

CAUSE NO. 19-7298-367

ROBERT OBLON,

Plaintiff,

v.

JORDAN BROCK,

Defendant.

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IN THE DISTRICT COURT OF

DENTON COUNTY, TEXAS

367<sup>th</sup> JUDICIAL DISTRICT

**NON-PARTIES’ OBJECTIONS TO PLAINTIFF’S PROPOSED ORDER ON AMENDED MOTION TO SHOW CAUSE AND ALTERNATIVE MOTION TO HAVE COURT EXERCISE ITS INHERENT AUTHORITY TO ENFORCE ITS OWN (PREVIOUSLY ISSUED) ORDER**

TO THE HONORABLE JUDGE OF SAID COURT:

Non-parties Keith Halls, John "JT" Thatch, and Kip H. Allison (collectively “Respondents”) file this their *Non-Parties Objections to Plaintiff’s Proposed Order on Amended Motion to Show Cause and Alternative Motion to Have Court Exercise its Inherent Authority to Enforce its Own (Previously Issued) Order* (hereinafter “Show Cause”) complaining of Plaintiff’s *Amended Motion to Show Cause and Alternative Motion to Have Court Exercise Its Inherent Authority to Enforce Its Own (Previously Issued) Order* (hereinafter “Plaintiff’s Proposed Order” attached as EXHIBIT “A”) and in support thereof respectfully show as follows:

**I.**

Sharing Services Global Corporation f/k/a Sharing Services, Inc. (hereinafter “Sharing Services”) is not a party to this suit nor was Sharing Services required to appear and respond to Plaintiff’s *Amended Motion to Show Cause and Alternative Motion to Have Court Exercise Its Inherent Authority to Enforce Its Own (Previously Issued) Order*.

Plaintiff’s Proposed Order is essentially a declaratory judgment adjudicating the rights and duties of Sharing Services. Based on the Plaintiff’s Proposed Order, it appears that Sharing Services was an indispensable party to this matter without whose presence, adjudication of its right

and duties is not warranted.

It is well settled that '[a]ll persons who have or claim a direct interest in the object and subject matter of the suit, and whose interests will necessarily be affected by any judgment that may be rendered therein, are not only proper but are necessary or indispensable parties plaintiff or defendant.' ... The court is without authority to pass on the merits or to decide any question which may affect the rights of such necessary parties. *Bourland v. City of San Antonio*, 347 S.W.2d 660, 661 (Tex. App.—San Antonio 1961, no writ).

Plaintiff's Proposed Order contains no command language regarding the *who*, *what* or *when* ordered to comply with the order. Instead, Plaintiff's Proposed Order contains a series of *declarations* regarding the current status of the Board of Directors (that purportedly come into existence with the signing of the order) and *predictions* for the future. Mere publication of the declarations in the proposed order will cause immediate, irreparable harm to Sharing Services, its shareholders and the thousands of people in the sales force that depend upon the stability of the company for their livelihood (see EXHIBIT "A").

Plaintiff's Show Cause was directed at John "JT" Thatch, Keith Halls and Kip H. Allison in their individual capacity alleging that they, as non-parties, conspired with Jordan Brock to violate an *ex parte* TRO enjoining Brock from voting stock held by Alchemist in Sharing Services. If the Court finds that sanctions are appropriate against one or more of the non-parties, the sanction must be directed to each non-party and the order must contain command language so that each non-party so sanctioned knows what action(s) he is commanded to take in order to be in compliance with the order.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, non-parties, John "JT" Thatch, Keith Halls and Kip H. Allison pray that the Court deny Plaintiff's *Amended Motion to Show Cause and Alternative Motion to Have Court Exercise Its Inherent Authority to Enforce Its Own (Previously Issued) Order*, grant non-parties' *Order Denying Plaintiff's Amended Motion to Show Cause and*

*Alternative Motion to Have Court Exercise Its Inherent Authority to Enforce Its Own (Previously Issued) Order* and, in the alternative, modify any order granting relief so that it is directed at the individuals who were the subject of the Show Cause so that each knows what actions he must take to comply with the order.

Respectfully submitted,

JONES, DAVIS & JACKSON, PC

By: /s/Karen Kennedy  
Karen Kennedy  
State Bar No. 24066599  
[kkennedy@jonesdavis.com](mailto:kkennedy@jonesdavis.com)  
Scott R. Meyer  
State Bar No. 24051046  
[smeyer@jonesdavis.com](mailto:smeyer@jonesdavis.com)  
Wendy D. Dawer  
State Bar No. 24036451  
[wdawer@jonesdavis.com](mailto:wdawer@jonesdavis.com)  
15110 Dallas Parkway, Suite 300  
Dallas, Texas 75248  
Telephone: (972) 733-3117  
Fax: (972) 733-3119

ATTORNEYS FOR RESPONDENTS

### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was served via e-mail, to all counsel of record on this 7<sup>th</sup> day of February, 2020.

/s/Karen Kennedy  
Karen Kennedy

## Karen Kennedy

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**From:** Howard J. Klatsky <hklatsky@feesmith.com>  
**Sent:** Friday, February 7, 2020 10:02 AM  
**To:** Karen Kennedy; Matt Davis; Steve Jones; Scott Meyer  
**Subject:** Sharing Services, et al v. Oblon- New TRO Filed (Klatsky Note)

**Importance:** High

Counsel: I see that you have filed a new Emergency Application For Injunctive Relief in this case this morning. Please be advised that:

1. I am not able to appear in Court today but can be reached at the office (972-980-3494) or on my cell phone (214-505-0145) today. Please give the Court these numbers if you intend to appear before the Court today to present this Application;
2. Robert will NOT make a live broadcast today at 1:00pm if the Court has not addressed this Application by that time (or if the Application is heard and granted);
3. **The ONLY information that Robert was intending to broadcast is information that has been FILED OF RECORD;** and
4. I do not believe that Texas law allows courts to enjoin people from exercising their First Amendment Rights.

### Howard J. Klatsky

Senior Partner



Fee, Smith, Sharp & Vitullo LLP

Three Galleria Tower  
13155 Noel Road  
Suite 1000  
Dallas, Texas 75240  
P 972-980-3494  
F 972.934-9200  
[www.feesmith.com](http://www.feesmith.com)

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Thank you for your cooperation.

**EXHIBIT A**



**Robert Oblon**

11 hrs · 🌐



**!!!-IT'S THAT TIME-!!!**  
**Going LIVE tomorrow 1pm CST**  
**Friday. Right here.**  
**It's time for a DOSE of the**  
**TRUTH on Elepreneurs, KHA,**  
**M&JW and more.**

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Like · Reply · 11h

👍 3

**Going LIVE tomorrow 1pm CST**  
**Friday. Right here.**  
**It's time for a DOSE of the**