

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

In Re: ) **Case No. 18-43168-rfn11**  
)  
CM RESORT, LLC, ) Fort Worth, Texas  
) Wednesday, September 5, 2018  
Debtor. ) 1:30 p.m.  
)  
\_\_\_\_\_)  
)  
RUFF, ) **Adversary Proc. No. 18-4147-rfn**  
)  
Plaintiff, ) EMERGENCY MOTION FOR  
) PROTECTIVE ORDER FILED BY  
v. ) WITNESS JENNIFER RUFF [#25]  
)  
RUFF, et al., )  
)  
Defendants. )  
\_\_\_\_\_)

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE RUSSELL F. NELMS,  
UNITED STATES BANKRUPTCY JUDGE.

APPEARANCES:

For Suzann Ruff: Randal G. Mathis  
MATHIS DONHEISER & JETER  
1412 Main Street, Suite 2600  
Dallas, TX 75202  
(214) 661-8915

For Suzann Ruff: Dennis Oliver Olson  
OLSON, NICOUD & GUECK, LLP  
Meadow Park Tower  
10440 N. Central Expressway,  
Suite 1100  
Dallas, TX 75231  
(214) 979-7300

For Jennifer Ruff and  
Mark Ruff: James S. Bell  
3811 Turtle Creek  
Dallas, TX 75219  
(214) 668-9000

1 APPEARANCES, cont'd.:

2 For CM Resort, LLC and  
3 CM Resort Management,  
4 LLC, Debtors:

Gerrit M. Pronske  
PRONSKE GOOLSBY & KATHMAN, P.C.  
2701 Dallas Parkway, Suite 590  
Plano, TX 75093  
(214) 658-6500

5 Recorded by:

Tandi Levario  
UNITED STATES BANKRUPTCY COURT  
501 W. 10th Street  
Fort Worth, TX 76102  
(817) 333-6014

8 Transcribed by:

Kathy Rehling  
311 Paradise Cove  
Shady Shores, TX 76208  
(972) 786-3063

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Proceedings recorded by digital sound recording;  
transcript produced by transcription service.

1           FORT WORTH, TEXAS - SEPTEMBER 5, 2018 - 1:33 P.M.

2           THE CLERK: All rise. United States Bankruptcy Court  
3 for the Northern District of Texas is now in session, the  
4 Honorable Russell F. Nelms presiding.

5           THE COURT: Please be seated. Good afternoon. At  
6 1:30 we have Ruff v. Ruff. Let's start with counsel making  
7 their appearances, please.

8           MR. BELL: James Bell for Jennifer Ruff and Mark  
9 Ruff.

10          THE COURT: I'm sorry, I didn't hear you.

11          MR. BELL: Yes, Your Honor. James Bell for Jennifer  
12 Ruff --

13          THE COURT: Okay.

14          MR. BELL: -- and Mark Ruff.

15          THE COURT: Okay. Mr. Bell.

16          MR. OLSON: Your Honor, Dennis Olson and Randal  
17 Mathis for Suzann Ruff, the Plaintiff. And Mr. Mathis  
18 prepared the response and will make the argument.

19          THE COURT: Thank you.

20          MR. BELL: Your Honor, Mr. Pronske is also here, but  
21 I think he stepped out to the restroom, is my understanding.

22          THE COURT: Okay. Did you want to get started  
23 without him, Mr. Bell?

24          MR. BELL: Your Honor, may it please the Court. How  
25 do you -- I anticipate calling three witnesses. Is there a

1 time allotted or --

2 THE COURT: No, I don't have any time limitations  
3 that I've set forth. How long do you estimate that we're  
4 going to need?

5 MR. BELL: Probably, on my side, 45 minutes to an  
6 hour.

7 THE COURT: Okay. Let's go ahead and get started.

8 MR. BELL: Yes, Your Honor. I call -- first of all,  
9 I'd like to invoke the rule, Judge.

10 (Court confers with Clerk.)

11 THE COURT: Oh, yes. Mr. Bell, would you -- we need  
12 to have -- whenever you speak, you've got to get close to a  
13 microphone so our recorder can pick you up.

14 MR. BELL: Yes, Your Honor. May I approach the  
15 lectern?

16 THE COURT: Okay. All right. So the rule has been  
17 invoked. That means that anyone who is not a party who is  
18 going to be called or might be called to testify today is  
19 going to be excused from the courtroom. Does anybody fall  
20 into that category?

21 MR. MATHIS: Yes, Your Honor. They subpoenaed Matt  
22 Ruff, the gentleman in the beard. And I'll show him where to  
23 sit in the hall, if that's all right.

24 THE COURT: Okay.

25 MR. OLSON: Who's your other two, James?

1 MR. BELL: Suzann and Mark.

2 MR. OLSON: Suzann is a party. Mark is a party.

3 THE COURT: Okay.

4 MR. BELL: Your Honor, I'd call Suzann Ruff.

5 THE COURT: Okay. Ms. Ruff?

6 MS. RUFF: Just right here?

7 THE COURT: Yes. Ms. Ruff, would you raise your  
8 right hand, please?

9 (The witness is sworn.)

10 THE COURT: Please be seated.

11 MR. BELL: May it please the Court?

12 SUZANN HESS RUFF, PLAINTIFF, SWORN

13 DIRECT EXAMINATION

14 BY MR. BELL:

15 Q Ma'am, will you state your name for the record?

16 A Suzann Hess Ruff.

17 Q Okay. And I -- as a general rule, I'm going to be asking  
18 you questions that call for a yes or no answer. Is that fair?

19 A Fine.

20 Q Okay. Ma'am, you have five siblings. Or I'm sorry, five  
21 --

22 A Children.

23 Q -- children? That's right. Four of which you're  
24 estranged from, one of which is Matthew Ruff, correct?

25 A That is correct.

1 Q Okay. And you're a party in this case, correct?

2 A I didn't think so.

3 Q And you attended a deposition at my office last week; is  
4 that right?

5 A Yes.

6 Q Okay. And Matt Ruff, who is the subject of this motion,  
7 currently lives with you, correct?

8 A Yes.

9 Q And he's a convicted federal felon, correct?

10 A Yes.

11 Q He's on supervised release, correct?

12 A Yes.

13 Q And you've actually called the police before on Matthew  
14 Ruff for choking you, correct?

15 A Yes.

16 Q I'm sorry, ma'am?

17 A I said yes.

18 Q Okay. And not only have you called the police on Matthew  
19 Ruff for choking you, you've also called the police on Matthew  
20 Ruff for assaulting you on a different occasion, correct?

21 A No.

22 Q You haven't called the police on two separate occasions?

23 A Not for assaulting me.

24 Q Who did he assault?

25 A No one.

1 Q But you did call the police when he assaulted you,  
2 correct, and choked you?

3 A Yes.

4 Q And did you leave in an ambulance?

5 A No.

6 Q Okay.

7 A I really wasn't choked. I was just -- he was just scared.

8 Q Ma'am, didn't you say -- state that you were involved in  
9 an argument with Matt, you were grabbed by the neck, and then  
10 you were pushed by -- with your chest area? Is that what you  
11 told the police?

12 A I don't remember. That's so long ago.

13 Q Okay. And so you attended the deposition last week in my  
14 office, correct?

15 A Again, yes.

16 Q And you texted -- did you text Matthew Ruff to show up at  
17 the deposition?

18 A No.

19 Q Okay. So Matt Ruff showed up at my offices un -- with no  
20 text or call from you, correct?

21 A Correct.

22 Q Okay. So he, he just happened to show up at my offices;  
23 is that right?

24 A No. He dropped me off. Google Earth said parking was  
25 difficult. He dropped me off.

1 Q How -- my question is, ma'am, how did Mark -- or Matt Ruff  
2 know to pick you up?

3 A Oh, I might have called?

4 Q At what point during the deposition did you call?

5 A At the end, when we were finished.

6 Q So it's your testimony under oath that you waited until  
7 the conclusion of the deposition to call Matt Ruff to come  
8 pick you up; is that right?

9 A Yes, sir.

10 Q Okay. And you're sure that's correct?

11 A As I remember it. I think so. Yes, sir.

12 Q Okay.

13 MR. BELL: I'll pass the witness, Your Honor.

14 MR. MATHIS: May it please the Court?

15 CROSS-EXAMINATION

16 BY MR. MATHIS:

17 Q Ms. Ruff, you have attended virtually all of the hearings  
18 and depositions that have taken place the last seven years in  
19 your case against your son, Mike Ruff, have you not?

20 A At the very beginning, the lawyers would not want me to go  
21 because they did not want me to be hurt by the fact that the  
22 opposition was calling me crazy.

23 Q All right.

24 A So I didn't go at the very first months.

25 Q All right.



1 A But yes.

2 Q Since I've been involved, --

3 A Since you've been involved, yes.

4 Q -- since --

5 A I've been there most of the time.

6 Q Since I took over as lead counsel five years ago, --

7 A Exactly.

8 Q -- barring illness or something, you've attended virtually  
9 all proceedings in this?

10 A Yes, sir.

11 Q And that included the probate court, the various other  
12 district courts, and the arbitration itself, correct?

13 A Yes, sir.

14 Q All right. Now, throughout any of those proceedings, in  
15 the probate court, in the Palo Pinto court, in the recent case  
16 filed by Jennifer Ruff against your son Matt, in the  
17 arbitration, has your son Matt ever showed up, since his  
18 release from prison three years ago, ever showed up at a  
19 single thing relative to this litigation?

20 A No.

21 Q All right. And in fact, is it not correct that about  
22 three years ago, right after he was released from prison, they  
23 asked for his deposition and he gave his deposition in his  
24 lawyer's office, and all of your other children came and were  
25 present and were physically there to watch the deposition?

1 A Yes.

2 Q All right. Now, you were not here for the last hearing in  
3 this court, but the deposition of your son Mark was ordered to  
4 be taken last Friday.

5 A Right. Yes.

6 Q And the deposition of your daughter-in-law Jennifer was  
7 ordered to be taken tomorrow.

8 A Yes.

9 Q And you're aware of that?

10 A Yes.

11 Q And last Friday, or the day before, Thursday, is it  
12 correct that Mr. Pronske asked that the proposed order to the  
13 Court about those depositions be modified so that instead of  
14 taking the depositions in my office, as was discussed at the  
15 hearing or had been ordered back on August 14 by the Judge in  
16 Palo Pinto, they wanted it taken in Mr. Bell's office?

17 A Yes.

18 Q All right. And we agreed to that; did we not?

19 A Yes.

20 Q And then I told you the new address for where the  
21 deposition would be?

22 A Right.

23 Q All right. Now, is it common, given your health  
24 circumstances on any given day, that sometimes Matt has to  
25 drive you and drop you off at my office or at court or

1    wherever you're going?

2    A    Yes.

3    Q    All right.  You have a variety of health problems, do you  
4    not?

5    A    I do.

6    Q    Okay.  And in fact, you have some vision problems and  
7    you're scheduled in a few days for even more surgery?

8    A    Another eye surgery.  That's right.

9    Q    All right.  So there was nothing particularly unusual  
10   about the fact that he dropped you off at the deposition?

11   A    I was -- no.

12   Q    You had --

13   A    I was glad he wasn't working that morning and could come.

14   Q    It turned out that Mr. Bell's office is in an old house?

15   A    On a hill.

16   Q    You had never been there?

17   A    Rickety steps.  That's right.

18   Q    Never been there before?

19   A    No, never been there.

20   Q    Okay.  In fact, is it correct that Mr. Bell is a new  
21   lawyer in all of this, that he is not the lawyer that has  
22   handled this all these years?

23   A    That's correct.

24   Q    And I don't remember offhand what number he is, but he's  
25   --

1 A Twenty-two.

2 Q Twenty-two or 23 of the now 26 firms involved in this from  
3 the beginning of it.

4 All right. Now, at the deposition of Mark the other day,  
5 you sat in that deposition at the far end of the table reading  
6 a book, did you not?

7 A Uh-huh. Yes.

8 Q All right. And is that not common for you to sit in  
9 depositions with me and read a book and listen with one ear?

10 A Exactly.

11 Q All right.

12 A Yes, sir.

13 Q Okay. And during that deposition, did we observe after a  
14 while that Mike Ruff -- who's not here today but was at that  
15 deposition, wasn't he?

16 A Uh-huh. He was.

17 Q He was on the other side of this big table?

18 A Yes.

19 Q And did we not realize that he was filming or videoing you  
20 with his iPhone?

21 A Yes. I was totally unaware, but you remarked.

22 Q And we asked politely that they stop it. It was no  
23 controversy or fight; it was just, please stop it. All right.  
24 Do you know why it was that they wanted to change the  
25 deposition from my office, as had been discussed here in this

1 courtroom, to Mr. Bell's office?

2 A No, I have no idea.

3 Q No one ever offered an explanation of that that you --

4 A Not that I know.

5 Q Right. Now, is it also correct that, back in the  
6 arbitration proceeding that went on for a long time, Mike  
7 Ruff, your son Mike, made various efforts before the  
8 arbitration panel to get the arbitration panel to order police  
9 and security and restrictions on your son, --

10 A Right.

11 Q -- Matt? You're aware of that?

12 A That's correct. Yes, sir.

13 Q And you're aware, of course, that they entered orders  
14 denying all of that on multiple occasions?

15 A Yes.

16 Q All right. And again, he never showed up at a single  
17 proceeding relative --

18 A No, he did not.

19 Q Now, in --

20 MR. MATHIS: Excuse me, Your Honor. I should have  
21 picked this up.

22 BY MR. MATHIS:

23 Q In the arbitration proceeding, if you would look at what's  
24 marked Exhibit B that was attached to our response yesterday,  
25 do you recognize that as a copy of the arbitration's order

1 dated last year, August 22, almost exactly a year ago, denying  
2 all of that?

3 A Yes.

4 Q And that's just one of a number of times that the  
5 arbitration panel had to address this effort on that subject?

6 A Yes.

7 Q All right. Now, now, separately, the -- a few months ago  
8 -- well, let me back up. Is it correct that about maybe 15,  
9 16 months ago, Mike Ruff or someone saw your son Matt in the  
10 parking lot of a Jewish synagogue down the street from where  
11 they live?

12 A Yes.

13 Q And that was reported? They apparently called the police  
14 on him?

15 A Right.

16 Q Right. And did anything ever come of that?

17 A No, I don't think they called the police. I think they  
18 called the probation people.

19 Q Okay.

20 A I don't think a cop ever came.

21 Q Okay. But ultimately the federal probation people --

22 A They did.

23 Q -- looked into it?

24 A Came to the house.

25 Q And did they find anything wrong or improper?

1 A No.

2 Q Did they put any restrictions on Matt?

3 A No.

4 Q All right. Now, if we fast-forward, there was a -- the  
5 culmination of the arbitration was this past December, was it  
6 not?

7 A The 7th.

8 Q Yes.

9 A Yes, sir.

10 Q And ultimately the judgment was entered and all kinds of  
11 things have followed?

12 A Yes.

13 Q Yes. And you're aware that just since the judgment was  
14 entered in the probate court there had been 13 Rule 202  
15 petitions filed by your son Mike?

16 A Define 202 for me again.

17 Q Those are the petitions filed against all of us as  
18 lawyers, all the arbitration panel, --

19 A Okay.

20 Q -- seeking to take depositions of everybody.

21 A Yes.

22 Q All right. And, of course, those have all been dismissed  
23 now, have they not?

24 A Yes, they have.

25 Q And you're aware, for example, on the subject of

1 depositions, you've heard all the testimony in the arbitration  
2 of more than 120 instances where the arbitration panel asked  
3 us to show them the documentary evidence of the way  
4 depositions never seem to take place in this case.

5 A Hmm.

6 Q All right?

7 A Yes.

8 Q And you're aware, are you not, that during the course of  
9 the litigation, up until a few weeks ago, there had been more  
10 than 330 deposition notices and third-party subpoena quashed  
11 by your son Mike and his lawyers?

12 A I wasn't sure of the number. I just know it's a ton.

13 Q You know it's a ton?

14 A Yeah.

15 Q All right. Now, am I correct that several months ago your  
16 daughter-in-law Jennifer --

17 A Uh-huh.

18 Q -- filed a -- yet another new lawsuit in the -- it's  
19 marked Exhibit G. If you could look at that, please. Now, am  
20 I correct that the 192nd District Court in Dallas is Judge  
21 Craig Smith?

22 A Smith. Yes, sir.

23 Q And you know who he is, don't you, because there's another  
24 case pending in there?

25 A Yes, I do.



1 Q In this case, Jennifer Ruff filed a suit basically  
2 claiming stalking based on the event that had occurred 15 or  
3 16 months ago that had already been investigated?

4 A Correct.

5 Q All right. And the purported basis of doing that was that  
6 she had seen Matt Ruff several months ago in the parking lot  
7 of what's called Dougherty's Drug Store in Dallas?

8 A Yes.

9 Q All right. And that's a big drug store for specialty  
10 kinds of things for people that are sick where you do  
11 business?

12 A Yes.

13 Q Matt picks up things for you there pretty often?

14 A Yes.

15 Q All right. Now, but there had been no contact between  
16 them; she had just seen him in the parking lot?

17 A Right.

18 Q All right. Now, that lawsuit in Judge Smith's court, did  
19 that result in a number of hearings concerning Jennifer Ruff's  
20 request for first a restraining order and then an injunction  
21 against Matt?

