

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**FRACTUS, S.A.,**

**v.**

**ADT LLC d/b/a ADT SECURITY  
SERVICES**

§  
§  
§  
§  
§  
§  
§

**Civil Action No. 2:22-cv-00412-JRG**

Jury Trial Requested

---

**JOINT MOTION TO DISMISS WITH PREJUDICE**

Plaintiff Fractus, S.A., (“Plaintiff”) and Defendant ADT LLC (“ADT” or “Defendant”) (collectively, the “Parties”) have settled their respective claims for relief and defenses asserted in this litigation.

Accordingly, the Parties respectfully request that all claims for relief, asserted defenses, and counterclaims asserted in this litigation be dismissed with prejudice. The Parties further request that all attorneys’ fees, expenses, and costs of court be borne by each party incurring the same.

Dated: October 2, 2024

Respectfully submitted,

By: /s/ Max L. Tribble

Max L. Tribble  
TX State Bar No. 20213950  
mtribble@susmangodfrey.com  
Joseph S. Grinstein  
TX State Bar No. 24002188  
jgrinstein@susmangodfrey.com  
Justin A. Nelson  
TX State Bar No. 24034766  
jnelson@susmangodfrey.com  
**SUSMAN GODFREY L.L.P.**  
1000 Louisiana, Suite 5100  
Houston, TX 77002-5096  
Telephone: (713) 651-9366  
Facsimile: (713) 654-6666

Genevieve Vose Wallace  
Washington State Bar No. 38422  
Kelsey Tuohy  
Washington State Bar No. 62528  
**SUSMAN GODFREY L.L.P.**  
401 Union Street, Suite 3000  
Seattle, WA 98101  
Phone: (206) 516-3880  
Fax: (206) 516-3883

Craig Smyser  
TX State Bar No. 24117083  
csmyser@susmangodfrey.com  
**SUSMAN GODFREY L.L.P.**  
1301 Avenue of the Americas, 32<sup>nd</sup> Floor  
New York, NY 10019  
Telephone: (212) 336-8330  
Facsimile: (212) 336-8340

S. Calvin Capshaw  
TX Bar No. 03783900  
ccapshaw@capshawlaw.com  
Elizabeth L. DeRieux  
TX Bar No. 05770585  
ederieux@capshawlaw.com  
**CAPSHAW DERIEUX, L.L.P.**  
114 East Commerce Avenue  
Gladewater, Texas 75647  
Telephone: (903) 845-5770

T. John Ward, Jr.  
TX Bar No. 00794818  
jw@wsfirm.com  
Claire Abernathy Henry  
TX Bar No. 24053063  
claire@wsfirm.com  
Andrea L. Fair  
TX Bar No. 24078488  
andrea@wsfirm.com  
**WARD, SMITH & HILL, PLLC**  
P.O. Box 1231  
Longview, Texas 75606-1231  
Telephone: (903) 757-6400  
Facsimile: (903) 757-2323

***ATTORNEYS FOR FRACTUS, S.A.***

By: /s/ Michael E. Zeliger by permission

Michael E. Zeliger (*pro hac vice*)

Ranjini Acharya (*pro hac vice*)

**Pillsbury Winthrop Shaw Pittman LLP**

michael.zeliger@pillsburylaw.com

ranjini.acharya@pillsburylaw.com

2550 Hanover Street

Palo Alto, CA 94304-1115

Telephone: 650.233.4500

Fax: 650.233.4545

Steven Tepera (24053510)

**Pillsbury Winthrop Shaw Pittman LLP**

steven.tepera@pillsburylaw.com

401 Congress Avenue, Suite 1700

Austin, TX 78701-3797

Phone: 512.580.9600

Fax: 512.580.9601

David A. Simons (*pro hac vice*)

Theresa A. Roozen (*pro hac vice*)

**Pillsbury Winthrop Shaw Pittman LLP**

david.simons@pillsburylaw.com

theresa.roozen@pillsburylaw.com

1650 Tysons Boulevard, 14th Floor

McLean, VA 22102-4856

Phone: 703.770.7900

Fax: 703.770.7901

Eric C. Rusnak

**Pillsbury Winthrop Shaw Pittman LLP**

eric.rusnak@pillsburylaw.com

1200 17th St NW

Washington, DC 20036

Phone: 202.663.8000

Fax: 202.663.8007

Melissa R. Smith

State Bar No. 24001351

**GILLAM & SMITH, LLP**

303 South Washington Avenue

Marshall, Texas 75670

Telephone: (903) 934-8450

Facsimile: (903) 934-9257

melissa@gillamsmithlaw.com

Andrew Thompson (“Tom”) Gorham  
State Bar No. 24012715  
McKellar L. Karr  
Texas Bar No. 24114356  
**GILLAM & SMITH, LLP**  
102 N. College Avenue, Suite 800  
Tyler, Texas 75702  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
tom@gillamsmithlaw.com  
mckellar@gillamsmithlaw.com

***ATTORNEYS FOR DEFENDANT  
ADT LLC***

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court’s CM/ECF system, per E. DIST. TEX. LOC. CT. R. CV-5(a)(3) on October 2, 2024. Any other counsel of record will be served via electronic transmission.

/s/ Kelsey Tuohy  
Kelsey Tuohy

**CERTIFICATE OF CONFERENCE**

The parties to this case have conferred on October 2, 2024 via email and agree to the relief sought in this motion.

/s/ Kelsey Tuohy  
Kelsey Tuohy