FILED
TARRANT COUNTY
10/3/2025 3:49 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 048-352249-24

AUTOMOTIVE FINANCIAL GROUP, INC.,	§	**IN THE DISTRICT COURT**
Plaintiff,	§	**48th JUDICIAL DISTRICT**
vs.	§	
TRAVIS GATES,	§	
Defendant.	§	**TARRANT COUNTY, TEXAS**

PLAINTIFF'S MOTION TO CONTINUE SUMMARY JUDGMENT HEARING

Plaintiff Automotive Financial Group, Inc. ("**Plaintiff**") hereby files this Motion to Continue Summary Judgment Hearing on Defendant Travis Gates's ("**Defendant**") No-Evidence Motion for Summary Judgment (the "**Motion**"). In support, Plaintiff respectfully shows the Court as follows:

I. INTRODUCTION

Plaintiff seeks a continuance of Defendant's hearing on the Motion. This continuance is necessary because, as a result of Defendant's actions, Plaintiff has been unable to depose the principal witness in this case, Travis Gates. Mr. Gates should not be allowed to benefit from evading Plaintiff's multiple attempts to depose him. Nonetheless, Defendant seeks to set this hearing as soon as possible in order to circumvent Plaintiff's attempts to consolidate and add additional, necessary parties to this case.[1]

[1] Plaintiff's counsel informed Defendant's counsel that they were unavailable on October 22nd. [Ex. A-1]. Defendant's counsel then stated for the first time that they were unavailable to attend the October 8th hearing on Plaintiff's Motion to Consolidate, which was filed twelve days prior. [*Id.*]. That same day, Defendant's counsel became available on October 8th *if* their Motion for Summary Judgment could be heard at the same time as Plaintiff's Motion to Consolidate. [*Id.*].

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Under these circumstances, as explained in more detail below, Plaintiff seeks a continuance of Defendant's hearing on the Motion.

II.
FACTUAL BACKGROUND

Plaintiff filed this case on April 25, 2024, alleging causes of action related to Defendant's employment with Plaintiff. *See generally, Pltf.'s Orig. Pet.* Plaintiff's efforts to set Defendant's deposition began in June of 2024, as follows:

- Defendant was scheduled for a deposition on June 4, 2024. Defendant did not appear. [Ex. A-2].
- Plaintiff attempted again to take Defendant's deposition on October 21, 2024. Defendant, again, did not appear. [Ex. A-3].
- On October 24, 2024, Plaintiff filed a Motion to Compel the Oral Deposition of Defendant ("**Motion to Compel**"). *See generally, Pltf.'s Motion to Compel Oral Deposition of Defendant Travis Gates.*
- Plaintiff was scheduled to take Defendant's deposition on November 22, 2024. On November 21, 2024, the day before Defendant's deposition, he filed a Motion to Quash the Notice of Intent to take the Deposition due to a family emergency. *See Def.'s Mtn. to Quash and For Protective Order.*

Plaintiff made multiple attempts to have its Motion to Compel heard before the Court, but, for various reasons, the hearing was rescheduled. On April 23, 2025, before the Motion to Compel was heard, Defendant attempted to remove this case to the United States District Court for the Northern District of Texas, Fort Worth Division. *See generally, Notice of Filing of Notice of Removal*. On May 21, 2025, after hearing the briefings of Defendant, The Northern District of Texas held that the case was improperly removed to Federal Court and remanded the case to this Court. *See generally, Northern District Remand Order.* The Federal Court stated that "[h]ere, Defendant incorrectly premises jurisdiction on his counterclaim and third-party petition . . . ." *See*

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Northern District Remand Order at p. 2. No discovery was conducted while awaiting the Northern District's decision on Defendant's improper removal.

