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*Attorneys for Trinity Broadcasting of Texas, Inc.
dba Trinity Broadcasting Network and TCT Ministries, Inc.*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	Chapter 11
	§	
MERIT STREET MEDIA, INC., ¹	§	Case No.: 25-80156-11 (SWE)
	§	
Debtor.	§	

**TRINITY BROADCASTING OF TEXAS, INC. AND TCT MINISTRIES, INC.'S
EMERGENCY MOTION FOR CONTEMPT AND SANCTIONS AGAINST PETESKI
PRODUCTIONS, INC.**

Emergency relief has been requested. Relief is requested not later than 5:00 p.m. on August 27, 2025. If you object to the relief requested or you believe that emergency consideration is not warranted, you must appear at the hearing if one is set, or file a written response prior to the date that relief is requested in the preceding paragraph. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

Trinity Broadcasting of Texas, Inc. d/b/a Trinity Broadcasting Network (“TBN”) and TCT Ministries, Inc. (“TCT” and together with “TBN,” “Trinity”), by and through their undersigned

¹ The last four digits of the Debtor’s federal tax identification number are 8990. The Debtor’s mailing address is 5501 Alliance Gateway Fwy., Fort Worth, Texas 76177.

counsel, hereby submits this *Motion for Contempt and Sanctions Against Peteski Productions, Inc.* (the “**Motion**”). The DIP lender in this chapter 11 bankruptcy case (the “**Chapter 11 Case**”), Peteski Productions, Inc. (“**Peteski**”), has failed and refused to comply with its discovery obligations and this Court’s Orders. In support of this Motion, Trinity states as follows:

I.
PRELIMINARY STATEMENT

1. We are again confronted with the same discovery failures the Court has already fully addressed. Just eleven days ago, Professional Bull Riders LLC (“**PBR**”) sought an order compelling the Debtor and Peteski to produce documents they had stubbornly refused to provide, which Trinity joined. After full briefing and argument, the Court granted that motion on all fronts, finding “very few (if any) of the discovery rulings were close calls.”² The Court also continued the hearing on the Motion to Dismiss to allow the parties time to complete discovery. In so doing, Merit Street Media, Inc. (“**MSM**” or the “**Debtor**”) timely made a substantial production in an effort to fully comply with the Court’s Order,³ but Peteski continues to withhold and obfuscate production.

2. Once again we stand with just a week before this Court is scheduled to hear argument from Trinity, PBR, the Debtor, and Peteski on numerous complex matters—including whether the Court has jurisdiction over the Chapter 11 Case and whether this case should be dismissed or converted to a Chapter 7 proceeding for bad faith (the “**Hearing**”)—and, for all practical purposes, we have not made much progress on two critical issues that necessitated the motion to compel in the first place. In a transparent attempt to create the illusion of compliance

² Order Granting Continuance and Providing Ancillary Relief, Docket No. 248, at 4.

³ Counsel for Debtor confirmed this morning that Debtor will search its own records for the Jackson Walker invoices it paid pre-petition or otherwise, any engagement letter with Jackson Walker, and any conflict waiver with Jackson Waiver – or confirm it does not have any such documents – as required by this court’s prior orders. As such, this motion is not directed at Debtor. If Debtor fails to do so, the Debtor will also be in violation of the court’s prior orders.

with the Court's August 22, 2025, production deadline, Peteski produced just 337 documents on August 22, 2025, with an additional 37 documents produced on August 25, 2025 (as compared to the 3,993 documents produced by the Debtor on August 22, 2025, and an additional 431 documents produced on August 25, 2025). By its own admission in a meet-and-confer between counsel on August 26, 2025, Peteski still has not produced all of Phillip C. McGraw's emails and text messages (despite his deposition being scheduled to begin in less than 48 hours from the time of such conference), nor has it produced all of the documents concerning Envoy. Peteski's same delay tactics persist. The pattern is so striking that it is more than mere *déjà vu*; it is a deliberate rerun, scripted by parties who have decided that the Court's orders are optional guidance rather than binding directives.

3. The time for patience has passed. Accordingly, Trinity requests emergency relief from this Court, and asks the Court, as authorized under Fed. R. Civ. P. 37(b), to: (a) continue the Hearing one additional week and order Peteski to produce all responsive documents within 24 hours, (b) order Peteski to verify under oath that all of Mr. McGraw's relevant text messages and emails have been produced, or, in the absence of a continuance, (c) order the deposition of Mr. McGraw proceed but permit Trinity to keep the deposition open so that it can question Mr. McGraw on any documents produced on or after August 26, 2025, (d) order that the supplemental deposition of Mr. McGraw take place before the Hearing, and (e) order monetary sanctions to all costs of seeking Peteski's compliance with the Court's prior orders and the resulting delay in the Hearing. Alternatively, Trinity asks that if the Court is inclined to proceed with the Hearing as scheduled, that Peteski be prohibited from opposing Trinity's claim that the Debtor lacked corporate authority to institute the bankruptcy and issue a negative inference on the issue of corporate authority in light of Peteski's discovery gamesmanship. In any event, Trinity requests explicit instruction that all discovery from all parties be concluded in accordance with prior orders.

II.
RELEVANT BACKGROUND

4. Trinity incorporates by reference the factual background to its Joinder to the Motion to Compel.⁴ Additionally, Trinity provides the following background.

5. On August 12, 2025, Trinity and PBR jointly sought to compel the Debtor and Peteski to (a) collect documents and communications, including text messages, from the custodians identified by Trinity and PBR, (b) expand the scope of their collections and productions to January 1, 2024 to the present, (c) apply the search terms proposed by Trinity and PBR to the document collections; and (d) complete their document productions within three days of the Court's order.⁵ The Court heard Trinity and PBR's Motion to Compel on August 14, 2025 and granted the Motion to Compel on all grounds. Subsequently, the Court heard Trinity's Motion to Continue the Hearing. The Court granted the Motion to Continue and reset the hearing for September 2, 2025.⁶

6. On August 22, 2025, Peteski produced 337 documents, and the Debtor produced the 3,993 documents. Trinity reviewed those documents and identified deficiencies in Peteski's production. On Sunday, August 24, 2025, counsel for Trinity, PBR, and Peteski exchanged various emails conferring about the deficiencies identified in Peteski's productions.⁷

7. On August 26, 2025, counsel for Trinity, PBR, Peteski, and the Debtor conferred via video conference on the Peteski's production deficiencies. That video conference followed an earlier conference by and between counsel for Trinity, PBR, and the Debtor. During the latter call

⁴ *Joinder in Support of Professional Bull Rider LLC's Emergency Motion to Compel Production by the Debtor and Peteski Productions, Inc.* [Docket No. 206].

