



now argues for and moves to impose a privilege protocol, with objectionable terms that the Receiver has never conferred with counsel about and thus which Mr. Barton has not received an opportunity to previously address. The Receiver's new reply brief also improperly contains new evidentiary material in the form of verified assertions of fact that Mr. Barton has not had an opportunity to respond to. In light of the Receiver's new arguments, new relief sought, and new evidentiary submissions, Mr. Barton intends to move for leave to file a sur-reply to address such matters. In the meantime, Mr. Barton respectfully asks the Court to abstain in ruling on the Receiver's initial motion (ECF No. 133) or as to the new relief sought in the Receiver's reply (ECF No. 166), until Mr. Barton has had an opportunity to respond by sur-reply.

Dated: March 2, 2023

Respectfully submitted,

By: /s/ Michael J. Edney

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**CERTIFICATE OF SERVICE**

On March 2, 2023, I filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rules of Civil Procedure 5(b)(2).

/s/ Michael J. Edney  
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