

CAUSE NO. 2026-70357

**622 SOFI LAKES, LP,
GO-M REALTY LLC, and
DAMAC INVESTMENTS
LLC,**

Plaintiffs,

v.

**JONATHAN GARCIA,
Defendant.**

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**IN THE DISTRICT
COURT OF**

**HARRIS COUNTY,
TEXAS**

**515TH JUDICIAL
DISTRICT**

**DEFENDANT JONATHAN GARCIA’S SUPPLEMENT TO MOTION TO DISQUALIFY
CONNOR J. SMITH AND DORÉ ROTHBERG LAW, P.C. — DESIGNATION OF
CONNOR J. SMITH AS A FACT WITNESS (RULE 3.08)**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Jonathan Garcia (“Garcia”), appearing pro se, supplements his Motion to Disqualify Connor J. Smith and Doré Rothberg Law, P.C. as Counsel for Plaintiffs (the “Motion,” filed October 6, 2026 and resubmitted October 7, 2026) with an additional, independent ground under Rule 3.08 of the Texas Disciplinary Rules of Professional Conduct, and shows:

I. SUMMARY

1. Mr. Smith is not only Plaintiffs’ lawyer; he is an eyewitness. He attended, in person, a Sofi Lakes builder and vendor meeting at which Garcia hosted and organized the proceedings on behalf of Sofi Lakes while Mr. Smith sat at the table as Sofi Lakes’ counsel addressing contracts and business dealings. Plaintiffs’ entire theory — that Garcia was an outside vendor who “converted” Sofi Lakes materials and has no role or interest in the business — is contradicted by what Mr. Smith personally saw. Garcia hereby designates Mr. Smith as a fact witness, will notice his deposition when discovery opens, and will call him at the temporary-injunction hearing and at trial. A lawyer who must testify to facts adverse to his own client cannot continue as that client’s advocate. Tex. Disciplinary R. Prof’l Conduct 3.08(a), (b).

II. ADDITIONAL FACTS

2. On May 16, 2025, a Sofi Lakes development meeting was held in the conference room of RG Miller Engineers in Houston, Texas (the “RG Miller Meeting”). The meeting was a builder and vendor meet-up convened under the Sofi Lakes name to report where each participant stood on the project. Sophia Filfil attended for Sofi Lakes. Mr. Smith attended for Sofi Lakes as its attorney, to address contracts and business dealings with the builders and vendors present.

3. Garcia hosted and organized the RG Miller Meeting. He prepared and distributed the printed Sofi Lakes Land Development agenda and binders on the table, ran the presentation from the laptop connected to the room display, and stood at the front of the room presenting the Sofi Lakes entrance renderings while the builders and vendors, Ms. Filfil, and Mr. Smith looked on. Two photographs taken during the meeting are attached. Exhibit F shows the conference table with the Sofi Lakes agenda and binders in front of each attendee; Mr. Smith is seated near the window, partially behind the attendee in the pink shirt, and is marked with a red arrow. Exhibit G, taken from the opposite end of the room moments later, shows Garcia standing at the display presenting the Sofi Lakes entrance rendering; Garcia is marked with a red circle.

4. Mr. Smith therefore personally observed Garcia acting as the host and organizer of a Sofi Lakes business meeting, presenting Sofi Lakes materials bearing Garcia’s work product, and dealing directly with Sofi Lakes’ builders and vendors — in Mr. Smith’s presence and with Ms. Filfil’s participation. That is the opposite of the picture Plaintiffs’ Petition paints, in which Garcia is a stranger to the business who misappropriated its logo, website, and leads. (Petition ¶¶ 15–19, 29.)

5. Garcia will need Mr. Smith’s testimony to establish: (a) that Garcia hosted and organized the RG Miller Meeting for Sofi Lakes; (b) that Garcia presented Sofi Lakes materials, including the agenda, binders, and renderings, as the company’s own; (c) that Ms. Filfil participated in and acquiesced to Garcia acting in that capacity; (d) that Mr. Smith himself attended as Sofi Lakes’ counsel on contracts and business dealings while Garcia was running the meeting; and (e) what Mr. Smith, as counsel, understood Garcia’s role and interest in Sofi Lakes to be at that time. No other witness can testify to item (d) or (e). Garcia hereby designates

Connor J. Smith as a person with knowledge of relevant facts and as a witness Garcia intends to call at the temporary-injunction hearing and at trial. See Tex. R. Civ. P. 192.3(c), 194.2(b)(5).

