

me, Daniel  
D case closed - I sure wish you could give me something to  
Brogdon prove that Brandi Smith knew she had incorrect figures and  
(4) used them anyway, Russwurm Sep 23  
v. Figaro

me, Daniel  
D Judgement - I understand. I will notify my attorney.  
Brogdon (3) Russwurm Jul 18  
v. Figaro

Judgement - It hurts me that you made such a grievous error.  
That is why I am trying to somehow connect Brandi to  
me, Daniel knowing she was using an erroneous document. I believe  
D 100% she knew what she had received and she prepared Form  
Brogdon 9 knowing she was using wrong figures.... then changed Russwurm 07/13/16  
(7) attorney to Rudy to submit false document to court. Knowing  
and proving are 2 different things. Any conversations with  
her or communications of any sort could help us bot  
v. Figaro

me, Daniel  
D fees - Ok. That's what I thought too.  
Brogdon (4) Russwurm 07/13/16  
v. Figaro

me, Daniel  
D Refund - Please post form 2 u sent to Brandi in Nov. I want to  
Brogdon see it. Is there any way u could help to establish that she knew  
(3) she received an erroneous copy and knowingly used that copy. Russwurm 07/06/16  
v. Figaro

me, Daniel  
D refund - I definitely still intend to complete your refund. I will  
Brogdon be sending another check this week, though I will need to get  
(2) in front of my account information before telling you how  
much it will be for. Russwurm 06/27/16  
v. Figaro

me, Daniel  
D refund - Will do.  
Brogdon (4) Russwurm 06/22/16  
v. Figaro

Thank you - I did not know you had used Johns figures until  
yesterday. I never saw that form 2 until yesterday. The first  
time I saw those figures was in the hallway outside of court on  
me, Daniel Dec 18. I accused Brandi and Rudy of changing my figures.  
D You never owned up to the fact that they were using figures  
Brogdon you gave them. I will be meeting with Matt. I don't know  
(4) what he can do to make this better. I still don't understand  
why you didn't tell me and file corrected form with Brandi and  
court when you discovered error. The from 9 you posted on  
website for me reflected my figures. You should have  
Russwurm 06/17/16  
v. Figaro

corrected your mistake when you discovered it. And I resent the fact that you are indicating to Matt that I knew what happened.

me, Daniel D Brogdon (3) Check - Can you tell me how you used all of Johns figures on my form 2, How I never saw that form, How it got sent to Brandi and why it was never corrected. What did you tell Matt

Russwurm v. Figaro 06/16/16

me, Daniel D Brogdon (3) Form 2 - You emailed to my attorney?? That would be good. Will look forward to seeing post when you get to it. Remember, I had little opportunity to review as you updated so I want to see final version you sent John. Also... Did you at any time file either form 2 or 9 directly with the court?

Russwurm v. Figaro 05/20/16

me, Daniel D Brogdon (6) Form 2-9 - ok. That is what we need. Copies of exactly what you sent to them on Nov 9.... especially the Form 2.

Russwurm v. Figaro 05/16/16

me, Daniel D Brogdon (6) Check - Thank you

Russwurm v. Figaro 05/11/16

me, Daniel D Brogdon (10) Court Docket Entry - Ok, that works for me.

Russwurm v. Figaro 04/29/16

me, Daniel D Brogdon (3) Refund and website - I am agreeable. Thank you. But keep in mind I have already given \$3,000 to the new attorney. If we do a new trial I guess it will cost at least what I paid you. I don't know off hand what I paid you in total and will check my records also. Let me know when you have the exhibits and I will pick them up.

Russwurm v. Figaro 04/18/16

me, Ashley, Daniel (8) filings - Thank you. I'll wait a few days if u need it

Russwurm v. Figaro 04/14/16

me, Daniel D Brogdon (2) Proof of service - Yes, and I reviewed the MyCase file and discovered that the document we filed on November 9 had not been uploaded, so I have done that. The documents were not filed with the Court directly, but were served by U.S. mail on the date given in the certificate.