On August 27, 2025, after the remand, the Court entered a new Discovery Control Plan and Scheduling Order with a discovery deadline of April 1, 2026. *See generally, Defendant's Proposed Agreed Discovery Control Plan and Scheduling Order.*

On September 9, 2025, Plaintiff filed a Motion to Consolidate, requesting this Court to consolidate into this case the lawsuit styled *AFG Companies, Inc. v. Genuine Lifetime, LLC*, *and Tyler J. Luck*, Cause No. 017-352358-24, filed with the 17th Judicial District of Tarrant County, Texas. *See generally, Pltf.'s Mtn. to Consolidate*. Ten days later, in an effort to stymie Plaintiff's efforts to consolidate multiple cases regarding the same parties and issues, Defendant filed the instant Motion. Thereafter, Defendant unilaterally noticed his Motion for hearing on October 22, 2025. [Ex. A-4].

This case is set for trial on June 29, 2026. *See Defendant's Proposed Agreed Discovery Control Plan and Scheduling Order* at p. 1. Plaintiff has until January 30, 2026 to amend its pleadings, and fact discovery remains open for another six months. *See Defendant's Proposed Agreed Discovery Control Plan and Scheduling Order* at p. 2. And yet, Defendant urgently seeks to have its No-Evidence Motion for Summary Judgment heard now in an attempt to prevent consolidation and hinder Plaintiff's ability to fully and fairly try this case.

III.
ANAYLSIS & ARGUMENTS

Plaintiff seeks a continuance of the Motion because there has not been adequate time for discovery due in large part to Defendant dodging Plaintiff's efforts to depose him.

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A. Legal Standard

Texas Rule of Civil Procedure 166a(g) allows a Court to grant a continuance of a summary judgment hearing if the party opposing summary judgment can establish, by verified motion, that it has not had adequate time for discovery. *Ford Motor Co. v. Castillo*, 279 S.W.3d 656, 662 (Tex. 2009) (quoting *Tenneco Inc. v. Enter. Prods. Co.*, 925 S.W.2d 640, 647 (Tex. 1996)). Under Rule 166a(g) to obtain a continuance, the motion must identify "the evidence sought, state with particularity the diligence used to obtain the evidence, and explain why the continuance is necessary." *West v. SMG*, 318 S.W.3d 430, 443 (Tex. App.—Houston [1st Dist.] 2010, no pet.).

B. The Motion Should be Continued so that Plaintiff may Obtain Necessary Discovery and Include Necessary Parties.

Plaintiff asserts against Defendant causes of action for misappropriation of trade secrets, breach of fiduciary duty, breach of confidentiality contract, and tortious interference with contracts and business relationships. *See generally, Pltf.'s 1st Amend. Pet. & App. For TRO.* Defendant's individual testimony, thwarted here, is critical to establishing Defendant's acquisition, use, and disclosure of protected information, as well as the substance and rationale behind deletion of business communications and attempted usurpation of business opportunities. A deposition is not only key, but required, then, to determine the factual evidence Defendant is hiding.

On multiple occasions, Plaintiff has attempted to take the deposition of Defendant Travis Gates:

- June 4, 2024: Defendant did not show up. [Ex. A-2].
- October 21, 2024: Defendant did not show up. [Ex. A-3].
- November 22, 2024: Defendant cancelled the day before due to a family emergency. *See Def.'s Mtn. to Quash and For Protective Order.*

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Defendant is a key witness with perhaps *the most* knowledge regarding the facts at issue, and no other source can act as a substitute for that knowledge. Defendant cannot, therefore, refuse to provide key evidence, in the form of his testimony, while subsequently arguing that Plaintiff's claims should be dismissed due to a lack of evidence. *McInnis v. Mallia*, 261 S.W.3d 197, 204 (Tex. App.—Houston [14th Dist.] 2008, no pet.) (providing that a party should not be allowed to abuse the discovery process by withholding key evidence and then use that lack of evidence to win a judgment).

Additionally, this case was delayed by Defendant's improper efforts to remove this case. In order to properly resolve all issues in front of the Court, Plaintiff needs time to amend its pleadings to include necessary parties to this case.

Here, Defendant's evasion and improper removal has fundamentally disrupted the case and prevented Plaintiff from completing material discovery and joining necessary parties. Granting the Motion to Continue the No-Evidence Motion for Summary Judgment is the only remedy that restores fairness and provides an opportunity for complete relief.

