable and necessarily incurred, (3) appeals and post-judgment activities will be reasonable and necessarily incurred, and (4) collection efforts and related activities will be reasonable and necessarily incurred. If testifying in rebuttal, his mental impressions and opinions will be that the amount of Plaintiff's attorney's fees are unreasonable and/or uncustomary. His opinions will be based on his experience, and training as a licensed attorney, and his opinions will also be based on his personal knowledge of the case based on working on the case.

Mr. Garrett will consider the following: (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly; (2) the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer; (3) the fee customarily charged in the locality for similar legal services; (4) the amount involved and the results obtained; (5) the time limitations imposed by the client or by the circumstances; (6) the nature and length of the professional relationship with the client; (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and (8) whether the fee is fixed or

contingent on results obtained or uncertainty of collection before the legal services have been rendered. Reasonable attorneys' fees include, inter alia, the following: (a) the preparation and filing of the lawsuit, the discovery process and related motion practice, other activities required for preparation to try the case, trial of this lawsuit and the preparation for trial; (b) post-trial pre-appeal legal services; (c) appeals to the Court of Appeals; (d) making or responding to an application for writ of error to the Supreme Court of Texas; (e) an appeal to the Supreme Court of Texas in the event an application for writ of error is granted; and (f) post-judgment discovery and collection in the event execution of the judgment is necessary. Mr. Garrett's opinions will be guided by Texas Supreme Court precedent concerning the reasonableness of attorneys' fees, including Arthur Anderson & Co. v. Perry Equipment Corp., 945 S.W.2d 812 (Tex. 1997), and Rule 1.04 of the Texas Disciplinary Rule of Professional Conduct.

Mr. Garrett will produce any documents, tangible things, reports, models, or data compilations, including redacted billing statements, which have been provided to, reviewed by, or prepared by or for the expert in anticipation of their testimony as they become available. Mr. Garrett has not prepared a written report; however, he will be made available for deposition in accordance with Tex. R. Civ. P. 195.3 at a mutually agreeable date and time.