

i) No Family code remedy 6.602 stating not revocable. I revoked verbally the following week and in email 11/20/15.

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**From:** Todd Zucker  
**Sent:** Wednesday, March 2, 2016 11:37 AM  
**To:** 'Sherri Evans'  
**Subject:** RE: Notice of hearing

I don't know enough about the family code remedy. Here, we used Trey Bergman, who does not normally do family mediations, so he did not include all of the family code bells and whistles in the MSA. Not sure if that makes a difference.

The real question, though, is whether she wants to fight it or not. If she does not want to fight it, the best thing in my opinion would be to make the changes that Allen Brady was requesting, which seemed reasonable, and then have an agreement and judgment in exactly the format we created, rather than risking the judge entering some order that doesn't match what we wanted.

2) continue to work against me and my wishes.

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**From:** Sherri Evans [<mailto:sevans@koonfuller.com>]  
**Sent:** Wednesday, March 02, 2016 11:28 AM  
**To:** Todd Zucker  
**Subject:** FW: Notice of hearing

There is a specific provision in the Family Code which allows entry of judgment based upon an MSA. Since this is in the Family Court, don't you think they have that remedy? If not then we can certainly give her other options but I think you are right, either way it would just cost more money and she would eventually lose. Really just more curious that anything.

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**From:** Todd Zucker [<mailto:ToddZ@bohreerzucker.com>]  
**Sent:** Wednesday, March 2, 2016 10:48 AM  
**To:** Wendy <[wmwm@swbell.net](mailto:wmwm@swbell.net)>; Sherri Evans <[sevans@koonfuller.com](mailto:sevans@koonfuller.com)>; Michelle Bohreer <[MichelleB@bohreerzucker.com](mailto:MichelleB@bohreerzucker.com)>  
**Subject:** Notice of hearing

Wendy:

Attached is a notice of hearing on the opposing party's motion to enter judgment enforcing the mediated settlement agreement. I have not seen the motion itself, but perhaps they will be filing it shortly. The hearing is scheduled for March 11.

I don't think a motion is the proper route for them to follow, and technically speaking I believe they instead would be required to amend their pleading to assert a claim for breach of contract and move for summary judgment on that claim. Perhaps the family court allows a different procedure. But if they are required to amend and move for summary judgment, it will involve additional time and effort, for which they will seek to recover attorney's fees as part of the claim.