IV.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests the Court grant a continuance on Defendant's No-Evidence Motion for Summary Judgment hearing until discovery is completed. Finally, Plaintiff requests any and all further relief to which it is justly entitled at law or equity.

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Respectfully submitted,

By: */s/ Shauna Wright*

Shauna J. Wright
State Bar No. 24052054
shauna.wright@kellyhart.com
Meredith W. Knudsen
State Bar No. 24088617
meredith.knudsen@kellyhart.com
Klayton S. Hiland
State Bar No. 241165616
klayton.hiland@kellyhart.com
Stephanie Garner
State Bar No. 24142932
stephanie.garner@kellyhart.com
Kelly Hart & Hallman LLP
201 Main Street, Suite 2500
Fort Worth, Texas 76102
(817) 332-2500 Telephone

Mark L. Hill
State Bar No. 24034868
mhill@henryhilltx.com
Mary W. Baker
Texas Bar No. 24062598
mbaker@henryhilltx.com
Henry Hill PLLC
6801 Gaylord Parkway, Suite 400
Frisco, Texas 75034
(972) 755-0002 Telephone
(972) 755-0004 Facsimile

ATTORNEYS FOR PLAINTIFF

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CERTIFICATE OF SERVICE

I certify that on October 3rd, 2025, 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/ Shauna Wright
Shauna J. Wright

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff attempted to confer with counsel for Defendant on October 3rd, 2025 to confirm Defendant's opposition to the continuance. However, as of the filing of this motion, counsel for Defendant has not responded. Therefore, this motion is presented to the Court for determination.

/s/ Shauna Wright
Shauna J. Wright

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EXHIBIT A

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CAUSE NO. 048-352249-24

AUTOMOTIVE FINANCIAL GROUP, INC.,	§	**IN THE DISTRICT COURT**
	§	
	§	
Plaintiff,	§	
	§	**48th JUDICIAL DISTRICT**
vs.	§	
	§	
TRAVIS GATES,	§	
	§	
Defendant.	§	**TARRANT COUNTY, TEXAS**

DECLARATION OF MARY W. BAKER

1. "My name is Mary W. Baker. My date of birth is 4/10/1982, and my office address is 6801 Gaylord Parkway, Suite 400, Frisco, Texas 75034. I have personal knowledge of the matters set forth in this Declaration. I declare under penalty of perjury that the following is true and correct.

2. "My firm and I represent Automotive Financial Group, Inc. in the above styled and captioned case.

3. "Despite numerous attempts to depose Defendant Travis Gates, Plaintiff has been unable to do so.

4. "Attached hereto as **Exhibit A-1** is a true and correct copy of a September 30, 2025, e-mail thread between Shauna Wright, Matthew Yarbrough, Asher Miller, Steven Ovando, and Kelly Kleist (cc'ing Judy Collins, Meredith Knudsen, Jeana Burke, Mark Hill, Mary Baker, and Jason Blackstone).

5. "Attached hereto as **Exhibit A-2** is a true and correct copy of a Certificate of Non-Appearance for the Oral Deposition of Travis Gates, on June 4, 2024.

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6. "Attached hereto as **Exhibit A-3** is a true and correct copy of a Certificate of Non-Appearance for the Oral Deposition of Travis Gates, on October 21, 2024.

7. "Attached hereto as **Exhibit A-4** is a true and correct copy of the September 29, 2025, Notice of Hearing for Defendant Travis Gates's Motion for No-Evidence Summary Judgment Under Rule 166a(i)."

Executed in Collin County, State of Texas, on the third (3rd) day of October, 2025.

Mary W. Baker

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EXHIBIT A-1

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From:	Shauna Wright
To:	Yarbrough, Matthew E.; Asher K. Miller; steven.ovando@solidcounsel.com; kelly.kleist@solidcounsel.com
Cc:	Judy Collins; Meredith W. Knudsen; Jeana H. Burke; Mark Hill; Mary Baker; Blackstone, Jason
Subject:	Re: 10/22 hearing on MSJ
Date:	Tuesday, September 30, 2025 7:12:27 PM
Attachments:	image002.png image002.png

Matt,

I am lead counsel for AFG in both the 17th and the 48th as evidenced by our filings.

