

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

1. **Name**: State full name (include any former names used).

Amos Louis Mazzant, III

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Eastern District of Texas

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States District Court for the Eastern District of Texas, Sherman Division  
United States Courthouse Annex  
200 North Travis Street  
Sherman, Texas 75090

4. **Birthplace**: State year and place of birth.

1965; Ellwood City, Pennsylvania

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1987 – 1990, Baylor University School of Law; J.D., 1990

1983 – 1987, University of Pittsburgh; B.A. (*magna cum laude*), 1987

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2009 – present  
United States District Court for the Eastern District of Texas, Sherman Division  
U.S. Courthouse Annex  
200 North Travis Street

Sherman, Texas 75090  
United States Magistrate Judge

2004 – 2009  
Fifth District Court of Appeals  
600 Commerce Street, Suite 200  
Dallas, Texas 75202  
Justice

2003 – 2004, 1992 – 1993  
Wolfe, Tidwell & McCoy, LLP  
(formerly Henderson Bryant & Wolfe)  
320 North Travis Street, Suite 205  
Sherman, Texas 75090  
Of Counsel (2003 – 2004)  
Associate (1992 – 1993)

March – August 2003  
United States District Court for the Eastern District of Texas, Sherman Division  
U.S. Courthouse Annex  
200 North Travis Street  
Sherman, Texas 75090  
Law Clerk for United States Magistrate Judge Don D. Bush

1993 – 2003  
United States District Court for the Eastern District of Texas, Sherman Division  
U.S. Courthouse Annex  
200 North Travis Street  
Sherman, Texas 75090  
Career Law Clerk for United States Magistrate Judge Robert Faulkner

1990 – 1992  
United States District Court for the Eastern District of Texas, Sherman Division  
101 East Pecan Street  
Sherman, Texas 75090  
Law Clerk for United States District Judge Paul Brown

Summer 1990  
Funderburk and Funderburk  
2777 Allen Parkway #1000  
Houston, Texas 77019  
Summer Associate

February – April 1990  
United States District Court for the Western District of Texas, Waco Division  
800 Franklin Avenue

Waco, Texas 76701  
Extern (unpaid)

Summer 1989  
Tucker Arensberg, P.C.  
1500 One PPG Place  
Pittsburgh, Pennsylvania 15222  
Summer Associate

March – May 1989  
Baylor University School of Law  
1114 South University Parks  
Waco, Texas 76798  
Research Assistant to Professor Bill Trail

January – April 1989  
Sleeper, Johnston, Helm & Fontaine  
Waco, Texas  
Law Clerk  
(This law firm no longer exists)

Summer 1988  
Kruse & Associates  
Houston, Texas  
Law Clerk  
(This law firm no longer exists)

Summer 1987  
J&T Custard Stand  
1257 Mercer Road  
Ellwood City, Pennsylvania 16117  
Cook/Counter Person/Cashier

Other affiliations (uncompensated)

2006 – present  
Dallas Summer Musicals  
Music Hall at Fair Park  
909 1st Avenue  
Dallas, Texas 75210  
Board Member

2004 – 2007, 2008 – 2012, 2013 – present  
Sherman Community Players  
500 North Elm Street  
Sherman, Texas 75090

Past President (2011 – 2012)  
President (2010 – 2011)  
President-Elect (2009 – 2010)  
Board Member (2004 – 2007, 2008 – 2011, 2013 – present)

2003 – present  
Judge Paul Brown American Inn of Court  
(no physical address)  
Sherman, Texas  
Vice-President

2004 – 2007  
Denison Lions Club  
1030 West Crawford Street  
Denison, Texas 75020  
Second/Third Vice-President

2004 – 2005  
Leadership Sherman Alumni Association  
(no longer in existence)  
Sherman, Texas  
President

2004  
Girls Incorporated of Sherman  
(no longer in existence)  
Sherman, Texas  
Board Member

2003 – 2005  
Keep Sherman Beautiful  
City of Sherman  
220 West Mulberry Street  
P.O. Box 1106  
Sherman, Texas 75090  
Board Member

2003  
Denison Police Citizens Academy  
108 West Main Street  
Denison, Texas 75020  
President of Class

2000 – 2003  
State Bar of Texas  
Texas Law Center

1414 Colorado Street  
Austin, Texas 78701  
Board of Directors  
State Bar Executive Committee

1996 – 2003  
Texas Young Lawyers Association  
Texas Law Center  
1414 Colorado Street, 4th Floor  
Austin, Texas 78701  
Past President (2002 – 2003)  
President (2001 – 2002)  
President-Elect (2000 – 2001)  
Vice-President (1999 – 2000)  
Secretary (1998 – 1999)  
Executive Committee (1998 – 2003)  
Director District 4 (1996 – 1998)

