

**WEINSTEIN MANAGEMENT CO.,
INC. AND WMCI DALLAS X, LLC,
Plaintiffs and Counter-Defendants,**

v.

**KATHRYN COPELAND,
Defendant and Counter-Plaintiff.**

§ **IN THE DISTRICT COURT OF**
§
§ **TARRANT COUNTY, TEXAS**
§
§
§ **141ST JUDICIAL DISTRICT**

**DEFENDANT'S NOTICE OF INTENT TO SEEK
DISQUALIFICATION OF PLAINTIFFS' COUNSEL**

TO THE HONORABLE COURT:

Defendant and Counter-Plaintiff **Kathryn Copeland** respectfully provides notice to the Court and opposing counsel of her intent to seek disqualification of Plaintiffs' counsel pursuant to the Texas Disciplinary Rules of Professional Conduct, Rule 3.08, and the Court's inherent authority to protect the integrity of these proceedings.

I. Basis for Intended Motion

1. Counsel as a Material Witness.

Plaintiffs' counsel has engaged in direct communications and made factual representations concerning the removal, custody, and condition of Defendant's personal property, the scope of remediation efforts, and Plaintiffs' refusal to fund accommodations. Counsel's personal knowledge of these events makes her a potential *necessary witness* under Rule 3.08(a).

2. Misrepresentations Contradicting Known Evidence.

Plaintiffs' pleadings and filings attribute contamination and remediation delays to Defendant's conduct despite the existence of the **Dallas Mold Consultants Protocol (September 8, 2025)**—a report confirming pre-existing *Chaetomium* and *Aspergillus* contamination, structural moisture, and uninhabitable conditions.

These factual contradictions suggest filings made without evidentiary support, in violation of **Texas Rule of Civil Procedure 13** and **Tex. Civ. Prac. & Rem. Code § 10.001**, and create the appearance of impropriety.

3. Prejudice to the Integrity of Proceedings.

Counsel's continued representation in a case where she holds personal knowledge of disputed facts risks tainting the evidentiary record, inhibiting discovery, and undermining Defendant's ability to obtain fair adjudication. Texas courts recognize that disqualification is warranted where an attorney's dual role as advocate and witness "risks confusing the trier of fact and undermines the adversarial process." *In re Sanders*, 153 S.W.3d 54, 57–58 (Tex. 2004).

II. Purpose of this Notice

This Notice is not a motion for sanctions or an accusation of bad faith. Its purpose is to:

- Preserve Defendant's right to later move for disqualification if discovery confirms counsel's direct participation in disputed conduct;
- Afford counsel an opportunity to correct misrepresentations in the record or withdraw from personal involvement in fact disputes; and

- Place the Court on notice of the potential conflict so that any future hearing or evidentiary proceeding can be conducted in compliance with Rule 3.08 and the Court's ethical obligations.

III. Reservation of Rights

Defendant expressly reserves the right to:

1. File a formal Motion for Disqualification with supporting evidence and sworn affidavit;
2. Seek sanctions under Rule 13 or § 10.004 if continued misrepresentations are made; and
3. Request that any future evidentiary hearings exclude argument or testimony from counsel possessing personal knowledge of disputed facts.

IV. Judicial Integrity and Fairness

Defendant recognizes and respects the Court's commitment to fairness, efficiency, and accessibility for all litigants. As a pro se party with documented cognitive and visual disabilities, Ms. Copeland relies on the Court's duty under the **ADA (42 U.S.C. § 12132)** and **Tex. Gov't Code § 54.031** to ensure she can meaningfully participate in these proceedings.

Maintaining the integrity of representation—and ensuring that advocacy is distinct from testimony—is essential not only to Defendant's right to due process, but also to public confidence in this Court's impartial administration of justice.

Respectfully submitted,



KATHRYN COPELAND

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Defendant and Counter-Plaintiff

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