III. ARGUMENT

6. Rule 3.08(a) provides that a lawyer shall not accept or continue employment as an advocate in a contested proceeding if the lawyer knows or believes that the lawyer is or may be a witness necessary to establish an essential fact on behalf of the lawyer's client. Rule 3.08(b) separately provides that a lawyer shall not continue as an advocate in a pending adjudicatory proceeding if the lawyer believes that the lawyer will be compelled to furnish testimony that will be substantially adverse to the lawyer's client. Tex. Disciplinary R. Prof'l Conduct 3.08(a), (b). The Supreme Court of Texas has held that disqualification under Rule 3.08 is appropriate when the lawyer's testimony is genuinely needed to establish an essential fact and the opposing party will be prejudiced by the dual role. *In re Sanders*, 153 S.W.3d 54, 57 (Tex. 2004); *Ayres v. Canales*, 790 S.W.2d 554, 557–58 (Tex. 1990); *In re Chu*, 134 S.W.3d 459, 464 (Tex. App.—Waco 2004, orig. proceeding).

7. Both prongs are met. Garcia's role and interest in Sofi Lakes is the essential, contested fact at the center of this case: Plaintiffs seek to enjoin Garcia from using Sofi Lakes materials on the premise that he has no right to them, and Garcia counterclaims that he built the Sofi Lakes brand and was promised equity for it. Mr. Smith is a percipient witness to Garcia openly running a Sofi Lakes meeting, in Ms. Filfil's presence, with Mr. Smith himself attending as Sofi Lakes' lawyer. His testimony is not cumulative: he is the only person who can say what Sofi Lakes' counsel understood Garcia's position to be, and why counsel sat through a meeting hosted by a man his clients now call an outsider. That testimony is substantially adverse to Plaintiffs. Rule 3.08(b) therefore applies with full force.

8. The prejudice to Garcia is concrete. If Mr. Smith remains trial counsel, Garcia must cross-examine the same lawyer who is arguing against him, the jury and the Court must weigh counsel's credibility as a witness against his credibility as an advocate, and Mr. Smith will be positioned to shade his testimony through argument. Those are precisely the harms Rule 3.08 exists to prevent. *Ayres*, 790 S.W.2d at 557. Garcia raises this ground now, before any

evidentiary hearing, so that no part of the temporary-injunction record is built by an advocate who is also a necessary witness.

9. This ground is independent of, and cumulative to, the grounds already stated in the Motion: Doré Rothberg's designation as counsel to the M Realty joint venture of which Garcia's company was a member (Rule 1.09), and its role as the address of record for Garcia's Damac membership and in "changing the partnership" to remove him (Rule 3.08). The RG Miller Meeting adds direct, photographic proof that Mr. Smith's knowledge of Garcia's role in Sofi Lakes is personal, not derivative.

10. Because Mr. Smith's testimony is necessary and adverse, Rule 3.08(c) does not permit another lawyer in his firm to carry the case while Mr. Smith testifies unless the client consents after full disclosure and the other lawyer's advocacy would not be impaired. Rule 3.08(c). Given that Doré Rothberg as a firm drafted the joint-venture and partnership documents at issue and is itself a witness on the Damac address and removal (Motion ¶¶ 5–9, 14), firm-wide disqualification remains the appropriate remedy. At a minimum, Mr. Smith must be disqualified from appearing as advocate at any evidentiary hearing or trial in this matter.

IV. PRAYER

Garcia respectfully asks the Court to consider this Supplement together with the Motion; to disqualify Connor J. Smith, and Doré Rothberg Law, P.C., from representing Plaintiffs in this action; in the alternative, to disqualify Mr. Smith from appearing as advocate at the temporary-injunction hearing and at trial; to take judicial notice of Garcia's designation of Mr. Smith as a fact witness; and to grant Garcia all other relief to which he is entitled.

Respectfully submitted,

/s/ Jonathan Garcia

JONATHAN GARCIA, pro se

[REDACTED]

Tel. [REDACTED]

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DEFENDANT, COUNTER-PLAINTIFF, AND
THIRD-PARTY PLAINTIFF

CERTIFICATE OF CONFERENCE

I certify that on October 7, 2026, before filing, I emailed Connor J. Smith, counsel for Plaintiffs, at csmith@dorelaw.com, notifying him of this Supplement and of his designation as a fact witness regarding the RG Miller Meeting. Because the relief sought is the disqualification of Plaintiffs' counsel, Plaintiffs are presumed to oppose it, and the matter is presented to the Court for determination.

/s/ Jonathan Garcia
Jonathan Garcia

UNSWORN DECLARATION

My name is Jonathan Garcia, my [REDACTED]

[REDACTED]

paragraphs 2 through 5 of this Supplement. The facts stated there are within my personal knowledge and are true and correct. I attended the RG Miller Meeting on May 16, 2025, hosted and organized it, and personally observed Connor J. Smith in attendance. Exhibits F and G are true and correct copies of photographs taken in the RG Miller Engineers conference room during that meeting; the only alterations are the red arrow and label identifying Mr. Smith on Exhibit F and the red circle and label identifying me on Exhibit G, which I added for the Court's convenience and which do not change the underlying image. I declare under penalty of perjury that the foregoing is true and correct. Tex. Civ. Prac. & Rem. Code § 132.001.

Executed in Orange County, State of Florida, on the 7th day of October, 2026.