1994 – 2003  
Grayson County Young Lawyers Association  
(no longer in existence)  
Sherman, Texas  
President (1995 – 1996)  
President-Elect (1994 – 1995)  
Director (1994 – 2003)

1993 – 2000  
Sherman Kiwanis Club  
P.O. Box 592  
Sherman, Texas 75091  
Past President (1999 – 2000)  
President (1998 – 1999)  
President-Elect (1997 – 1998)  
Vice-President (1996 – 1997)  
Secretary (1995 – 1996)  
Treasurer (1994 – 1995)  
Board Member (1993 – 1994)

1995 – 1998  
Grayson County Bar Association  
(no physical address)  
Sherman, Texas  
President (1997 – 1998)  
President-Elect (1996 – 1997)  
Vice-President (1995 – 1996)

1993 – 1995  
Saint Mary's Knights of Columbus  
727 South Travis Street  
Sherman, Texas 75090  
Deputy Grand Knight

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the U.S. Military. I registered for selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

American Bar Association Young Lawyer Fellow (2002 – present)  
Texas Bar Foundation Life Fellow (1996 – present)  
The Honorary Serjeant's Inn of Dallas-Ft. Worth Inns of Court (2012)  
Joe Wolfe and Mary Pittman Service Award (2008)  
Dallas Bar Association Presidential Citation (2006)  
Dallas Bar Foundation Fellow (2004)  
Dallas Association of Young Lawyers Foundation Fellow (2004)  
United States Marshal's Service Distinguished Service Certificate (2003)  
Baylor University Young Lawyer of the Year (2002)  
Kiwanis George F. Hixon Fellow Award (2002)  
Kiwanis Distinguished President (2000)  
Texas Young Lawyers' President's Award (1997 – 1998)  
Special Service Award, Eastern District of Texas (1997)  
Kiwanis Distinguished Secretary (1997)  
Texas Young Lawyers' Director of the Year Award (1996 – 1997)  
Outstanding Young Men of America (1996)  
Awards Committee, Eastern District of Texas (1996)  
Kiwani of the Year (1994 – 1995)  
Kiwanis Ruby K Award (1995)  
American Jurisprudence Award for Administration of Estates (1990)  
Baylor University Leon Jaworski Debate Fellowship (1987 – 1990)  
Harvey Richey Moot Court Society (1988)  
William Pitt Debate Union Scholarship (1984 – 1986)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (1991 – 2005)

American Bar Association Young Lawyers Division (1998 – 2003)  
Delegate at midyear and annual meetings (1998 – 2003)  
Service to Seniors Team Member (1998 – 1999)

Dallas Bar Association (2004 – present)

Dallas Association of Young Lawyers Judicial Member (2004 – present)

Eastern District of Texas Bar Association (1996 – 2004, 2009 – present)  
Membership Chair (1996 – 1999)  
Recording Secretary (1999 – 2000)

Federal Magistrate Judges Association (2010 – present)

Grayson County Bar Association (1990 – present)  
President (1997 – 1998)  
President-Elect (1996 – 1997)  
Vice-President (1995 – 1996)

Grayson County Young Lawyers Association (1994 – 2003)  
President (1995 – 1996)  
President-Elect (1994 – 1995)  
Director (1994 – 2003)

Judge Paul Brown American Inn of Court (2003 – present)  
Vice-President (2003 – present)

State Bar of Texas (1990 – present)  
Board of Directors (2000 – 2003)  
State Bar Executive Committee (2000 – 2003)

Texas Young Lawyers Association (1990 – 2003)  
Past President (2002 – 2003)  
President (2001 – 2002)  
President-Elect (2000 – 2001)  
Vice-President (1999 – 2000)  
Secretary (1998 – 1999)  
Executive Committee (1998 – 2003)  
Director District 4 (1996 – 1998)  
Nominations Committee (2000 – present)  
Young Lawyer of Texas/Liberty Bell Award/Mentor Award Committees  
(2003 – present)

United States District Court Committee on Court Security (2013 – present)

United States District Court Criminal Justice Act Plan Committee (2012 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Texas, 1990

Pennsylvania, 1992

There have been no lapses in membership. I took inactive status in Pennsylvania on July 1, 2000. My Pennsylvania bar status changed to judicial status in July 2006.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Fifth Circuit, 1992

United States District Court for the Eastern District of Texas, 1993

United States District Court for the Northern District of Texas, 1993

My membership in the United States Court of Appeals for the Fifth Circuit lapsed in 2000 because I did not renew my membership. There have been no other lapses.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Area Agency on Aging of Texoma's Elder Rights Panel (1996 – 2001)

Baylor Law Alumni Association (1990 – present)

Boy Scouts of America (1998 – 2000)

Merit Badge Counselor Dean (1998 – 2000)

Dallas Summer Musicals (2006 – present)