22 A Yes.

23 Q All right. And did Judge Smith deny all of that?

24 A Yes, he did.

25 Q And is what is being requested here today substantially

1 the same thing --

2 A Yeah.

3 Q -- that Judge Smith denied a few weeks ago there?

4 A Yes, it is.

5 Q All right. Now, am I correct that, in that matter with  
6 Judge Smith, that your son -- well, strike that.

7 MR. MATHIS: Let me rephrase that, Your Honor.

8 BY MR. MATHIS:

9 Q Your son where does he work?

10 A He has two jobs.

11 Q Okay. Where are they?

12 A He works at P.F. Chang's and at Kona, two Asian-type  
13 restaurants at NorthPark Mall.

14 Q All right. And the P.F. Chang, he works in the kitchen,  
15 correct?

16 A He is. That's exactly right.

17 Q And that job is part of a federal release --

18 A Yes.

19 Q -- program?

20 A Chang's hires --

21 A Right.

22 Q -- people who are recently released from prison.

23 Q Right.

24 A And he's been there for three years.

25 Q And, now, incidentally, he lives with you, doesn't he?

1 A He does.

2 Q All right. And so far as you know, has he complied and  
3 cooperated with the federal authorities on all subjects? He  
4 goes to the examinations, the polygraph, he goes --

5 A Counseling.

6 Q They have him doing all kinds of things?

7 A That's right. He does it all.

8 Q All right. Now, he was served with a subpoena to be here  
9 today last night, I think about 7:00 o'clock.

10 A Yes.

11 Q Okay.

12 A At work.

13 Q All right. That was going to be my question, was he  
14 served at work?

15 A Yes, he was.

16 Q Now, has there already been an issue in Judge Smith's  
17 court about Jennifer Ruff's counsel, Mr. Bell, serving P.F.  
18 Chang with subpoena for third-party records at work, where  
19 Judge Smith specifically commented that it was done for  
20 harassment purposes?

21 A Yes.

22 MR. BELL: Objection, leading and misstates the  
23 evidence and assumes facts not in evidence.

24 THE COURT: I'll sustain it as to leading.

25 MR. MATHIS: Okay.

1 BY MR. MATHIS:

2 Q All right. Now, the -- all right. Now, yesterday was  
3 Monday, of course. Well, --

4 A Tuesday, yes.

5 Q -- yesterday was Tuesday. I've lost a day.

6 A Yes.

7 Q All right. Yesterday was the first work day back, and  
8 yesterday morning is when we received the motion that's set  
9 here today that we are here on, the so-called emergency  
10 motion?

11 A Yes.

12 Q All right. Now, am I correct that we offered in response  
13 to that that Matt would not pick you up from Jennifer's  
14 deposition tomorrow?

15 A Tomorrow.

16 Q Or drop you off? He just, --

17 A Right.

18 Q He just wouldn't come over there? All right.

19 A I'll get a friend.

20 Q I should have asked, do you and Matt, living together in  
21 your house, and your son Mike, you all live in the same part  
22 of town, don't you, in Dallas?

23 A Yes.

24 Q All right.

25 A Just a few blocks away.

1 Q All right. And so everybody's in close proximity with  
2 each other, like it or not?

3 A Yes.

4 Q All right. And that was part of what Judge Smith  
5 considered in denying the motion, that this was a practical  
6 impossibility to ensure that nobody ever saw anybody else?

7 A Right.

8 Q All right. Now, but you have agreed and your son Matt has  
9 agreed that you will either drive yourself to the deposition  
10 tomorrow, wherever it may be. If it's back in that house  
11 where Mr. Bell has his office, so be it. If it's somewhere  
12 else -- I've suggested Mr. Pronske's office, but -- because  
13 the house is not a regular office.

14 A It's not safe for a woman my age.

15 Q Okay. There were difficulties getting you in and out --

16 A Getting in and out.

17 Q -- the steps of that house?

18 A That's right.

19 Q Is that part of the reason that Matt, when he picked you  
20 up, got out of the vehicle -- he was driving your vehicle --  
21 got out --

22 A I asked him to help me --

23 Q -- to help you down the steps?

24 A -- go down the brick stairs. That's right.

25 Q But one way or another, he is not going to pick you up or

1 drop you off, and you will either drive or someone from my  
2 office will go get you and bring you?

3 A Yes.

4 Q Because you do want to be there tomorrow, do you not?

5 A Yes, I do.

6 Q All right. And we wrote to them about that yesterday  
7 morning, did we not?

8 A Yes, we did.

9 Q All right. And you saw what is marked Exhibit A, was my  
10 e-mail to them on that subject?

11 A Yes. Jason was the lawyer from -- is he from Mr.  
12 Pronske's --

13 Q Yes.

14 A -- office? Okay.

15 Q Oh, I should have asked you that. At the deposition of  
16 Mark on Friday, Mr. Pronske, he wasn't at that deposition  
17 himself?

18 A No.

19 Q He sent his colleague, Jason --

20 A Rathman or something like that.

21 Q -- Kathman, I believe it is.

22 A Okay.

23 Q All right. And then Mr. Bell wasn't there?

24 A Right.

25 Q He had someone from his office that was there?

1 A Ms. Cash.

2 Q All right. And so there's -- there's been no accusation  
3 or insinuation that Mr. Pronske or his office had anything to  
4 do with the events that took place at that deposition?

5 A Not that I know of.

6 Q All right. Now, after the deposition was over, did your  
7 son Mark, who had given the deposition, then proceed to  
8 photograph you leaving the deposition?

9 A I -- yes, ultimately. I don't know whether he had me  
10 going down the stairs or not because I'm not facing him.

11 Q Okay.

12 A And it took Matt saying they're filming me -- Matt --

13 Q Okay.

14 A -- for me to be aware of it.

15 Q And for some reason, Mike Ruff took up a position down the  
16 sidewalk filming or photographing you and your son --

17 A From another angle.

18 Q All right.

19 A That's right.

20 Q Now, Ms. Ruff, is this by any means the first instance of  
21 bullying behavior by your son or relative to you in all this  
22 litigation?

23 MR. BELL: Objection, leading.

24 THE WITNESS: I will be happy to tell --

25 THE COURT: Hang on there just a second. The

1 question was, is this the first instance, --

2 MR. MATHIS: Instance --

3 THE COURT: -- by any means, the first instance of  
4 bullying behavior?

5 MR. MATHIS: Yes. I can rephrase that.

6 THE COURT: Yeah. I'll sustain the objection. If  
7 you would, rephrase.

8 THE WITNESS: Just ask me to describe.

9 BY MR. MATHIS:

10 Q That's okay. Ms. Ruff, can you describe any other similar  
11 type instances, if any, that have ever occurred?

12 A Oh, my goodness. Since his dad died, he would come to the  
13 house, demand that I kept records of different spending, and  
14 he'd put his gun on the table. He has a concealed carry  
15 license. He'd put his gun up there. And he occasionally  
16 would come blasting in the door and insist that I do something  
17 immediately. He -- one of his last words to me, as he's  
18 driving away after I have signed the paper that he insisted I  
19 sign, was "You don't love me." I'm kind of going, what?

20 Q All right.

21 A What? I've given him everything.

22 Q Okay. Well, all of that, of course, is --

23 A And then he also, you know, has bullied me by not allowing  
24 me to see my grandchildren, by gathering the other three  
25 children and their families and prohibiting them from seeing



1 me. So I have -- the years that Matt was in prison, I was  
2 totally alone.

3 Q Okay.

4 A And, you know, now I'm not totally.

5 Q Okay. Well, let me ask you a more narrow version of that.

6 A I'm sorry.

7 Q Have there been instances with behavior during depositions  
8 in these cases --

9 A Oh, like filming?

10 Q Yes.

11 A Okay. Yes. He has stood on -- been sworn in on the  
12 stand, and after six doctors have said I am not crazy, he has  
13 said, my mother has borderline personality disorder, which has  
14 been negated by years of testing with different people.

15 Q And let me --

16 A For example, --

17 Q Let me conclude with a couple of questions about that.

18 A Okay.

19 Q One of the entities that has been put into bankruptcy  
20 here, CMR Resorts, LLC, is managed by Borderline Management?

21 A Right.

22 Q And am I correct that that entity was formed after the  
23 arbitration award was entered in your favor?

24 A Yes.

25 Q And apparently a variety of assets have been transferred

1 to it?

2 A In and out, yes.

3 Q All right. And is it correct that Mike Ruff has admitted  
4 in court in Dallas in the probate court that that name,  
5 Borderline Management, is a play on their claim for many years  
6 that you suffered from borderline personality disorder?

7 A Bipolar. You name it.

8 THE COURT: There's an objection.

9 MR. BELL: Objection, leading and compound, Your  
10 Honor.

11 THE COURT: Okay. I'll sustain the objection to  
12 leading and compound, yes.

13 MR. MATHIS: Okay.

14 BY MR. MATHIS:

15 Q Ms. Ruff, do you know where the name Borderline comes  
16 from?

17 A Yes.

18 Q And if so, tell us.

19 A I do. And I didn't pick it up. You caught it, so did  
20 Matt, and then finally Mike admitted it under oath in Judge  
21 Thompson's Court, that that was why they named the company,  
22 the entity what they did.

23 Q All right. And for a number of years, all sorts of  
24 efforts were made for you to be declared incompetent, right?

25 A Right.

1 Q How many psychiatric evaluations have you been through in  
2 the probate court proceedings?

3 A Six.

4 Q All right. And did that include Duke Medical School in  
5 North Carolina?

6 A Three. Alzheimer's, a psychiatrist, and a  
7 neuropsychologist.

8 Q Okay.

9 A All three at Duke.

10 Q Three different physicians there?

11 A Yes.

12 Q And then were you also evaluated at the request of the  
13 probate judge at the Southwestern Medical School --

14 A At UT Southwestern, uh-huh.

15 Q -- and Dr. Luke here in Fort Worth?

16 A And then another neuropsychologist out of Richland  
17 Community College.

18 Q Dr. Price?

19 A Dr. Price, yes.

20 Q And what were the results of all of those evaluations?

21 A I'm okay. I guess I'm healthy. I guess I'm good.

22 Q They were all absolutely --

23 A Positive.

24 Q -- negative in your favor?

25 A Yes.

1 Q All requests to the contrary were denied in the litigation  
2 proceeding?

3 A That's right. That's right.

4 Q All right.

5 A And the children, I mean, it's just very interesting, they  
6 all visited with the UT Southwestern doctor before and they  
7 planted seeds of she's this and she's that and she's a typical  
8 depression. You name every possible word.

9 MR. BELL: Objection, hearsay, Your Honor.

10 THE WITNESS: It's not hearsay.

11 THE COURT: Hang on just a second.

12 THE WITNESS: It's in the record.

13 THE COURT: Okay. I'm sorry, state your objection  
14 again.

15 MR. BELL: The answer is talking about -- it's  
16 hearsay. It's talking about what other folks said to doctors  
17 at -- allegedly said to doctors at a hospital.

18 THE COURT: I'll sustain the objection.

19 BY MR. MATHIS:

20 Q That's okay. It's okay. Let me rephrase it.

21 A Okay.

22 Q Now, not to embarrass you, but you do suffer from anxiety-  
23 related things, do you not?

24 A Occasionally. It's getting better the older I get, I  
25 think.

1 Q Okay. And if you don't mind me saying, so that we have it  
2 in the record, what is your age now?

3 A I'm 74. I've been a widow for 20 years.

4 Q Okay.

5 A It's not been easy.

6 Q What was your husband's name?

7 A Arthur L. Ruff.

8 MR. PRONSKE: Your Honor, I'm going to make an  
9 objection. I've been quiet. And I understand a little bit of  
10 latitude, but this isn't at all what the hearing is about.  
11 The hearing is about restraining Matt from being at a  
12 deposition, and this testimony has been anything but that.  
13 And so I would ask that some restraints be put on --

14 THE COURT: So the objection is to relevance?

15 MR. PRONSKE: -- the relevance, yes.

16 MR. MATHIS: Except for offering these exhibits, I'm  
17 through anyway.

18 THE COURT: All right.

19 MR. MATHIS: Your Honor, we offer Exhibits A, D, F,  
20 and G.

21 THE WITNESS: Good alphabetizing there.

22 THE COURT: A, D, F, and G?

23 MR. MATHIS: Yes, Your Honor.

24 THE COURT: Are you talking about those exhibits  
25 having been appended to the response?

1 MR. MATHIS: Yes.

2 THE COURT: Do you have separate copies of those?

3 MR. MATHIS: I do.

4 THE COURT: Okay. Could you bring those up, please?

5 MR. MATHIS: Yes.

6 THE COURT: So these are -- Suzann Ruff Exhibits A,  
7 D, F, and G are admitted.

8 (Suzann Ruff's Exhibits A, D, F, and G are received into  
9 evidence.)

10 THE WITNESS: You can have these, Randy.

11 MR. MATHIS: No, he'll need separate ones.

12 THE WITNESS: Oh, okay.

13 MR. MATHIS: Your Honor, these copies I have do have  
14 a note on the front that says Smith order.

15 THE COURT: That's fine. Thank you.

16 MR. MATHIS: That's all I have. Thank you.

17 THE COURT: Would you stay just for a minute there,  
18 please, Ms. Ruff?

19 THE WITNESS: Okay.

20 MR. BELL: May I proceed?

21 THE COURT: Yes.

22 MR. BELL: Thank you, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. BELL:

25 Q Ma'am -- sorry about that. Ma'am, you testified that you

1 were -- you're prohibited from seeing your grandchildren,  
2 correct?

3 A Okay. Yes.

4 Q Okay. You sued four of your children, correct, in 2012?

5 A They were withdrawing the children --

6 Q Just --

7 A -- from me before the lawsuit.

8 MR. BELL: Objection, nonresponsive.

9 THE COURT: Okay.

10 THE WITNESS: That was as of 2009, '10.

11 THE COURT: Ms. Ruff, I'm going to sustain that  
12 objection. If you would, just if one of these questions calls  
13 for a yes or no answer, you can answer it yes or no. That'll  
14 be a full response. So is I don't know. That's fine. It may  
15 very well be that your lawyer wants to follow up and ask  
16 additional questions, and so we'll leave that up to Mr.  
17 Mathis.

18 THE WITNESS: So you don't want me to say the real  
19 answer?

20 THE COURT: Pardon me?

21 THE WITNESS: You don't want me to say the real  
22 answer?

23 THE COURT: Well, let's see if it could be answered  
24 yes or --

25 THE WITNESS: That's complicated for me.

1 THE COURT: Let's see if it can be answered yes or  
2 no. What you can always do is you can -- a response might be,  
3 I don't know, may I explain? Something like that. And then  
4 we're going to leave it up to counsel here to decide whether  
5 he wants to let you explain or not, okay?

6 THE WITNESS: Uh-huh.

7 THE COURT: If he doesn't, that may be a signal to  
8 Mr. Ruff that -- I mean, to Mr. Mathis that you would like to  
9 explain, and so --

10 THE WITNESS: Thank you.

11 THE COURT: -- then he can come back and follow up on  
12 that.

13 THE WITNESS: Okay.

14 BY MR. BELL:

15 Q Ma'am, you've sued every one of your children except for  
16 Matt, true?

17 A Yes.

18 Q Okay. And you sued four of your children back -- four of  
19 the five children back in about 2012, true?

20 A Yes.

21 Q And you sued them for fraud and breach of fiduciary duty,  
22 among other things, true?

23 A Yes.

24 Q You took your deposition in the Palo Pinto case on or  
25 about May 11, 2018, true?



1 A I don't know.

2 Q Do you remember having your deposition taken?

3 A Yes, but I don't know the date.

4 Q In or around May of 2018?

5 A Probably.

6 Q Okay. Did you have a chance to read and review your  
7 deposition in that case?

8 A Yeah. Yes.

9 Q Okay. You testified that you had no evidence that any of  
10 your -- the four children committed any kind of wrongdoing  
11 whatsoever? You testified to that, true?

12 A I think I testified to that with you.

13 Q You did testify to that, correct?

14 A Because I don't have paperwork.

15 Q Ma'am, you testified that you didn't have any facts, you  
16 didn't have any evidence?

17 A That's right.

18 Q You didn't have anything to support -- let me finish,  
19 please. You didn't have any evidence, any facts to support  
20 any of the claims that you have ever made against any of your  
21 children. You've said that. And you testified to that under  
22 oath, correct?

23 A I would like to explain that.

24 Q Ma'am, first answer my question, then I'll let you  
25 explain. That's what you testified to, correct?

1 A Yes.

2 Q Okay.

3 A But I kept telling you in the deposition that my lawyer  
4 has all the records and all the documents.

5 Q Ma'am, --

6 A That's what I was saying. That's why when I'd say, do you  
7 have them, I don't have them in my possession.

8 Q Ma'am, you don't -- you -- I asked you if you had any  
9 facts, knowledge, or evidence to support any of the claims  
10 against any of your children, and you said you had none of  
11 those, correct?

12 A On my person, in my being, in my house, et cetera, no, I  
13 do not.

14 Q Okay. I asked you about facts, correct? And you stated  
15 that you have no facts to support any of the claims that you  
16 ever lodged against any of your children. That's what you  
17 testified to, correct?

18 A Correct.

19 Q Okay. And that you had -- and that you had no direct  
20 knowledge that any of your four children had committed  
21 anything wrong. That's what you testified to, right?

22 A I said I had no personal in-my-person knowledge.

23 Q That's right.

24 A The lawyers have it.

25 Q So you don't have any personal knowledge? You don't --

1 A I -- oh, I -- knowledge is a real -- I have a hard -- I  
2 have a different problem with that word because it is -- I am  
3 very much aware of a whole lot. It's just not written down in  
4 a book where I can quote it to you.

5 Q But you testified that you didn't have any facts of any  
6 wrongdoing by any of your four children, correct?

7 A Correct.

8 Q Okay. Now, with respect to the arbitration award that was  
9 rendered against your son Mark, the last two days Mark did not  
10 -- or Mike did not appear at that arbitration, correct?

11 A You originally meant Mike, the award against Mike?

12 Q Against Mike. I'm sorry.

13 A Okay. What was the question again?

14 Q Mike did not appear at the arbitration the last two day --  
15 it was a total of a three-day or a five-day arbitration, and  
16 he --

17 A Well, we met over years, several times. But the last  
18 trial-like thing was, yes, a few days, and he did not come at  
19 the end.

20 Q Who all testified at that arbitration?

21 A Keith Blackwell, Dr. Looney, and of course I did. I don't  
22 think any of the children did.

23 Q Did anybody else testify at the arbitration?

24 A I can't remember.

25 Q Well, as you sit here right now, can you --

1 A As I sit here right now?

2 Q The answer --

3 A I'd have to look at a document.

4 Q Okay. And if -- if you don't have any facts, personal  
5 knowledge, or evidence to support any of the claims against  
6 Mike or any of your other children, if you testified to that  
7 in May of 2018, then you couldn't have testified to that at  
8 the arbitration where you got a big, huge judgment, correct?