Russwurm v. Figaro 04/12/16

me, Daniel D Brogdon (4) Spreadsheet from settlment - You know as well as I that somebody changed a lot of information on that form. I believe it was your responsibility to make sure a copy of my form was correct and filed with the court. It appears the only form the judge had was the one with all the changes John made. Considering this is what the judge used to arrive at his

Russwurm v. Figaro 04/11/16

|                          |  |                    |          |
|--------------------------|--|--------------------|----------|
|                          | settlement award, .... I don't even know what to say   |                    |          |
| Ashley Brown (Paralegal) | 2009 Toyota VIN - Barbara, I have the VIN number you listed for the 2015 Nissan Rogue but there wasn't a VIN listed for the 2009 Toyota. We will need that VIN to the Toyota for the Judge. Is there any way you can message that to me some time today before 4:00 PM?  | Russwurm v. Figaro | 04/11/16 |
| Ashley Brown (Paralegal) | 4/4/16 Docket Entry - Barbara,   | Russwurm v. Figaro | 04/04/16 |
| me, Daniel D Brogdon (3) | Apt Contents - I have about 35 pictures of stuff in the apt or what he refers to. I am getting them printed. A picture is worth a thousand words. My sister lived at the apt for 2 years and still has a few things there and my brother in law stays sometimes when I am not there. But there are several items he listed that just do not exist. And if you add everything up even at his crazy values it still only comes to \$10,000 | Russwurm v. Figaro | 03/11/16 |
| Ashley Brown, me (3)     | Paperwork Received - house... lots... guns   | Russwurm v. Figaro | 03/04/16 |
| me, Daniel D Brogdon (6) | Form 2/9 Updates - ok. TY. 2:00 tomorrow. C U then   | Russwurm v. Figaro | 03/02/16 |
| Daniel D Brogdon, me (3) | Update Re: Appraisals - We can't finish the Form 9 until we have the values on these properties. or Form 2 for that matter. Those are dependent on us having accurate values, hence the problem we ran into the first time. No, he was not ordered to have the house appraised, but I'm not sure it helps or hurts either party that he did so, and I won't know until I see a report.   | Russwurm v. Figaro | 03/01/16 |
| me, Daniel D Brogdon (4) | trial - Ok.  | Russwurm v. Figaro | 02/25/16 |
| me, Daniel D Brogdon (7) | Divorce - Ok we'll move ahead with it.   | Russwurm v. Figaro | 02/24/16 |
| me, Daniel D Brogdon (2) | Court deadline Feb 24... Tomorrow - 1. We're not "filing" them with the court - even if the docket entry says that, these documents do not get filed with the Court directly. 2. I honestly do not think that his part is done and I'm not certain what happens if he fails to complete it prior to trial. I could live with it coming in later than the judge's deadline for  | Russwurm v. Figaro | 02/23/16 |

discovery responses, without causing us to have to continue the trial again. However, I'll need to try to confer with his attorney regarding the progress. If the appraiser is too busy to complete the appraisal on time, then a continuance might be beyond our control. I'm sure I'll be in touch with his attorney tomorrow and will update you thereafter.

me, Daniel  
D  
Brogdon  
(5)

**Update information for form 9** - I am in MO in a campground in a 15 year old trailer on a rented lot about 1 mile from my house. John dropped off some of what I asked for. He said the lots have not been appraised nor has the items on the personal property.

Russwurm  
v. Figaro 02/18/16

me, Daniel  
D  
Brogdon  
(6)

**Furniture appraisal** - Can I get a copy of the appraisal report on the apartment?

Russwurm  
v. Figaro 01/27/16

me, Daniel  
D  
Brogdon  
(2)

**Appraisal and John's Money** - I have a call in to his attorney's office about the appraisal. Re: the Form 2, I would not worry about updating it until appraisals are done.

Russwurm  
v. Figaro 01/21/16

me, Daniel  
D  
Brogdon  
(3)

**Furniture in NJ apt** - Auction companies are not interested so far. I am waiting to Estate Sale companies to get back to me on price. One said about \$300-\$500 for appraisal. New the stuff cost about \$5200. You have all the receipts. 6 years old, selling it used it probably isn't worth \$1000. If you talk to Johns lawyer you could tell him you have the actual receipts. He said on Form 2 furniture was worth \$20,000. We can't go to court again and have this big difference.