⁵ *Professional Bull Riders LLC's Emergency Motion to Compel Production by the Debtor and Peteski Productions, Inc.* [Docket No. 173] together with Trinity's Joinder, the "**Motion to Compel.**"

⁶ See Docket No. 248.

⁷ A true and correct copies of this email exchange is attached hereto as **Exhibit A.**

several issues were resolved, but two primary issues remained outstanding: (1) the late production of Mr. McGraw's text messages and emails in light of his forthcoming deposition, and (2) the limited search and production of documents concerning Envoy. Following conclusion of that video conference, the parties engaged in additional email correspondence leading up to the filing of this Motion.⁸

III. LEGAL STANDARD

8. Federal Rule of Civil Procedure 37(b), which is made applicable by Bankruptcy Rules 7037 and 9014, grants courts broad authority to impose sanctions when a party fails to obey a discovery order. Specifically, Rule 37(b)(2)(A) provides that if a party "fails to obey an order to provide or permit discovery," the court "may issue further just orders," which may include: (i) directing that certain facts be taken as established (*i.e.* issuing a negative inference); (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses; (iii) striking pleadings in whole or in part; (iv) staying proceedings; (v) dismissing the action in whole or in part; (vi) rendering a default judgment; or (vii) treating the failure as contempt of court.⁹

9. The scope of the court's discretion under Rule 37(b) is intentionally broad. Sanctions serve not only to penalize the offending party, but also to deter similar conduct, ensure compliance with the court's orders, and prevent prejudice to the opposing party. *See Roadway Express, Inc. v. Piper*, 447 U.S. 752, 763–64 (1980) ("Both parties and counsel may be held personally liable for expenses, 'including attorney's fees,' caused by the failure to comply with discovery orders. Rule 37 sanctions must be applied diligently both to penalize those whose conduct may be deemed to warrant such a sanction, [and] to deter those who might be tempted to such conduct in the absence of such a deterrent." (internal quotations omitted)).

⁸ A true and correct copy of this email exchange is attached hereto as **Exhibit B.**

⁹ Fed. R. Civ. P. 37(b)(2)(A)(i)–(vii).

IV.
ARGUMENTS AND AUTHORITIES

10. On August 15, 2025, the Court ordered Peteski and the Debtor produce all documents responsive to Trinity’s discovery requests by Friday, August 22, 2025. This directive was unequivocal. There was no ambiguity, no conditional language, and no “best efforts” qualification. The Debtor understood the Court’s order and made efforts to comply with it, producing over 4,300 documents between August 22, 2025, and August 25, 2025, fulfilling its stated intent of “moving heaven and earth” in discovery. Trinity acted with similar haste, producing more than 6,566 documents in three productions between August 22, 2025, and August 25, 2025. Peteski, on the other hand continues to evade and withhold core categories of responsive information: text messages, emails, and other communications at the heart of the disputed transactions in this case.

11. This is not a case of inadvertent oversight. After weeks of conferrals, Court-imposed deadlines, and Peteski’s explicit representations that production would be complete, the record now shows a pattern of obfuscation and selective withholding of critical evidence. Such conduct is a direct violation of Fed. R. Civ. P. 37(b) and warrants not only an order compelling remedial production, but also sanctions.

12. **Mr. McGraw’s Text Messages and Emails.** The most glaring deficiency in the Peteski’s production is the near total absence of Mr. McGraw’s text messages and emails. We know that these documents exist because some of them were produced by the Debtor. For example, Trinity has identified the following emails from Mr. McGraw that the Debtor produced but Peteski has not: MSM0004420, MSM0004826, MSM0014006, MSM0014007, MSM0014009, MSM0014019, MSM0014047, MSM0014144, MSM0015941, MSM0016238, MSM0022138. The Debtor’s production demonstrates that Mr. McGraw was emailing about critical issues that will be decided during the Hearing. Similarly, Trinity has identified the following texts from Mr. McGraw that the Debtor

produced but Peteski has not: MSM0009869, MSM0009871, MSM0009873, MSM0009876, MSM0010151, MSM0010586, MSM0010593, MSM0010596, MSM0010600, MSM0022371, MSM0022696, MSM0022759, MSM0022805, MSM0022841, MSM0022856, MSM0022859, MSM0022898, MSM0022955, MSM0022959, MSM0022965, MSM0023002, MSM0023025, MSM0023057, MSM0023059, and MSM0023236. For additional context regarding text messages:

- MSM produced 196 text chains involving Ken Solomon; Peteski produced 16;
- MSM produced 328 text chains involving Joel Cheatwood; Peteski produced 8;
- MSM produced 39 text chains involving Phil McIntyre; Peteski produced 12;
- MSM produced 8 text chains involving Jerry Sharell; Peteski produced 0; and,
- MSM produced 29 text chains involving Gary Broadbent; Peteski produced 1.

Likewise, Trinity produced numerous responsive text messages between McGraw and Frank Amedia during this period. *See, e.g.* TBN4511-4685. Yet, as of this filing, Peteski has failed to produce virtually any of McGraw's own emails and text messages. Given the transaction's importance and given that Mr. McGraw communicates extensively through text message and email, it is simply not believable that Mr. McGraw would not have texted or emailed *anyone else* about the deal.

13. In response to Trinity's conferral, Peteski stated that it was still working on reviewing and producing Mr. McGraw's emails and hoped to get them produced by midnight, August 26, 2025. That gives Trinity less than 24 hours to review the documents in advance of Mr. McGraw's deposition. The tactical delayed production is clearly intended to prejudice Trinity and hamstring its efforts to take a comprehensive deposition of Mr. McGraw.