9 A No. You weren't there. How do you -- how can you make  
10 that assumption? We had all kinds of facts and all kinds of  
11 paperwork.

12 Q Ma'am, at your deposition, you couldn't name one fact to  
13 support any element of any of the claims --

14 A Give me -- give me the book and I'll be happy to go  
15 through it with you.

16 Q Ma'am, you -- while Matt was in prison, you ordered him  
17 guns and ammo magazines, correct?

18 A I don't know. I ordered him mostly scientific document  
19 book -- magazines. Not magazines, but editions.

20 Q Okay. Matt -- Matt -- you also ordered him gun magazines,  
21 correct?

22 A Not that I remember.

23 Q Okay. Matt had several guns, correct?

24 A Before he -- they have a ranch. All the -- yeah,  
25 everybody had guns.

1 Q Okay. Do you have any guns at your house?

2 A No.

3 Q Do you own any guns?

4 A No, I do not.

5 Q Did you sell them?

6 A I never owned any.

7 Q Okay. What happened to Matt's guns?

8 A I think Mike took a bunch of them.

9 Q Do you know what happened to Matt's guns?

10 A I think that's what I'm telling you.

11 Q Okay. So the answer is you don't know?

12 A I -- Mike came to my house and gathered them up out of the  
13 safe in the garage.

14 Q Okay. Now, let me ask you this. So the deposition ends.  
15 Do you text Matt Ruff and tell him to come pick you up, that  
16 the deposition has ended?

17 A It was over. Yes, sir. We're outside on the -- where I'm  
18 standing -- where everybody's standing up and moving around  
19 and Randy's talking to the stenographer and I think I'm  
20 exiting onto your front porch.

21 Q My question is, did you text --

22 A What?

23 Q Let me finish, please.

24 A What do you want?

25 THE COURT: Okay. Ms. Ruff, listen.

1 THE WITNESS: I'm trying to answer the question.

2 THE COURT: I understand.

3 THE WITNESS: I've already said it three times.

4 THE COURT: Okay. Let's wait until he finishes his  
5 question. If you would, give him a moment to do that, please.

6 BY MR. BELL:

7 Q Ma'am, did you text Matt Ruff that the deposition was over  
8 while you were inside my office or outside of my office?

9 A I think I was on the porch.

10 Q Okay. So you're --

11 A Is that outside?

12 Q Yes.

13 A It's on the property.

14 Q But it was not in the enclosed area, correct?

15 A I don't think so.

16 Q Okay. So how long after --

17 A I mean, I wasn't thinking about it.

18 Q How long after you texted Matt did it take for him to  
19 arrive to come pick you up?

20 A I have no idea.

21 Q Well, how long did you wait out on the porch to be picked  
22 up?

23 A Ten, fifteen minutes, maybe.

24 Q Okay. So that'd be fair --

25 A I don't know.

1 Q It'd be fair to say it took about 10 or 15 minutes for  
2 Matt to get there?

3 A Maybe. I can't tell you because I don't know.

4 Q Now, did you see Matthew Ruff -- let me ask you this.  
5 Mark Ruff is your son, correct?

6 A Yes.

7 Q He is a major in the United States Air Force, correct?

8 A I do not know his rank because he never communicates with  
9 me. If you tell me he's a major, I'll believe you.

10 Q And you have no reason to disbelieve -- actually, you've  
11 sued your son Mark, correct?

12 A Yes.

13 Q Okay. And you don't have any reason -- you don't have any  
14 evidence that he's dishonest in any way, correct?

15 A I don't think I have the -- I cannot answer that.

16 Q You don't have any facts or direct knowledge that he's  
17 dishonest in any way, correct?

18 A Well, I think he has lied about what he has just accused  
19 Matt of, yeah.

20 Q Okay. So other than what he accused Matt of, you have no  
21 evidence or facts to support the position that Mark is a liar,  
22 correct?

23 A I don't know.

24 Q As you sit here right now, ma'am, in front of this Court,  
25 you don't have any direct evidence or facts to support the

1 proposition that Mike is dishonest -- or Mark is dishonest in  
2 any way, correct?

3 A No, I do not know that. I'm so sorry. I can't answer  
4 your question.

5 MR. BELL: I'll pass the witness, Your Honor.

6 MR. MATHIS: Very briefly.

7 RECROSS-EXAMINATION

8 BY MR. MATHIS:

9 Q I'll jump around, just to --

10 A Okay.

11 Q -- clarify a couple things. You've given your deposition  
12 many times in all this litigation; haven't you?

13 A Yes.

14 Q Do you even know --

15 A It doesn't get any easier, either.

16 Q Do you even know how many times offhand you've been  
17 deposed?

18 A No, I do not.

19 Q I don't, either. You've testified in court -- in Dallas  
20 in the probate court and in the arbitration and in Palo Pinto  
21 many, many times?

22 A Right. Yes.

23 Q Would it be accurate to say there have probably been  
24 literally hundreds of pleadings filed by the various law firms  
25 involved in this?



1 A Yes.

2 Q All right. The deposition you gave in Palo Pinto recently  
3 where you were asked whether you yourself had some specific  
4 evidence, did you make clear in that deposition that that was  
5 you as distinguished from other witnesses, other documents,  
6 your lawyers, all that sort of thing?

7 A Right. I don't --

8 MR. BELL: Objection, leading.

9 THE WITNESS: Seven years is a long time to --

10 THE COURT: Okay. Hang on there just a second.

11 MR. MATHIS: Wait a second.

12 THE COURT: I'll overrule the objection. Go ahead.

13 MR. MATHIS: Okay.

14 THE WITNESS: It's a long time to try and keep all of  
15 it straight, especially with all the movements in and out, and  
16 the filings and the motions and the whatevers. So I have kind  
17 of tried to let go of some of that so I can live.

18 BY MR. MATHIS:

19 Q Okay.

20 A Does that make any sense?

21 Q Yes, it does.

22 A Okay.

23 Q Now, in the arbitration proceeding, that arbitration,  
24 start to finish, lasted more than two years, did it not?

25 A Yes. It was long.

1 Q Cost about half a million --

2 A Hundreds of thousands of dollars.

3 Q Half a million dollars just in arbitrator fees?

4 A Uh-huh.

5 Q All right? Now, is it correct -- you mentioned Dr.

6 Blackwell, the -- also the -- I mean, Mr. Blackwell, the

7 doctor from Duke. There were many witnesses that testified,

8 both live and by deposition, did they not?

9 A Oh, right, by deposition. Yes, sir.

10 Q And were there any number of arbitration hearings in

11 Dallas where the three panel members came to Dallas to hold

12 the arbitration?

13 A There were a number, right.

14 Q All right. It didn't all take place Monday to Friday? It

15 was in bits and pieces over a two-year --

16 A Three or four days at a crack.

17 Q All right.

18 A Uh-huh.

19 Q And then there were -- I don't have any memory of how many

20 telephone hearings there were where the different --

21 A But that --

22 Q -- proceedings --

23 A That didn't include me.

24 Q -- that didn't involve you directly?

25 A Right. So I'm oblivious to that.

1 Q All right. Now, but the second day before the arbitration  
2 finally ended after more than two years, Mike Ruff, through  
3 his prior counsel, filed something. I think it was titled  
4 Notice of Intent Not to Participate Further.

5 A Ah.

6 Q Okay. I've never seen or heard of such a thing, --

7 A Creative.

8 Q -- but anyway, right?

9 A Yeah.

10 Q So he did not show up for the last two days --

11 A No.

12 Q -- before they rendered their verdict?

13 A And he told him he wasn't going to.

14 Q Okay. Now, last week, Friday, after the deposition was  
15 over in Mr. Bell's office, is it correct that your son Mark,  
16 who had just been deposed, sued you?

17 A Yes.

18 Q All right. And sued you for a variety of things that we  
19 think are already covered by the arbitration, but he also sued  
20 you claiming that you -- you, Suzann -- were harassing him?

21 A Unbelievable.

22 Q Okay.

23 A But true.

24 Q And is it not a fact that on August 14, as all of us drove  
25 back from the hearing in Palo Pinto where Judge Moore was

1 about to enter the sanctions order before the bankruptcy  
2 removal that next day, --

3 A Hmm.

4 Q -- your daughter Tracy filed the same lawsuit as what Mark  
5 filed against you on Friday?

6 A Yes.

7 Q All right. But again, at Jennifer's deposition tomorrow,  
8 you're going to be there to listen, correct?

9 A Yes, sir, I will.

10 Q But either you will drive yourself or someone from my  
11 office --

12 A Will come get me.

13 Q -- will come get you and take you home after the  
14 deposition?

15 A Yeah.

16 Q Matt will not be there --

17 A I think he has to work, anyway.

18 Q -- in any form or fashion?

19 A Yeah.

20 Q All right.

21 MR. MATHIS: Thank you, Your Honor. That's all I  
22 have.

23 MR. BELL: Just briefly, Judge. Very briefly.

24 FURTHER DIRECT EXAMINATION

25 BY MR. BELL:

1 Q Ma'am, when you sued the other siblings back in 2012, you  
2 ultimately dismissed that case in the arbitration, correct?

3 A You'll have to ask my lawyer.

4 Q Ma'am, did you dismiss the lawsuit against Mark, Tracy,  
5 and Kelly on the eve of the arbitration proceeding after four  
6 years of litigation?

7 A Yes. Yes.

8 Q Okay. And you understand that that cost them hundreds of  
9 thousands of dollars to defend that case, correct?

10 A I do not have an idea. I don't know.

11 Q Okay. And you understand that the reason why you were  
12 sued was because Mark and Kelly, among other things, are --  
13 or, I'm sorry, Tracy are claiming that your suit was nothing  
14 more than malicious prosecution, especially after your  
15 testimony that you said you had no facts, no evidence, no  
16 nothing to support any of your claims, right? Have you even  
17 read their lawsuit?

18 A Yes.

19 Q Okay. And part of the lawsuit was claiming that you  
20 maliciously prosecuted them even though you didn't have any  
21 claims, correct?

22 A No, that's not correct. That's a misleading and a turning  
23 and a twisting of reality.

24 Q Did --

25 A I don't know how to answer you.

1 Q Did you get sued for malicious prosecution?

2 A On paper, yes.

3 Q Okay. Did you --

4 A Was I a malicious prosecutor? No.

5 Q Okay. You also signed an indemnification agreement with  
6 your children, correct?

7 A I don't know.

8 Q Okay. And they're also asking to be indemnified. That's  
9 part of that lawsuit, correct?

10 A What exactly do you mean?

11 MR. BELL: I'm probably getting far afield. I'll  
12 pass the witness, Judge.

13 MR. MATHIS: Nothing further, Your Honor. Thank you.

14 THE COURT: Thank you, Ms. Ruff. You may step down.

15 (The witness steps down.)

16 MR. BELL: Your Honor, at this time I'm going to call  
17 Mark Ruff.

18 THE COURT: Mr. Ruff? Mr. Ruff, would you raise your  
19 right hand?

20 (The witness is sworn.)

21 THE COURT: Please be seated.

22 MARK RYAN RUFF, JENNIFER RUFF'S WITNESS, SWORN

23 DIRECT EXAMINATION

24 BY MR. BELL:

25 Q Okay. Can you please state your name for the record?

1 A Yes. Mark Ryan Ruff.

2 Q Okay. What is your present occupation, if you could tell  
3 the Court?

4 A I am an officer and a pilot with the United States Air  
5 Force and with American Airlines.

6 Q Okay. And have you ever been sanctioned by either  
7 American Airlines or the United States Air Force?

8 A No.

9 Q And have you flown in combat missions?

10 A Yes.

11 Q Have you been shot at?

12 A Yes.

13 Q Okay. And your brother Matt, does he have -- you  
14 understand that he was convicted of possession of child  
15 pornography, right?

16 A Yes.

17 Q And he was sentenced to seven years, or about seven years  
18 in jail, right?

19 A Yes.

20 Q And he's on supervised release for another I think five or  
21 seven years, right?

22 A Yes.

23 Q Okay. And has he ever hacked into your e-mails?

24 A Yes, he has.

25 Q Okay. And growing up, was he violent?

1 A Yes.

2 Q Okay. And when you -- was last week the first time you  
3 ever had -- let me back up. You're aware that Matt choked  
4 your mother at one point, correct?

5 A Yes.

6 Q Okay. What did your mother tell you about that incident?

7 A Very little. All I know is that the police were called,  
8 that he choked her, and that he was showing violence, and he  
9 -- I've known him my whole life. He is a violent person.

10 Q But were there any other times in which the police were  
11 called by your mother against Matt?

12 A Yes. I am aware of another time.

13 Q Okay. Now, was last week, the deposition at my office,  
14 was that the first time you've given testimony under oath?

15 A No, that was my second deposition.

16 Q Second deposition? Okay. And you heard your mother's  
17 testimony, correct?

18 A I did.

19 Q Okay. Your mother testified that she waited until the  
20 conclusion of the deposition to text-message Matt to come pick  
21 her up?

22 A Yes.

23 Q Okay. And I'm paraphrasing, but that's what she said,  
24 correct?

25 A Correct.



1 Q Is that a true or a false statement?

2 A That is a false statement.

3 Q Okay. And she testified that she got out onto the porch  
4 and texted Matt and waited she thought maybe 10 or 15 minutes  
5 before he showed up at my office, correct?

6 A That's what I remember her testifying to.

7 Q Okay. Is that a true or a false statement?

8 A It is false.

9 Q Okay. During your -- while -- during the questioning of  
10 you, did Matt Ruff show up at the deposition?

11 A Yes.

12 Q Okay. And did -- could you see him from the deposition?

13 A Yes.

14 Q From where you were seated?

15 A Yes.

16 Q Okay. Did -- was he staring at you?

17 A Yes.

18 Q And did it affect your testimony in any way?

19 A Absolutely.

20 Q Do you have a legitimate fear after -- even though you're  
21 a major in the Air Force, you've been shot at -- do you have a  
22 legitimate fear for Matt Ruff?

23 A Absolutely.

24 Q And did -- does he have an affinity for guns?

25 A Yes. He always has.

1 Q Okay. Can you explain to the Court a little bit about  
2 that?

3 A He is a gun expert and aficionado. He has collected guns,  
4 many, many guns, gun magazines. He's a gun freak. And I  
5 wouldn't be surprised if he still has guns or access to guns.

6 Q Now, while you were at the deposition, you see Matt Ruff  
7 over -- through the windows at my office; is that right?

8 A Yes.

9 Q Okay. And that's during the deposition, correct?

10 A During my deposition.

11 Q Okay. And then at some point during the deposition or  
12 shortly thereafter he got out of the car, right?

13 A Yes.

14 Q And did he say, I'm going to -- what did -- go ahead and  
15 tell the Court, what did he mouth to you?

16 A Well, he stood there for a while. It was a very -- he's  
17 physically larger than me and he stands there. He's got his  
18 hands on his hips. He paces around. He is glaring and he's  
19 got a thousand-yard stare is the only way I know to describe  
20 it. It is a head down, look up, stare right through you. And  
21 it is terrifying. He has perfected it over his lifetime and  
22 he uses it with skill. It is terrifying.

23 Q What did he -- did he mouth anything to you?

24 A Yes.

25 Q Okay. Can you tell Judge Nelms, what did he mouth?

1 A Yes. I was standing on the steps and he is down in the  
2 grass area and he has paced and stuff. And he looks at me and  
3 he locks eyes with me and then he mouths, "I'll fucking kill  
4 you." And it freaked me out.

5 Q And during the deposition, the fact that he was there, did  
6 that affect your testimony?

7 A Yes. It's a fight-or-flight reflex, and I've had it  
8 before, and I'm aware of it. But my hands are shaking and I'm  
9 trying to listen to a question and answer it. And I remember  
10 looking down the line of my two lawyers and they didn't, I  
11 guess, know the -- my mom's new silver Range Rover. But I  
12 recognize it immediately when it pulled up and then I could  
13 see his gold glasses and he was well lit from inside. He's  
14 looking. His arms were moving. And then at one point he got  
15 out of the car and he paced around looking at -- looking  
16 through the glass.

17 Q Okay. So when you got out of the deposition -- I'm sorry,  
18 when your mom left the room and walked outside onto the porch,  
19 was Matt already there?

20 A Yes.

21 Q Okay. So the idea that she waited 10 or 15 minutes is  
22 just a false statement?

23 A Doesn't make any sense at all. There will be timestamps.  
24 There's got to be information from when the deposition ended,  
25 when a text or call went out, when he arrived.

1 Q And you're positive that he was there during your portion,  
2 where you were giving testimony?

3 A Yes.

4 Q Okay. Do you think that, based on your experiences, is it  
5 your opinion that he was there to intimidate or harass you?

6 A Yes.

7 Q Okay. Can you tell the Honorable Judge Nelms why you  
8 believe that?

9 A Because it's -- I'm aware of it. He's my brother. I've  
10 known him my whole life and I know how he operates. And the  
11 whole purpose of arriving and pacing around and staring, it is  
12 a territory-marking thing. It is something to behold. And it  
13 -- it intimidated me. It intimidated the lawyers. Kelley  
14 Cash, I know she was freaked out by it. My brother Mike.  
15 There's an elevated response that you get when you know you're  
16 in danger, when danger is there. And he knew the time and the  
17 place and he made his presence known and then he threatened my  
18 life.

19 Q I'll come back to that in just a second. Was a lawyer  
20 from Mr. Pronske's office there?

21 A Yes.

22 Q Was he frightened as well?

23 A Yes.

24 Q Okay. And you're sure that Matt locked eyes with you and  
25 said, excuse my -- said, "I'm gonna fucking kill you"?

1 A Yes.

2 Q Okay. And have there been problems with Matt circling  
3 Mark and Jennifer's house?

4 A Yes. He has been stalking my family since he got out of  
5 prison. He has hate in his eyes. And he has no reason to  
6 hate any of us. How can he hate my sister-in-law and her  
7 children? How can he hate me? I have done nothing wrong to  
8 him.

9 Q Okay. And your sister-in-law filed a lawsuit for stalking  
10 and it's still pending in Craig Smith's court, correct?