Russwurm  
v. Figaro 01/14/16

me, Daniel  
D  
Brogdon  
(4)

**Appraisals** - I don't think the judge ordered an appraisal of the contents of the apt, only an appraisal of the apt itself. If I am wrong it would require someone else to come in. I thought the judge asked for a list remaining coins and a list of apt contents. Are we supposed to update the form 2? Just a point for you. You can see where my money went. John is claiming almost all his assets are the result of his inheritance. He gets \$50,000 or so a year, apparently he hasn't bought anything or saved anything, so what happened to his money. Should he not have to prove these assets are from his inheritance?

Russwurm  
v. Figaro 01/14/16

me, Daniel  
D  
Brogdon  
(4)

**NJ Appraisers** - I think the judge said both sides have to agree on the appraiser so you probably have to run this by John's attorney. The last one came in a little less on bid. He said \$250 on phone but I still don't have his written proposal. Do I pay for this when they do the appraisal? Did you submit the list of items I requested to attorney. The campground road has been closed due to flooding. Propane for heat has not been

Russwurm  
v. Figaro 01/07/16

delivered yet. I will be returning to MO as soon as the appraisal is completed. I had to come back here to get my dogs and bring my sister back.

|                          |   |                    |          |
|--------------------------|---|--------------------|----------|
| Daniel D Brogdon, me (2) | Meeting Today - Ok  | Russwurm v. Figaro | 12/16/15 |
| me, Daniel D Brogdon (5) | trial - She has offered, however I hesitate to put the grandkids in the middle of this. She lives in TX. If she can work it out I will think about it and we can discuss it when I see you.   | Russwurm v. Figaro | 11/24/15 |
| me, Daniel D Brogdon (3) | Disregard previous message - Was not able to verify that. Will try again tomorrow. But Great Southern charges \$6 per statement copy. If there is anything I can do to help please let me know  | Russwurm v. Figaro | 11/19/15 |
| me, Daniel D Brogdon (3) | Great Southern Bank - I did not see him list any accounts for this credit union or Great Southern Bank on any forms and did not know of it before today. We are down to a month and don't want to be unprepared. Also is there a way to deal with his guns, which I believe he severely underestimated and to prove the inheritance monies are inheritance  | Russwurm v. Figaro | 11/18/15 |
| me, Daniel D Brogdon (6) | Insurance coverage - I know he only claims \$160 per year income on his business. That is why when I saw that figure, I sent the referral form and letter to the IRS. I don't want to be involved in charges or penalties or interest if this all comes to light. I can tell from his calendar at least some of his appointments. He gets \$50 per hour, with first lesson usually 2 hours. He deals in cash so I know it is hard to prove. But I don't think it can hurt to send one to Ozark Shooters either. Whatever you decide is ok. Do the bank account statements have to be sent within discovery time. Is there anything else involved in discovery? I know most of his banking was done between Xcel Federal Credit Union and Metropolitan Bank. I know he had \$10,000 cds with Metropolitan and would probably had some with Excel, but I am not sure. Most income for him will be Pension system, for him should be about \$48,000 per year and deferred comp | Russwurm v. Figaro | 11/05/15 |
| Ashley Brown, me (5)     | Meeting Re: Preparation for Trial - Everything that we have received from John so far has been uploaded. As of today I do not have anything new. If that changes I will get that uploaded and shared via My Case for you.   | Russwurm v. Figaro | 11/04/15 |
| Daniel D Brogdon, me (7) | Remaining Required Docs - just uploaded stock certificate. Will have to send away for certified copy of when my husband Nick Figaro signed over his share of house to me. Didn't realize original would not suffice because I had the   | Russwurm v. Figaro | 11/04/15 |

original deed after it was filed.

me, Daniel D Brogdon (7) Trial - Just thinking about the coins.....I estimated \$7,000 left. At the current price of silver approximately \$15 per ounce divided into \$7,000 would mean I should have about 466 coins. I know that I don't have that many so I will get them out and see what is actually left. Maybe 200 -300 at most. Maybe a dozen or so in MO. If you can still add to form 9...I forgot my laptop, maybe worth \$300 or less, my mothers secretary desk in downstairs den maybe worth \$50 and for some reason I marked the futon in den to John. Please mark to me if you can.

Russwurm v. Figaro 10/30/15

Daniel D Brogdon (Attorney) Planning for Trial - Barb,

Russwurm v. Figaro 10/29/15

me, Daniel D Brogdon (2) Trial - The case is continued to Dec. 18 for trial. I will be tied up most of today but will get a message to you this evening so we can start planning.

