

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

SUSAN POLGAR,

Plaintiff,

v.

UNITED STATES OF AMERICA CHESS
FEDERATION, INC. and BILL GOICHBERG,
JIM BERRY, RANDY BAUER, and
RANDALL HOUGH, all Individually and
in their Representative Capacities as
Members of the Executive Board of the
United States of America Chess
Federation; BILL HALL, Individually
and in his Representative Capacity as
Executive Director of the United
States of America Chess Federation;
BRIAN MOTTERSHEAD; HAL BOGNER;
CONTINENTAL CHESS INCORPORATED;
JEROME HANKEN; BRIAN LAFFERTY;
SAM SLOAN; KARL S. KRONENBERGER;
and KRONENBERGER BURGOYNE, L.L.P.;

Defendants.

Sam Sloan,

Defendant-Counter-Claimant

v.

Susan Polgar

Plaintiff-Defendant

Hoainhan "Paul" Truong

Third-Party-Defendant

NOTICE OF APPEAL

Notice is hereby given that the undersigned appeals to the United States Court of Appeals for the Fifth Circuit from all parts of the judgment, decisions and orders of Judge Sam Cummings including the following orders:

1. The order dated January 25, 2010 which dismissed with prejudice all claims by Susan Polgar and Paul Truong against the USCF and the USCF defendants and all possible or as yet unfiled claims, counterclaims and cross-claims against Paul Truong and Susan Polgar except for those claims involving Sam Sloan or Gregory Alexander.

2. The order on motion to dismiss dated February 11, 2010.

3. The judgment of dismissal dated February 11, 2010.

Dated: February 22, 2010

Very Truly Yours

/S/

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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 LUBBOCK DIVISION

SUSAN POLGAR,)
 PLAINTIFF)
 v.)
 UNITED STATES OF AMERICA CHESS)
 FEDERATION, INC., AND BILL GOICHBERG,)
 JIM BERRY, RANDY BAUER, AND)
 RANDALL HOUGH, ALL INDIVIDUALLY AND)
 IN THEIR REPRESENTATIVE CAPACITIES AS)
 MEMBERS OF THE EXECUTIVE BOARD OF THE)
 UNITED STATES OF AMERICA CHESS)
 FEDERATION; BILL HALL, INDIVIDUALLY)
 AND IN HIS REPRESENTATIVE CAPACITY AS)
 EXECUTIVE DIRECTOR OF THE UNITED)
 STATES OF AMERICA CHESS FEDERATION;)
 BRIAN MOTTERSHEAD; HAL BOGNER;)
 CONTINENTAL CHESS INCORPORATED;)
 JEROME HANKEN; BRIAN LAFFERTY;)
 SAM SLOAN; KARL S. KRONENBERGER;)
 AND KRONENBERGER BURGOYNE, L.L.P.,)
 DEFENDANTS.)

CAUSE No. 5:08-CV-0169-C

UNITED STATES OF AMERICA CHESS)
 FEDERATION, INC., AN ILLINOIS)
 NOT-FOR-PROFIT CORPORATION, AND)
 RANDALL D. HOUGH, AN INDIVIDUAL,)
 PLAINTIFFS)
 v.)
 SUSAN POLGAR, AN INDIVIDUAL,)
 AND DOES 1-20, INCLUSIVE,)
 DEFENDANTS)
 _____)
)

SUSAN POLGAR,)
COUNTER-PLAINTIFF AND)
THIRD-PARTY PLAINTIFF)
)
v.)
)
BILL GOICHBERG, BILL HALL, RANDY BAUER,)
JIM BERRY, KARL KRONENBERGER,)
THIRD-PARTY DEFENDANTS)
AND)
)
RANDALL HOUGH,)
COUNTER-DEFENDANT)

ORDER OF DISMISSAL

On this day the Court considered the Stipulation of Dismissal With Prejudice filed with the Court by SUSAN POLGAR and THE UNITED STATES OF AMERICA CHESS FEDERATION, INC., BILL GOICHBERG, JIM BERRY, RANDY BAUER, RANDALL HOUGH, BILL HALL, BRIAN MOTTERSHEAD, HAL BOGNER, CONTINENTAL CHESS INCORPORATED, BRIAN LAFFERTY, KARL S. KRONENBERGER, AND KRONENBERGER BURGOYNE, L.L.P., notifying the Court that these parties have entered into a Compromise Settlement and Release of All Claims as to one another, and that said parties wish to dismiss their claims and causes of action against one another from this action with prejudice,