14. The Court should compel Peteski to provide an immediate, complete, and certified production of *all* of Mr. McGraw's relevant emails and text messages and verify under oath what searches have been conducted and why these plainly responsive communications have not been produced to date.

15. Furthermore, it appears that Mr. McGraw is exerting his control over Peteski and strategically limiting his production in the hope that Trinity and PBR will cancel or postpone his deposition. Mr. McGraw has delayed and restricted production of key documents directly relevant to his testimony, making it impossible to question him fully unless the deposition is moved. This is not the first time Mr. McGraw has gone to extraordinary lengths to avoid sitting for a deposition. Indeed, he caused the Debtor to file for bankruptcy immediately after the arbitrator in the PBR arbitration compelled his deposition. Mr. McGraw does not want to sit for a deposition at all. But he should not be rewarded for his discovery tactics by a postponement or cancellation of his deposition. The Court should order that Mr. McGraw appear for his deposition as currently scheduled, and that the deposition remain open so that Trinity may reconvene and question him on any additional documents produced on August 26, 2025, or thereafter. In addition, the Court should impose monetary sanctions on Peteski sufficient to cover the fees and expenses associated with not only this motion but also the costs of conducting the second deposition necessitated by its noncompliance.

16. **Communications Concerning Envoy.** Equally troubling is the absence of any meaningful production of Peteski's documents concerning Envoy. By no later than May 20, 2025, Mr. McGraw and other officers of the Debtor were actively discussing what they themselves variously referred to as "newco," "DP 2.0," and a "new venture" — all of which ultimately materialized as Envoy. From that point through the bankruptcy filing, high-level personnel of the Debtor were engaged in transition planning that coincided with workforce layoffs, the winding

down of MSM, and the transfer of valuable MSM assets. These documents demonstrate that Peteski and the Debtor never intended to reorganize MSM, but rather to strip it of value and divert its assets to their new business venture, Envoy.

17. Again, Peteski unilaterally limited the scope of relevant documents. Peteski contends it interpreted “Envoy” discovery obligations to cover only two narrow topics — (1) current or former MSM workers joining Envoy and (2) the transfer of MSM assets to Envoy. Nowhere did the Court limit the scope in this manner, and the Debtor’s own production disproves this interpretation. The Debtor produced multiple documents directly addressing the usurpation of corporate opportunities, the interplay between the Debtor’s bankruptcy filing and the launch of Envoy, and other topics critical to the bad-faith and fiduciary-breach analysis. Peteski’s continues to intentionally exclude the documents reflecting inception, planning, and execution of a competing enterprise at the Debtor’s expense.

18. After conferral, Peteski later responded that it would produce more Envoy documents, but indicated that there were only approximately 200 relevant, yet-to-be produced documents that it intends to hand over. So based on its representations, Peteski is still not fully producing all documents relevant to Peteski. Again, with Mr. McGraw’s deposition scheduled for approximately 36 hours from now, Trinity is prejudiced by Peteski’s failure to comply with the Court’s order and timely produce its documents.

19. The Court should grant this motion not only to compel the missing Envoy communications, but also to send a clear message that parties cannot selectively “curate” their productions to omit evidence harmful to their litigation position.

20. **Additional Deficiencies in Peteski’s Production.** In addition to the above issues, Peteski and Trinity discussed a number of other production deficiencies. During the conferral call

between counsel, many of these issues were addressed with supplemental production and/or investigation forthcoming. The categories of these documents include the following:

- Text messages and emails from Jay McGraw, which Peteski intends to produce by midnight on August 26, 2025;
- Emails from a second email account of Jay McGraw, which are being reviewed and Peteski intends to produce by August 27, 2025;
- Emails from Phillip McIntyre, which Peteski intends to produce by midnight on August 26, 2025;
- Emails and communications from Envoy email accounts that were established in early August 2025, which Peteski intends to produce by midnight on August 26, 2025;
- Text messages and emails from Jordan McGraw, which Peteski intends to produce by August 27, 2025; and
- Jackson Walker engagement letters and invoices, which Peteski is discussing internally and will inform counsel for PBR and Trinity if they will agree to produce.

21. **Requested Sanctions.** Given the clear violation of a discovery order, the implausibility of Peteski's explanations, and the centrality of the withheld material, the Court should act under Fed. R. Civ. P. 37(b) impose the following sanctions on Peteski:

1. Monetary sanctions in an amount sufficient to reimburse Trinity for all attorneys' fees and expenses incurred in forcing Peteski to meet their discovery obligations, including the full costs of any additional depositions made necessary by Peteski's untimely and incomplete productions, and all fees and costs incurred by any other party in connection with a continuance of the Hearing; **and**,
2. Order Peteski to produce all material addressed above, including all of Mr. McGraw's emails and text messages be produced within 24 hours and order Peteski to verify under oath that all of Mr. McGraw's relevant text messages and emails have been produced; **and**, alternatively:
3. (a) Continue the Hearing, which would allow the deposition of Mr. McGraw to be rescheduled for Tuesday or Wednesday, September 2 or 3 (dates Mr. McGraw is already known to be available given his attendance at the hearing); **or**,

(b) Order the deposition of Mr. McGraw proceed but permit Trinity to keep the deposition open so that it can question Mr. McGraw on any

documents produced on August 26, 2025 or later, with such supplemental deposition to take place before the Hearing after Trinity has had sufficient time to review Mr. McGraw's late produced-documents.

Finally, if the Court is inclined to proceed with the Hearing as scheduled, order that Peteski is prohibited from opposing Trinity's claim that the Debtor lacked corporate authority to institute the bankruptcy and issue a negative inference on the issue of corporate authority in light of Peteski's discovery gamesmanship.