Russwurm v. Figaro 10/29/15

me, Daniel D Brogdon (7) Court Date Nov 3 - I think they have been playing you. If they don't agree to a continuance I think they feel they have fed you enough lies to think he is the injured party here and his offers were good settlements and get you to convince me. These offers were good....for him...not me. Did you even look at his form 9. He inflated all items he put in my column, reduced value of everything in his column, and listed things to me that don't exist. There is no way he should get the house. You need to start thinking how you are going to convince the judge of that. They are ready to go to court and we are not. Please think about ho you will represent me if we have to go to court Tuesday. What happens to me if you are not ready. And why have you waited to start this process until the week of court.

Russwurm v. Figaro 10/27/15

me, Daniel D Brogdon (13) my case documents and trial - Notarized forms uploaded. When we go to court I sure hope you fight for at least 50% of marital assets and hope you are ready to fight for house. I put more money into house, He cheated with another woman, and I left my home last September with cause. If he cant prove abandonment I don't see why you wouldn't have a better than even chance of securing the house for me.

Russwurm v. Figaro 10/26/15

me, Daniel D Brogdon (5) Motion Hearing Oct 29 - Ok, that will not be a problem. Thanks for letting me know your plans. Talk to you soon.

Russwurm v. Figaro 10/23/15

me, Daniel Form 5 - Yes, it is. And I should receive John's answers in the

Russwurm 10/22/15

|                                   |  |                                |
|-----------------------------------|--|--------------------------------|
| D<br>Brogdon<br>(4)               | mail shortly, but the mail seems to run a day or two slower<br>downtown here.  | v. Figaro                      |
| me, Daniel<br>D<br>Brogdon<br>(3) | Property Settltment - thank you  | Russwurm<br>v. Figaro 10/20/15 |
| me, Daniel<br>D<br>Brogdon<br>(3) | Documents to hlp establish time in MO - Thank you for<br>getting back to me. Please don't confuse the old form 9 with<br>the new one. I will upload it today.  | Russwurm<br>v. Figaro 10/19/15 |
| me, Daniel<br>D<br>Brogdon<br>(3) | <b>Settlement</b> - He cannot prove that I did not live there for the<br>last 2 years, because that is not true. People often have two<br>properties. Why should that give him a benefit in deciding<br>who gets the house. He is there right now with his girlfriend.<br>He lies and I lose my house to him. How do we prove that I<br>did not intend to move out of MO permanently. I have<br>renewed my drivers license, seen my doctors. had my medical<br>tests and have retained my MO address on all my legal<br>documents.   | Russwurm<br>v. Figaro 10/15/15 |
| Daniel D<br>Brogdon,<br>me (4)    | <b>Your Questions</b> - Your basis of abandonment is again based<br>on his lies. I "abandoned" him after I found out he had a<br>girlfriend. He was seeing her for months while I was living in<br>MO, before the "abandonment". Besides his word against<br>mine, what do I need to prove his allegations false.  | Russwurm<br>v. Figaro 10/13/15 |
| me, Daniel<br>D<br>Brogdon<br>(2) | trial - Hi Barb,   | Russwurm<br>v. Figaro 10/06/15 |
| me, Daniel<br>D<br>Brogdon<br>(3) | <b>Petitions</b> - The judge did not make a determination as far as I<br>could tell about where I am to stay when I return to MO for<br>trial. I have made a reservation at a local hotel, but at a cost of<br>approximately \$500 per week. And if I cant find someone<br>here to take care of my dogs that could be another \$75 a day at<br>the kennel for the 3 dogs. Can we submit a request that I can<br>return to the house during trial. It is still my house and my<br>home at this time. My plan is to return October 29. | Russwurm<br>v. Figaro 09/30/15 |
| me, Daniel<br>D<br>Brogdon<br>(5) | <b>Documents</b> - I just went through the piles of documents I have<br>and found the one you gave me the day we met in your office.<br>I did not read it in your office and put it in a folder. I am not<br>sure how it happened but I never read it until just now. Most<br>of what John stated is lies. After reading this I can understand<br>why the Judge ordered me out of the house. I wonder why we<br>never responded. Can we still respond  | Russwurm<br>v. Figaro 09/30/15 |

me, Daniel D Brogdon (4) Settlement - He would get the house and just about everything in it and everything he bought...plus everything we bought together plus keep al of his monetary assets and stocks, bonds, savings, checking and cash. When he listed just his pension it was about even with my pension plus my social security. But he gets about \$600 a month from deferred comp and is eligible at this time to collect his social security which would be over \$2,000 per month.