You have reminded me that Mr. Miller disregarded our unavailability last week and proceeded with his hearing on Tuesday. Given that, while it is not my usual practice, we will proceed with the same approach.

You just told me a few hours ago that your team is not available on October 8, though we noticed that hearing 12 days ago on 9/17. In any event, we do not agree to share our time on the 8th. We need the full amount of time set aside.

Given your continued approach, we will keep our hearing on the 8th and you can keep yours on the 22nd. We will find a way to get somebody there and you can do the same.

Shauna Wright

On September 30, 2025 at 5:21:07 PM CDT, Yarbrough, Matthew E. <myarbrough@buchalter.com> wrote:

EXTERNAL SENDER ALERT - This message originated outside the Kelly Hart domain. Please exercise caution when opening attachments, following links or responding to this message.

Mark, Mary, Kelly, or Stephen,

Are the original lawyers who filed AFG's case against Gates over 17 months ago from either Scheef & Stone or the Henry Hill firm available for a hearing on either October 16th or 22nd? Would either of these dates work for any of AFG's lawyers from these multiple law firms?

Also, we are amenable to setting Gates' MSJ hearing for October 8th as well, the same day as Plaintiff's Motion to Consolidate, which I think makes the most sense for the judicial economy of Judge Taylor's calendar. Would this third date and option work for any of AFG lawyers?

Thank you,
Matthew
214-263-7500

Copy from re:SearchTX

Buchalter

Matthew E. Yarbrough
Shareholder
C (214) 263-7500
myarbrough@buchalter.com

Dallas, TX
www.buchalter.com

From: Shauna Wright <shauna.wright@kellyhart.com>
Sent: Tuesday, September 30, 2025 3:01 PM
To: Asher K. Miller <amiller@mccathernlaw.com>; Yarbrough, Matthew E. <myarbrough@buchalter.com>
Cc: Judy Collins <judy.collins@kellyhart.com>; Meredith W. Knudsen <Meredith.Knudsen@kellyhart.com>; Jeana H. Burke <Jeana.Burke@kellyhart.com>; Mark Hill <mhill@henryhilltx.com>; Mary Baker <mbaker@henryhilltx.com>; Blackstone, Jason <jblackstone@buchalter.com>
Subject: Re: 10/22 hearing on MSJ

This message has originated from an **External Email**. Shauna Wright <shauna.wright@kellyhart.com>:

1. I'm not going to argue the rule with you, Asher. You can read.

2. You are not involved in the referenced matter.

Shauna Wright

On September 30, 2025 at 2:51:07 PM CDT, Asher K. Miller <amiller@mccathernlaw.com> wrote:

EXTERNAL SENDER ALERT - This message originated outside the Kelly Hart domain. Please exercise caution when opening attachments, following links or responding to this message.

Rule 166a(c) requires that the motion be heard at least twenty-one days from the date the motion and any supporting affidavits are filed. The date the hearing is noticed is not applicable.

I'm not familiar with whole day pre-trial conferences. Is this for a case outside of Texas?

Sincerely,

Copy from re:SearchTX

Asher K. Miller
Attorney
3710 Rawlins Street, Suite 1600
Dallas, Texas 75219
p: 214.741.2662 | **f:** 214.741.4717
amiller@mccathernlaw.com

This electronic transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender that is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510 and 2521 and may be legally privileged. This message (and any associated files) is intended only for the use of the individual or entity to which it is addressed and may contain information that is confidential, subject to copyright or constitutes a trade secret. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this message, or files associated with this message, is strictly prohibited. If you have received this communication in error, please notify McCathern, PLLC immediately by telephone 214.741.2662 and destroy the original message. Messages sent to and from us may be monitored.

