

Exhibit E

CAUSE NO. 2021CI24114

ASCENTIUM CAPITAL LLC,

Plaintiff,

v.

POLICY SERVICES, INC. and
ROBERT J. MUELLER,

Defendants.

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IN THE DISTRICT COURT

57th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

DEFENDANT ROBERT J. MUELLER'S RESPONSES
TO REQUEST FOR DISCLOSURE

TO: Plaintiff Ascentium Capital, LLC, by and through its counsel, Ms. Valerie Henderson
And Mr. Judson Mahan, BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, P.C.,
1301 McKinney Street, Suite 3700, Houston, Texas 77010

Pursuant to Texas Rule of Civil Procedure 194, Defendant Robert J. Mueller ("**Defendant**")
or "**Responding Party**") serves the following Responses to Requests for Disclosure to Plaintiff
Ascentium Capital, LLC ("**Plaintiff**").

Dated: May 18, 2022.

Respectfully submitted,

DAVIS & SANTOS, PLLC

By: /s/ Jay Hulings
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Attorneys for Defendant Robert J. Mueller

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served upon the interested parties listed below in accordance with the Texas Rules of Civil Procedure via the method indicated below on May 18, 2022.

Ms. Valerie Henderson	_____	U.S. Mail
Mr. Judson Mahan	_____	CMRRR
Baker, Donelson, Bearman,	_____	Facsimile
Caldwell & Berkowitz, P.C.	<u> X </u>	E-mail
1301 McKinney Street, Suite 3700	_____	E-file
Houston, Texas 77010		
Email: vhenderson@bakerdonelson.com		
Email: jbaker@bakerdonelson.com		

Attorneys for Plaintiff

 /s/ Jay Hulings
Jay Hulings

RESERVATION OF RIGHT TO AMEND OR SUPPLEMENT RESPONSE

Responding Party has not fully completed his investigation of the facts relating to this case and has not completed his preparation for trial. The responses contained herein are based upon the information presently available to and specifically known to Responding Party. It is anticipated that further investigation will lead to additional facts and information. The following responses are given without prejudice to Responding Party's right to disclose subsequently discovered facts or information. Responding Party accordingly reserves the right to amend or supplement these responses as additional facts and information are identified.

RESPONSES TO REQUEST FOR DISCLOSURE

Rule 194.2(b)(1): State the correct names of the parties to the lawsuit.

RESPONSE:

Responding Party believes the parties are correctly named.

Rule 194.2(b)(2): State the name, address, and telephone number of any potential parties.

RESPONSE:

Ray Barnes, Bill Probst, and Energi Pros LLC are potential parties. Responding Party will supplement with name, address, and telephone number when available.

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

RESPONSE:

Responding Party denies allegations made against him by Plaintiff. Responding Party incorporates by reference any and all defenses and factual bases that have been asserted in his Original Answer Plaintiff's Original Petition (the "**Answer**"). As asserted in the Answer, among other defenses, Responding Party maintains that Plaintiff's claims are barred, in whole or in part, because Plaintiff was complicit in fraudulent actions that induced the contract at issue in this litigation. Responding Party reserves the right to supplement this response at the appropriate time.

Rule 194.2(b)(4): State the amount and any method of calculating economic damages.

RESPONSE:

Responding Party is not currently seeking a recovery of economic damages from Plaintiff and denies that Plaintiff is entitled to recover any economic damages from Responding Party.

Rule 194.2(b)(5): State 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:

See Exhibit A.

In addition to these witnesses, Responding Party incorporates by reference each person identified by Plaintiff in its pre-trial witness lists and disclosures as likely to have discoverable information, and Responding Party reserves the right to call and examine those persons.

Rule 194.2(b)(6): Produce 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:

Upon reasonable request, Responding Party will allow inspection of non-privileged documents that are within Responding Party's possession, custody, or control, if any, including but not limited to correspondence between Plaintiff and Responding Party and any relevant financial records.

Plaintiff reserves the right to use any documents produced or identified by Defendants in this lawsuit at any time in support of its claims and defenses.

Rule 194.2(b)(7): Produce any discoverable indemnity and insuring agreements as described in Rule 192.3(f).

RESPONSE:

None known at this time.

Rule 194.2(b)(8): Produce any discoverable settlement agreements as described in Rule 192.3(g).

RESPONSE:

None known at this time.

Rule 194.2(b)(9): Produce any discoverable witness statements as described in Rule 192.3(h).

RESPONSE:

None known at this time.

Rule 194.2(b)(10): In a suit alleging physical and 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:

Not applicable.

Rule 194.2(b)(11): In a suit alleging physical and 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:

Not applicable.

Rule 194.2(b)(12): Please provide the name, address, and telephone number of potential responsible third parties.

RESPONSE:

None known at this time.

EXHIBIT A

RESPONSE TO TEX. R. CIV. P. 194.2(5)		
NAME	CONTACT INFORMATION	SUBJECT MATTER
Robert J. Mueller	c/o Jason M. Davis, Jay Hulings DAVIS & SANTOS, PLLC 719 S. Flores Street San Antonio, Texas 78204 Tel: (210) 853-5882 Fax: (210) 200-8395 jdavis@dslawpc.com jhulings@dslawpc.com	Mr. Mueller is a Defendant in this matter and has knowledge regarding the factual bases of this suit.
Ascentium Capital, LLC Corporate Representative	c/o Valerie Henderson, Judson Mahan BAKER, DONELSON, BERMAN, CALDWELL & BERKOWITZ, P.C. 1301 McKinney Street, Suite 3700 Houston, Texas 77010 Tel: (713) 650-9700 Fax: (713) 650-9701 vhenderson@bakerdonelson.com jbaker@bakerdonelson.com	Ascentium Capital, LLC is the Plaintiff in this matter and has knowledge regarding the factual bases of this suit.
Ray Barnes	Responding Party will supplement with contact information when available.	Mr. Barnes may have knowledge regarding the fraudulent representations made to Responding Party, Plaintiff's knowledge of and/or participation in such representations, and other matters relevant to Responding Party's defenses.
Bill Probst	Responding Party will supplement with contact information when available.	Mr. Probst may have knowledge regarding the fraudulent representations made to Responding Party, Plaintiff's knowledge of and/or participation in such representations, and other matters relevant to Responding Party's defenses.

Energi Pros, LLC Corporate Representative	Responding Party will supplement with contact information when available.	Energi Pros, LLC may have knowledge regarding the fraudulent representations made to Responding Party, Plaintiff's knowledge of and/or participation in such representations, and other matters relevant to Responding Party's defenses.