V. **CONCLUSION**

Where a party's conduct amounts to bad faith and undermines the judicial process, courts *must* impose sanctions proportionate to the harm caused. Here, the harm is substantial: Peteski's selective withholding of relevant documents is depriving Trinity and this court of the most probative evidence in this case. The only way to restore fairness is to require full production, shift the resulting costs, and impose a negative inference warranted by Peteski's discovery antics. Trinity further requests this Court enter an order granting Trinity such other and further relief as may be just and proper.

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DATED: August 26, 2025

Respectfully submitted by:

/s/ Mark C. Moore

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Robert Slovak (TX 24013523)
Steven C. Lockhart (TX 24036981)
Mark C. Moore (TX 24074751)
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*Attorneys for Trinity Broadcasting of Texas, Inc.
dba Trinity Broadcasting Network and TCT
Ministries, Inc.*

CERTIFICATE OF GOOD FAITH CONFERENCE

Except as noted above, the undersigned counsel to Trinity hereby certifies that Trinity has attempted in good faith to confer with the Debtor's counsel and Peteski's counsel in an effort to resolve the dispute without court action as set forth above.

/s/ Mark C. Moore

Mark C. Moore

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2025, a true and correct copy of the foregoing document was served electronically by the Court's PACER system.

/s/ Nora J. McGuffey

Nora J. McGuffey

Exhibit A

From: Secco, Nick <NSecco@beneschlaw.com>
Sent: Monday, August 25, 2025 10:53 AM
To: Moore, Mark C.; Butzer, Carl
Cc: Dharnidharka, Rajiv; McPhail, Stephanie L.; Lockhart, Steven C.; McGuffey, Nora J.; Slovak, Rob; Thomas, J. Michael; Ducayet, Jim; ssexton@sidley.com; Venter, Patrick; parker.embry@sidley.com; Greg Wilkes; Babcock, Chip; Cavanaugh, Matthew; Ceckowski, Lauren; Ruzinsky, Bruce; Bankler, Chris; Moscarino, Alyssa; Walsh, Abbey; Istrubeckjr@omm.com
Subject: Re: Peteski Document Production Deficiencies

*** EXTERNAL EMAIL MESSAGE ***

Carl -

We share Mark's concerns and have several of our own:

1. None of the three Benesch lawyers who attended the August 9 meet-and-confer recall any agreement to limit the Envoy-related RFPs in the way you outline below. Perhaps more importantly, your e-mails synopsizing the August 9 conference do not state anywhere that you are confining Envoy-related productions to former employees or asset transfers;
2. You are mistaken about Jackson Walker's representations concerning Envoy documents. Those representations were not limited to Greenchair Productions. On August 9, Chip wrote: "On Envoy as you know incorporation papers were filed in Delaware (I think) by Manat Phelps on or about July 1 **but I don't think Envoy has any employees, documents etc.** but I am checking on that." In response, I provided Chip with a long litany of Envoy information we were interested in obtaining. I do not recall ever being told that Envoy did, in fact, possess substantive documents such as emails. We discovered that truth in the course of reviewing the most recent MSM productions. Had we known sooner that Envoy possessed voluminous substantive documents, we very well may have treated your objections to the subpoena differently;
3. Your email below does not address our concerns about Dr. Phil's text messages. For example, the search terms "Envoy" and "Newco" would have undoubtedly returned numerous hits for Dr. Phil texts and emails, including his communications with MediaCo and current or prospective Envoy employees. Yet few, if any, of these communications have been produced. More troubling, there are instances where MSM has produced text exchanges between Joel Cheatwood and Dr. Phil containing the search term "newco," but those same exchanges do not appear to have been produced by Peteski. This suggests that Peteski continues to withhold relevant text messages.

NJS

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)



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Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

From: Moore, Mark C. <mmoore@foley.com>

Sent: Sunday, August 24, 2025 7:47:06 PM

To: Butzer, Carl <cbutzer@jw.com>

Cc: Dharnidharka, Rajiv <rajiv.dharnidharka@foley.com>; McPhail, Stephanie L. <smcphail@foley.com>; Lockhart, Steven C. <slockhart@foley.com>; McGuffey, Nora J. <nora.mcguffey@foley.com>; Slovak, Rob <rslovak@foley.com>; Thomas, J. Michael <jmthomas@foley.com>; Ducayet, Jim <jducayet@sidley.com>; ssexton@sidley.com <ssexton@sidley.com>; Venter, Patrick <pventer@sidley.com>; parker.embry@sidley.com <parker.embry@sidley.com>; Greg Wilkes <gwilkes@omm.com>; lstrubeckjr@omm.com <lstrubeckjr@omm.com>; Secco, Nick <NSecco@beneschlaw.com>; Babcock, Chip <cbabcock@jw.com>; Cavanaugh, Matthew <mcavanaugh@jw.com>; Ceckowski, Lauren <lceckowski@jw.com>; Ruzinsky, Bruce <bruzinsky@jw.com>; Bankler, Chris <cbankler@jw.com>; Moscarino, Alyssa <AMoscarino@beneschlaw.com>; Walsh, Abbey <abbey.walsh@beneschlaw.com>

Subject: Re: Peteski Document Production Deficiencies

Carl,

Your email raises several troubling questions that will likely need to be resolved by the Court. Taking each in turn:

- We never agreed to limit the time range for documents relating to the “stock swap” to a 2-month period in 2024. This is evident from our own production, which included emails and texts into and including December 2024. However, even if what you said is true, it continues to strain credulity that Mr. (Phil) McGraw would not have texted or emailed anyone outside of his inner circle about the purported stock swap in August 2024.
- We never agreed to limit the issues relating to Envoy to current or former workers or asset transfers. This leaves out the obvious (and evident) usurpation of corporate opportunities, matters relating to the interplay of the MSM bankruptcy with the launch of Envoy, etc. MSM apparently understood this; they produced materials directly responsive to these issues.
- Regarding Jay McGraw, we have identified at least one email, sent 5/20/2025 (PETESKI0003156), from your production where Jay suggests that MSM may become “a subsidiary of MediaCo.” We find it difficult to believe that additional, non-privileged, responsive materials don’t exist.
- Similarly, regarding Jordan McGraw, we have identified at least one email, sent by Joel Cheatwood on 7/2/2025 (MSM0013859) where Jordan is copied on issues concerning “Newco personnel” and the onboarding of employees at that entity, which we now know is Envoy. Other documents exist where Mr. Cheatwood asks Jordan to create content for Envoy (MSM0010144) where Jordan responds: “We should absolutely stack content.” We find it difficult to believe that additional, non-privileged, responsive materials don’t exist.