IT IS THEREFORE ORDERED that the claims and causes of action of Plaintiff Susan Polgar against Defendants The United States of America Chess Federation, Inc.; William Goichberg a.k.a. Bill Goichberg, James E. Berry a.k.a. Jim Berry, Randall Bauer a.k.a. Randy Bauer, and Randall Hough, all Individually and in their Representative Capacities as Members of the Executive Board of the United States of America Chess Federation; William H. Hall a.k.a. Bill Hall

Individually and in his Representative Capacity as Executive Director of the United States of America Chess Federation; Brian Mottershead, Harold M. Bogner a.k.a. Hal Bogner, Continental Chess Incorporated, Jerome Hanken (and the Estate of Jerome Hanken), Brian Lafferty, Karl S. Kronenberger, and Kronenberger Burgoyne, LLP., and only those Defendants, are hereby DISMISSED WITH PREJUDICE as to refiling of same by Plaintiff Susan Polgar. By this Order, the Court does not dismiss, and leaves as pending, the claims and causes of action of Plaintiff Susan Polgar against Defendant Sam Sloan as well as any counterclaim of Sam Sloan against Susan Polgar.

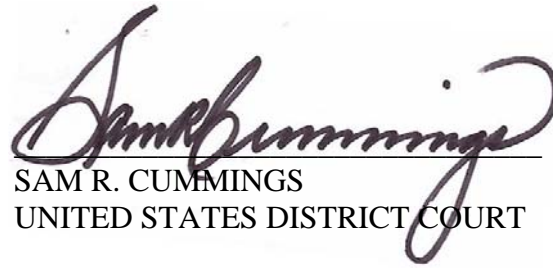
IT IS FURTHER ORDERED that the claims and causes of action of Plaintiffs The United States of America Chess Federation, Inc., and Randall Hough against Defendant Susan Polgar, and only said Defendant, are hereby DISMISSED WITH PREJUDICE as to refiling of same by Plaintiff The United States of America Chess Federation, Inc. and Randall Hough. By this Order, the Court does not dismiss, and leaves as pending but administratively closed, the claims and causes of action of Plaintiffs The United States of America Chess Federation, Inc. and Randall Hough against Gregory Alexander in Cause No. 5:09-CV-246-C.

IT IS FURTHER ORDERED that the counterclaims and third-party claims and causes of action of Susan Polgar against Randall Hough, William Goichberg a.k.a. Bill Goichberg, William H. Hall a.k.a. Bill Hall, Randall Bauer a.k.a. Randy Bauer, James E. Berry a.k.a. Jim Berry, and Karl Kronenberger, are hereby DISMISSED WITH PREJUDICE as to refiling by Susan Polgar.

IT IS FURTHER ORDERED that any and all claims, counterclaims, or crossclaims asserted against Paul Truong in this matter, as well as any and all claims, counterclaims, or crossclaims asserted by Paul Truong in this matter, are hereby DISMISSED WITH PREJUDICE as to refiling.

All costs of court are taxed against the party incurring same.

Dated January 25, 2010.



SAM R. CUMMINGS
UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

SUSAN POLGAR,)	
)	
Plaintiff/)	
Counter-Defendant.)	
)	
v.)	
)	
SAM SLOAN,)	
)	Civil Action No. 5:08-CV-169-C
Defendant/)	(Consolidated with Civil Action
Counter-Plaintiff.)	No. 5:09-CV-246-C)

ORDER

On this day, the Court considered Plaintiff Susan Polgar’s Motion to Dismiss Her Claims Against Sam Sloan Pursuant to Rule 41(a)(2) and Motion to Dismiss Sloan’s Counterclaims Against Polgar and Third Party Claims Against Paul Truong Pursuant to Rule 41(b), filed January 27, 2010. Defendant/Counter-Plaintiff Sam Sloan failed to file a timely response.¹ However, Sloan did file a late Response, which the Court will fully consider.