11 A Yes.

12 Q Okay. And is it your -- let me ask you this question.  
13 Did you consider "I'm gonna fucking kill you" a threat?

14 A Yes.

15 Q And was that an attempt to use physical force?

16 A Yes.

17 Q Do you think he did it to influence, delay, or prevent  
18 testimony at an official proceeding?

19 A Yes.

20 Q Do you think he also did it to cause or induce another to  
21 withhold testimony?

22 A Yes.

23 Q Okay. Do you think he also did it to hinder, delay, or  
24 prevent any kind of communication during an official  
25 proceeding?

1 A Yes.

2 Q Is his behavior -- would his behavior dissuade somebody  
3 from attending or testifying at an official proceeding?

4 A Yes.

5 Q Was your mother next to Matt when he mouthed, "I'm going  
6 to fucking kill you"?

7 A I think she was standing past him.

8 Q Okay. When you say standing past him, what do you mean?

9 A I mean to his right a distance.

10 Q Okay. Was she -- do you know where she was looking, or  
11 you were just locked straight eyes with him?

12 A Locked eyes.

13 Q Okay . Did you do anything to provoke him, saying --

14 A No.

15 Q Did you actually talk to him at all?

16 A No.

17 Q Okay. So the only communication was him mouthing "I'm  
18 going to fucking kill you"?

19 A Yes.

20 Q Do you have any reason to embellish or not tell the truth  
21 in front of the Court today?

22 A No.

23 Q Okay. And when is the last time you've been activated to  
24 do active military service?

25 A Yesterday.

1 Q Okay. Can you tell the Court, what do you fly in the  
2 military?

3 A I fly the C-17.

4 Q Okay.

5 MR. BELL: Pass the witness, Your Honor.

6 THE COURT: Mr. Mathis?

7 CROSS-EXAMINATION

8 BY MR. MATHIS:

9 Q All right. Mr. Ruff, well, you know who I am. You know  
10 I've represented your mother now for many years.

11 A Yes, sir.

12 Q Yeah. It's not the first time we've been around each  
13 other?

14 A Yes, sir.

15 Q Right. Now, you mentioned -- I'll jump around a little  
16 bit because I don't want to go through all of it -- but you  
17 mentioned that you had given your deposition once before. And  
18 that was back in the fall of 2013, was it not? October of  
19 2013?

20 A Yes.

21 Q Do you have any idea how many times since the fall of 2013  
22 we tried to get your deposition, either by agreement, by  
23 subpoena, by any means possible?

24 A No.

25 Q All right. And that the other day, your deposition on

1 Friday was the result of the order of this Court and, a few  
2 days before, the order of the court in Palo Pinto, right?

3 A Yes.

4 Q And have you been told what all Judge Moore told to Mr.  
5 Bell at that hearing about any more excuses about your  
6 deposition after all these years of efforts?

7 MR. BELL: Objection, calls for hearsay and assumes  
8 facts not in evidence, Your Honor.

9 THE COURT: I'll overrule because I think he -- the  
10 only question was, was he told or does he have some  
11 understanding -- I don't think he got into the substance of  
12 the question yet, so it just goes to his knowledge.

13 THE WITNESS: Yes, I did hear.

14 BY MR. MATHIS:

15 Q All right. And what's your understanding of what Judge  
16 Moore said?

17 A My understanding is what he said was I don't care about  
18 military service or something like that. My opinion overrules  
19 any federal orders he's on, or something to that effect.

20 Q All right. I won't quibble with you over the wording.  
21 That's not quite right, but it's close enough for this  
22 purpose.

23 All right. Now, and you understand in your deposition  
24 last Friday you were being questioned about the entities  
25 basically that had been put into the bankruptcy?



1 A Yes.

2 Q All right. Now, at the deposition on Friday, do you know  
3 what was the reason for Mr. Pronske -- or if it was Mr. Bell,  
4 I don't know; the request came through Mr. Pronske -- but what  
5 was the reason for requesting that your deposition and  
6 Jennifer's be moved from my office, which is what had been  
7 ordered in Palo Pinto and verbally here, to Mr. Bell's office?  
8 Do you know why that was done or when that decision was made?

9 A No.

10 Q All right. You don't know of any reason that would have  
11 resulted in them wanting to move it to Mr. Bell's office?

12 A Yes, I do.

13 Q Okay. What was the reason for that?

14 A I requested that the deposition be at Mr. Bell's office.

15 Q Okay. Why did you want it in Mr. Bell's office rather in  
16 my office?

17 A Because that's a place I'm familiar with. It's close to  
18 where I live.

19 Q You had been to Mr. Bell's office before?

20 A Yes.

21 Q Now, it's actually pretty close to my office, too, isn't  
22 it? I mean, I'm just downtown.

23 A Sure.

24 Q All right? And you've been to my office before?

25 A Yes.

1 Q All right. And did it have anything to do with the fact  
2 that I have told your brother Mike and his prior lawyers, and  
3 all of the Ruff children, actually, that behavior in my  
4 office, as has occurred time and again over the years, would  
5 no longer be tolerated, that I would ask anybody in  
6 depositions in my office behaving in an intimidating way to  
7 your mother would be asked to leave the building or security  
8 would be asked to take them out?

9 A Mr. Mathis, no. This is projection. This is -- my  
10 understanding is it is the opposite.

11 Q Okay. Well, I absolutely would disagree. Have you ever  
12 been told anything by Mr. Weber, who's the principal lawyer  
13 that did all of this, of our conversations specifically  
14 instructing him that the behavior of Mrs. Ruff's children to  
15 her in my office over and over again would no longer be  
16 tolerated?

17 MR. BELL: I'm going to object to counsel testifying,  
18 object to hearsay within hearsay, and assumes facts not in  
19 evidence.

20 MR. PRONSKE: And Your Honor, I'm also going to  
21 object on the grounds of relevance. Again, we're -- this is  
22 not what the motion is about. The motion is about restraining  
23 Mr. Matt Ruff, not this witness.

24 THE COURT: Okay. I'm going to sustain on the  
25 grounds of relevance.

1 MR. MATHIS: Okay.

2 BY MR. MATHIS:

3 Q Now, Mr. Ruff, it's correct, is it not, that Mr. Bell's  
4 office is a duplex, a residential duplex, but his office is in  
5 this old duplex on Cole Avenue in Dallas?

6 A Yes.

7 Q Right? And there are a number of steps, brick steps that  
8 go up the front of the building?

9 A Yes.

10 Q All right. And did you notice when you were there that a  
11 number of these steps are not right? They're broken and old  
12 and difficult to navigate up and down?

13 A I am not aware of that.

14 Q All right. And were you in any conversation with the  
15 court reporter about concerns she had about difficulty getting  
16 in the building because of her equipment because of these  
17 steps and there's no ramps and all that sort of thing?

18 A I do not recall that.

19 Q All right. Now, but you understand that these steps posed  
20 a problem for your mother? She could not navigate those steps  
21 with her knees by herself?

22 A I did not know that.

23 Q All right. Now, were you aware that back in the other  
24 case Mr. Bell a few weeks ago noticed about a dozen  
25 depositions of people who I think had all been deposed in the

1 arbitration proceeding that were witnesses in arbitration?

2 And were you aware that one of those noticed depositions was  
3 for a physician named Dr. Einsbook (phonetic) to be deposed  
4 this morning, today -- what's today, August --

5 THE COURT: September 5th.

6 BY MR. MATHIS:

7 Q September 5 in Mr. Bell's office?

8 A No, I did not know that.

9 Q Okay. Now, in Mr. Bell's office, the conference room is  
10 -- faces the front windows, does it not?

11 A Yes.

12 Q All right. And do you know how many feet it is down these  
13 steps? When you look out the conference room window, can you  
14 see the cars on the street?

15 A Yes.

16 Q Okay. Were you aware that my associate went over there  
17 this morning appearing for this deposition and the witness  
18 didn't show up?

19 A No.

20 Q Is it your testimony that, seated in the witness chair  
21 where you were for your deposition, that you could see the  
22 cars, even the tops of cars out the front window?

23 A Please rephrase the question.

24 Q Yes. Seated -- is it your testimony that seated in the  
25 chair where you were seated for this deposition that you could

1 look out the window and see cars parked on the street?

2 A Yes.

3 Q All right. Now, the -- at the deposition, we were over  
4 there, what, about three hours, three-and-a-half hours?

5 A Four.

6 Q Maybe four? But somewhere in that range? All right. And  
7 at the end of the deposition, we took a short break, did we  
8 not, for me to confer with my co-counsel and decide whether  
9 there was anything else to ask?

10 A How would you define short?

11 Q Well, 10 minutes. I don't remember how long it was, but  
12 it was before the end of the deposition.

13 A Okay. Sure.

14 Q All right. And was Mike -- I mean, your mother's vehicle,  
15 driven by Matt, was it outside the front of that house at any  
16 time except perhaps the last handful of minutes before the end  
17 of the deposition?

18 A No, it was more than a handful of minutes.

19 Q Okay. All right. Now, when the deposition was over and  
20 you stood up, you went to the door, did you not?

21 A No, I went to the back area.

22 Q Okay. Well, were you not standing at the door to the  
23 front of that house taking pictures of your mother? I asked  
24 you to stop.

25 A No. I did take some photographs of my brother Matt.

1 Q Okay. And I asked you to give your lawyer to give to me  
2 copies of whatever it was that you were taking?

3 A Yes, you did say that.

4 Q All right. Mr. Ruff, you understand your brother is on  
5 probation, he cannot have guns now, correct?

6 A Yes.

7 Q All right. And you've been to some of the hearings and  
8 depositions in these cases. Have you ever seen your brother  
9 attend a hearing, a deposition, an arbitration hearing, or  
10 meeting? Anything in this case?

11 A No.

12 Q All right. And -- all right. Now, last Friday, right  
13 after the deposition was over, you sued your mother. That's  
14 correct?

15 A Yes.

16 Q All right. When did you make the decision to file that  
17 lawsuit?

18 A A lawsuit doesn't just happen in a day, so --

19 Q I understand.

20 A -- it was -- it's -- you know, since -- since -- she non-  
21 suited me right before I was going to testify, so around that  
22 time I wondered what my options were, because for seven or  
23 eight years now my siblings and I, who have never stolen  
24 anything, have been financially raped by my mother, who has  
25 been diagnosed with mental illness, my convicted pedophile

1 brother Matt, and a bunch of lawyers who have been sanctioned  
2 before for providing false evidence, who provided false  
3 evidence in this case. It is unconscionable. And so, yes,  
4 there was decision process that took I would say almost a  
5 year.

6 Q Okay. Your testimony here is that you had been  
7 financially raped by your mother?

8 A Yes.

9 Q Your testimony is that -- are you aware of the claims  
10 related to the arbitration that were ruled on by the AAA  
11 panel?

12 MR. BELL: Object, relevance.

13 THE COURT: I'll sustain the objection.

14 MR. MATHIS: All right. Okay. That's all we have,  
15 Your Honor. Thank you.

16 THE COURT: Thank you.

17 MR. BELL: Brief follow-up, Your Honor. May it  
18 please the Court.

19 REDIRECT EXAMINATION

20 BY MR. BELL:

21 Q Are you asking the Court that Matthew be ordered to stay a  
22 thousand yards away from my offices or any office in which a  
23 deposition is being taken in this case unless it's his own?

24 A I am not, but that is an excellent idea.

25 Q Are -- do you believe that that relief is warranted?

1 A It is required. If he shows up and intimidates my sister-  
2 in-law, I mean, it is -- it is unacceptable. She has to be  
3 able to, with a clear mind, deliver her testimony. And  
4 without a court order, Matt can show up. He can be outside in  
5 a car. He can walk around. He can pace around. After he did  
6 what he did to me, after he threatened my life last Friday,  
7 the lawyers, myself were standing around and we had to wait  
8 for half an hour before we could even leave. We were  
9 discussing, is there a side entrance or someplace we can get  
10 out of, and Kelley Cash is telling us you have to climb over a  
11 fence. That -- Jenny cannot be put in that situation. She  
12 must be able to testify knowing that there will be no  
13 interference from a convicted felon who's been stalking her.  
14 This is simple.

15 Q And you're asking the Court that he be ordered not to  
16 tamper with any witnesses in this case?

17 A Yes.

18 Q And that he not intimidate any witnesses, right?

19 A Yes.

20 Q Now, there's been much ado about the judge, Judge Moore in  
21 Palo Pinto was about to sign a death penalty sanctions order  
22 the day that the Debtor filed bankruptcy, right?

23 A I heard that.

24 Q Okay. Has it just recently come -- well, let me ask you  
25 this question. Is it your understanding that Judge Moore was



1 sanctioning your side of the V pretty hard during the last few  
2 years of litigation?

3 A Yes.

4 Q Okay. Did it just come to your attention that Judge Moore  
5 represented Mike Ruff and the 7-R Ranch as a lawyer?

6 A Yes.

7 Q Okay. Did -- when was that found out?

8 A I just found out about it two days ago.

9 Q Okay. Did you see invoices of conferences between Michael  
10 Moore and Matthew Ruff? I'm sorry, between Judge Michael  
11 Moore and Mike Ruff?

12 A I have not.

13 Q Okay. You understand that invoices exist?

14 A Yes.

15 Q Okay. And you're aware that there is correspondence  
16 between Judge Moore and either Mike Ruff or his other lawyers  
17 at the time concerning fees that were owed by Mike to him,  
18 correct?

19 A Yes.

20 Q Do you know whether or not Judge Moore ever disqualified  
21 himself from the Palo Pinto case?

22 A No.

23 Q Okay. And so it's your understanding that he did  
24 represent Mike Ruff, right?

25 A Yes.

1 Q And the 7-R Ranch, correct?

2 A Yes.

3 Q And that is the subject of this bankruptcy and the subject  
4 of the Palo Pinto case?

5 A Yes.

6 Q Okay. And that's something that was never disclosed and  
7 was just found out within the last five days or three days?

8 A Yes. Which is unbelievable.

9 Q And he had -- okay. So, clearly, the judge in that court  
10 would have a biased view if he took a position regarding fees  
11 against Mike Ruff at some point in 2010 or 2011 before he  
12 became the judge?

13 A Yes.

14 Q Now, is one of the reasons why you asked for the  
15 deposition at my office, either asked me or Mr. Pronske that  
16 it be at my office or at his office, was because you were  
17 afraid that in Mr. Mathis' office, you know, Matt could be  
18 around? Was that part of your thought process at all, or no?

19 A Absolutely.

20 Q Okay.

21 A Something that must be understood is that when -- if  
22 someone is stalking you, if someone has a history of violence,  
23 if someone got out of prison, if someone -- I have not seen my  
24 brother in several years, and he shows up at my deposition,  
25 and he looks like a white supremacist, and it scares the

1 living snot out of me. Well, it's one thing -- I'm trained to  
2 deal with some of this, but if you -- if you have small  
3 children, if he's been stalking you and he knows when and  
4 where you're going to be somewhere, he has the ability to  
5 simply show up and start shooting. And on the record I want  
6 to say today he's going to kill one of us. For some reason I  
7 cannot fully explain, he is off the rails, and it is  
8 terrifying. And that needs to be taken seriously.

9 Q Have you ever said that about anybody else?

10 A No.

11 Q How long have you been in the military?

12 A Thirteen years now.

13 Q And you've never been reprimanded?

14 A No.

15 Q Suspended?

16 A No. I just got promoted last year.

17 Q From?

18 A From captain to major.

19 Q And how long do you intend on serving the country?

20 A I would like to get a full federal retirement.

21 Q Okay. So that would be another seven years?

22 A Six-and-a-half years.

23 Q Six-and-a-half years? So you intend on staying in the  
24 military for another six-and-a-half years?

25 A Yes.

1 MR. BELL: Pass the witness, Your Honor.

2 RECROSS-EXAMINATION

3 BY MR. MATHIS:

4 Q Mr. Ruff, do you know -- do you have any idea how many  
5 depositions have been taken in the Ruff litigation in my  
6 office over the years?

7 A No.

8 Q But you would acknowledge it's many?

9 A Yes.

10 Q Okay. And you've no doubt heard that from your brothers  
11 and sisters or other witnesses or whoever, right?

12 A Yes.

13 Q Do you know if there has ever been one single objection or  
14 expression of concern that Matt Ruff, who's never attended  
15 anything, was magically going to show up?

16 A No, but I do know my mother was removed from several  
17 depositions or out of the building. I do know that she's  
18 disruptive and she did disrupt mine. She was taking video of  
19 me, and I looked down, and you're asking me questions, and she  
20 is doing this.

21 Q You're saying the other day she was taking a video of you?

22 A Yes.

23 Q Mr. Ruff, if the deposition of Jennifer Ruff is taken  
24 wherever, whichever house it's in or duplex or office it's in,  
25 and -- you're not going to be there, are you?

1 A I might. I don't know.

2 Q Okay. Well, do you have plans to be there tomorrow? I  
3 don't care. It's fine with me if you want to.

4 A I do not, but I might.

5 Q All right. Am I correct that your brother -- this is the  
6 first I've heard about any question about Judge Moore, but are  
7 you aware that he's trying to disqualify now Judge Thompson in  
8 the probate court?

9 MR. BELL: Objection, mischaracterizes the evidence.  
10 That's not -- that's actually a misstatement and it assumes  
11 facts not in evidence.

12 THE COURT: You know, I would not know because I'd  
13 have no earthly idea what those facts are or what the -- so I  
14 don't know how to respond to that objection because I just  
15 don't know.

16 MR. PRONSKE: Object to relevance.

17 THE COURT: But I'll sustain on the basis of  
18 relevance.

19 MR. MATHIS: Okay.

20 BY MR. MATHIS:

21 Q Do you know that your brother Mike has attempted  
22 repeatedly to disqualify AAA members?

23 MR. PRONSKE: Object, relevance.

24 THE COURT: I'll sustain the objection.

25 MR. MATHIS: Okay. That's all I have. Thank you.

1 MR. BELL: No further questions of this witness, Your  
2 Honor.

3 THE COURT: I just have one question because I don't  
4 know the answer to this. What is your relationship to  
5 Jennifer Ruff?