The Court overruled your objections to our RFPs/subpoena wholesale. He later described it as pouring you out. We interpret your response as a continued objection to applying the search terms ordered by the Court because they will result in what you know are responsive documents.

Finally, the offer to produce additional materials (if you find them) on Tuesday does nothing to assuage our concerns about the deposition of Mr. McGraw scheduled for Thursday, particularly in light of prior representations that appropriate searches have already been run.

Mark C. Moore

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FOLEY & LARDNER LLP

From: Butzer, Carl <cbutzer@jw.com>

Date: Sunday, August 24, 2025 at 6:35 PM

To: Moore, Mark C. <mmoore@foley.com>, Secco, Nick <NSecco@beneschlaw.com>, Babcock, Chip <cbabcock@jw.com>, Cavanaugh, Matthew <mcavanaugh@jw.com>, Ceckowski, Lauren <lceckowski@jw.com>, Ruzinsky, Bruce <bruzinsky@jw.com>, Bankler, Chris <cbankler@jw.com>

Cc: Dharnidharka, Rajiv <rajiv.dharnidharka@foley.com>, McPhail, Stephanie L.

<smcphail@foley.com>, Lockhart, Steven C. <slockhart@foley.com>, McGuffey, Nora J.

<nora.mcguffey@foley.com>, Slovak, Rob <rslovak@foley.com>, Thomas, J. Michael

<jmthomas@foley.com>, Ducayet, Jim <jducayet@sidley.com>, ssexton@sidley.com

<ssexton@sidley.com>, Venter, Patrick <pventer@sidley.com>, parker.embry@sidley.com

<parker.embry@sidley.com>, Greg Wilkes <gwilkes@omm.com>, lstrubeckjr@omm.com

<lstrubeckjr@omm.com>

Subject: RE: Peteski Document Production Deficiencies

***** EXTERNAL EMAIL MESSAGE *****

Nick and Mark,

I will collectively address each of your points below, separately on behalf of Peteski and Envoy.

Documents regarding the “Stock Swap.” Per the parties’ agreement, Peteski applied the search terms that TBN provided. The terms that relate to the “stock swap” (terms 38, 39, and 40) and “Amedia” (term 34) were limited to July 1, 2024 to August 31, 2024 – per the search terms that were provided. So, Peteski applied the search terms accordingly, reviewed the results, and produced responsive, non-privileged documents. However, out of an abundance of caution, we will re-review the following search terms to ensure Peteski has produced all non-privileged responsive documents for the timeframe of July 1, 2024 to August 31, 2024: (1) “takeover*” /25 (“Phil*” OR “DP*” OR “McGraw*”), (2) (“equity” OR “stock*”) /5 (“swap” OR “switch”), and (3) “chang*” /10 “control*.”

Documents regarding Envoy Media. During the August 9 meet and confer, the parties discussed narrowing the requests related to Envoy and as a result, Peteski agreed to produce documents regarding Envoy related to (1) former or current MSM workers working for Envoy and (2) the transfer of any MSM assets to Envoy. Accordingly, Peteski searched for and produced non-privileged documents and communications (including Dr. Phil McGraw’s text messages and emails) related to Envoy regarding those two topics. See, e.g., PETESKI0003457-60. The parties did not agree to *all* documents or communications related to Envoy, regardless of content or topic. If you are insisting on all documents relating to Envoy, I think we should discuss tomorrow at a time Chip is also available.

Jay McGraw emails and text messages: We collected Jay McGraw's email and imaged his phone, applied the agreed-to search terms, and reviewed the results for responsive documents and communications. To date we've found no responsive, non-privileged emails and one responsive text message, which will be produced in our forthcoming production. However, we will take another look and report back tomorrow.

Jordan McGraw emails: We collected Jordan McGraw's email, applied the agreed-to search terms, reviewed the results for responsive documents and communications, and produced non-privileged, responsive emails from Jordan McGraw's email.

Jordan McGraw text messages: Despite repeated, good-faith efforts, we have thus far been unable to acquire a usable set of Jordan McGraw's text messages. On Saturday, August 16, we dispatched a forensic technician to Los Angeles, Mr. McGraw's hometown, to perform an on-site collection. The technician first initiated a full file-system extraction with Cellebrite's Inseyets tool, but the process terminated twice without completing. He therefore launched an overnight Advanced Logical Extraction using Cellebrite UFED. By the following morning—Sunday, August 17—that attempt also failed when the imaging process reached its final stage.

After securing a higher-capacity, high-speed drive, we repeated the collection. On Monday, August 18, the extraction appeared to complete successfully, yielding approximately 1.2 terabytes of data. We received the image in Dallas on Tuesday and began parsing it with Cellebrite. Multiple passes failed to surface any messaging content, and identical results were obtained when we processed the image in Axiom. Cellebrite's technical-support team is reviewing our logs but has not yet identified the source of the failure.

For the balance of the week we attempted to acquire Mr. McGraw's iCloud backups. Two further attempts with Cellebrite, one with Axiom, and one with Elcomsoft each required several hours to run and each concluded without extracting or parsing any message data. One vendor has since advised that the most recent iOS release may render that acquisition workflow unsupported.

Because all remote and logical acquisition methods have been unsuccessful, Mr. McGraw has arranged to ship the physical device to Dallas. Although he sought delivery by Monday, FedEx constraints make it unlikely that the handset will arrive before Tuesday, August 26.

Confidentiality designations. We will review Peteski's production and, as appropriate, de-designate publicly available documents, such as the court order Mark referenced.

