No. 01-23-00618-CV

In the First Court of Appeals
Houston, Texas

GREAT VALUE STORAGE, LLC AND WORLD CLASS CAPITAL GROUP, LLC,
Appellants,

v.

PRINCETON CAPITAL CORPORATION,
Appellee.

Appeal from Cause No. 2019-18855
165th District Court of Harris County, Texas

RECEIVER'S NOTICE OF NEW AUTHORITY ISSUED FROM SUPREME COURT OF TEXAS ON MAY 30, 2025

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TO THE HONORABLE FIRST COURT OF APPEALS:

I. THREE DAYS AFTER ORAL ARGUMENT THE SUPREME COURT OF TEXAS ISSUED A JURISDICTIONAL REVERSAL NARROWING THE MOOTNESS DOCTRINE.

Receiver Kretzer submits as new authority a jurisdictional opinion issued by the Supreme Court of Texas the Friday after oral argument, *Texas Department of Family and Protective Services v. Grassroots Leadership, Inc.*[1] The Court reversed because "there are no exceptions to the fundamental constitutional requirement that courts may reach the merits of only live disputes."[2]

II. INTERVENOR APPELLANTS HAVE DISCLAIMED SEEKING A JUDGMENT AGAINST RECEIVER.

In *Princeton*, the Supreme Court's March 26, 2024 mandate "dismisse[d] the case as moot" and "concludes, pursuant to Texas Rules of Appellate Procedure 56.2 and 60.6 that the appeal is moot."[3] *Grassroots Leadership* now dispenses with any of Appellants' residual jurisdictional contentions.

Comparing the Federal and Texas Constitutions, *Grassroots Leadership* concludes that "justiciability differences under our Constitution are likely to be ***more restrictive, not less***."[4] The Court's rigorous and broad application of justiciability requirements

[1] No. 23-0192, 2025 Tex. LEXIS 437 (May 30, 2025).
[2] *Id.*, slip. op. at 3.
[3] Mandate, *Great Value Storage, LLC v. Princeton Capital Corporation*, No. 23-0722 (Tex. Mar. 26, 2024).
[4] *Grassroots Leadership*, No. 23-0192, slip. op. at 24 (emphasis added).

announced in *Grassroots Leadership* is fatal to the variegated Appellants' pursuit of an advisory opinion from this Court concerning the appointed Receiver:

> In this context, the original public meaning of the term "judicial power" is well recognized. It implicates the authority to resolve actual, non-collusive legal disputes brought by adverse parties who have a genuine legal interest and a live stake in the outcome, which can be reduced to an ***enforceable judgment***.[5]

In other words, the ultimate endpoint of a justiciable case must be the pursuit of an "enforceable judgment" rendered by a court with jurisdiction over "adverse parties," resolving an actual justiciable "live stake."

The problem for the defunct shell company Appellants is that they have insisted to this Court they are not seeking a "judgment" against Receiver Kretzer at all. Intervenor Appellants' response brief is adamant: "for purposes of this appeal, the Intervenors will assume that an enforceable damages award against the Receiver himself would require compliance with service-of-process rules applicable to private parties."[6] To the contrary, Intervenors circumscribed their desired action by or from the district court, seeking: "declarations regarding the Receiver's authority as to past actions, orders requiring him to produce particular materials or information, orders enjoining him from dissipating funds, etc."[7] But none of these desired retrospective "declarations" about a case and appeal found by the Supreme Court to be moot could be rendered by any

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[5] *Grassroots Leadership*, No. 23-0192, slip op. at 13 (emphasis added).
[6] Reply Brf. of Intervenor Appellants, No. 01-23-00618-CV (May 15, 2024) at 27.
[7] *Id.* at 27-28.

district court in an "enforceable judgment." As explained and cited, a Receiver is an officer/agent of the appointing district court. That district court cannot regard itself as an "adverse party" against whom a judgment may be rendered.[8]

Grassroots Leadership holds that justiciability attaches only to "a case" defined as follows: "A 'case' has always been understood to require genuine adversity by those who are party to it."[9] Since Intervenors disclaim any desire for—and are anyway barred by Princeton's global settlement from obtaining—a "judgment" because the only other named party to the suit, Princeton Capital, was released by any and all entities owned or controlled by Mr. Paul in whole or in part, appellate jurisdiction necessarily fails.

III. JUDGMENT DEBTORS MERELY WANT ZERO FEES FOR RECEIVER.

For their part, Judgment Debtors GVS and WCCG do not want a judgment either. There is nothing GVS and WCCG want Receiver to do anything for them—or to pay them. These Appellants' brief is resolute: "Defendant Appellants do not challenge the establishment of the Receivership (the subject of their prior appeal)."[10]

Instead, these two insolvent shell companies have told this Court they simply want Receiver to get zero fees and an order of opprobrium: "Proper Review Compels a Finding That the Receiver is Not Entitled to Fees."[11] But again, *Grassroots Leadership*

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[8] *See* Resp. Brf. of Receiver to Brf. of GVS and WCCG No. 01-23-00618-CV (Mar. 25, 2024 at 20-21; Resp. Brf. of Receiver to Brf. of Intervenors, No. 01-23-00618-CV (Mar. 25, 2024) at 43-44.
[9] *Grassroots Leadership*, No. 23-0192, slip. op. at 48.
[10] Appellants GVS and WCCG Reply Brief, No. 01-23-00618-CV (May 15, 2024) at 14.
[11] *Id.* at 27; *see also* "Prayer" pp. 36-37 (". . . and remand the case to the trial court with instructions

bars such judicial advisory opinions because justiciability mandates a final judgment which remedies a legal wrong to that particular plaintiff.[12] GVS and WCCG exclaim the absence of any desire for a judgment against the Receiver. Instead, they just want to wipe out the fee award they were never ordered to pay in the first place. Their brief, and their oral argument last week, emphatically insist they are not reorganized debtors in the Northern District of Texas Bankruptcy Court (the entities holding the reserved funds): "trial court has no authority or jurisdiction over the bankruptcy court or the parties to that proceeding, which *do not* include Defendant Appellants."[13] In sum, GVS and WCCG are obligated to pay nothing to Receiver by the district court. Nor does the district court's order make them refrain from doing anything. Therefore, this Court lacks jurisdiction to consider their appeal.

IV. CONCLUSION

This Court must dismiss this appeal for lack of jurisdiction. To the extent Texas's justiciability doctrine left any doubt on that score before the oral argument, *Grassroots Leadership* eliminates all uncertainty.

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to award the Receiver nothing.").

[12] *See Grassroots Leadership*, No. 23-0192, slip op. at 25 ("With this confirmation of justiciability's constitutional minimum—a live dispute whose resolution will not generate an advisory opinion—we proceed to examine whether the case before us is moot.").

[13] Appellants GVS and WCCG Reply Brief, No. 01-23-00618-CV (May 15, 2024) at 15 (italics in original).

Respectfully submitted this 2nd day of June 2025,

/s/ *Seth Kretzer*

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document has been delivered this June 2, 2025 (by court electronic filing only) to all counsel of record in cause 01-23-00618-CV.

/s/ *James W. Volberding*

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CERTIFICATE OF COMPLIANCE

As required by Texas Rule of Appellate Procedure 9.4, I certify that the number of words in this pleading is 983, measured from page one through the conclusion, according to Word. This pleading was prepared with Microsoft Word for Apple, version 16.51.

/s/ *James W. Volberding*

JAMES W. VOLBERDING

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