Board Member (2006 – present)



Outreach Committee (2007 – 2009)  
 Special Projects Committee (2006 – 2007)

Denison Lions Club (2003 – 2010)  
 Second/Third Vice-President (2004 – 2007)

Denison Police Citizens Academy (2003)  
 President (2003)

Girls Incorporated of Sherman (2004)  
 Board Member

Grayson County Republican Women's Club (approximately 2003 – 2008)

Judge Paul Brown's Portrait Presentation Committee Member (1994)

Keep Sherman Beautiful (2003 – 2005)  
 Board Member (2003 – 2005)

Leadership Sherman (2003 – 2004)

Leadership Sherman Alumni Association (2004 – 2005)  
 President (2004 – 2005)

Saint Mary's Knights of Columbus (1992 – present)  
 Deputy Grand Knight (1993 – 1995)

Sherman Community Players (2004 – present)  
 Past President (2011 – 2012)  
 President (2010 – 2011)  
 President-Elect (2009 – 2010)  
 Board Member (2004 – 2007, 2008 – 2011, 2013 – present)  
 Finance and Budget Committee (2008 – present)  
 Benefit Committee (2008 – 2010, 2011 – present)  
 Personnel/By-law Committee (2004 – 2007, 2008 – present)

Sherman Kiwanis Club (1992 – present)  
 Past President (1999 – 2000)  
 President (1998 – 1999)  
 President-Elect (1997 – 1998)  
 Vice-President (1996 – 1997)  
 Secretary (1995 – 1996)  
 Treasurer (1994 – 1995)  
 Board Member (1993 – 1994)  
 Breakfast with Santa Committee (1999, 2001 – 2003)  
 Scholarship Committee (1993 – 1998)

Austin College Basketball Classic Committee (1996 – 1997)  
Publicity Committee (1995 – 1996)  
Pancake Committee (1993 – 1994)

South Grayson Republican Club (approximately 2003 – 2008)

University of Pittsburgh Alumni Association (2004 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

The Knights of Columbus is a Catholic fraternal organization limited to men, although there is a corresponding organization for women. Prior to my joining the Denison Lions Club and the Sherman Kiwanis Club, membership was restricted to men. To my knowledge, none of the other organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implications of membership policies.

**12. Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

*Honorable Paul Brown*, 2013 Judicial Conference of the Fifth Circuit (2013).  
Copy supplied.

*What a Great Year It's Been*, 65 Tex. B.J. 422 (2002). Copy supplied.

*The Need for the Gift of Life*, 65 Tex. B.J. 345 (2002). Copy supplied.

*The Stakes of Understanding*, 65 Tex. B.J. 255 (2002). Copy supplied.

*Welcome to the Profession and TYLA*, 65 Tex. B.J. 149 (2002). Copy supplied.

*Teaching Our Kids Right from Wrong*, 65 Tex. B.J. 65 (2002). Copy supplied.

*Inspiration, Reflection, and the Holidays*, 64 Tex. B.J. 1073 (2001). Copy supplied.

*Ideals Worth Defending*, 64 Tex. B.J. 1005 (2001). Copy supplied.

*Making Time for TYLA*, 64 Tex. B.J. 790 (2001). Copy supplied.

*Working for a Good Cause*, 64 Tex. B.J. 658 (2001). Copy supplied.

*My Mother's Influence...*, 64 Tex. B.J. 561 (2001). Copy supplied.

Co-author, Supreme Team curriculum, Texas Young Lawyers Association (1997). Copy supplied.

Contributor, Texas Association of Business Labor Law Quarterly Review (1992 – 1996). I provided case summaries from employment-related cases from the Sherman Division. I did not retain any of the case summaries, and I have been unable to locate a copy of the reviews.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

While serving as the Texas Young Lawyers Association President-elect, President, and Past President from 2000 to 2003, I also was a board member of the State Bar of Texas. Although I did not personally prepare any reports, I did vote on their submission or publication in my capacity as a board member of the State Bar of Texas. I have listed the materials on which I voted that I was able to identify after searching my records and reviewing the board minutes from 2000 to 2003. Although I voted on many matters as a board member, the following are the only policy matters responsive to the question:

The Board of Directors approved the request to join the National Association of IOLTA programs Amicus Curiae brief with the United States Supreme Court, in either the Ninth Circuit and/or the Fifth Circuit case, supporting the positions of the IOLTA program, and the Board authorized the State Bar General Counsel, the Chair of the Board, and the Chair of the Board Administrative Committee to review and approve the Amicus Curiae brief prior to filing. A motion to approve this course of action was made and I seconded the motion. A copy of the Amicus brief is available at 2002 WL 31405680.