6 THE WITNESS: She is my sister-in-law.

7 THE COURT: That's your sister?

8 THE WITNESS: Yes.

9 THE COURT: Okay.

10 MR. BELL: It's his sister-in-law, Your Honor.

11 THE COURT: Your sister-in-law?

12 THE WITNESS: Yes, sir.

13 THE COURT: Okay. And she is the wife of which  
14 brother?

15 THE WITNESS: My brother Mike, my oldest brother.

16 THE COURT: Okay. All right. Thank you. You may  
17 step down.

18 THE WITNESS: Thank you, sir.

19 (The witness steps down.)

20 MR. BELL: Your Honor, at this time I call Matthew  
21 Ruff.

22 (Pause.)

23 MR. BELL: Matthew, go on right here.

24 THE COURT: Would you stop -- would you raise your  
25 right hand?

1 (The witness is sworn.)

2 THE COURT: Please be seated.

3 MATTHEW DAVID RUFF, JENNIFER RUFF'S WITNESS, SWORN

4 DIRECT EXAMINATION

5 BY MR. BELL:

6 Q Good afternoon, sir.

7 A Good afternoon.

8 Q Can you please state your name for the record?

9 A Matthew David Ruff.

10 Q Okay. And you are a convicted federal felon for  
11 possession of child pornography, correct?

12 A Yes, sir.

13 Q And you are on supervised release, correct?

14 A Yes, sir.

15 Q And you have choked your mother in the past, correct?

16 A No, sir.

17 Q Your mother called the police and said that you choked  
18 her. Was --

19 A Yes, she did.

20 Q Was that a true or a false statement?

21 A I don't believe it was true.

22 Q So if it wasn't true, then your mother made a false  
23 complaint to the police, correct?

24 A I think it was a misunderstanding.

25 Q Was it true or false that you choked your mother?

1 A I don't think that I choked her. No, sir.

2 Q And so if you did not choke her, then -- and you know that  
3 your mom said that you choked her, right?

4 A I don't know that she said that.

5 Q Okay. Did you grab your mother around the neck?

6 A I believe so. Are you talking about an event that was ten  
7 years ago --

8 Q Yes.

9 A -- or so? I -- I don't remember.

10 Q You don't remember whether or not you put your hands  
11 around your mother's throat?

12 A I don't believe that I did. No, sir.

13 Q Is it you don't believe that you did or you don't recall?

14 A I don't remember.

15 Q Okay. So it's possible that you did?

16 A I guess.

17 Q And if your mother just testified that you choked her,  
18 would she be telling a true statement or a false statement?

19 A I'm sure she's telling the truth to her recollection, yes.

20 Q And your position is that her recollection is wrong?

21 A I would guess that would be the case, yes.

22 Q Okay. Your mother has also called the police on you on  
23 another occasion, correct?

24 A Yes.

25 Q For assaulting her, correct?



1 A I don't recall what the -- what happened with that, no.

2 Q She alleged that you assaulted her, correct?

3 A I believe so.

4 Q Okay. And you're currently living with your mother,  
5 correct?

6 A Yes.

7 Q Okay. While you were in prison, did you have subscription  
8 to numerous gun magazines?

9 A Yes, I did.

10 Q Okay. Can you name all the magazines, or, for the Court,  
11 the subscriptions that you had?

12 A I can't.

13 Q How many were there?

14 A I don't remember.

15 Q About -- is it more than 10?

16 A I don't know.

17 Q Was it more than 20?

18 A I don't remember how many magazines I was getting, sir.

19 Q So was it a lot of gun magazines?

20 A I got a few gun magazines and I got a lot of scientific  
21 magazines, journals, things like that. There's not much to do  
22 in prison but read.

23 Q Okay. And did you have gun magazine subscriptions during  
24 the seven years that you were in prison?

25 A Yes, sir.

1 Q Okay. And would you consider yourself a gun aficionado?

2 A I have knowledge of them, but I'm not allowed around them.  
3 As a felon, I'm not allowed to have a gun, possess a gun, be  
4 near a gun, anything like that, so I stay away from them.

5 Q I understand. But did you use to have an affinity, a  
6 passion for guns?

7 A Yes, I did. I liked guns.

8 Q Okay. Now, there was an incident in June of 2016 where  
9 you parked your car, the Mini -- you parked your Mini Cooper  
10 322 feet from Jennifer and Mike Ruff's house, at the Jewish  
11 synagogue, correct?

12 A I do not have a Mini Cooper, sir.

13 Q Okay. What kind of car do you have?

14 A I don't have a car.

15 Q Okay. I'm not trying to fuss with you. What kind of car  
16 do you drive?

17 A I drive a Mini Cooper and I drive a Range Rover Velar, but  
18 they're not mine.

19 Q Okay. So, --

20 A So I'm just trying to, you know, since we're trying to be  
21 real nitpicky about things, I'm just letting you know it's not  
22 my vehicle.

23 Q Thank you. Sir, you were in a Mini Cooper that belongs to  
24 your mother, I assume?

25 A Yes.

1 Q Okay. And you were in a Mini Cooper in June of 2016 in  
2 the parking lot of a Jewish synagogue that's about 322 feet  
3 from Mike and Jennifer's house, correct?

4 A I don't know how far it is from Mike and Jennifer's house.

5 Q Okay. And the Mini Cooper and you were the only car in  
6 the parking lot at that time, correct?

7 A I don't remember.

8 Q Okay. Isn't it true that you circled Mike and Jennifer's  
9 house a couple of times?

10 A I've driven past their house. I have since that time not  
11 done anything.

12 Q My question to you, sir, is in June of 2016, when you  
13 parked the Mini Cooper 322 feet from Mike and Jennifer's  
14 house, did you -- on that day, did you circle their house,  
15 drive by it in any way?

16 A I drove past it, I'm sure, yes.

17 Q Okay. Did you drive past it more than once?

18 A I don't know.

19 Q Okay. So do you know whether or not you drove past the  
20 house three times?

21 A I don't know.

22 Q Okay. What would be the reason for driving past and  
23 driving around Mike and Jennifer's house if -- well, strike  
24 that. What would be the purpose for driving around Mike and  
25 Jennifer's house and then going and parking the Mini Cooper in

1 the -- at the Jewish synagogue? What would be your purpose?

2 A I don't know.

3 Q You --

4 A I -- I mean, at my work, I drive food around. I make  
5 deliveries places. I will stop somewhere to eat sometimes.  
6 And I've drove -- I drove past my brother's house I guess  
7 wanting to see if I could see anything.

8 Q Okay. So now it's your testimony that you drove by Mike  
9 and Jennifer's house to see if you could see anything?

10 A To see if they -- how they were living.

11 Q Sir, you just testified that the reason why you drove past  
12 Mike and Jennifer's house was you wanted to see what they were  
13 doing. You just testified to that, true?

14 A I would like to change that. I'd like to say that --

15 Q I want to first get an answer to my question. You just  
16 testified that the reason why you drove around Mike and  
17 Jennifer's house was to see what they were doing. You just  
18 testified to that, correct?

19 A Yes, I did.

20 Q Okay. And so you went to their house and you drove around  
21 it a few times, correct?

22 A I wanted to see their house.

23 Q You drove around their house a couple of times, correct?

24 A I don't know.

25 Q You don't know how many times you drove around their

1 house?

2 A No, sir.

3 Q And what would be the reasons for driving around their  
4 house more than once if you just wanted to take a look at  
5 their house or take a look at them?

6 A I don't know.

7 Q And so it's true that you circled Mike and Jennifer's  
8 house a few times on that June day and then you went and  
9 parked at the synagogue, correct?

10 A I don't know.

11 Q You don't know whether or not you parked at the synagogue?

12 A I parked at the synagogue.

13 Q Okay. And that was after having circled Mike and  
14 Jennifer's house, correct?

15 A I don't know if I had circled their house or how many  
16 times or anything else like that. I don't have a photographic  
17 memory of that day. No, sir.

18 Q Okay. But you certainly have circled Mike and Jennifer's  
19 house in the past. You just admitted to that, correct?

20 A I've driven past their house, yes.

21 Q And you've -- not only have you driven past it, you've  
22 circled around the block, correct, because it's on a corner?

23 A Right.

24 Q Okay. So, --

25 A So if you drive past it, you have to turn.

1 Q Okay. So you've driven around the outside of their house  
2 more than once, right?

3 A Yes, sir.

4 Q And then you -- well, let me ask you this question. Do  
5 you remember the reason why you sat in the Mini Cooper in the  
6 Jewish synagogue parking lot? Do you remember what you were  
7 doing?

8 A I don't remember what I was doing. I was probably eating  
9 lunch or making a phone call or something.

10 Q Okay. So let me get this straight. You, out of all the  
11 places to stop and eat lunch, you decided to park in the  
12 Jewish synagogue that's 322 feet from your sister-in-law's  
13 house and your brother's house; is that right?

14 A Yes. It's in the neighborhood that I live in as well.

15 Q Okay. And was it also -- did you also stop there to --  
16 you don't know whether or not you ate lunch or whether or not  
17 you made a phone call, correct?

18 A Correct.

19 Q And you don't know whether or not you had circled Mike and  
20 Jennifer's house prior to that or after you were in the  
21 parking lot, correct?

22 A Correct.

23 Q Now, you showed up at my office, right, which is called --  
24 you understand my office actually is commercial, zoned  
25 commercial?

1 A Okay.

2 Q All right. So what time did you drop your mother off at  
3 the deposition last Friday?

4 A I don't remember. It was -- I believe it was fairly early  
5 in the morning.

6 Q Okay. And when did you -- did you leave after you dropped  
7 your mother off?

8 A Yes, sir.

9 Q Okay. Where did you go then?

10 A I went back to -- I believe I went back to the house.

11 Q Okay. And what did you do at the house?

12 A I don't know.

13 Q Okay. Then did you receive a text or a phone call from  
14 your mother to say, come and pick me up?

15 A I believe I got a phone call. It was either a phone call  
16 or a text, I think, saying, hey, we should be done in about 30  
17 minutes or so. So I headed down.

18 Q Okay. So your mother texted or called you during the  
19 deposition, correct?

20 A Yes, sir. I would assume it was during the deposition. I  
21 wasn't there so I don't know.

22 Q Well, you just testified that she either texted or called  
23 you and stated that the deposition is about to wrap up in the  
24 next 30 minutes or so.

25 A Right, but I don't know -- but I wasn't at the deposition

1 so I don't know if that was actually happening or not.

2 Q Okay. But the presumption is that the deposition is  
3 ongoing at that particular time?

4 A Correct.

5 Q Okay. And so if your mother testified that she waited  
6 until the deposition was over to text or call you, would that  
7 be a true or a false statement?

8 A Again, I don't know. I was not there. I don't know when  
9 she texted or called.

10 Q Okay.

11 A So I'm not going to testify to that.

12 Q And you showed back up at my office on Friday, correct?

13 A Yes, sir.

14 Q And you parked right out in front, correct?

15 A Yes, sir.

16 Q And could you see inside my windows?

17 A I don't know which windows are yours. I was not trying to  
18 see inside the windows.

19 Q My question to you, sir, is could you see inside my  
20 office?

21 A I don't know where your office is so I can't testify to  
22 that.

23 Q Okay. And did you see a proceeding going on, a group of  
24 people in a conference room?

25 A I was not paying attention to what was going on in that



1 building, sir.

2 Q You were just sitting outside in your car; is that right?

3 A Waiting on my mother, yes.

4 Q Okay. And your mother stepped outside --

5 A Yes.

6 Q -- when the deposition concluded presumably, correct?

7 A Yes, sir.

8 Q How long did you wait until your mother stepped out of my  
9 office?

10 A I don't know. It was a few minutes, I think.

11 Q Was it a few minutes? Was it 20 minutes? Was it 30  
12 minutes?

13 A I wasn't aware that I needed to keep track of those  
14 things. I was not paying attention to it. I'm not fascinated  
15 by the ongoings of other people's lives like apparently my  
16 siblings are.

17 Q You don't consider circling your siblings' houses  
18 fascinating?

19 A I drove past their house.

20 Q On numerous occasions. You don't consider that being  
21 fascinated with them?

22 A I haven't filmed them. I haven't done anything else. No,  
23 sir.

24 Q Okay. And so you don't know how long you were at my  
25 office before your mother stepped out of my office, correct?

1 A No, I don't. I don't know.

2 Q Okay. Then you got out of the car, correct?

3 A Yes, sir.

4 Q Okay. What did you do next?

5 A I stepped around front of the car to see if Mom needed  
6 help going down the -- your stairs, because they're not the  
7 most level, safe stairs, and my mom is 74. She's had her  
8 knees replaced. She might need some help. So I stepped out  
9 to do that since nobody around was willing to offer an older  
10 woman assistance.

11 Q Wasn't Mr. Mathis there?

12 A He was, but he was, I think, dealing with his co-counsel  
13 or whatever.

14 Q Did you have any conversations with Mr. Mathis over the  
15 last few days?

16 A Yes, I've spoken with him.

17 Q Did you discuss your testimony?

18 A No, sir.

19 Q What did you all discuss?

20 A We discussed a little bit about, I guess, what had gone  
21 on, how he thought the case was going, just things like that.

22 Q So you talked with Mr. Mathis after the filing of the  
23 motion for protective order against you, correct?

24 A Yes, sir.

25 Q And did you meet with Mr. Mathis in person?

1 A No.

2 Q You talked to him over the phone?

3 A Yes, sir.

4 Q How many times?

5 A I believe twice.

6 Q Okay. And you didn't go over the sum and substance of  
7 your testimony here today?

8 A No, sir.

9 Q All right. And so you proceeded to walk -- you got out of  
10 the car, you proceeded to go try and help your mother. Is  
11 that right?

12 A Yes.

13 Q Do you see your brother Mark in the courtroom today?

14 A Yes.

15 Q Okay. Where is he?

16 A He's sitting right back there. I don't want to look at  
17 him because he might feel that it's menacing and I'm not  
18 trying to scare anybody, which apparently I do. So, I mean,  
19 he's been trained by the military but he's scared of me, so --

20 Q Okay. Did you make eye contact with Mark during the  
21 deposition?

22 A I don't believe so.

23 Q Okay. Do you know whether or not you were staring at Mark  
24 during the deposition, or you don't recall?

25 A I -- I was not -- certainly not intentionally staring at

1 him. At one point I noticed that he was filming me and I told  
2 Randy. I said, Randy, he's filming me.

3 Q Okay. And when Mark was out -- when Mark was going to  
4 leave, you were outside. Is that right?

5 A I don't know when Mark was going to leave.

6 Q Let me ask you this question. Did you ever make eye  
7 contact with Mark on Friday?

8 A I may have. I don't know. If so, it was passing. It  
9 wasn't an attempt to stare down, to intimidate, to do anything  
10 else.

11 Q Okay. So it's your sworn testimony that if you had looked  
12 at Mark, it would have been in passing, right?

13 A Yeah.

14 Q It would have been less than five seconds?

15 A I don't know. I don't -- I don't know how long I'm  
16 looking at -- I'm not keeping a clock on anything.

17 Q Well, could you have been staring at him for more than a  
18 minute?

19 A I don't know. I don't believe -- I don't think that I was  
20 intentionally staring at anything.

21 Q Do you think it could have been more than two minutes?

22 A I don't know that I was staring at him.

23 Q Okay. And --

24 A I don't believe that I was. I certainly was not trying  
25 to.

1 Q So you may have been staring at Mark but you just weren't  
2 trying to?

3 A I may have been looking past Mark and Mark may have felt  
4 that I was staring at him. I may have been looking at Randy  
5 or somebody -- I could have been looking at anything and Mark  
6 may have felt that I was staring at him.

7 Q Okay. And is it your testimony -- did you ever -- let me  
8 ask you this question. Do you speak to Mark?

9 A No, sir.

10 Q Are you on -- are the two of you on good terms?

11 A I have no ill will towards him but we don't interact at  
12 all.

13 Q Okay. And did you mouth to him, "I'll fucking kill you"?

14 A Absolutely not.

15 Q Okay. So if your brother testified under oath that that's  
16 what you did, you mouthed to him, "I'm going to fucking kill  
17 you," then he would be a liar; is that your testimony?

18 A Yes.

19 Q Okay. And it's your testimony that that's Mark making  
20 something up, correct?

21 A I don't know that it's Mark making it up. It's either  
22 Mark or Mike or somebody. But I did not say that to him. I  
23 would not mouth that to him.

24 Q Well, would you -- did you mouth anything to anybody that  
25 day?

1 A No. Like I said, I told Randy, I said, Randy, he's  
2 filming me. And if Mark can't read lips well, that's not on  
3 me.

4 Q Okay. So Mark was filming you, correct?

5 A I believe so. Yes, sir.

6 Q All right. So then you must have been looking at him,  
7 correct?

8 A I saw that he was filming me.

9 Q Well, you must have been looking at him in order to see  
10 that he's filming you, correct?

11 A No, I'm not looking at him but I can see that he's sitting  
12 in the courtroom. That's how that works. You can see things  
13 without looking at them.

14 Q Okay. And did that -- it obviously upset you and you told  
15 Randy, correct?

16 A Yes. It feels like harassment. It feels like I'm -- I  
17 figured that something like this was going to come of it, that  
18 Mike and the siblings are trying desperately to hold onto the  
19 money that they've stolen from my mother, and they will find  
20 any little reason to use me as a scapegoat or to use any other  
21 thing to keep from having to give up the money.

22 Q Is this a picture of you staring into my office?

23 A That is a picture of me. I don't know that I'm staring  
24 into your office. I believe Randy was up on the porch at the  
25 time, too, next to Mark, and I believe I was looking at Randy

1 at that time. I was not trying to stare in your office.

2 Q Did you --

3 A I don't care what goes on in your office, sir.

4 Q I understand that. Did you end up walking up the steps to  
5 my office?

6 A No, sir.

7 Q Okay. How close to Mark did you get?

8 A Not very close. I would say no closer than we are right  
9 now.

10 Q If you would have said that you thought maybe Mark was  
11 filming you, do you think it's possible that that would have  
12 angered you enough to say, "I'm going to fucking kill you"?

13 A No, it would not.

14 Q But you were obviously upset about it, correct?

15 A I was -- I wanted to make Randy aware of the situation. I  
16 wasn't even upset by it.

17 Q You weren't angered by it?

18 A No.

19 Q So if Mark -- let me ask you this question. In your years  
20 growing up with Mark, is it your testimony that he's  
21 dishonest?

