

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

2015 FEB 25 PM 4:02

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY \_\_\_\_\_  
DEPUTY

**BROWNSVILLE EMERGENCY PHYSICIANS  
GROUP, LLC et al.,**

**Plaintiffs,**

-vs-

**Case No. A-14-CA-568-SS**

**BRENDAN WORTHINGTON, individually and  
d/b/a Atlas IP Holdings, LLC et al.,**

**Defendants.**

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**ORDER**

BE IT REMEMBERED on this day the Court held a hearing in the above-styled cause, and the parties appeared in person and through counsel. The Court now enters the following orders confirming its oral pronouncements:

IT IS ORDERED that Plaintiffs obtain legal representation for Plaintiff Brownsville Emergency Physicians Group, LLC within TWENTY (20) DAYS from date of entry of this Order;

IT IS FURTHER ORDERED that the Motion of Defendants Ralph Crowell and Glines & Rhodes, Inc. to Dismiss Plaintiffs' Third Amended Original Complaint [#48] is GRANTED, and Plaintiffs' claims against Defendants Ralph Crowell and Glines & Rhodes, Inc. are DISMISSED WITHOUT PREJUDICE;<sup>1</sup>

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<sup>1</sup> Although the complaint referenced in this motion is not the current live pleading in this action, the Court grants the motion to dismiss based in part on the representations of Plaintiffs Stephen Miller and Harry Stokes at hearing, who assured the Court they wished to proceed against only the following Defendants: Brendan J. Worthington, individually and doing business as Atlas IP Holdings, LLC; Michelle Worthington, individually and doing business as Atlas IP



IT IS FURTHER ORDERED that the First Amended Motion of Defendants John L. Elias, Individually, and John L. Elias & Associates to Dismiss Plaintiffs' Fifth Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6) [#86] is GRANTED, and Plaintiffs' claims against Defendants John L. Elias, individually and doing business as John L. Elias & Associates,<sup>2</sup> and John L. Elias & Associates are DISMISSED WITHOUT PREJUDICE;<sup>3</sup>

IT IS FURTHER ORDERED that Defendant Karmy Kays' Motion to Dismiss [#74] is GRANTED, and Plaintiffs' claims against Defendant Karmy Kays, individually and doing business as JPMorgan Chase, N.A., are DISMISSED WITHOUT PREJUDICE;<sup>4</sup>

IT IS FURTHER ORDERED that Plaintiffs' claims against the following defendants are DISMISSED WITHOUT PREJUDICE: Defendant Brian Light, individually and doing business as Precious Metals and Gems, LLC; Defendant JCG Global Partners, LLC; Defendant Precious Metals and Gems, LLC; Defendant Giorgio C. Costonis, individually and doing business as JCG Global Partners, LLC; Defendant Calogero R. Enea, individually and doing business as JCG Global Partners, LLC, Defendant JPMorgan Chase Bank, N.A.; Defendant Nathan Hoerschelmann, individually and doing business as Atlas IP Holdings,

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Holdings, LLC; Atlas IP Holdings, LLC; Dalton Menzies, individually and doing business as Hamilton Commodities Group; Tonya Menzies, individually and doing business as Hamilton Commodities Group; Hamilton Commodities Group; Joseph Blankenship, individually and doing business as BFBHB Import & Export LLC; and BFBHB Import and Export LLC.

<sup>2</sup> Due to the incompetence of Plaintiffs' former counsel, a number of defendants in this action are incorrectly designated as "doing business as" another business organization, and sued in that capacity as well as individually. The Court refers to defendants as they are presently named on the docket sheet to avoid further complicating matters.

<sup>3</sup> See *supra* note 1.

<sup>4</sup> See *supra* note 1.

LLC; Defendant Christine Cuoco, doing business as Glines & Rhodes; Defendant Helen Blankenship, individually and doing business as BFBHB Import and Export, LLC; Defendant Brenda Blankenship, individually and doing business as BFBHB Import and Export, LLC; Defendant KVH Capital Investment Partners, LLC; and Defendant Kevin Vickers, individually and doing business as KVH Capital Investment Partners, LLC; and

IT IS FINALLY ORDERED that all other pending motions in this action are DISMISSED WITHOUT PREJUDICE.

SIGNED this the 25 day of February 2015.

  
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SAM SPARKS  
UNITED STATES DISTRICT JUDGE