The Board of Directors approved the request to file an Amicus Curiae

brief with the United States Court of Appeals for the Fifth Circuit in the *Washington Legal Foundation v. Texas Equal Access to Justice Foundation*, Case No. 00-50139, supporting the positions of the IOLTA program, and the Board authorized the State Bar General Counsel to sign a brief against Washington Legal Foundation. I have been unable to obtain a copy, but the brief would have been substantially similar to the amicus brief filed with the Supreme Court.

As a member of the State Bar of Texas Board of Directors from 2000 to 2003, I attended board meetings where there were discussions regarding issues of importance to Texas lawyers. Meeting minutes available at [http://www.texasbar.com/Content/NavigationMenu/AboutUs/BoardofDirectors/MeetingAgendasMinutes/BOD\\_Archives.htm](http://www.texasbar.com/Content/NavigationMenu/AboutUs/BoardofDirectors/MeetingAgendasMinutes/BOD_Archives.htm).

While serving as the vice-president of the Texas Young Lawyers Association from 1999 to 2000, I was the officer advisor to the We the Jury committee project, which was designed to educate high school students about the jury system. As the officer advisor to the committee, I was involved in the planning of the project as well as the editing of the curriculum guide. Although the We the Jury program was implemented nationwide by the American Bar Association Young Lawyer Division, I was only involved in the project in Texas. Representative curriculum guide supplied and video available at: <http://www.tyla.org/tyla/index.cfm/resources/educators-students/high-school/we-the-jury/>.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

After being initially appointed as a justice on the Texas Fifth District Court of Appeals in July 2004, I ran for reelection in November 2004 and 2006. I also ran to become a judge of the 15th District Court of Grayson County from August 2003 to March 2004. During the course of these campaigns, I filled out a number of candidate questionnaires. Although I have not retained copies of the questionnaires and I do not recall every group for whom I filled out a questionnaire, I have supplied the questionnaires that I have been able to locate after a diligent search of my records and the Internet.

The State Bar of Texas Board of Directors approved the Judiciary Committee's request for the board to write Congress in support of the Volcker Commission Report. Approved on April 11, 2003. Copy supplied.

The State Bar of Texas Board of Directors approved the Legislative Policy Subcommittee's report regarding various amendments to the Texas Family Code. Approved on September 20, 2002. Copy supplied.

The State Bar of Texas Board of Directors approved the Legislative Policy Committee's recommendations regarding the State Bar of Texas' legislative passage. Approved on October 6, 2000. Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my files as well as public databases and the Internet to compile the list of speaking engagements below. I have attempted to generate as complete a list as possible; however, it is possible there have been events I have been unable to identify or recall.

2009 – present: I preside over Naturalization Ceremonies for new citizens. I have conducted 14 ceremonies, on the following dates: July 2, 2009, November 6, 2009, March 19, 2010, July 2, 2010, January 11, 2011, June 10, 2011, November 7, 2011, June 29, 2012, November 8, 2012, April 19, 2013, July 2, 2013, September 24, 2013, October 5, 2013, and December 17, 2013. All of the ceremonies were held in Irving, Texas with the exception of the October 5, 2013 ceremony, which was held in Plano, Texas. I have no notes, transcripts, or recordings. Press coverage for the July 2, 2010 ceremony is supplied.

1993 – 2000, 2013 – present: Presenter, "Kiwanis Student of the Month," Sherman Kiwanis Club, Sherman, Texas. I started this project in 1993. The club honors one high school senior each month during the school year. I present the award to the student and give an overview of the student's background. I have no notes, transcripts, or recordings. The address for the Sherman Kiwanis Club is P.O. Box 592, Sherman, Texas 75091.

March 31, 2014: Speaker, "General Billy Mitchell Award Presentation to Cadet 2nd Lieutenant Catherine Flood," Civil Air Patrol Texas Wing Texoma Composite Squadron, Denison, Texas. I presented the Billy Mitchell award to Catherine Flood and explained to the cadets my job duties and jurisdiction. I have no notes, transcript, or recording. The address for the Texoma Composite Squadron is 4331 Airport Drive, Denison, Texas 75020.

January 15, 2014: Panelist, "Judicial Forum CLE," Dallas Bar Association Labor and Employment Law Section, Dallas, Texas. I have no notes, transcript, or recording, but the questions from the moderator are supplied. The address for the

Dallas Bar Association is 2101 Ross Avenue, Dallas, Texas 75201.

November 18, 2013: Panelist, “View from the Bench Post AIA,” IP Summit: Post AIA – Strategies in Litigation and Patent Prosecution at Fordham, New York, New York. I have no notes, transcript, or recording, but the questions from the moderator are supplied. The address for Fordham University School of Law is 113 West 60th Street, New York, New York 10023.