From: Shauna Wright <shauna.wright@kellyhart.com>
Sent: Tuesday, September 30, 2025 2:36 PM
To: Yarbrough, Matthew E. <myarbrough@buchalter.com>
Cc: Asher K. Miller <amiller@mccathernlaw.com>; Judy Collins <judy.collins@kellyhart.com>; Meredith W. Knudsen <Meredith.Knudsen@kellyhart.com>; Jeana H. Burke <Jeana.Burke@kellyhart.com>; Mark Hill <mhill@henryhilltx.com>; Mary Baker <mbaker@henryhilltx.com>; Blackstone, Jason <jblackstone@buchalter.com>
Subject: Re: 10/22 hearing on MSJ

EXTERNAL EMAIL CAUTION!
This email originated from outside of the organization.

Sorry, we are holding that whole day for pre-trial conference in another case. Also, October 16 is less than 21 days from now.

Shauna Wright
On September 30, 2025 at 2:29:25 PM CDT, Yarbrough, Matthew E. <myarbrough@buchalter.com> wrote:

> I know October 8th does not work for us.
>
> How about we move both motions to October 16th in the afternoon? I know Judge Taylor has opening on that afternoon.

Buchalter

Matthew E. Yarbrough
Shareholder
C (214) 263-7500
myarbrough@buchalter.com

Dallas, TX
www.buchalter.com

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On Sep 30, 2025, at 2:14 PM, Shauna Wright <shauna.wright@kellyhart.com> wrote:

> This message has originated from an **External Email**. Shauna Wright <shauna.wright@kellyhart.com>:

Well, I think I spelled, your name right the first time, but not the second time! I'll try to get it correct going forward.

We actually moved our motion to consolidate to October 8. Because the 22nd doesn't work.

Shauna Wright

On September 30, 2025 at 2:09:37 PM CDT, Yarbrough, Matthew E. <myarbrough@buchalter.com> wrote:

> It's actually spelled Yarbrough.
>
> For convenience of everyone's schedules, we had our motion for MSJ set for the same day at the same time as AFG's motion to Consolidate, which is October 22, 2:30 PM.

Buchalter

Matthew E. Yarbrough
Shareholder
C (214) 263-7500
myarbrough@buchalter.com

Dallas, TX
www.buchalter.com

> On Sep 30, 2025, at 2:04 PM, Shauna Wright <shauna.wright@kellyhart.com> wrote:
>
> > This message has originated from an **External Email**. Shauna Wright <shauna.wright@kellyhart.com>:

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Mr. Yarborough,
May we please hear from you on this issue?
Shauna

Shauna Wright
On September 29, 2025 at 5:19:00 PM CDT, Shauna Wright <shauna.wright@kellyhart.com> wrote:

> Mr. Yarbrough,
>
> We received your notice of hearing on your MSJ in the 48th District Court. We are not available on that date, so please reset it. I'll be happy to discuss availability if you will get some dates from the court. I'm sure we can find another date soon after.

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Shauna

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EXHIBIT A-2

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NO. 048-352249-24

AUTOMOTIVE FINANCIAL GROUP, INC.,	*	IN THE DISTRICT COURT OF
Plaintiff,	*	
VS.	*	TARRANT COUNTY, TEXAS
TRAVIS GATES,	*	
Defendant.	*	48th JUDICIAL DISTRICT

****

CERTIFICATE OF NONAPPEARANCE

FOR THE ORAL DEPOSITION OF

TRAVIS GATES

JUNE 4, 2024

****

Reported by: Brenda R. Gardner, CSR
Job No. 2024-944504

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A P P E A R A N C E S

FOR THE PLAINTIFF:

Mr. Steven Ovando
SCHEEF & STONE
2600 Network Boulevard
Suite 400
Frisco, Texas 75034
Telephone: 214.472.2100
steven.ovando@solidcounsel.com

THE REPORTER:

Ms. Brenda R. Gardner, CSR

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I, Brenda R. Gardner, Certified Shorthand Reporter in and for the State of Texas, certify:

That I appeared at the offices of Scheef & Stone, 2600 Network Boulevard, Suite 400, in the City of Frisco, Collin County, Texas, to report the deposition of Travis Gates, scheduled for 2:00 p.m. on June 4, 2024;

That by 2:30 p.m., Travis Gates had not appeared for his deposition.