Envoy's Subpoena Responses. We believe there is some confusion here. We previously stated that Green Chair Productions (the entity) does not have any unique documents (other than the formation documents we produced), not Envoy. Envoy's objections to the subpoena have not been discussed and the Court has not made any ruling as to Envoy's objections. However, we have collected documents from the Envoy email server that are responsive to the search term parameters you provided, and are in the process of reviewing them. We anticipate a production by Noon on Tuesday.

**Thanks,
Carl**

Carl Butzer | Partner
2323 Ross Avenue, Suite 600
Dallas, TX 75201
V: (214) 953-5902 | F: (214) 661-6609 | cbutzer@jw.com

Jackson Walker LLP

From: Moore, Mark C. <mmoore@foley.com>

Sent: Sunday, August 24, 2025 3:47 PM

To: Secco, Nick <NSecco@beneschlaw.com>; Babcock, Chip <cbabcock@jw.com>; Butzer, Carl <cbutzer@jw.com>; Cavanaugh, Matthew <mcavanaugh@jw.com>; Ceckowski, Lauren <lceckowski@jw.com>; Ruzinsky, Bruce <bruzinsky@jw.com>; Bankler, Chris <cbankler@jw.com>

Cc: Dharnidharka, Rajiv <rajiv.dharnidharka@foley.com>; McPhail, Stephanie L. <smcphail@foley.com>; Lockhart, Steven C. <slockhart@foley.com>; McGuffey, Nora J. <nora.mcguffey@foley.com>; Slovak, Rob <rslovak@foley.com>; Thomas, J. Michael <jmthomas@foley.com>; Ducayet, Jim <jducayet@sidley.com>; ssexton@sidley.com; Venter, Patrick <pventer@sidley.com>; parker.embry@sidley.com; Greg Wilkes <gwilkes@omm.com>; lstrubeckjr@omm.com

Subject: Re: Peteski Document Production Deficiencies

Caution: **External Email.

All,

Trinity joins in the concerns expressed by PBR's counsel in the email below and requests similar confirmation regarding the deficiencies noted in productions from Peteski and Envoy. Please copy counsel at Foley on any correspondence regarding these issues.

With respect to specific additional issues, we are extremely concerned about the lack of a meaningful production of Mr. McGraw's text messages, particularly in the critical time between July 2024 and December 2024 concerning the "stock swap" that August. We produced numerous text messages by and between Mr. McGraw and Mr. Frank Amedia during that time period, but you did not make a corresponding production. We require an explanation of why.

The texts with Mr. Amedia are instructive of the problem but not exclusive. Based on the volume of those texts and the importance of what allegedly happened in the stock swap, it strains credulity that Mr. McGraw did not text anyone else about it at the same time. Please confirm that searches were done of *all* of Mr. McGraw's texts about the stock swap consistent with the search terms you agreed to utilize and explain why responsive documents have not already been produced. We note that in the hearing on August 15, Mr. Babcock stated that the production of Mr. McGraw's text messages would occur by the following Sunday, August 17. A week later, it doesn't appear to have happened.

Along the same lines, we see far fewer emails from Mr. McGraw about the stock swap than we would have expected to see, particularly given representations made by Mr. McGraw at the time about why he needed it: to show investors. We have not identified a single email from Mr. McGraw to an investor or someone outside of his inner circle of chief lieutenants about the stock swap at that time, which seems impractical. Please confirm that searches were done of *all* of Mr. McGraw's emails about the stock swap (and negotiations following same) consistent with the search terms you agreed to utilize and explain why responsive documents have not already been produced.

We also echo the concerns expressed about all materials from Mr. McGraw, texts and emails, about Envoy. It is now apparent that the "newco"/"DP 2.0"/"new venture" concept was in the making not later than May 20, 2025. The layoffs a few weeks later, continuous discussions day after day by MSM officers about the "transition" to what would eventually become Envoy, and, ultimately, the bankruptcy itself, are so clearly intertwined—and intended to facilitate—the creation and launch of Envoy, that additional texts and emails from Mr. McGraw himself *must* exist. And we have not identified a *single* email in a production by Peteski of any such emails.

Finally, the limited productions received to date contain confidentiality designations on documents that plainly do not qualify for such treatment. For example, PETESKI0000877-984 is designated confidential notwithstanding that the document is a signed court order entered on the Court's docket as Dkt. No. 35. We require an explanation of

why virtually every document is designated as confidential including documents provided to third parties under no duty to treat such documents as confidential.

If we do not receive satisfactory responses to the issues PBR noted below and the issues we have identified herein, we will have no choice but to raise these issues with the Court tomorrow.

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Partner

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From: Secco, Nick <NSecco@beneschlaw.com>

Date: Sunday, August 24, 2025 at 12:38 PM

To: Chip Babcock <cbabcock@jw.com>, Carl Butzer <cbutzer@jw.com>, Matthew Cavanaugh <mcavanaugh@jw.com>, Ceckowski, Lauren <lceckowski@jw.com>, bruzinsky@jw.com <bruzinsky@jw.com>, cbankler@jw.com <cbankler@jw.com>, Ducayet, Jim <jducayet@sidley.com>, ssexton@sidley.com <ssexton@sidley.com>, Venter, Patrick <pventer@sidley.com>, parker.embry@sidley.com <parker.embry@sidley.com>, Greg Wilkes <gwilkes@omm.com>, lstrubeckjr@omm.com <lstrubeckjr@omm.com>, Moore, Mark C. <mmoore@foley.com>, Lockhart, Steven C. <slockhart@foley.com>, Slovak, Rob <rslovak@foley.com>, Dharnidharka, Rajiv <rajiv.dharnidharka@foley.com>, McGuffey, Nora J. <nora.mcguffey@foley.com>, McPhail, Stephanie L. <smcphail@foley.com>

Subject: Peteski Document Production Deficiencies

***** EXTERNAL EMAIL MESSAGE *****

Peteski and Envoy Counsel -

I am writing to raise several troubling deficiencies in the Peteski and Envoy document productions:

1. We have not received a single text message from Jordan or Jay McGraw. Please immediately confirm that you have collected, searched, and reviewed all of Jordan and Jay McGraw's personal emails and text messages. Answering this query should not require any further investigation or analysis. The work has either been done or it has not. Please let us know by 6 PM CT this evening if you have gathered, searched, and reviewed all of Jordan and Jay McGraw's personal emails and text messages of any kind, or if you commit to producing such non-privileged documents by 12 PM CT on Tuesday August 26;
2. We fear that critical Dr. Phil communications have been withheld in contravention of the Court's order. Among other things, we are deeply concerned that Dr. Phil has failed to divulge all of his communications (including text messages) related to Envoy, which is at the heart of the bad faith motion. The MSM production proves that numerous MSM executives have been engaged in a clandestine, concerted campaign (via text message and personal email) to establish Envoy at the expense of MSM's creditors. Dr. Phil is certainly having ongoing discussions with Envoy partners, current employees, prospective employees, collaborators, talent, vendors, counterparties, current or prospective investors, and other Envoy stakeholders. Yet the Peteski production is

almost entirely devoid of such communications. Where are all of Dr. Phil's written communications concerning the entity that became Envoy and its continuing operations? Please confirm by 6 PM CT that all Dr. Phil communications (in any form with anyone) concerning Envoy have been produced, or commit to producing all such non-privileged documents by 12 PM CT on Tuesday, August 26. Again, answering this inquiry should not require additional time or analysis. We either have all of those communications or we do not. Communications concerning Envoy are obviously essential to demonstrating the full extent of Dr. Phil and MSM's bad faith on September 2;

3. On a related topic, we now know that Envoy appears to be some type of joint venture with MediaCo. The production to date suggests that Dr Phil's negotiations with MediaCo stretch back to at least May 2025. It is indisputable that Peteksi and/or Dr. Phil communications with MediaCo exist. Yet – remarkably – the Peteksi production contains no communications at all with MediaCo. This is untenable. Communications with MediaCo are directly relevant to demonstrate, at a minimum, how long Dr. Phil has been planning to launch a competing media enterprise to the detriment of MSM and its creditors, and how that plan intersected with the bankruptcy. Furthermore, such communications are necessary to determine whether the estate or other parties have claims directly against MediaCo for knowing participation in a breach of fiduciary duty, aiding-and-abetting breach or fiduciary duty, and/or conspiracy to commit a breach of a fiduciary duty. Finally, there is no legitimate claim that Peteski or Dr. Phil's communications with MediaCo (a counterparty to an MOU) are privileged. Please confirm by 6 PM CT that all Peteski or Dr. Phil communications (via any method) with MediaCo in any way, shape, or form relating to the venture that became Envoy have been produced, or commit to producing all such non-privileged documents by 12 PM CT on Tuesday, August 26. With depositions approaching, time is short. There is no reason Peteski cannot respond to our query today. You have either produced these documents or you have not;
4. Your production contains an alarming dearth of text messages from Dr. Phil. From what we can tell, only 22 text chains were produced from Dr. Phil as a custodian. Dr. Phil produced only 5 texts between June and July of 2025 (two of which contained duplicative content) and none after the petition date. Moreover, dozens of Dr. Phil texts that appear in the MSM and TBN productions were omitted from Peteski's. Please confirm by 6 PM CT that Peteski has produced all relevant text messages from Dr. Phil and explain the discrepancies between the Peteski production and the MSM/TBN productions. Otherwise, confirm that we will have all such additional documents no later than 12 PM Tuesday, August 26;
5. We do not believe we have all relevant documents from Envoy in response to our subpoena. In prior communications, Jackson Walker represented that Envoy did not possess unique responsive documents. To the contrary, the recent MSM production indicates that, in fact, Envoy has established its own email addresses, which have been used to conduct Envoy business. By 6 PM CT tonight, please confirm that Envoy email addresses exist and commit to producing all relevant documents from Envoy by 12 PM CT on Tuesday, August 26. Furthermore, any Envoy communications with MediaCo fall within the scope of the previously issued Envoy subpoena. We will not permit relevant communications to be hidden via a corporate shell game and quibbles over which of Dr. Phil's many interlocking corporate entities was orchestrating communications related to Envoy;

Please respond to the questions above by 6 PM CT. Peteski's refusal to provide relevant discovery has already resulted in significant delays and inefficiencies in the proceedings. We cannot allow it to continue. TBN may have additional concerns about your productions. If these document discovery issues are not resolved, we may be forced to seek sanctions or other relief from the Court. Thank you.

NJS



Nicholas J. Secco
Partner | Litigation
Benesch Friedlander Coplan & Aronoff LLP

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Exhibit B

From: Moore, Mark C. <mmoore@foley.com>
Sent: Tuesday, August 26, 2025 4:14 PM
To: Butzer, Carl
Cc: Babcock, Chip; Ceckowski, Lauren; Ruzinsky, Bruce; Cavanaugh, Matthew; Lockhart, Steven C.; Alyssa Moscarino; Andrew Kinsey; Nick Secco; Sexton, Steven; Venter, Patrick; Slovak, Rob; Ducayet, Jim
Subject: Re: Envoy
Importance: High

Carl,

Are you saying less than 200 *additional* documents, including Envoy-related documents, beyond what you were already going to produce from Mr. McGraw's texts and emails and those of his sons? If so, we find that extremely difficult to believe given prior representations about how many documents, particularly in light of your statements about the Envoy related documents, remained to be searched and reviewed. That also begs the question—where does this leave us with respect to the stock swap situation that we discussed this morning?

At this point we see no choice but to seek emergency relief from the Court, which will include fees and costs associated with the delay and preparation of our motion, on account of what we see as continued discovery gamesmanship. We offer the following alternatives:

1. A one-week adjournment of the hearing (pending the Court's schedule), with Thursday's deposition rescheduled to next Tuesday or Wednesday; or,
2. Absent an adjournment, we will convene Thursday's deposition as-scheduled, keep it open pending Peteski's completion of document production, and request that it not be limited by time. We can reconvene the deposition on Sunday or Monday prior to the hearing Tuesday.

Additionally, absent an adjournment and complete production of all materials to which we are entitled, we will seek a negative inference on the issue of corporate authority .