Russwurm v. Figaro 09/29/15

me, Daniel D Brogdon (3) Trial - Thank You.

Russwurm v. Figaro 09/22/15

me, Daniel D Brogdon (4) Leaving residence - I will do so as soon as possible, thank you.

Russwurm v. Figaro 09/08/15

Daniel D Brogdon, me (15) Court Tomorrow - Hi Barbara,

Russwurm v. Figaro 08/31/15

Daniel D Brogdon (Attorney) Appointment - Barb, I'm not feeling well today and wondered if we could reschedule our appointment until tomorrow at 2:00 or 2:30 pm? Our court date for this Thursday has not changed. Sorry for the inconvenience, please let me know if you have questions. Dan

Russwurm v. Figaro 08/24/15

Daniel D Brogdon, me (3) Reminder Re: Court Tomorrow - That is correct.

Russwurm v. Figaro 08/19/15

Daniel D Brogdon, me (11) Court Thursday - Thank You. Sorry I am being so nervous. I have a Dr. apt Monday 8/17. Available any other time that works for you. Again,,, I apologize.

Russwurm v. Figaro 08/12/15

me, Daniel D Brogdon (2) notarized copies - It could take some time. We have to get in front of the judge and schedule for a court hearing. I'm trying to get that done ASAP, and I filed the petitions this morning, but his calendar is weird so I'm having trouble getting it straightened out. Hopefully I'll have a better answer tomorrow.

Russwurm v. Figaro 07/23/15

me, Daniel D Brogdon (5) Locked out of house - I uploaded the notarized copies. Just let me know if you received it and all the pages

Russwurm v. Figaro 07/17/15

Messages



Inbox

Sent



Drafts  
Archived

**Daniel D Brogdon (Attorney)**  
Apr 11, 2016 - 12:29pm

The Court's Form 9 is already uploaded, titled 4-4-16 Docket Entry and Form 9. Per Case.net, our forms were served on opposing counsel on November 9.



**Barbara L Figaro (Client)**  
Apr 11, 2016 - 12:33pm

Many items were listed as I requested them on court form... which I did not. Many items had figures that were not what I listed. So I want to know where did these changes come from. Form you sent on Nov 9,, is that form you sent me on Oct 19? Was form ever filed with court



**Barbara L Figaro (Client)**  
Apr 11, 2016 - 12:40pm

You know as well as I that somebody changed a lot of information on that form. I believe it was your responsibility to make sure a copy of my form was correct and filed with the court. It appears the only form the judge had was the one with all the changes John made. Considering this is what the judge used to arrive at his settlement award, .... I don't even know what to say

**Barbara L Figaro (Client)**  
Apr 14, 2016 - 11:59am

Dan I am formally requesting a full return of all monies I paid to you for your representation. You never filed the most important document for trial. If you would have read what the judge received from Johns attorney you should have seen how many errors were on it.

did you know that form says I valued the apt. contents at \$26000. No wonder the judge charged me that amount. It was your responsibility to make sure documents were filed timely and correctly. And you did little to nothing to help me at the trial. For months you assured me all my concerns would be addressed at trial. If you choose not to refund my money to pay for a new trial and attorney I will file with the Chief Disciplinary Counsel for a reversal of fees and let them decide if I should be refunded.

**Daniel D Brogdon (Attorney)**

Apr 14, 2016 - 4:38pm

Barb,

If you will allow, I will need a few days to review the charges, statements, etc. and get back to you regarding your request.

**Daniel D Brogdon (Attorney)**

Apr 18, 2016 - 10:43am

Hi, Barb,

Here's where I stand at this point. I do not have an issue with agreeing to a refund of your fees. From your Quickbooks statements, I calculated the fees you paid, including the \$500 retainer, and while I do not have my notes in front of me, **I calculate that it was close to \$9,000**. The issue I have is that I do not have immediate access to that amount, and I'm working to resolve that issue. I would think that I could tell you more later this week if possible, and would have no intent to shut down your access to MyCase. I have filed the motion to withdraw, and the clerk's office has accepted it, but the judge has not approved it, yet. Normally, I would then close the case, but leave a client's login enabled. In your case, I'll simply leave the case open for awhile and, of course, leave your login enabled.