Plaintiff seeks dismissal of her claims against Defendant Sam Sloan pursuant to Federal Rule of Civil Procedure 41(a)(2), which provides for a dismissal “only by court order, on terms which the court considers proper.” Fed. R. Civ. P. 42(a)(2). Plaintiff no longer wishes to pursue claims against Defendant Sloan after settling other claims with all other parties in this consolidated lawsuit. As argued by Plaintiff, the Court finds that such a dismissal will not

¹By Order dated January 28, 2010, the Court shortened the time for Sam Sloan to respond to Plaintiff’s Motion to on or before February 8, 2010, at 9:00 a.m. Sloan failed to file his Response by the designated time stated in the January 28, 2010 Order.

prejudice Defendant Sam Sloan or cause him the loss of any substantial right. Defendant Sloan has conducted no discovery in this lawsuit, has incurred no legal fees as a *pro se* litigant, and has expended no effort in preparing for trial. Thus, Plaintiff's claims against Defendant Sam Sloan shall be **DISMISSED**.

Plaintiff also seeks dismissal of Defendant Sloan's counterclaims for the reason that he failed to properly comply with this Court's Order dated February 19, 2009, in which the Court required that "Sloan SHALL FILE an amended Counterclaim in such a format as to clearly delineate exactly what claim(s) he intends to advance based upon a concise and clear set of factual allegations set forth in his pleading that conforms with Federal Rule of Civil Procedure 8(a)'s liberal notice pleading requirements." (Order dated Feb. 19, 2009 at 16.) Sloan was further ordered to file the amended counterclaim "on or before 3:00 p.m. on March 16, 2009." (*Id.*) Instead, Defendant Sloan filed another continuing ramble in the form of a "Letter" to the Court that failed to comply with the Court's prior Order. (Doc. # 92, Letter dated and filed March 17, 2009.) Counter-Plaintiff Sloan failed to comply with the Court's deadline of March 16 and instead filed his "Letter" on March 17, 2009. Moreover, even if the Court were to interpret Sloan's "Letter" as an amended counterclaim, there is nothing "short and plain" regarding his rambling "Letter" that would be in compliance with Federal Rule of Civil Procedure 8(a). Thus, Sloan failed to comply with the Court's February 19, 2009 Order.

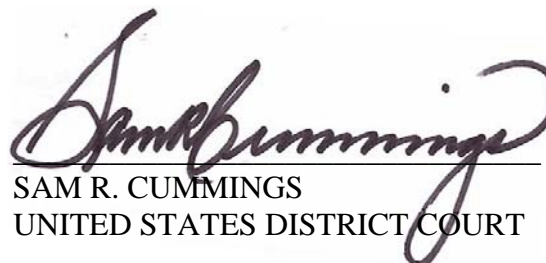
Accordingly, for the reasons argued by Plaintiff in her Brief, the Court finds that Counter-Plaintiff Sloan has failed to comply with prior orders of this Court and has yet to file an amended counter-claim that complies with Federal Rule of Civil Procedure 8(a). Dismissal of

Counter-Plaintiff Sam Sloan's claims is warranted pursuant to Federal Rule of Civil Procedure 41(b).

Therefore, all of Plaintiff Susan Polgar's claims against Sam Sloan and all of Sam Sloan's claims against Susan Polgar and Paul Truong are hereby **DISMISSED**.

SO ORDERED.

Dated February 11, 2010.



SAM R. CUMMINGS
UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

SUSAN POLGAR,)	
)	
Plaintiff/)	
Counter-Defendant.)	
)	
v.)	
)	
SAM SLOAN,)	
)	Civil Action No. 5:08-CV-169-C
Defendant/)	(Consolidated with Civil Action
Counter-Plaintiff.)	No. 5:09-CV-246-C)

JUDGMENT

For the reasons stated in the Court's order of even date,

IT IS ORDERED, ADJUDGED, AND DECREED that all of Plaintiff Susan Polgar's claims against Sam Sloan and all of Sam Sloan's claims against Susan Polgar and Paul Truong are hereby **DISMISSED**.

Dated February 11, 2010.


SAM R. CUMMINGS
UNITED STATES DISTRICT COURT

Affirmation of Service

Samuel H. Sloan does hereby swear and affirm that on February 22, 2010 he served the within "NOTICE OF APPEAL" by mailing by electronic and postal mail a true copy of the same to the following persons:

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Sworn to before me this 22nd
Day of February 2010

NOTARY PUBLIC