

# Legal Battle Intensifies Between Atlantic Wave Holdings and Cyberlux Corporation

## Description

*November 18, 2024*

In a rapidly escalating legal dispute, Atlantic Wave Holdings, LLC and Secure Community, LLC have filed a reply to Cyberlux Corporation and its CEO, Mark Schmidt's, response to their motion to compel depositions and motion to stay proceedings.

On October 28, 2024, the Harris County District Court heard arguments on Cyberlux Corporation's motion to vacate. The court denied the motion but granted a temporary stay until November 28, 2024, to allow the defendants time to obtain a stay order from a Virginia court. Despite the stay, the court ruled that discovery should continue unabated.

According to court documents, plaintiffs have been attempting to schedule depositions for Cyberlux executives Neil Whitely and Phillip Tucker since late August. Efforts intensified on November 14, when Shawn M. Grady, counsel for the plaintiffs, met with Alex Pennetti, counsel for the defendants. They tentatively agreed to conduct the depositions during the week of November 18, provided Pennetti confirmed dates by November 15. However, Pennetti allegedly failed to respond by the agreed deadline.

"The defendants' response is simply a repackaged version of their previous motion to quash and lacks merit," Grady stated in the filing. "Plaintiffs are entitled to take the depositions of the judgment debtors."

The plaintiffs argue that, under Texas Rule of Civil Procedure 621a, they are entitled to conduct discovery into the financial condition of the defendants to enforce a prior judgment. They contend that the defendants are not entitled to any protection or confidentiality regarding their financial status in this context.

Complicating matters, the defendants have refused to schedule a deposition for Mark Schmidt, both in his capacity as CEO and as an individual judgment debtor. They have also, for the first time, stated they will not participate in depositions without a protective order.

The plaintiffs are seeking a court order to compel the depositions of Whitely and Tucker no later than November 22, 2024, and Schmidt no later than December 6, 2024. They are also requesting the court deny the defendants' request for a protective order and award them costs, including reasonable attorney's fees.

Cyberlux Corporation has not publicly commented on the latest filings. The company and its legal representatives have remained tight-lipped as the deadline for the temporary stay approaches.

The case highlights the complexities that can arise in post-judgment discovery, especially when multiple jurisdictions are involved. Legal experts note that the enforcement of judgments across state lines often

leads to protracted legal battles.

As the dispute continues, all eyes will be on the Harris County District Court to see how it addresses the plaintiffs's latest motions and whether the defendants will comply with discovery orders.

*This is a developing story. Updates will follow as more information becomes available.*

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### **Category**

1. Cyberlux

### **Tags**

1. cyberlux

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