November 1, 2013: Panelist, “Trial Judges Panel/Interactive Discussion with Audience on Things Patent & Beyond,” Eastern District of Texas Bench Bar Conference, Plano, Texas. I have no notes, transcript, or recording, but the questions from the moderator are supplied. The address for the Eastern District Bar Association is P.O. Box 2649, Longview, Texas 75606.

May 6, 2013: Speaker, “Memorial to Judge Paul Brown,” Fifth Circuit Conference, Fort Worth, Texas. Speech supplied.

April 25, 2013: Panelist, “Complex Litigation Involving Multiple Parties,” Federal Circuit Bar Association/Eastern District of Texas Bar Association, Plano, Texas. I was part of a panel that addressed multi-defendant patent cases in a post-EMC world. I have no notes, transcript, or recording. The address for the Eastern District Bar Association is P.O. Box 2649, Longview, Texas 75606.

October 26, 2012: Panelist, “Patent Dim Sum: The Ultimate Judge’s Panel,” Eastern District of Texas Bench Bar Conference, Plano, Texas. I was part of a panel that addressed patent-related issues from a judicial perspective. I have no notes, transcript, or recording. The address for the Eastern District Bar Association is P.O. Box 2649, Longview, Texas 75606.

September 27, 2011: Panelist, “Electronic Polling Exercise – Interactive Discussions. Views From the Bench & Bar On a Variety of Current Pretrial, Trial and Appellate Issues,” Eastern District of Texas Bench Bar Conference Jointly With the Federal Circuit Bar Association, Irving, Texas. Attorneys attending the conference would vote on various topics related to practice in the Eastern District of Texas and the panel would respond to the vote outcomes. I have no notes, transcript, or recording. The address for the Eastern District Bar Association is P.O. Box 2649, Longview, Texas 75606.

September 27, 2011: Panelist, “Magistrate Panel: Nuts & Bolts of Effective Advocacy,” Eastern District of Texas Bench Bar Conference Jointly with the Federal Circuit Bar Association, Irving, Texas. The panel discussed various issues related to the role of magistrate judges in the Eastern District and tips for success in practicing in the Eastern District of Texas. I have no notes, transcript, or recording. The address for the Eastern District Bar Association is P.O. Box 2649, Longview, Texas 75606.

May 20, 2011: Panelist, "Federal Judges Panel," State Bar of Texas Federal Court Practice Course, Dallas, Texas. I was part of a panel that addressed various federal procedural issues. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

May 20, 2011: Panelist, "Motions: Dispositive and Otherwise," State Bar of Texas Federal Court Practice Course, Dallas, Texas. PowerPoint supplied.

March 2011: Speaker, "Staying in School," Henry Sory Elementary School, Sherman, Texas. I spoke at the Husky Honors Celebration on the importance of school. I have no notes, transcript, or recording. The address for Henry Sory Elementary is 120 Binkley Park Drive, Sherman, Texas 75092.

2001 – 2010: Speaker, "Junior Judges: Helping Kids Make Smart Choices." As President of the Texas Young Lawyers Association, I created this program, and made presentations about this program to various Kiwanis Clubs, Rotary Clubs, Lions Club, and various other civic groups. I have also taught the program to 4th grade classes on numerous occasions. I estimate that in total I have given presentations about Junior Judges on approximately 50 occasions. Where I had a record of presentations, I have provided them. I have provided specific information as to location and dates where I have been able to find them. Representative curriculum guide supplied and video available at: [www.tyla.org/tyla/index.cfm/resources/educators-students/elementary-school/junior-judges](http://www.tyla.org/tyla/index.cfm/resources/educators-students/elementary-school/junior-judges).

March 29, 2006: Speaker, "Junior Judges: Helping Kids Make Smart Choices," Oak Cliff Lions Club, Dallas, Texas. As the program speaker, I discussed the Junior Judges project. I have no notes, transcript, or recording. The address for the Lions Club is 1401 Stemmons Avenue, Dallas, Texas 75208.

January 20, 2006: Speaker, "Junior Judges: Helping Kids Make Smart Choices," Greater Irving Republican Club, Irving, Texas. As the program speaker, I discussed the Junior Judges project. I have no notes, transcript, or recording, but press coverage is supplied. The address for the club is 1725 North MacArthur Boulevard, Irving, Texas 75061.

June 8, 2005: Speaker, either on "Junior Judges: Helping Kids Make Smart Choices," or "An Overview of the 5th Court of Appeals," Metrocrest Republican Club, Farmers Branch, Texas. I have no notes, transcript, or recording. The address for the club is 14055 Dennis Lane, Farmers Branch, Texas 75234.

February 2005: Speaker, "Junior Judges: Helping Kids Make Smart Choices," Junior Tuesday Literary Club, Sherman, Texas. As the program speaker, I discussed the Junior Judges project. I have no notes, transcript,

or recording, but press coverage is supplied. The address for the Ella Mae Brown Crisis Center is P.O. Box 2112, Sherman, Texas 75091.