22 A I think everybody can lie at times, yes.

23 Q I'm asking you, is it your testimony that Mark is  
24 dishonest?

25 A I don't know whether Mark is dishonest or not. I don't

1 have interaction with him. What I am testifying to is the  
2 fact that if he said that I mouthed, "I'm going to fucking  
3 kill you" to him, that is a lie. That is my sworn testimony.  
4 Beyond that, I don't have interactions with Mark.

5 Q Have you ever driven past Mark's residence?

6 A I don't know where Mark lives.

7 Q My question is, have you ever driven past Mark's  
8 residence?

9 A I don't know where Mark lives. I have driven places in  
10 Dallas. If I don't know where Mark lives, I can't tell you if  
11 I've driven past his residence.

12 Q Okay. And this is also a picture of you.

13 MR. BELL: It's in the motion, Your Honor.

14 BY MR. BELL:

15 Q This is a picture of you in the synagogue parking lot  
16 about 322 feet from Mark and Jennifer's house, correct?

17 A I don't know if Mark lives with Jennifer or not.

18 Q Sir, I'm not -- maybe you're parsing words with me. My  
19 question to you is, this is a picture of you in a Mini Cooper  
20 three hundred -- in the synagogue parking lot, about 322 feet  
21 from Jennifer and Mark's house, correct?

22 A I don't know if that is Mark's house or not, sir.

23 Q You just said you didn't know if Mark and Jennifer live  
24 together?

25 A Correct.



1 Q Okay. Then whose house were you circling?

2 A I don't know who owns that house.

3 Q Well, how did you know to go to a house to see what Mark  
4 and Jennifer were doing? How did you go about doing that?

5 A I drove past a house on Watson Avenue.

6 Q How did you know -- you just testified earlier that you  
7 drove by Mark and Jennifer's house on a couple occasions to  
8 see what they were up to or what they were doing. I'm  
9 paraphrasing.

10 A I don't know if that is Mark and Jennifer's house or not.  
11 I don't know if Mark lives there.

12 Q So you drove --

13 THE COURT: I just want to make sure that we're  
14 talking about -- are you talking about Mike and Jennifer or  
15 Mark and Jennifer?

16 MR. BELL: Mike. I'm sorry. Mike and Jennifer's  
17 house.

18 THE WITNESS: Okay. That --

19 BY MR. BELL:

20 Q Okay.

21 A Right. You're asking me about Mark and Jennifer. I'm  
22 going, I don't know if Mark lives there.

23 Q Sorry. I'm sorry. That's my fault. So you drove --

24 A So you -- yeah.

25 Q You drove by Mike and Jennifer's house on several

1 occasions?

2 A Again, over a year ago, I -- I've driven past it I think  
3 on a few occasions, yes.

4 Q Okay.

5 A And I was visited by detectives from Dallas Police  
6 Department when Jennifer wanted to raise an issue about it.  
7 They said stop. I have since stopped. I've had no -- I have  
8 not driven past their house at all. I believe I've seen them  
9 one other time where Jennifer got out in a parking lot and  
10 started filming me. And beyond that, I don't see them. I'm  
11 not trying to do anything. I am trying to rebuild my life and  
12 move on with my life.

13 Q Okay. So if Mark testified that you mouthed that to him,  
14 you're just saying it's a complete lie?

15 A Absolutely.

16 MR. BELL: I'll pass the witness, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. MATHIS:

19 Q Now, Mr. Ruff, first of all, you have a lawyer, do you  
20 not, by the name of Bill Ucherek who represents you in this  
21 new case filed several months ago by Jennifer against you?

22 A Yes, sir.

23 Q All right. And were you told about this hearing or your  
24 need to be here? When were you told about that?

25 A At 6:45 -- or around 6:45 p.m. last night, I was served

1 while at work.

2 Q All right. And that's not the first time something's been  
3 served at the restaurant, has it, right?

4 A No, sir. And it's not just Chinese food.

5 Q Okay. And you work in the kitchen there; is that right?

6 A Yes, sir.

7 Q Now, after you got served last night, you contacted me and  
8 then we contacted your lawyer, Mr. Ucherek, to talk about it?

9 A Yes, sir.

10 Q And he could not be here today?

11 A Correct.

12 Q Right. Now, let me jump around a little bit to just  
13 address a few things that were said. First of all, this  
14 business about whether you got into some sort of altercation  
15 with your mother or not where she called the police, how many  
16 years ago was that?

17 A Roughly ten years ago.

18 Q All right. So that was well before you ever were sent to  
19 prison, correct?

20 A Yes, sir.

21 Q All right. Now, when you were in prison, how many years  
22 did you serve in prison?

23 A Approximately six years.

24 Q All right. And how long have you been out as of now?

25 A Roughly three years.

1 Q And so you're still on some sort of supervised probation?

2 A Yes, sir.

3 Q All right. And are you in compliance with all their rules  
4 and regulations?

5 A Yes, sir.

6 Q You're working?

7 A Yes, sir.

8 Q You're not doing drugs or alcohol?

9 A That's correct.

10 Q You don't have --

11 A I drink occasionally, but I'm allowed to.

12 Q All right. You show up for their meetings and their tests  
13 and polygraphs and everything they make you do?

14 A Yes, sir.

15 Q Do you have possession of any firearms?

16 A No, sir.

17 Q All right. Now, about, what, it's almost a year-and-a-  
18 half ago when you were in the parking lot down the street from  
19 where your brother lives. Your brother lives in a great big  
20 multi-million dollar home, does he not?

21 A Yes, sir.

22 Q With this huge wall that surrounds it?

23 A Yes, sir.

24 Q Security cameras, all kinds of --

25 A Absolutely.

1 Q -- stuff, I understand. I've never seen it.

2 A Well, I'd take you there, but I don't think it's a wise  
3 thing for me to do right now.

4 Q No, absolutely not. Now, when you were in that parking  
5 lot, someone associated with Jennifer or her husband Mike  
6 called the police, did they not?

7 A I would assume so.

8 Q All right. And you were interviewed by the police?

9 A I was interviewed by the police later. Yes, sir.

10 Q Also the probation officer was --

11 A Yes, sir.

12 Q -- involved in it? Did anybody associated with that --  
13 were charges pressed against you --

14 A No, sir.

15 Q -- or was your probation revoked, anything like that?

16 A No, sir.

17 Q All right. And what was the sum total of the conclusion  
18 of that?

19 A I was told nothing will come of this provided you stop and  
20 don't do this anymore.

21 Q Have you done it anymore?

22 A No, sir.

23 Q Have you gone back over there to their house or parked at  
24 their house --

25 A No, sir.

1 Q -- or done anything at all to intimidate them?

2 A No, sir.

3 Q And that was a year-and-a-half ago?

4 A Yes, sir.

5 Q Now, this lawsuit that was recently filed by Jennifer  
6 against you, not the suit filed a few days ago by Tracy  
7 against your mother or Mark against your mother, but the  
8 lawsuit filed by Jennifer against you several months ago, that  
9 alleges that Jennifer saw you in the parking lot of  
10 Dougherty's Pharmacy, --

11 A Yes, sir.

12 Q -- right? And do all of you live in basically the same  
13 neighborhood?

14 A Yes, sir. We live -- I believe, with the exception of  
15 Mark, and I'm not sure where he lives, --

16 Q Okay.

17 A -- I believe Tracy, Kelly, Mike, and then Mom and I, I  
18 believe we all live within I would say three or four miles of  
19 each other, probably.

20 Q And Dougherty's Pharmacy is a common place to be?

21 A Yes, sir. I've, you know, grown up with that pharmacy.

22 Q Okay. Well, just point blank, were you following her or  
23 something or were you just --

24 A No, I was running an errand for my mother.

25 Q All right. So that was a happenstance you ended up in the

1 same parking lot?

2 A Yes, sir.

3 Q How close in the parking lot were you when that happened?

4 A I pulled up to park and she was driving past in the -- not  
5 in traf... well, I guess in the flow of traffic in the parking  
6 lot. And it felt like I was being stared at, so I glanced up,  
7 saw her, and she was staring at me. She proceeded past me. I  
8 had the car parked. She stopped the car kind of past me and  
9 got out and started filming me. I was aware of that and I  
10 chose to stay in the car, so there was no confrontation at the  
11 time. And as soon as she left, I immediately -- I called Bill  
12 Ucherek, I believe I called you, I called my probation  
13 officer, and I called my counselor to let everybody know what  
14 had gone on, say, hey, I want this known, this has occurred.  
15 There was nothing intended by it, but I want it, you know --

16 Q To make a record of it?

17 A Yes, sir.

18 Q And then nothing came of it until all of a sudden --

19 A Correct.

20 Q -- this lawsuit was filed? And you're aware there's been  
21 a prior restraining order hearing and a prior injunction  
22 hearing, both of which were denied?

23 A Yes, sir.

24 Q That essentially asked for the same thing as this matter

25 --

1 A Yes, sir.

2 Q -- they're asking today? All right. But you were not  
3 asked about this matter before this motion was filed, were  
4 you?

5 A Correct.

6 Q Nobody called and said, we don't want Matt to pick up Mrs.  
7 Ruff at Jennifer's deposition, if there was even any  
8 inclination to do it?

9 A Correct.

10 Q Nobody asked to move the place of the deposition or to  
11 make any agreement about your not driving your mom to or from  
12 the deposition?

13 A That is correct.

14 Q All right. Now, Matt, let me ask you a couple -- just  
15 kind of some hit-and-miss things that were referred to. Back  
16 when you were in prison -- what's your educational background,  
17 first of all?

18 A I have a master's degree in biomedical engineering. I was  
19 at TCU. Got a master -- or, got a bachelor's degree in  
20 biology from UTA and then a master's degree from UT  
21 Southwestern.

22 Q All right. And what was your planned career objective at  
23 the time you got in trouble and went to prison?

24 A I wanted to be a biomedical engineer. I wanted to work in  
25 a lab. I love doing research.



1 Q All right. And when you were in prison, did your mother  
2 help by arranging to provide you with a variety of scientific,  
3 educational, --

4 A Absolutely.

5 Q -- medical-related stuff?

6 A Absolutely.

7 Q All right. And the children objected to that, of course,  
8 --

9 A I'm sure they did.

10 Q -- virtually the whole time you were in prison? All  
11 right. Now, Mr. Ruff, there was also a comment or kind of a  
12 statement made by Mark during his testimony that you looked  
13 scary and that you looked like I think he said some kind of  
14 white supremacist. Are you some sort of white supremacist or  
15 a member of some gang or something scary?

16 A No, sir. I'm not. I'm not allowed to be in a gang. I  
17 certainly am not a white supremacist. So, I happen to have a  
18 beard.

19 Q Okay.

20 A And I had a receding hairline and I chose not to fight  
21 that battle. I chose I would just shave my head.

22 Q Okay. Well, my choice is to fight it to the bitter end.

23 A Good luck, sir.

24 Q All right. Now, all right. Okay, now. Now, the other  
25 day, who asked you to drive your mother to the deposition on

1 Friday of Mark?

2 A I don't recall if Mom asked or if I said that I would be  
3 available to do it, if I volunteered that information. You  
4 know, we generally, we look at each other's schedules, you  
5 know, hey, what do you have going on? When are you working?  
6 You know, what appointments does Mom have that day or  
7 whatever? And it was, she's going somewhere where she didn't  
8 know. Okay, you know what? If parking might be difficult, if  
9 whatever, if I'm not working, I can take you.

10 Q Okay. Now, --

11 A I've taken her to a few things, down to your office or  
12 wherever.

13 Q Okay.

14 A Going to arbitration, occasionally I would take her.

15 Q All right. I was going to say, throughout this litigation  
16 sometimes she would drive herself but sometimes you have  
17 dropped her off and then we've taken her home, correct?

18 A Right. Yes, sir.

19 Q If you would have gone to work and the timing didn't work  
20 out?

21 A Absolutely.

22 Q But you don't have a vehicle of your own, so you're  
23 driving her car, whatever it is?

24 A Yes, sir.

25 Q All right. Now, on Friday, did you come sit out front on

1 the street throughout the four hours that I was in there --

2 A No, sir.

3 Q -- taking the deposition? In fact, I didn't even know you  
4 had dropped her off, did I?

5 MR. BELL: Objection, calls for speculation.

6 MR. MATHIS: Okay. Well, I'll rephrase.

7 BY MR. MATHIS:

8 Q Did you arrange with me in advance to bring her to the  
9 deposition on Friday?

10 A No, sir. Not with you.

11 Q Okay. Now, when you are in front of that house where his  
12 office is, are you below the level of the front porch?

13 A Yes, sir.

14 Q All right. It's a steep step that goes up there?

15 A Yes, sir. It's a pretty good incline.

16 Q Bricks steps?

17 A That was why I was worried about Mother.

18 Q All right. And definitely not the kind of steps that your  
19 mom can go up and down by herself?

20 A Not that I would want her to at all.

21 Q Now, is it not correct there's a long history of  
22 discussions about that point, because your mom for years tried  
23 to get an aid dog to help her navigate curbs, --

24 A Right. And --

25 Q -- much less steps?

1 A Right.

2 Q It's just not some fantasy problem that came up on Friday?  
3 This was a longstanding, going on for many years problem?

4 A Yes, sir.

5 Q All right. Now, when you came and picked her up, could  
6 you see inside the house? Could you see the deposition  
7 ending, or were all of us already standing on the front porch?

8 MR. BELL: Objection, leading.

9 THE WITNESS: I -- I was --

10 THE COURT: Hang on. I'll overrule the objection.

11 THE WITNESS: I could not even see into the house. I  
12 wasn't trying to look into the house. I was, you know,  
13 listening to the radio and I would watch to see if Mom stepped  
14 out.

15 BY MR. MATHIS:

16 Q Okay. Well, did you ever get out of the car until your  
17 mom stepped out of the house and onto the front porch?

18 A No, sir.

19 Q All right. And that was when you got out --

20 A Yes, sir.

21 Q -- to help her? All right. And so as she came down those  
22 -- by the curb there by the car, you helped her. I was up on  
23 the front porch --

24 A Yes, sir.

25 Q -- talking to --

1 MR. MATHIS: What's your partner's name?

2 MR. PRONSKE: Jason.

3 BY MR. MATHIS:

4 Q Jason Kathman. Is that right?

5 A I believe so.

6 Q All right. Now, are you agreeable not to come to the  
7 deposition of Jennifer tomorrow?

8 A Absolutely.

9 Q Okay. Did you ever have any intention of attending any  
10 deposition in this case?

11 A I don't attend the depositions. I won't even take Mom to  
12 the deposition. Mom, you're on your own. You get to drive  
13 yourself.

14 Q Okay. The -- in all of this litigation, going back to its  
15 filing in August of 2011, have you ever attended any  
16 deposition except your own?

17 A No, sir.

18 Q And that was about three years ago, right after you were  
19 released?

20 A Yes, sir.

21 Q Have you ever attended a hearing in the probate court?

22 A No, sir.

23 Q What about in --

24 A I think I did one -- there was one that -- I believe -- I  
25 believe it was probate court that I was again maybe going to

1 be called for or whatever, but --

2 Q Maybe it was something before I was involved?

3 A Right, but no.

4 Q All right. And you didn't attend any of the arbitration?

5 A No, sir.

6 Q You didn't attend anything in Palo Pinto?

7 A No, sir.

8 Q Okay. You haven't attended anything except that  
9 deposition --

10 A I'm a no-show.

11 Q All right. Now, you're not as big as a no-show as  
12 Jennifer, because I have never laid eyes on her.

13 MR. BELL: Objection to the sidebar.

14 MR. MATHIS: Now, -- withdrawn.

15 THE COURT: Okay.

16 MR. MATHIS: With apology.

17 THE COURT: Sustain the objection.

18 MR. MATHIS: With apology.

19 BY MR. MATHIS:

20 Q All right. Now, Matt, you're not going to drive your  
21 mother tomorrow? You're not going to pick her up after the  
22 deposition tomorrow?

23 A Correct.

24 Q And so there's not going to be any communication by --  
25 between you and Jennifer Ruff for purposes of this deposition

1 --

2 A Absolutely not.

3 Q All right. And other than the chance seeing each other in  
4 the drugstore parking lot a number of months ago, and then the  
5 incident that was looked into and nothing came of it a year-  
6 and-a-half ago, you've not had contact, any kind of contact  
7 with Jennifer during all that period of time?

8 A I have never been aware of Jennifer other than those  
9 times.

10 Q Okay.

11 A So, no.

12 Q All right.

13 MR. MATHIS: Okay. That's all I have. Thank you  
14 very much.

15 THE WITNESS: All right. Thank you.

16 MR. BELL: May it please the Court?

17 REDIRECT EXAMINATION

18 BY MR. BELL:

19 Q Randy Mathis has also been your lawyer, correct?

20 A I believe at one point he represented me.

21 Q Okay. And you understand you're under oath, right?

22 A Yeah.

23 Q Okay. Have you read any of your mother's depositions?

24 A I think I've read parts of a few of them.

25 Q Okay. And at one point she testified that she asked you

1 to go by -- drive by Mark -- I'm sorry, Mike and Jennifer's  
2 house or some of the other siblings' houses, correct?

3 A Correct.

4 Q And that was after she had sued all of your siblings,  
5 correct?

6 A I don't know the timeline.

7 Q Okay. You were -- when your mother instructed you to go  
8 check on your siblings, it was post-release from prison;  
9 correct?

10 A Yes.

11 Q Okay. And being the good son that you are, you followed  
12 your mother's instructions, correct?

13 A I did a few times. There were other times where she would  
14 say, you know, hey, go do this. And no, I'm not going to do.

15 Q So your mother would -- there were times where your mother  
16 asked you to go to your siblings' house and then you declined?

17 A I don't know that that they were times that she would ask  
18 me to go to my siblings' house. There were just times that  
19 she asked me to do things that I declined.

20 Q Okay. What are the things that she's asked you to do that  
21 you've declined?

22 A Take my shirt to the drycleaner, just various tasks.

23 There are times where she wants something done and I say I --  
24 you know, not right now, I'll get it -- I'll get to it later.

