

Cause Number 296-04952-2011

**DANIEL P. KONDOS,
Plaintiff**

VS.

**ROBERT V. BRAZELL,
Defendant**

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**IN THE DISTRICT COURT

OF COLLIN COUNTY, TEXAS

296th JUDICIAL DISTRICT**

ORDER FOR CAPIAS FOR ROBERT V. BRAZELL

On the 13th day of September, 2013 came on to be heard Daniel P. Kondos' Motion to Show Cause, Motion for Contempt and Motion for Sanctions. Daniel P. Kondos appeared by and through his attorney of record Donald H. Flanary, Jr. and Robert V. Brazell appeared by and through his attorney of record Todd J. Harlow.

The Court having considered the Motion to Show Cause, Motion for Contempt and Motion for Sanctions was of the opinion that Robert V. Brazell should appear for his oral deposition and produce all of the documents previously ordered produced by this Court at his deposition at 9 a.m. on September 20, 2013 at the Collin County Courthouse and so ordered Robert V. Brazell appear for his oral deposition and produce all of the documents previously ordered produced at a deposition at 9 a.m. on September 20, 2013 at the Collin County Courthouse. The Court was further of the opinion that Robert V. Brazell should pay to Daniel P. Kondos, as sanctions, \$6,875.00 by 9 a.m. on September 20, 2013 and so ordered Robert V. Brazell pay to Daniel P. Kondos as sanctions \$6,875.00 by 9 a.m. on September 20, 2013.

Robert V. Brazell had notice of this Court's Order through his counsel's appearance at the September 13, 2013 hearing and his counsel's approval of the Court's Order signed September 17, 2013. Robert V. Brazell did not comply with the Court's September 13, 2013 Order and did not attend his deposition, produce the documents or pay \$6,875.00 as so ordered

by the Court. This was the second direct violation of an Order of this Court. Based on Robert V. Brazell's failure to appear as so ordered:

IT IS ORDERED, ADJUDGED AND DECREED that a Capias shall forthwith issue to any Sheriff or Peace Officer within the State of Texas and said officer is hereby ordered to: ARREST THE PERSON OF ROBERT V. BRAZELL and bring Robert V. Brazell to the Collin County Jail to await the availability of the Court and detain him in the custody of the Sheriff of Collin County, Texas until Robert V. Brazell shall be duly discharged by this Court; or if Robert V. Brazell is found and arrested outside of Collin County, Texas and Robert V. Brazell may be brought to the Collin County Jail and so detained until Robert V. Brazell may be duly discharged by this Court.

IT IS FURTHER ORDERED, that the Sheriff shall release Robert V. Brazell prior to Robert V. Brazell's discharge by the court from the Collin County Jail only upon Robert V. Brazell posting a cash bond of \$250,000.00 payable to the obligee and conditioned on Robert V. Brazell's promise to appear in this Court for hearing on the merits as required by this Court without further personal service or notice.

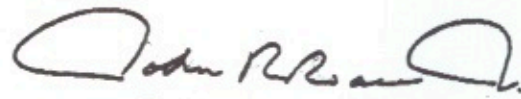
In the exercise of comity between the State of Texas and the State of Utah should Robert V. Brazell be found outside the jurisdiction of the State of Texas and within the jurisdiction of the State of Utah the Court requests that he be arrested and brought back to Collin County, Texas by the Collin County Sheriff or the appropriate Utah authority; and it is further ordered that Daniel P. Kondos pay all costs associated with Robert V. Brazell's arrest and incarceration and transport to the State of Texas from the State of Utah. This Court further orders that Daniel P. Kondos deposit to the registry of this Court \$2,500.00 to secure the cost of his arrest,

CAPIAS

incarceration and transport from the State of Utah which will be paid to the arresting and transporting authority upon proper request of this Court.

THE COLLIN COUNTY SHERIFF IS FURTHER ORDERED to notify the clerk assigned to this Court on or before the first working day after his arrest and incarceration in the Collin County Jail who is hereby ordered to notify the Court as soon as this Court is in session, if and when Robert V. Brazell is in custody of the Sheriff or has been released on bond.

Signed this 27 day of September, 2013.

A handwritten signature in black ink, appearing to read "John R. ...", written over a horizontal line.

Judge Presiding