I am copying the Debtor on this transmission. Unless we hear otherwise within the next two hours, we will assume you are opposed and will file accordingly. If you and the Debtor agree to the requested continuance, we can discuss scheduling for next week and moving things off the holiday weekend.

Thank you,

Mark C. Moore
Partner

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From: Butzer, Carl <cbutzer@jw.com>

Date: Tuesday, August 26, 2025 at 3:10 PM

To: Nick Secco <NSecco@beneschlaw.com>

Cc: Moore, Mark C. <mmoore@foley.com>, Babcock, Chip <cbabcock@jw.com>, Ceckowski, Lauren <lceckowski@jw.com>, Ruzinsky, Bruce <bruzinsky@jw.com>, Cavanaugh, Matthew <mcavanaugh@jw.com>, Lockhart, Steven C. <slockhart@foley.com>, Alyssa Moscarino <AMoscarino@beneschlaw.com>, Andrew Kinsey <AKinsey@beneschlaw.com>

Subject: Re: Envoy

*** EXTERNAL EMAIL MESSAGE ***

Hi Nick

I spoke with Lauren, who is working on this, and she estimates less than 200 documents. But please keep in mind it's an estimate.

Carl C. Butzer
Jackson Walker LLP
214.953.5902 (w)
214.288.8306 (c)

On Aug 26, 2025, at 1:52 PM, Secco, Nick <NSecco@beneschlaw.com> wrote:

Caution: **External Email.

Carl -

What is the projected volume of your Envoy production? Can you at least give us an order of magnitude? I'm extremely concerned about the belated timing of the new production.

NJS

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

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From: Butzer, Carl <cbutzer@jw.com>

Sent: Tuesday, August 26, 2025 1:42:50 PM

To: Mark C. Moore <mmoore@foley.com>; Secco, Nick <NSecco@beneschlaw.com>

Cc: Babcock, Chip <cbabcock@jw.com>; Ceckowski, Lauren <lceckowski@jw.com>; Ruzinsky, Bruce <bruzinsky@jw.com>; Cavanaugh, Matthew <mcavanaugh@jw.com>; Steven C. Lockhart <slockhart@foley.com>

Subject: Envoy

Mark & Nick

We'll agree to produce non-privileged documents from the 4 custodians containing the term Envoy that are responsive to RFP Nos. 51 (TBN) and 32 (PBR). We anticipate that the bulk of those documents will be produced this evening, and I believe we'll finish the production of those documents in the morning.

Carl C. Butzer
Jackson Walker LLP
214.953.5902 (w)
214.288.8306 (c)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	
	§	Chapter 11
MERIT STREET MEDIA, INC., ¹	§	
	§	Case No.: 25-80156-11 (SWE)
Debtor.	§	
	§	

**ORDER GRANTING TRINITY BROADCASTING OF TEXAS, INC. AND TCT
MINISTRIES, INC.’S EMERGENCY MOTION FOR CONTEMPT AND
SANCTIONS AGAINST PETESKI PRODUCTIONS, INC.**

Pending before the Court is the *Emergency Motion for Contempt and Sanctions Against Peteski Productions, Inc.* (the “**Motion**”)² filed by Trinity Broadcasting of Texas, Inc. dba Trinity Broadcasting Network (“**TBN**”) and TCT Ministries, Inc. (“**TCT**” and together with “**TBN**” “**Trinity**”), for entry of an order (this “**Order**”) (a) continuing the matters set for hearing on September 2, 2025, by one week; (b) ordering Peteski to produce all responsive documents within

¹ The last four digits of the Debtor’s federal tax identification number are 8990. The Debtor’s mailing address is 5501 Alliance Gateway Fwy., Fort Worth, Texas 76177.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the various motions referenced in connection therewith.

24 hours; and (c) ordering Peteski to verify under oath that all of Phillip C. McGraw's relevant text messages and emails have been produced. Based on the Motion and the entire record before the Court, **THE COURT HEREBY FINDS AND CONCLUDES** as follows:

1. The Motion is granted as set forth herein.
2. The Hearing on all matters currently set for September 2, 2025, at 9:00 AM CT (the "**Hearing**"), including, but not limited to, the Dismissal Motion³ and the DIP Motion,⁴ is hereby continued to September [•], 2025 at [•]:00 a.m., prevailing Central Time.
3. Peteski shall produce all responsive documents and communications within 24 hours of entry of this Order, and such production shall be accompanied by a verified statement representing that all responsive text messages and emails of by Phillip C. McGraw have been produced.
4. Peteski is ordered to pay: 1) monetary sanctions to Trinity in an amount sufficient to reimburse Trinity for all attorneys' fees and expenses incurred in forcing Peteski to meet its discovery obligations, including the full costs of any additional depositions made necessary by Peteski's untimely and incomplete productions, and 2) all fees and costs incurred by any other party in connection with a continuance of the Hearing.
5. Entry of this Order is without prejudice to any party's right to request a further continuance of the hearing dates and objection deadlines set forth herein.
6. Notwithstanding any Bankruptcy Rule to the contrary, the terms and conditions of this Order are immediately effective and enforceable upon its entry.

³ *Trinity Broadcasting of Texas, Inc. dba Trinity Broadcasting Network and TCT Ministries, Inc. Emergency Motion for an Order: (I) Dismissing Debtor's Chapter 11 Case, (II) Converting the Case to Chapter 7, or (III) Appointing a Chapter 11 Trustee* [Docket No. 100] (the "**Dismissal Motion**").

⁴ *Debtor's Emergency Motion for Entry of Interim and Final Orders (I) Authorizing (A) Postpetition Financing, and (B) the Use of Cash Collateral; (II) Granting Liens and Providing Superpriority Administrative Expense Claims; (III) Modifying the Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief* [Docket No. 11] (the "**DIP Motion**").

7. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

END OF ORDER

Submitted by:

/s/ Mark C. Moore

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Robert Slovak (TX 24013523)
Steven C. Lockhart (TX 24036981)
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*Attorneys for Trinity Broadcasting of Texas, Inc.
dba Trinity Broadcasting Network and TCT Ministries, Inc.*