25 And sometimes she'll take it upon herself to --



1 Q Okay.

2 A -- then do it.

3 Q Okay. But in the arbitration, you actually have a  
4 judgment against -- even though you never testified, you have  
5 a judgment against Mike, correct?

6 A I don't know. I -- I don't know. I know Mom -- I know  
7 that Mike stole money from Mom. Mike has been told to give  
8 the money back, and Mike is trying very hard not to.

9 MR. MATHIS: Objection, nonresponsive.

10 THE COURT: Okay.

11 THE WITNESS: So I --

12 THE COURT: I'll sustain the objection.

13 BY MR. BELL:

14 Q Sir, do you know whether or not you have a judgment --  
15 that -- do you know whether or not you were a party to the  
16 arbitration?

17 A I was a party in the arbitration, and I believe I'm owed  
18 lawyers' fees and some arbitration fees, yes.

19 Q Okay. So you're aware that you have a judgment, correct?

20 A Yes.

21 Q Okay. So while you were a party to the litigation  
22 involving Mark, Tracy, Kelly, and Mike, your mother told you  
23 to go check on your siblings, correct?

24 A Again, I'm not sure if that was when the arbitration had  
25 been going on or anything.

1 Q Well, so, when did you -- when were you released from  
2 prison?

3 A 2015.

4 Q Okay. And the litigation has been pending since 2011,  
5 correct?

6 A I'm not sure which of the -- I mean, there's been --  
7 again, attorneys move stuff around, start new cases, shift  
8 jurisdictions, everything else.

9 Q There's been at least some kind of litigation going on  
10 between your mother and your other four siblings and/or you  
11 since 2011, approximately?

12 A Okay. I think so, yes.

13 Q Okay. So, post you being released from prison in 2015,  
14 your mother told you to go check on your siblings, correct?

15 A Yes.

16 Q Okay. And when she said that, did -- what did she say?  
17 Go drive by their house?

18 A There were times, yeah, it was just, hey, drive by, see if  
19 -- you know, see if you can see anything. See what's going  
20 on. See if there's, you know, whatever. I think sometimes  
21 around birthdays or holidays it would, you know, getting  
22 sentimental, I guess, maybe towards what we used to have. She  
23 would say, hey, see if -- see if there's anything going on.

24 Q So your -- during the litigation, did you go by Tracy's  
25 house?

1 A I believe I've driven past Tracy's house, --

2 Q All right.

3 A -- yes.

4 Q Have you ever parked in front of or near Tracy's house?

5 A I don't believe so. No, sir.

6 Q You don't believe so or you know you haven't?

7 A I'm not even sure I know where Tracy lives anymore.

8 Q Okay. Back when you knew where she lived, is it your  
9 testimony that you never parked near her house?

10 A When she lived near Tom Thumb, I guess I parked at Tom  
11 Thumb. That could be considered near her house. So maybe I  
12 parked near her house but I wasn't parking at her house.

13 Q Okay. Did you ever go to the door and knock if it was  
14 something sentimental?

15 A No.

16 Q Okay.

17 A Never got out of my car.

18 Q When your mother told you to go check on your siblings,  
19 did she say, go see how they're doing, or go to the door, or  
20 just go drive around?

21 A No, it would just be drive past the house, see if there  
22 was anything going on that, you know, if there was a get-  
23 together, if there was anything.

24 Q Okay. And you would go by and report back to your mother  
25 that there was no get-together?

1 A I would -- you know, gates were closed, couldn't see  
2 anything, whatever. Hey, I didn't see anybody out front,  
3 anything like that. I mean, it's -- I would just, I guess, do  
4 what she -- you know, do what I could to do what she asked.

5 Q Okay. Did your mom ever ask you to drive by any of your  
6 siblings' houses and you declined?

7 A Yes.

8 Q Okay. How many times did you decline?

9 A I don't remember.

10 Q Was it more than ten?

11 A I don't know. I doubt it.

12 Q Was it more than five?

13 A I don't think she asked that often. And certainly, after  
14 Jennifer raised the issue, it became a moot point. We don't  
15 go -- I don't want to be near my siblings because I don't want  
16 to scare them or intimidate them.

17 Q Okay. So she has --

18 A I'm a little bit concerned about Mark right now. I'm  
19 wondering if he's intimidated right now.

20 Q Okay. My question to you, sir, is there have been times  
21 where your mother has instructed you to drive by your  
22 siblings' houses and you've declined to do so, correct?

23 A Yes.

24 Q And the reason why you declined to do so is because you  
25 were concerned that it would be perceived as intimidation,

1 correct?

2 A No. I just didn't want to at the time. And like I said,  
3 certainly after being talked to and since we -- this issue was  
4 raised 18 months ago or whenever that was, she has not asked  
5 me to drive by the houses, any of the houses. I have not  
6 attempted to drive past any of the houses. I am not trying to  
7 intimidate anybody.

8 Q Okay. Well, then, if you're not trying to intimidate  
9 anybody, are you opposed to the Court entering an order  
10 prohibiting you from staying a thousand yards away from my  
11 office? Are you against that?

12 A I don't know what all is within a thousand yards of your  
13 office and I have an objection -- I would have an issue with  
14 the Court ordering anything like that. I don't -- certainly,  
15 while I'm on probation, I don't need anything like that.

16 I will agree that I will not be anywhere near your office,  
17 but I don't believe that we need a court order for that.

18 Q Do you think we need a court -- would you be okay with a  
19 court ordering you to not make any threats towards Jennifer or  
20 Mark?

21 A I don't believe that that is necessary at all. I have not  
22 made any threats towards either one of them and I do not plan  
23 on making threats towards either one of them.

24 Q And do you believe that if you say, "I'm gonna fucking  
25 kill you," that could be perceived as a threat? I understand

1 you deny it, but --

2 A Were you threatening me they are saying that? Because  
3 that's -- I mean, I didn't use those words. You were the one  
4 that said those words. I have not threatened anybody, sir. I  
5 do not threaten people. I am rebuilding my life. I am  
6 working. I am trying to put my life back together.

7 Q You don't think driving by your siblings' houses is a form  
8 of intimidation at all?

9 A I don't think so, no. And once I was made aware that,  
10 hey, they were interpreting it that way, you need to stop, it  
11 stopped.

12 Q So it happened numerous times, correct?

13 A It happened -- I drove past their house a few times. I  
14 was told they've been -- they're aware of this, they are  
15 making an issue, they have talked to the police, they have  
16 filed a report. If you don't stop, we will pursue things.  
17 And I said, okay. That's --

18 Q But you drove by your siblings' houses on multiple  
19 occasions, correct? Prior to the June 2016 incident, correct?

20 A I had driven past their houses a few times. And since  
21 then, I have not.

22 MR. BELL: I'll pass the witness, Your Honor.

23 THE WITNESS: Okay.

24 MR. MATHIS: (inaudible)

25 THE COURT: I'll tell you what. Before we do the --

1 I guess what would be a direct, we're going to take a 10-  
2 minute break.

3 THE WITNESS: Okay. Thank you.

4 THE CLERK: All rise.

5 (A recess ensued from 3:37 p.m. until 3:49 p.m.)

6 THE CLERK: All rise.

7 THE COURT: Please be seated.

8 THE WITNESS: Do I need to be sworn in?

9 THE COURT: Pardon me?

10 THE WITNESS: Do I re-swear in?

11 THE COURT: Yes, please. Retake the stand.

12 MR. MATHIS: No, you don't need --

13 THE COURT: Oh no, you don't need to be re-sworn.

14 MR. MATHIS: I think you're almost finished now,  
15 Matt.

16 MATTHEW DAVID RUFF, SUZANN RUFF'S WITNESS, PREVIOUSLY SWORN  
17 DIRECT EXAMINATION

18 BY MR. MATHIS:

19 Q Now, Matt, have you lived with your mother since you were  
20 released from prison?

21 A Yes, sir.

22 Q All right. Were you at home last fall when your sister  
23 Tracy showed up at the house trying to talk to your mother  
24 about the arbitration?

25 A I was not at the house. I was running an errand, I

1 believe, and I was on my way home. I got home while Tracy was  
2 there. I went in the garage, went in the house, stayed in the  
3 house, did not try to confront anybody, did not try to do  
4 anything.

5 Q So, as your mother called me to say that Tracy was on her  
6 porch, --

7 MR. BELL: Objection.

8 MR. MATHIS: -- you did not communicate --

9 MR. BELL: Assumes hearsay in the question, Your  
10 Honor.

11 MR. MATHIS: Okay. I'll rephrase it.

12 THE COURT: I'll -- it sounds like an objection that  
13 I would have sustained if the question was completed. So, --

14 MR. MATHIS: Okay. I'll rephrase it.

15 THE COURT: But didn't get the opportunity to ask his  
16 full question, in any event. Go ahead.

17 BY MR. MATHIS:

18 Q While your mother did whatever she did, when Tracy showed  
19 up at her front porch --

20 A Yes.

21 Q -- a few months ago, did you have any communication with  
22 Tracy at all?

23 A No, sir.

24 Q All right. And aside from me reporting it to her lawyer,  
25 did your mother sue anybody or file any motions or make a big



1 deal out of the fact that that --

2 A I don't believe so. I believe it was, hey, let everybody  
3 know, --

4 Q All right.

5 A -- stay away and --

6 Q Okay. And whatever issue there was about your driving by  
7 to see where your siblings lived after you got out of prison,  
8 all that was now at least two years, if not more, ago?

9 A Yes, sir.

10 Q All right. And you were cautioned not to do it and you've  
11 not done it again?

12 A Correct.

13 Q All right. And certainly you're not going to make threats  
14 against anybody --

15 A Absolutely not.

16 Q All right. Now, they have asked for you to be restricted  
17 a thousand yards from Mr. Bell's office. Now, that's 3,000  
18 feet. And that's basically what they were asking for in Judge  
19 Smith's court, but it was with regard to Mike Ruff's house  
20 rather than Mr. Bell's office.

21 A Correct.

22 Q You understand that? All right. Now, a 3,000-feet  
23 restriction where these people are located, in the area where  
24 you live, would that not make it functionally impossible --

25 A It makes it very difficult, yes.

1 Q -- for you to go anywhere, whether it's shops, restaurant,  
2 anything?

3 A Correct.

4 Q All right.

5 A I will -- I mean, like I said, I have no problem staying  
6 away from -- I don't plan on using Mr. Bell's services any  
7 time.

8 Q Okay.

9 A And I will stay away whenever Jennifer is having her  
10 deposition or anything else. I went to try to be a  
11 convenience to my mom on Friday and apparently kicked up a  
12 hornet's nest.

13 Q Okay. And after the proceedings in Judge Smith's court,  
14 although you were not put under any kind of restraining order  
15 or restriction from him, you were advised by him that it would  
16 be better not to drive down Mike's street or the street that  
17 --

18 A Correct.

19 Q -- adjoins it somehow?

20 A Correct. I don't even -- right.

21 Q Right. And you've not done that, have you?

22 A That is correct.

23 Q All right. And you don't have any problem here that  
24 you're not intending to drive by Mr. Bell's office, even  
25 though it's a public street, you're not intending to drive by

1 there, and certainly not going to be there tomorrow when this  
2 deposition is --

3 A That is absolutely correct.

4 Q All right. Okay.

5 MR. MATHIS: Thank you very much, Your Honor.

6 MR. BELL: Just a few follow-up questions, Your  
7 Honor.

8 CROSS-EXAMINATION

9 BY MR. BELL:

10 Q Sir, you testified that you --

11 THE COURT: I'm going to limit it to the scope of the  
12 direct that was just conducted, though, so we can move things  
13 along.

14 MR. BELL: Okay.

15 BY MR. BELL:

16 Q You just testified that being -- you understand that the  
17 relief sought is staying a thousand yards from my office?  
18 Would, you know, 300 yards be good enough from my office?

19 A I don't think there needs to be a court order for  
20 anything.

21 Q Okay.

22 A If you want to ask me, hey, would you stay away from my --  
23 absolutely, I will stay away from your office.

24 Q So then the Court should take you at your word, correct?

25 A I think that the Court should take everybody here that is

1 saying, hey, Matt's not going to be there, I'm not going to be  
2 there. If you see me there, feel free to call the police,  
3 sir.

4 Q Okay.

5 A I will not be there.

6 Q Can the -- are you telling the Court that the Court can  
7 take your word that you will not be there?

8 A I'm not telling the Court anything.

9 Q Okay. Isn't it --

10 A I don't get that authority, sir.

11 Q Okay. Isn't it true, sir, that you stipulated to  
12 receiving child pornography and then tried to later withdraw  
13 that plea? You entered into an agreement with the Government  
14 and then you later sought to withdraw that agreement. Is that  
15 true or false?

16 A I entered a plea and was sentenced based on that plea.

17 MR. BELL: Objection, nonresponsive.

18 THE COURT: I'll sustain the objection. Can you  
19 answer that question, Mr. Ruff?

20 THE WITNESS: Um, --

21 THE COURT: Did you try to withdraw the plea after  
22 you had entered it?

23 THE WITNESS: I don't believe so. I was asked -- in  
24 fact, I was asked, do you want to withdraw your plea? And I  
25 said no.

1 BY MR. BELL:

2 Q Was there ever a point in which you filed a motion to  
3 withdraw your plea?

4 A I -- I appealed my -- I think I appealed my sentence or  
5 whatever. I don't know. I don't know what the motions were.

6 Q Okay. So, --

7 A I'm not an attorney.

8 Q Okay. So is it possible that you filed a motion to revoke  
9 and withdraw your plea of guilty?

10 THE COURT: Well, even if he did that, I have to tell  
11 you, I don't find that to be very persuasive.

12 MR. BELL: Okay, Your Honor.

13 BY MR. BELL:

14 Q Now, --

15 A I won't be near your office tomorrow. Don't worry.

16 MR. BELL: I'll pass the witness, Judge.

17 MR. MATHIS: I think Mr. Pronske had --

18 (Counsel confer.)

19 MR. MATHIS: I guess not.

20 THE COURT: Okay. Thank you, Mr. Ruff. You may step  
21 down.

22 (The witness steps down.)

23 MR. BELL: Nothing further, Your Honor.

24 THE COURT: Mr. Mathis?

25 MR. MATHIS: Nothing.

1 THE COURT: Okay. Mr. Bell, closing statement?

2 MR. BELL: Yes, Your Honor. May I --

3 MR. MATTHEW RUFF: Your Honor, am I allowed to stay  
4 in --

5 THE COURT: Yeah, you may stay in the courtroom now.

6 MR. BELL: May it please the Court?

7 THE COURT: Yes.

8 CLOSING ARGUMENT ON BEHALF OF JENNIFER RUFF

9 MR. BELL: Obviously, this could be taken as a family  
10 -- this is a family dynamic here, to say the least. Having  
11 said that, you have, through admitted testimony, Matt Ruff  
12 going by these individuals' houses, his siblings' houses.  
13 Shows a pattern of intimidation. There is no -- there was no  
14 intent to reconcile on his part. Those were nefarious  
15 activities that he was put up to, and he's got a pattern of  
16 stalking Jennifer Ruff. You have the testimony of Mark Ruff,  
17 a major in the United States Air Force, saying that this man  
18 said, "I'm going to fucking kill you" and a convicted felon  
19 who says that that's nothing more than a lie. Whose word do  
20 you believe? Mr. -- Mark Ruff, a major, has zero reason or  
21 motivation to make that up.

22 It's also unbelievable that Mrs. Ruff waited until the end  
23 of the deposition until Matt Ruff showed up. It's clear that  
24 Matt Ruff was present during the deposition, outside of my  
25 office. He couldn't remember whether or not he was looking at

1 Mark through the window or not, whether or not he could see it  
2 or not. You have Mark's unequivocal testimony that this man  
3 stared at him, intimidated him, looked at him in the eyes and  
4 said, "I'm going to fucking kill you." Or mouthed it, I'm  
5 sorry. And that is a form of intimidation. It's a form of  
6 harassment.

7 And that's also bolstered by this notion that he's  
8 circling his siblings' houses. Whether or not he was told not  
9 to do it or not, we don't know whether or not he's continued  
10 to do it. His behavior is consistent with somebody that  
11 doesn't follow the rule of law and poses a clear and present  
12 danger to some of the witnesses.

13 The relief I'm asking for is that the guy stay away from  
14 these people unless it's his deposition. I mean, that's --  
15 it's really relief that -- obviously, I think maybe one of the  
16 Court's concerns might be you don't want to interfere with his  
17 probation in any way. And what I would say to that, Your  
18 Honor, is I don't think this is going to affect his probation.  
19 An order precluding him from interfering and/or harassing,  
20 intimidating any of the witnesses in this case. Again, it  
21 takes Matt Ruff being caught doing something and bringing it  
22 to the Court's attention before he will stop. It doesn't  
23 matter --

24 And by the way, Craig Smith didn't deny the TRO because it  
25 lacked -- there was an issue with respect to *laches*. There

1 was a timing issue.

2 In the temporary injunction hearing, I subpoenaed Matt.  
3 Matt did not show up. They filed a motion to quash. We  
4 didn't have any witnesses so the judge denied it. So there  
5 was no real evidentiary hearing. So the idea that the TRO  
6 happened and then we had the full-blown evidentiary hearing,  
7 that never happened. This case has not been decided. There's  
8 still a stalking claim against him. He's admitted it pretty  
9 much *per se* that he's committed, engaged in stalking.

10 And the only way the behavior will stop is if he gets a  
11 court order. And that's what I'm asking the Court, to tailor  
12 narrowly -- maybe I'm asking for something too broad, but to  
13 narrowly tailor an order such that this man cannot intimidate,  
14 harass, interfere with the witnesses in this case, especially  
15 Mark and Jennifer.

16 You also heard just briefly Mark testifying that just  
17 having him around him, you know, caused him the fight-or-  
18 flight risk. And this is a man who's a major and been in over  
19 50 combat missions being afraid of Matt Ruff. And, I mean,  
20 why is he getting gun magazines while he's in prison?

21 But be that as it may, Your Honor, I think there's some  
22 relief that the Court can grant that's narrowly tailored to  
23 ensure the safety of the folks. And that's why we came to the  
24 Court for the Court's help. So I'd respectfully ask that the  
25 Court enter some kind of order against Matt, prohibiting him



1 from messing with any of the witnesses.