July 30, 2003: Speaker, "Junior Judges: Helping Kids Make Smart Choices," Grayson County Rotary Club, Sherman, Texas. As the program speaker, I discussed the Junior Judges project. I have no notes, transcript, or recording. The address for the Rotary Club is Kelly Square, 115 South Travis Street, Sherman, Texas 75090.

June 2003: Speaker, "Junior Judges: Helping Kids Make Smart Choices," Hyde Park Elementary, Denison, Texas. As the program speaker, I discussed the Junior Judges project. I have no notes, transcript, or recording, but press coverage is supplied. The address for Hyde Park Elementary is 1701 South Hyde Park Avenue, Denison, Texas 75020.

October 17 and 18, 2001: Speaker, "Junior Judges: Helping Kids Make Smart Choices," Wakefield Elementary, Sherman, Texas. As the program speaker, I discussed the Junior Judges project. I have no notes, transcripts, or recordings. The address for Wakefield Elementary is 400 Sunset Boulevard, Sherman, Texas 75092.

October 22, 2010: Panelist, "Interactive Session/Lawyers & Judges e-Polled," Eastern District of Texas Bench Bar Conference, Plano, Texas. Statements for panel discussion supplied. I have no notes, transcript, or recording. The address for the Eastern District Bar Association is P.O. Box 2649, Longview, Texas 75606.

October 16, 2009: Panelist, "You Be the Judge: Anonymous, Interactive Electronic Polling Segment, Act II," Eastern District of Texas Bench Bar Conference, Frisco, Texas. Attorneys attending the conference would vote on various topics and the panel would respond to the vote outcomes. The proposed questions are supplied. I have no notes, transcript, or recording. The address for the Eastern District Bar Association is P.O. Box 2649, Longview, Texas 75606.

October 15, 2009: Panelist, "Introduction to Federal Practice," Eastern District of Texas Bench Bar Conference, Frisco, Texas. The panel discussed what to expect, from a judicial perspective, when you are new to federal court practice. I have no notes, transcript, or recording. The address for the Eastern District Bar Association is P.O. Box 2649, Longview, Texas 75606.

May 15, 2009: Speaker, remarks at my investiture ceremony as a United States Magistrate Judge, United States District Court for the Eastern District of Texas, Sherman, Texas. Transcript supplied.



April 3, 2009: Panelist, “Practical Tips for Presenting Insurance Issues to Appellate Judges,” State Bar of Texas Advanced Insurance, Dallas, Texas. Notes supplied.

March 2008: Speaker, Grayson County Lincoln Day Luncheon, Sherman, Texas. I introduced Justice Wainwright as a speaker at the luncheon and I gave brief remarks after being presented with a service award. I have no notes, transcripts, or recordings, but press coverage is supplied. The address for the Grayson County Republican Party is P.O. Box 3122, Sherman, Texas 75091.

Approximately 2007 – 2008: Speaker, “An Overview of the 5th Court of Appeals,” Plano Bar Association, Plano, Texas. Notes supplied.

2005 – 2008: Panelist, “Judges’ Panel,” Dallas Bench Bar Conference, Horseshoe Bay, Texas. Although I cannot locate records for the conferences, I recall serving on one or two judges’ panels where it was typical for the judges to offer practice tips to the lawyers attending the conference. I have no notes, transcripts, or recordings. The address for the Dallas Bar Association is 2101 Ross Avenue, Dallas, Texas 75201.

September 7, 2007: Panelist, “The Most Underutilized Advocacy Tools,” State Bar of Texas Civil Appellate Practice Course, Austin, Texas. I was part of a panel that discussed appellate issues from a judicial perspective. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

September 2007: Speaker, “An Overview of the 5th Court of Appeals,” Denison Rotary Club, Denison, Texas. My remarks addressed the role of a justice on the court of appeals. I have no notes, transcript, or recording. The address for the Denison Rotary Club’s meetings is St. Luke’s Episcopal Church, 427 West Woodard, Denison, Texas 75020.

June 22, 2007: Presenter, “Outstanding Mentor Award,” Texas Young Lawyers Association’s Annual Meeting, San Antonio, Texas. I presented the award to the winner of the Outstanding Mentor Award, which goes to a lawyer that demonstrates a commitment to mentoring young lawyers in his or her legal community. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

April 12, 2007: Moderator, “The Judge as Target: When the Law Goes One Way and Public Opinion the Other,” Austin College Law Symposium, Sherman, Texas. I moderated a panel of current and former state supreme court justices that discussed judicial independence and public opinion. Notes supplied.

October 20, 2006: Speaker, retirement ceremony for the Honorable Paul Brown, United States District Judge, United States District Court for the Eastern District of Texas, Sherman, Texas. Remarks supplied.