Again, I'm willing to refund the fees, but will need some time to put it all together. In the meantime, I will obviously leave the file open on MyCase. Further, I assume you will want to retrieve the trial exhibits and materials, and I will make them available for you as soon as I have time to get them copied and logged, and I will work to have that done this week as well.



**Barbara L Figaro (Client)**

Apr 18, 2016 - 10:52am

I am agreeable. Thank you. But keep in mind I have already given \$3,000 to the new attorney. If we do a new trial I guess it will cost at least what I paid you. I don't know off hand what I paid you in total and will check my records also. Let me know when you have the exhibits and I will pick them up.

**Daniel D Brogdon (Attorney)**

Jun 17, 2016 - 8:51am

Barb, I'm sorry. I'm not trying to not talk to you, I'm just having a week where I'm having to be away from my desk for long periods of time and, therefore, I'm a little slower in getting back to messages. Further, I do not mind explaining what happened, but again, just haven't had a few minutes to sit down and write it out. The short story is that we inadvertently used John's figures on your Form 2, as I thought you were aware from conversations we had in between court appearances. When I realized that this was the mistake that had been made, I decided to use your handwritten statement as an exhibit at trial to prove to Judge Eighmy that you intended to estimate different values on these items. And that is essentially what I told Matt over the phone yesterday. It was our mistake, but I did try to fix it, and I'm still trying to make sure that I refund all your fees, and I will continue to cooperate with your new attorneys.



**Barbara L Figaro (Client)**

Jun 17, 2016 - 9:02am

I did not know you had used Johns figures until yesterday. I never saw that form 2 until yesterday. The first time I saw those figures was in the hallway outside of court on Dec 18. I accused Brandi and Rudy of changing my figures. You never owned up to the fact that they were using figures you gave them. I will be meeting with Matt. I don't know what he can do to make this better. I still don't understand why you didn't tell me and file corrected form with Brandi and court when you discovered error. The from 9 you posted on website for me reflected my figures. You should have corrected your mistake when you discovered it. And I resent the fact that you are indicating to Matt that I knew what happened.

**Barbara L Figaro (Client)**

Jun 27, 2016 - 2:22pm

Have not heard from you or received check. Are you still refunding my money, if so how much and when

**Daniel D Brogdon (Attorney)**

Jun 27, 2016 - 4:51pm

I definitely still intend to complete your refund. I will be sending another check this week, though I will need to get in front of my account information before telling you how much it will be for.

**Barbara L Figaro (Client)**

Jul 12, 2016 - 10:13am

You said you would refund the balance of my fees by the end of June. I need the complete refund now. Matt is still attempting to correct your errors and the damages

you caused. Please make sure I have received the entire refund by Monday or I will feel forced to attempt to recover by other means. Also if you have it please post copy of final judgement.

**Daniel D Brogdon (Attorney)**

Jul 13, 2016 - 10:14am

I understand. I am trying. Are you referring to the judgment signed by the judge?



**Barbara L Figaro (Client)**

Jul 13, 2016 - 10:17am

yes. Final Judgement. I only have copy of proposed judgement. I think you may still have been attorney of record when it got filed.

**Daniel D Brogdon (Attorney)**

Jul 13, 2016 - 10:54am

Ok. That's what I thought too.

**Barbara L Figaro (Client)**

Jul 15, 2016 - 11:27am

My lawyer has told me to ask you if you have notified your insurance company, and if not to do so immediately. We have discussed filing a formal complaint with the Chief Disciplinary Council. I don't want to do these things, but your actions have cost me about \$90,000 plus legal fees. I am still willing to talk if you have any recommendations to a solution with a law suit or the filing of a complaint

**Daniel D Brogdon (Attorney)**

Jul 18, 2016 - 1:08pm

Barb,

I received your message and I have notified our insurer. They are conducting their review of the matter, however, and have asked me not to make any further statements during that process.



**Barbara L Figaro (Client)**

Jul 18, 2016 - 1:10pm

I understand. I will notify my attorney.