2 Thank you.

3 CLOSING ARGUMENT ON BEHALF OF THE DEBTORS

4 MR. PRONSKE: Good afternoon, Your Honor. Gerrit  
5 Pronske for the Debtors.

6 I'm not embroiled in all the family litigation and I just  
7 want to speak to one issue briefly, which is the integrity of  
8 the process for tomorrow. I think that for purposes of  
9 tomorrow you've heard clearly from the witness that he's not  
10 attending -- planning on attending tomorrow. He's not  
11 intending to drive his mother to the deposition. She has  
12 alternative driving arrangements tomorrow.

13 He's obviously been at Mr. Bell's office, so he knows  
14 where it is and he knows what the vicinity of the office is.  
15 He has no reason to be in the vicinity of that deposition  
16 tomorrow. I think that's all clear from the testimony. I  
17 think we can glean from that that he wouldn't suffer any harm  
18 if he didn't -- if he couldn't be in that area in the vicinity  
19 of the deposition tomorrow.

20 I think the witness understands and we certainly all  
21 understand that Jennifer Ruff is intimidated by the witness.  
22 Whether she has good reason or not, she's intimidated by the  
23 witness. And so for, Your Honor, for the integrity of the  
24 process tomorrow and so that -- and I know for a fact Jennifer  
25 is very scared about that situation for tomorrow. The process

1 will go better tomorrow if she has -- she can sleep tonight  
2 knowing that she's safe, that her -- that she's physically  
3 safe at that deposition. I think, just from the testimony  
4 you've heard today, she has very good reason to think she's  
5 not physically safe at that deposition.

6 She's asked us to reach out to the Court to ask for some  
7 protection tomorrow, and I think that the evidence today  
8 justifies some protection for her tomorrow. And I'm going to  
9 ask the Court, for the integrity of the process tomorrow, that  
10 the witness just be restrained from being in the vicinity of  
11 this deposition, for an hour before the deposition and an hour  
12 after the deposition. There's no harm to this witness.

13 And if it hurts his parole, Your Honor, I think that  
14 that's a consequence of his actions. He's circled the house,  
15 stalked the house, parked 300 feet away from the house. If we  
16 need an order, we need an order. And if it's because of -- if  
17 it's a direct consequence of his actions, then so be it. I  
18 don't know if it affects his parole or not, but I think that  
19 keeping him out of the vicinity of the deposition is good for  
20 the process tomorrow and it's justified by the evidence.  
21 Thanks.

22 MR. MATHIS: May it please the Court.

23 CLOSING ARGUMENT ON BEHALF OF SUZANN RUFF

24 MR. MATHIS: Your Honor, I'm struck by a couple of  
25 things, and one is that Jennifer's husband, Mike Ruff, is not

1 here today. He has not attended anything since the last  
2 supersedeas bond hearing that would be before the Court of  
3 Appeals' opinion upholding it, where he had acknowledged  
4 moving various accounts and property in violation -- we  
5 believe in violation of the Court's various freeze orders that  
6 are in place in aid of the arbitration. I mean, he's admitted  
7 to closing bank accounts, moving money, can't remember how  
8 many accounts or which accounts or what he did with the money.  
9 There have been all kinds of violations of things that he does  
10 not show up in court where he's at risk of me asking him any  
11 question about movement of assets.

12 I think, to a large extent, I, in a manner of speaking, am  
13 to be blamed for what happened last Friday. Now, let me  
14 explain what I mean by that. I know, after five years of  
15 this, to presume that any requested change to an order of the  
16 Court has an ulterior motive. I know that. It has happened  
17 to me many, many times. I am highly suspicious of anything  
18 any lawyer representing Mike Ruff asks me to do because I have  
19 been burned over and over and over by that.

20 Now, when this case was put into your court, into the  
21 bankruptcy proceeding, and Mr. Pronske appeared, I, of course,  
22 have had Mr. Olson involved here with this in the background  
23 for some time. And I've known Mr. Olson for many, many years.  
24 I mean, more than 40 years. I worked for him when he was  
25 first out of the military and I was a young undergraduate

1 student. We have worked together and known each other for a  
2 long, long time, and I have enormous respect for him. And he  
3 told me Mr. Pronske was a good guy, basically.

4 And so when we finished the hearing in Palo Pinto and then  
5 we came into this court and we had the hearing that the  
6 depositions would go forward and they would go forward in my  
7 office as ordered by Judge Moore, Mr. Olson was asked to  
8 prepare the order. You may remember we were down here, and he  
9 was asked to prepare the order, and he did so. And before we  
10 left the building, he got a copy of the transcript from the  
11 Clerk's office and got a copy for Mr. Pronske, who had left,  
12 and he picked it up the next morning from my office or had a  
13 delivery person do it.

14 And then sometime that afternoon, so that would have been  
15 Thursday before the deposition on Friday, Mr. Olson called me  
16 and he said, well, Gerrit has asked for there to be two  
17 modifications to that order. Instead of doing it in your  
18 office -- incidentally, my office is on the 26th floor of an  
19 office tower in downtown Dallas. It's a highly secure  
20 building. The elevators are secured much of the time. My  
21 office floor is secured much of the time. I leased the lobby  
22 of the building outside of our floor so that it could be  
23 secured in addition to our office. And so it's a very good  
24 place to take depositions. There's absolutely no problem, and  
25 it's designed that way, so there will not be problems in the

1 cases that I handle.

2 But Dennis asked me -- Mr. Olson asked me to make those  
3 two changes, to take out the -- and move the place from my  
4 office to Mr. Bell. I had never been to Mr. Bell's office.  
5 He's new to this case. If I had known where it was or what it  
6 was, I never would have agreed to it. And he also -- Gerrit  
7 also -- Mr. Pronske also wanted to remove a phrase in the  
8 order that referred to those two depositions as previously  
9 ordered in Palo Pinto, and for some reason that phrase was a  
10 problem.

11 And so, out of deference to Mr. Olson's request and out of  
12 deference to what he had told me about Mr. Pronske, I thought,  
13 oh, that's innocuous enough, I'll do it. I should have known  
14 better. Because anytime I am asked to do something that seems  
15 like an accommodation that is somehow altering what the Court  
16 has done or what's already in place, it turns out there's some  
17 tricky ulterior motive for it, and I think that's what's  
18 happened here. I think this was a manufactured problem.  
19 Everybody knew Suzie Ruff had never been to that office and  
20 that she would not likely drive because there's no place to  
21 park at Mr. Bell's office. It's a residential house and you  
22 just have to drive around the neighborhood in circles until  
23 you can find a place to parallel park on the street, because  
24 people have turned these things into offices and there's just  
25 no place to park.

1       If I had not agreed to that change in your order -- I will  
2 say to that extent I confess we monkeyed with what your verbal  
3 order was before it was submitted to you -- if I had not done  
4 that, it would not have resulted in Mrs. Ruff needing to get a  
5 ride to the deposition and confronted with this situation. I  
6 was, in a word, once again outsmarted by Mike Ruff. He's a  
7 smart guy. That may sound like an exaggeration. It is not.  
8 I believe it completely. It has happened, that kind of thing  
9 has happened over and over, because the whole thing for seven  
10 years has been to create shiny objects to distract from  
11 whatever the real issues in the case are.

12       And the real issues in the case are not Matt Ruff's  
13 criminal history and the fact that he served time in prison.  
14 He served it. He did his time. He's done very well since  
15 then. Every case involving the Ruffs and invariably every  
16 time there is some sort of new subject matter, a new motion in  
17 the AAA -- I have no earthly idea how many motions and  
18 hearings and things there were in the AAA or in the probate  
19 court. It is in the hundreds, literally, quite literally.  
20 And I have no idea how many motions and pleadings begin with  
21 the paragraphs "Matt Ruff went to prison," when that has  
22 nothing to do with what the subject matter of the case is. In  
23 this case, Matt Ruff's prison history has nothing to do with  
24 this.

25       He's not going to be at or near that deposition tomorrow.

1 Restraining him indefinitely for a thousand yards, he cannot  
2 function in the area where he lives. It cannot be done. He  
3 can't drive down McKinney Avenue. If you're familiar with  
4 that part of Dallas, he cannot drive on McKinney Avenue  
5 without violating this order.

6 He's not intimidating anyone, but he won't be there  
7 tomorrow. He won't drive his mother there tomorrow. She will  
8 either drive her own vehicle or my office will pick her up and  
9 take her from the deposition if it's going to be taken in Mr.  
10 Bell's office again.

11 I had proposed it be taken in Mr. Pronske's office, just  
12 to pick a neutral place. I don't know where his office is. I  
13 assume it's in an office building. Is that correct? And you  
14 have a conference table where people can hear? Okay. I would  
15 prefer to do that wherever it is, but I'll do it in Mr. Bell's  
16 office. All I care about is getting that deposition tomorrow  
17 and an order not being entered that hurts Matt Ruff in some  
18 form or fashion. All he did was pick up his mother here, I  
19 think. Everything else is manufactured and exaggerated. But  
20 he will not be there or in the vicinity of Mr. Bell's office  
21 at all.

22 Thank you.

23 THE COURT: Thank you. Anything else, then?

24 MR. BELL: No, Your Honor. Actually, a brief -- may  
25 it please the Court, just briefly?

1 THE COURT: Uh-huh.

2 MR. BELL: I can say, Judge, there was no malice in  
3 anybody's heart or nefarious intent or any larceny in  
4 anybody's heart on the lawyers' side about having the  
5 deposition taken at my office. There is a conference room.  
6 It's a big conference table. I wasn't there that day, but  
7 this idea that -- obviously, Suzie Ruff could have driven  
8 herself -- Suzann Ruff could have driven herself to the  
9 deposition, as she's done numerous times before. Matt Ruff,  
10 if -- I mean, I heard Mr. Mathis make the argument that one of  
11 the reasons why Matt Ruff drove his mother is because you had  
12 to parallel park and there's no parking. That's basically  
13 what he said. Well, that directly contradicts what Matthew  
14 Ruff testified to, which was he talked to his mom, hey, Mom,  
15 do you want me to take you to the deposition? I'm happy to do  
16 it. Mr. Mathis makes the argument that the reason why he did  
17 it is because there was no parking, you've got to parallel  
18 park. Those two arguments don't jibe. And the idea to blame  
19 it on these lawyers to have the deposition taken at my office,  
20 where it's my client, is usually kind of the way the practice  
21 is.

22 Apparently, you ordered something different. Mr. Pronske  
23 asked it at the behest of the client because she was scared  
24 about Matt Ruff and Mark also. But again, the evidence is  
25 overwhelming that this man ought to be restrained and



1 enjoined. And the argument by Mr. Mathis that it's his fault  
2 somehow doesn't fly. And his argument that he drove his mom  
3 because of the location of my office being on Cole Avenue and  
4 there being no parking as an accommodation is a red herring  
5 argument. The real reason he drove her is because he wanted  
6 to see his sibling Mark at the end of the day. That's the  
7 most realistic inference one can draw from the evidence.

8 And based on that, Judge, I think the Court can enter an  
9 order that is narrowly tailored, you know, feet, hundred feet,  
10 et cetera. I think the Court has been down this road before,  
11 I'm sure, and can enter an order so that the folks on my side  
12 can feel safe. Thank you very much.

13 (Pause.)

14 THE COURT: Parties, thank you for your presentations  
15 this afternoon.

16 The resolution of our dispute this afternoon really turns  
17 on the credibility of the two witnesses, one being, of course,  
18 Matt Ruff, and the other one being Mark Ruff. So it's a  
19 question of credibility. And I've been reminded repeatedly  
20 this afternoon that Matt Ruff was convicted of a crime  
21 involving moral turpitude. That may very well be the case,  
22 but that in and of itself I don't think reflects that much on  
23 credibility.

24 I think that what's more persuasive to me in terms of  
25 credibility is just the testimony of these two witnesses today

1 and how they stack up with my own perception of reality in  
2 terms of how things really work.

3 First of all, well, in the hearing today, I find the  
4 testimony of Mark Ruff to be more credible than that of Matt  
5 Ruff, and for a couple reasons. The first reason that I say  
6 so is because in his testimony regarding circling the house of  
7 Mike and Jennifer Ruff, Matt Ruff really didn't have a very  
8 good explanation for why he was doing that. And maybe that's  
9 because there really wasn't a good explanation for doing it.  
10 But when he was asked about what he was doing in the parking  
11 lot in the synagogue close to the house, he said, well, I  
12 might have been having lunch. I don't find that to be  
13 credible testimony, and so that reflected negatively on Matt  
14 Ruff's testimony.

15 The second thing that struck me was that I kept asking  
16 myself throughout the course of today's hearing, why are we  
17 here? And I certainly understand Mr. Mathis' argument is that  
18 this is merely a distraction. And I guess, given his  
19 experience over the past seven years, it could certainly seem  
20 as such. But even assuming that it's true that it's just a  
21 complete distraction, it's also true that the resolution of  
22 this matter today is purely tangential to the resolution of  
23 the merits of the case as a whole.

24 And so if it is purely tangential, then why are we here?  
25 I mean, establishing, for example, that Matt Ruff has a

1 criminal history and that he's perhaps not a good guy or  
2 whatever, it's never going to lead anywhere in the case  
3 itself. So why are we here? And I think that the reason that  
4 we're here is because this thing really did happen, and  
5 because it happened, then one or more of the witnesses feels  
6 intimidated as a result of it.

7 To me, that's the only logical way to explain why our  
8 Movants today would undertake the time and the expense of  
9 coming down here and asking for what is, in essence, really  
10 very limited relief.

11 I hear what Mr. Mathis is saying about the modifications  
12 to the order that possibly could have led to all the events as  
13 they happened. But quite frankly, as clever as they might be,  
14 I just don't think that the Defendants could have been so  
15 clever as to anticipate that everything would happen according  
16 to plan and then it in fact did happen just that way. It just  
17 doesn't seem to me that that's a logical interpretation.

18 So I think that the event that was described by Mark Ruff  
19 did happen. I'm not certain that it was actually done for the  
20 purpose of intimidation. I'm not even certain that it was  
21 done for the purpose of tampering with a witness or  
22 influencing anybody's testimony or perhaps hoping that it  
23 would change the course of action of all the litigation that's  
24 going on between these parties. I think it probably happened  
25 because it's just part of a normal family dynamic that's going

1 on in this particular family.

2 But because I think it did happen, I have to deal with the  
3 fact that it happened. So I'm going to grant the motion by  
4 entering this relief. It's going to be somewhat limited.  
5 First of all, as opposed to the -- I'm looking now on Page 6  
6 of 8 in the motion, where the Defendants outline the requested  
7 relief. Paragraph 9(a) says Matthew be ordered to stay at  
8 least a thousand yards. I'm going to make that a thousand  
9 feet. Otherwise, I think the rest of that subparagraph (a)  
10 there is acceptable, because we're really only talking about  
11 for the period of September 6, 2018. This is not a forever  
12 injunction. So it seems to me that that's -- that that, once  
13 we reduce it from one thousand yards to one thousand feet,  
14 that that's reasonable.

15 Then, in Paragraph (b), that Matthew be ordered not to --  
16 I'm going to take out the word "additional threats" there,  
17 just put not to make threats towards Jennifer or Mark.

18 I'm not going to enter the order that includes  
19 Subparagraph (c).

20 I'm not going to include the provision of Subparagraph  
21 (d).

22 And then insofar as Subparagraph (e) is concerned, that's  
23 going to state that Matthew be ordered to have no contact with  
24 Jennifer of any type until further order of this Court or any  
25 other court of appropriate jurisdiction.

1       So that will be the scope of the order. Did everybody get  
2 that?

3               MR. MATHIS: Yes, sir.

4               THE COURT: Okay.

5               MR. BELL: Yes, Your Honor.

6               THE COURT: Because, Mr. Bell, you're going to be  
7 charged with the responsibility of preparing the order,  
8 circulating the order for approval as to form by Mr. Mathis  
9 and Mr. Olson.

10              MR. BELL: Yes, Your Honor.

11              THE COURT: Can you do that?

12              MR. BELL: Yes, Your Honor.

13              MR. OLSON: Yes.

14              THE COURT: Parties, thank you. We'll adjourn.

15              MR. OLSON: Thank you.

16              THE CLERK: All rise.

17       (Proceedings concluded at 4:26 p.m.)

18                               --oOo--

19                               CERTIFICATE

20

21       I certify that the foregoing is a correct transcript from  
22 the digital sound recording of the proceedings in the above-  
entitled matter.

23       **/s/ Kathy Rehling**

**09/13/2018**

24       \_\_\_\_\_  
Kathy Rehling, CETD-444  
25 Certified Electronic Court Transcriber

\_\_\_\_\_  
Date

1	INDEX	
2	PROCEEDINGS	3
3	WITNESSES	
4	<u>Jennifer Ruff's Witnesses</u>	
5	Suzann Hess Ruff	
	- Direct Examination by Mr. Bell	3
6	- Cross-Examination by Mr. Mathis	8
	- Redirect Examination by Mr. Bell	30
7	- Recross-Examination by Mr. Mathis	40
	- Further Redirect Examination by Mr. Bell	44
8		
	Mark Ryan Ruff	
9	- Direct Examination by Mr. Bell	44
	- Cross-Examination by Mr. Mathis	55
10	- Redirect Examination by Mr. Bell	63
	- Recross-Examination by Mr. Mathis	68
11		
	Matthew David Ruff	
12	- Direct Examination by Mr. Bell	71
	- Cross-Examination by Mr. Mathis	90
13	- Redirect Examination by Mr. Bell	103
14	<u>Suzann Ruff's Witnesses</u>	
15	Matthew David Ruff	
	- Direct Examination by Mr. Mathis	111
16	- Cross-Examination by Mr. Bell	115
17	EXHIBITS	
18	Suzann Ruff's Exhibits	
19	A, D, F, and G	Received 30
20	CLOSING ARGUMENTS	
21	- By Mr. Bell	118
	- By Mr. Pronske	121
22	- By Mr. Mathis	122
23	RULINGS	129
24	END OF PROCEEDINGS	133
25	INDEX	134