October 19, 2006: Panelist, "Practice before the Dallas Court of Appeals: Preparation of Briefs and Oral Argument," Dallas Bar Association's Appellate Law Section, Dallas, Texas. I was part of a panel that discussed practice tips on preparing briefs and for oral argument. I have no notes, transcript, or recording. The address for the Dallas Bar Association is 2101 Ross Avenue, Dallas, Texas 75201.

November 10, 2005: Speaker, "Appellate Perspective Regarding Ethical Concerns," Dallas Bar Association's CLE Committee Evening Ethics Program, Dallas, Texas. Notes supplied.

July 2005: Speaker, "Judicial Ethics in Campaigning," Dallas Republican Party, Dallas, Texas. Along with Justice Lang, I made remarks regarding what judicial ethics allowed for judges in a campaign. I have no notes, transcript, or recording. The address for the Dallas County Republican Party is 10300 North Central Expressway, Suite 345, Dallas, Texas 75231.

June 2005: Panelist, "Panel Discussion of State Appellate Justices," University of Texas Advanced Appellate Conference, Austin, Texas. The panel discussed general tips for appellate practice. I have no notes, transcript, or recording. The address for the University of Texas School of Law Continuing Legal Education is 727 East Dean Keeton Street, Austin, Texas 78705.

June 24, 2005: Presenter, "Liberty Bell Award," Texas Young Lawyers Association's Annual Meeting, Dallas, Texas. I presented the award to the winner of the Liberty Bell Award, which goes to a non-lawyer. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

April 2005: Speaker, "An Overview of the Justice System," Denison Knights of Columbus, Denison, Texas. I was the program speaker, and I discussed the rule of law and how a judge makes decisions. I have no notes, transcript, or recording. The address for the Denison Knights of Columbus is 2027 South Austin Avenue, Denison, Texas 75020.

August – November 2004: I gave a number of campaign speeches and participated in debates while running to serve the remainder of a term as a justice on the Texas Fifth District Court of Appeals. I do not recall the specific dates or locations of these events. I spoke to various civic, political, and professional organizations, and I also appeared at various forums. Although I do not recall every group to which I spoke, they included the Dallas Morning News Editorial Board and the Mesquite Bar Association. I also attended various Republican clubs

where I was introduced as a candidate. Although I do not recall every club I visited, I recall that they included the Dallas County Council of Republican Women, Golden Corridor Republican Women, Grayson County Republican Women, Greater Dallas Pachyderm Club, Kaufman County Republican Women, Mesquite Republican Women's Club, Metrocrest Republican Club, Northwood Republican Women, Park Cities Republican Women, and Rockwall Republican Men. At all events, if given the opportunity, I generally spoke about my qualifications, experience, and community involvement. I typically did not speak from a prepared text, and I have not been able to locate any such texts. I have no notes, transcripts, or recordings.

September 17, 2004: Speaker, "Investiture Ceremony for Justice of Fifth Court of Appeals," Sherman, Texas. Transcript provided.

September 17, 2004: Speaker, "Investiture Ceremony for Justice of Fifth Court of Appeals," Dallas, Texas. There was no transcript or recording made of the Dallas investiture, but the remarks would be similar to the remarks made at the Sherman investiture. The address for the Dallas Bar Association is 2101 Ross Avenue, Dallas, Texas 75201.

June 25, 2004: Presenter, "Outstanding Young Lawyer of Texas Award," Texas Young Lawyers Association's Annual Meeting, San Antonio, Texas. I presented the award to the most outstanding young lawyer for the past year. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

August 2003 – March 2004: I gave a number of campaign speeches and participated in debates while running to become a judge of the 15th District Court of Grayson County. I do not recall the specific dates or locations of these events. I spoke to various civic, political, and professional organizations, and I also appeared at various forums. Although I do not recall every group to which I spoke, they included the Child and Family Guidance Center of Texoma, the Grayson County Bar Association, the Grayson County Criminal Defense Lawyers Association, the Grayson County Republican Party, the Grayson County Republican Women, the League of Women Voters, the Pottsboro Chamber of Commerce, the South Grayson Republican Club, and the Whitesboro Chamber of Commerce. At all events, I generally spoke about my qualifications, experience, and community involvement. I typically did not speak from a prepared text, and I have not been able to locate any such texts. I have no notes, transcripts, or recordings, but press coverage is supplied where available.

July 2003: Speaker, "Practical Tips for Practicing before the Court," Collin County Community College Paralegal Class, Plano, Texas. Notes supplied.

June 13, 2003: Presenter, "Awards of Achievement," Texas Young Lawyers Association's Annual Meeting, Houston, Texas. I presented the award to the

statewide local affiliate winners. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

November 22, 2002: Presenter, "Investiture Ceremony for United States District Judge Ron Clark," United States District Court for the Eastern District of Texas, Sherman, Texas. Transcript supplied.