Present for the deposition was Mr. Steven Ovando, Attorney for Plaintiff;

I further certify that I am neither employed by nor related to any attorney or party in the matter and have no interest, financial or otherwise, in its outcome.

***

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***

Given under my hand and seal of office this 4th day of June, 2024.

BRENDA R. GARDNER, CSR NO. 2581
My Commission Expires: 1-31-2026
Lexitas-Dallas, Firm Registration #459
325 N. St. Paul Street, Suite 1900
Dallas, Texas 75201
(214) 373-4977

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#

#459 4:9

1

1-31-2026 4:9

1900 4:10

2

2024 3:7 4:5

214 373-4977 4:11

214.472.2100 2:5

2581 4:8

2600 2:4 3:4

2:00 3:6

2:30 3:8

3

325 4:10

4

4 3:7

400 2:4 3:4

4th 4:5

7

75034 2:5

75201 4:10

A

appeared 3:3,9

attorney 3:11,13

B

Boulevard 2:4 3:4

Brenda 2:9 3:1 4:8

C

Certified 3:1

certify 3:2,12

City 3:4

Collin 3:5

Commission 4:9

County 3:5

CSR 2:9 4:8

D

Dallas 4:10

day 4:5

deposition 3:6,9,10

E

employed 3:13

Expires 4:9

F

financial 3:14

Firm 4:9

Frisco 2:5 3:5

G

Gardner 2:9 3:1 4:8

Gates 3:6,8

H

hand 4:4

I

interest 3:14

J

June 3:7 4:5

L

Lexitas-dallas 4:9

M

matter 3:14

N

Network 2:4 3:4

O

office 4:4

offices 3:3

outcome 3:15

Ovando 2:3 3:11

P

p.m. 3:6,8

party 3:13

Paul 4:10

Plaintiff 2:2 3:11

Present 3:10

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R

Registration 4:9

related 3:13

report 3:5

Reporter 2:8 3:2

S

scheduled 3:6

Scheef 2:3 3:3

seal 4:4

Shorthand 3:1

St 4:10

State 3:2

Steven 2:3 3:11

steven.ovando@solidcounsel.com 2:6

Stone 2:3 3:4

Street 4:10

Suite 2:4 3:4 4:10

T

Telephone 2:5

Texas 2:5 3:2,5 4:10

Travis 3:6,8

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EXHIBIT A-3

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CAUSE NO. 048-352249-24

AUTOMOTIVE FINANCIAL GROUP, INC.,	IN THE DISTRICT COURT
Plaintiff,	TARRANT COUNTY, TEXAS
VS.	
TRAVIS GATES,	
Defendant.	48TH JUDICIAL DISTRICT

CERTIFICATE OF NONAPPEARANCE

TRAVIS GATES

OCTOBER 21, 2024

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A P P E A R A N C E S

FOR THE PLAINTIFF AUTOMOTIVE FINANCIAL GROUP, INC.:

MARK L. HILL
SCHEEF & STONE, LLP
5956 SHERRY LANE
20TH FLOOR
DALLAS, TEXAS 75034
T: 214.472.2100
E: mark.hill@solidcounsel.com

FOR THE DEFENDANT TRAVIS GATES:

Counsel was not present.

ALSO PRESENT:

Amanda Teichman, Automotive Financial Group, Inc.

Collin McCaskell, Videographer

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P R O C E E D I N G S

(Time noted: 10:00 a.m.)

(Exhibit 1 marked.)

THE REPORTER: We are on the record.

MR. HILL: My name is Mark Hill, and I'm an attorney with the law firm of Scheef & Stone, counsel for Plaintiff Automotive Financial Group, Inc., in Cause No. 048-352249-24 in the 48th District Court of Tarrant County, Texas.

Today we had noticed and scheduled Defendant Travis Gates' Oral Deposition at the offices of his counsel here at 5956 Sherry Lane, 20th Floor, Dallas, Texas 75225. We have been here since shortly before 9:30 a.m. as noticed. Notice was served on August 28, 2024. A copy of the notice has been introduced as Exhibit 1. I would also note that in waiting, I checked, and there was electronic service confirmation also served between us and Defendant's counsel and several of their lawyers and support staff. It is now a little after 10:00 a.m., and nobody has appeared on behalf of the Defendant, either Mr. Gates, or their counsel.

