

June 24, 2025

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Deborah M. Young, Clerk of Court
First Court of Appeals
301 Fannin Street, Room 208
Houston, Texas 77002

Re: Case No. 01-23-00618-CV (*Great Value Storage, LLC and World Class Capital Group, LLC v. Princeton Capital Corporation*); in the First Court of Appeals, Houston, Texas.

Intervenor Appellants' Sur-Reply to Receiver's June 16, 2025, Reply Brief

To the Honorable Court:

The Intervenor Appellants respond as follows to a new argument made in the Receiver's post-argument reply brief (dated June 16, 2025).

Specifically, the Receiver contends (at page 2) that no damages judgment can be awarded against him based on Rule 301 of the Texas Rules of Civil Procedure (which generally permits only one final judgment per case), given that the trial court's original judgment in this matter has become final.¹

But a trial court's jurisdiction over its appointed receiver is independent of—and continues beyond—its jurisdiction over the judgment,² and a trial court can issue orders within the scope of its receivership jurisdiction having “the same force and effect as any other final adjudication of a court.”³ Whether such orders are viewed as “additional

¹ The Receiver relatedly suggests (at page 1) that the Intervenor Appellants only ever sought non-monetary relief against him and so the possibility of monetary relief is a “new” and “not plead[ed]” position. But as previously explained, the prayers for relief in their pleas in intervention were broad enough to encompass both monetary and non-monetary remedies. Brief of Intervenor Appellants (Corrected) (05/17/24) at 50 & n.163, 55.

² *Hill v. Hill*, 460 S.W.3d 751, 763-64 (Tex. App.—Dallas 2015, pet. denied) (collecting cases).

³ *Huston v. F.D.I.C.*, 800 S.W.2d 845, 847 (Tex. 1990). *Huston* involved a pre-judgment liquidation receiver rather than a post-judgment turnover receiver, but the Court expressed the point broadly: “[A] trial court's order that resolves a discrete issue in connection with any receivership has the same force and effect as any other final adjudication of a court.” *Id.* Similarly, the fact that such orders have the “same force and effect” as a final judgment means that any enforceability requirement, which the Receiver also references (at page 2, citing *Grassroots Leadership*), would be satisfied as well. See *Tex. Dep't of Family & Protective Services v. Grassroots Leadership, Inc.*, No. 23-0192, 2025 WL 1642437 (Tex. May 30, 2025).

judgments” that are exceptions to Rule 301 (which Rule 301 permits if provided by law) or simply “enforceable orders,” the result is the same: the trial court has power— independent of its power over the judgment—to issue orders to remediate harms caused by its appointed officer.

That said, the boundaries of such relief are not before this Court. Rather, the question here (as to the Intervenor Appellants) is whether the trial court’s denial of intervention constituted reversible error. If so, that denial should be reversed and the matter remanded. Then, on remand, issues concerning the scope, form, and propriety of any remedial relief against the Receiver would be for the trial court to address in the first instance.

Respectfully submitted,

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