/s/ Jonathan Garcia
Jonathan Garcia, Declarant

CERTIFICATE OF SERVICE

I certify that on the 7th day of October, 2026, a true and correct copy of this Supplement, with Exhibits F and G, was served on all counsel of record through the electronic filing manager under Texas Rule of Civil Procedure 21a, including Connor J. Smith, Doré Rothberg Law, P.C., [REDACTED], [REDACTED], csmith@dorelaw.com.

/s/ Jonathan Garcia
Jonathan Garcia

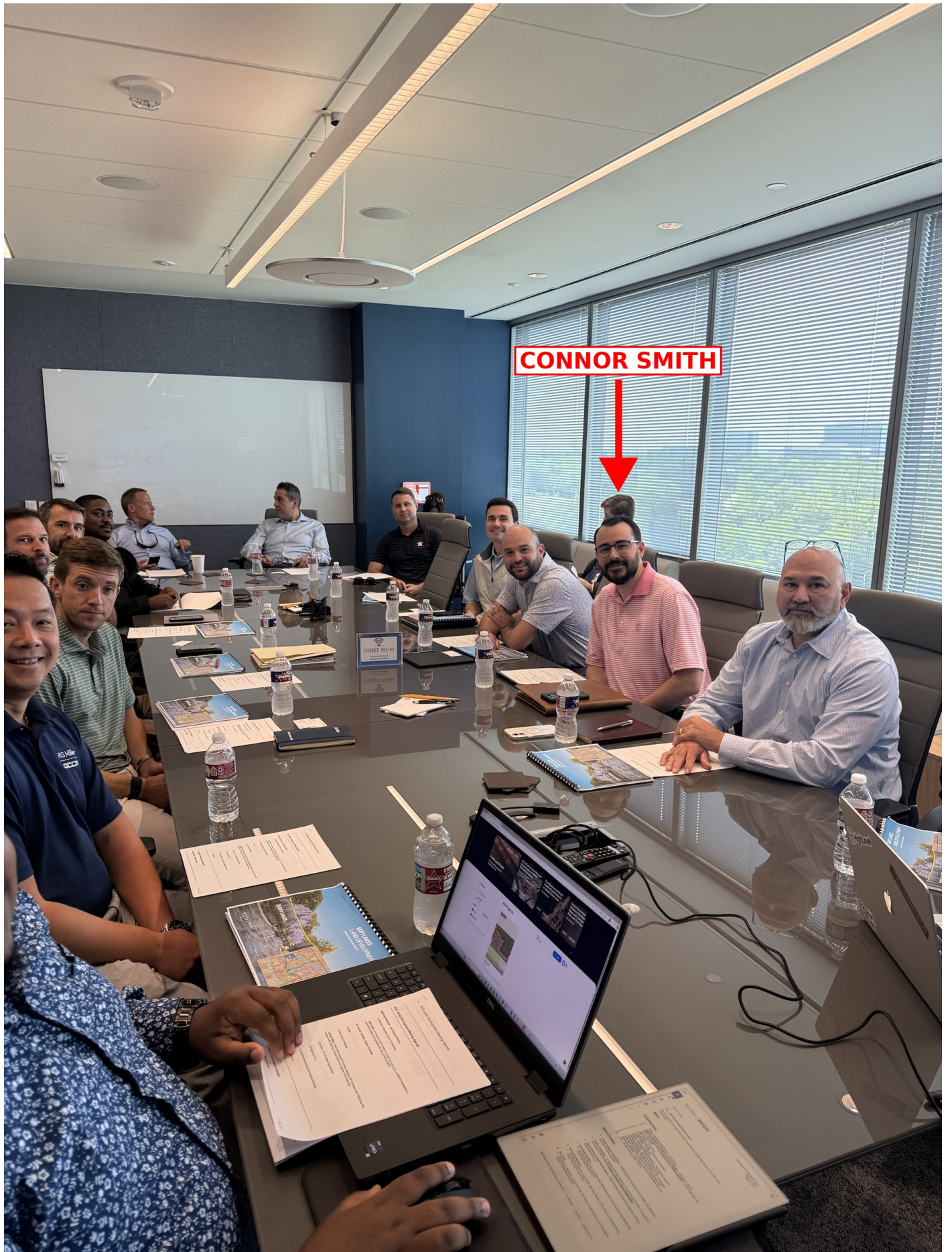
INDEX OF EXHIBITS

Exhibit F — Photograph 1, RG Miller Meeting: conference table with Sofi Lakes agenda and binders; Connor J. Smith marked with red arrow (seated near window).

Exhibit G — Photograph 2, RG Miller Meeting: Jonathan Garcia standing at the display presenting the Sofi Lakes entrance rendering (red circle).

EXHIBIT F

Photograph 1 — RG Miller Meeting, May 16, 2025
Connor J. Smith (red arrow)



CONNOR SMITH

EXHIBIT G

Photograph 2 — RG Miller Meeting, May 16, 2025
Jonathan Garcia presenting (red circle)