My understanding is the paralegal did pop in shortly before 9:30 a.m. to visit with the court reporter, but beyond that, we have not seen anybody since we've been here, so we are taking a Certificate of

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Nonappearance.

THE REPORTER: Thank you.

(Time noted: 10:01 a.m.)

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I, Kimberly Powell, a Certified Shorthand Reporter in and for the State of Texas, certify:

That I appeared at the offices of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., 5950 Sherry Lane, 20th Floor, Dallas, Texas, 75225, on October 21, 2024, to report the deposition of TRAVIS GATES, pursuant to the Plaintiff's Notice of Intent to Take the Oral Deposition of Travis Gates scheduled for 9:30 a.m.

That by 10:00 a.m., Travis Gates had not appeared for his deposition. Present for the deposition were:

Mark L. Hill, Attorney for the Plaintiff Automotive Financial Group, Inc.;

Amanda Teichman, Automotive Financial Group, Inc.

Collin McCaskell, Videographer

Kimberly Powell, CSR 7339, Court Reporter

I further certify that I am neither employed nor related to any attorney or party in this matter and have no interest, financial or otherwise, in its outcome.

Given under my hand and seal of office on this the 21st day of October, 2024.

/s/ Kimberly Powell_____
KIMBERLY POWELL, CSR 7339
Expiration Date: 10/31/2025
STOVALL REPORTING & VIDEO, INC.
Firm Registration No. 10259
1414 Creekview Drive
Lewisville, Texas 75067
T: (214) 695-2024
E: zunie@stovallreporting.com

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EXHIBIT A-4

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CAUSE NO. 048-352249-24

AUTOMOTIVE FINANCIAL GROUP, INC.,	§	**IN THE DISTRICT COURT**
Plaintiff,	§	
v.	§	**48th JUDICIAL DISTRICT**
TRAVIS GATES,	§	
Defendant.	§	**TARRANT COUNTY, TEXAS**

NOTICE OF HEARING

Please take notice that the hearing on Defendant Travis Gates's Motion for No-Evidence Summary Judgment Under Rule 166a(i), filed in the above-captioned and numbered cause has been set for an **in person hearing on Wednesday, October 22, 2025 at 2:30 p.m**. before Judge Taylor in the 48th Judicial District Court, Tarrant County, Texas.

Respectfully submitted this 29th day of September, 2025.

Buchalter
A Professional Corporation

By: */s/ Matthew E. Yarbrough*
MATTHEW E. YARBROUGH
State Bar No. 00789741
JASON BLACKSTONE
State Bar No. 24036227
100 Crescent Ct., Ste. 700
Dallas, TX 75201
Telephone:((214) 266-7500
myarbrough@buchalter.com
jblackstone@buchalter.com

Attorneys for Defendant Travis Gates

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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2025, a copy of the above and foregoing was filed electronically with the Clerk through the Court's ECF system, which will notify all parties of record.

/s/ Matthew E. Yarbrough
Matthew E. Yarbrough

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Automated Certificate of eService

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Jeana Burke on behalf of Shauna Wright
Bar No. 24052054
jeana.burke@kellyhart.com
Envelope ID: 106438079
Filing Code Description: Motion (No Fee)
Filing Description: PLAINTIFFS MOTION TO CONTINUE SUMMARY JUDGMENT HEARING
Status as of 10/3/2025 3:58 PM CST

Associated Case Party: THEAUTOMOTIVE FINANCIAL GROUP INC

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Associated Case Party: TRAVISGATES

Name	BarNumber	Email	TimestampSubmitted	Status

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jeana.burke@kellyhart.com
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Associated Case Party: THEAUTOMOTIVE FINANCIAL GROUP COMPANIES INC

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Associated Case Party: THEAUTOMOTIVE FINANCIAL GROUP

Name	BarNumber	Email	TimestampSubmitted	Status
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