October 2002: Speaker, "Junior Judges: Helping Kids Make Smart Choices," American Bar Association Young Lawyers Division's Young Lawyer Conference, Cincinnati, Ohio. I made a presentation about the Junior Judges project. I have no notes, transcript, or recording. The address for the American Bar Association Young Lawyers Division is 321 North Clark Street, 18th Floor, Chicago, Illinois 60654.

July 2002: Speaker, "Practical Tips for Practicing before the Court," Collin County Community College Paralegal Class, Plano, Texas. I used the same notes as those previously supplied for July 2003 event.

June 14, 2002: Speaker, "President's Farewell Address," Texas Young Lawyers Association's Annual Meeting, Dallas, Texas. As the outgoing president, I made general comments about my year and thanked the many people who made the year a success. I also presented several awards to lawyers who worked on projects during my term as president. I have no notes, transcript, or recording, but press coverage is provided. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

April 2002: Speaker, "Understanding the Role of the Constitution in Today's Modern Society," We the People Competition hosted by the State Bar of Texas Law-Related Education Department, Austin, Texas. Remarks supplied.

November 2001: Speaker, "Welcome to the Profession," New Lawyer Induction Ceremony, Austin, Texas. Remarks supplied.

June 2001: Speaker, Swearing in as President of Texas Young Lawyers Association, Austin, Texas. Remarks supplied.

March – April 2000: I gave a number of speeches while running for President-elect of the Texas Young Lawyers Association. I made presentations to the following bar associations: Amarillo Young Lawyers Association; Beaumont Young Lawyers Association; Dallas Association of Young Lawyers; El Paso Young Lawyers Association; Fort Worth/Tarrant County Young Lawyers Association; Houston Young Lawyers Association; Laredo Young Lawyers Association; Lubbock Young Lawyers Association; Waco Young Lawyers Association. I generally discussed my Texas Young Lawyers experience, my qualifications to be President-elect, and my plans for the association, if elected. I

have no notes, transcripts, or recordings. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

November 5, 1999: Speaker, State Bar of Texas Federal Court Practice Seminar, Dallas, Texas. I was co-director of the program and introduced various speakers. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

October 1998: Speaker, "Educating Senior Citizens About Their Legal Rights," American Bar Association Young Lawyer Division's Young Lawyer Conference, Philadelphia, Pennsylvania. I made a presentation about how to set up seminars to educate senior citizens. I have no notes, transcript, or recording. The address for the American Bar Association Young Lawyers Division is 321 North Clark Street, 18th Floor, Chicago, Illinois 60654.

October 22, 1998: Speaker, "Vernon Holland Memorial Dedication Ceremony," Sherman Kiwanis Club, Sherman, Texas. I gave opening remarks at the Vernon Holland Memorial Dedication Ceremony as President of Sherman Kiwanis Club. I have no notes, transcript, or recording. The address for the Sherman Kiwanis Club is P.O. Box 592, Sherman, Texas 75091.

July 1998: Speaker, "Elder Rights," State Bar of Texas Bar Leaders Conference, Montgomery, Texas. I made remarks about how to set up seminars to educate senior citizens about their legal rights. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

May 1998: Speaker, "Supreme Team: Layin' Down the Law," American Bar Association Young Lawyer Division's Young Lawyer Conference, La Jolla, California. I made a presentation on how to implement Supreme Team in high schools. I have no notes, transcript, or recording. The address for the American Bar Association Young Lawyers Division is 321 North Clark Street, 18th Floor, Chicago, Illinois 60654.

October 1997: Speaker, "Preparing for the Golden Years," American Bar Association Young Lawyer Division's Young Lawyer Conference, Tampa, Florida. I made remarks about how to set up seminars to educate senior citizens about their legal rights. I have no notes, transcript, or recording. The address for the American Bar Association Young Lawyers Division is 321 North Clark Street, 18th Floor, Chicago, Illinois 60654.

July 1997: Speaker, "Supreme Team: Layin' Down the Law," State Bar of Texas Bar Leaders Conference, Montgomery, Texas. I made a presentation on how to implement Supreme Team in high schools. I have no notes, transcript, or recording. The address for the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

December 1994: Presenter, "Portrait Presentation in Honor of the Honorable Paul Brown," United States District Court for the Eastern District of Texas, Sherman, Texas. Transcript supplied.

1987: In my senior year of college, to the best of my recollection, I prepared and presented a paper regarding President Ronald Reagan and the art of communication in relation to the World Court and Nicaragua, which I presented at a panel discussion for the Pittsburgh Chapter of the World Federalist Society. To the best of my recollection, I received the Elizabeth Esslinger Bloch Research Scholarship for this paper. I have no notes, transcript, or recording. Although I have checked my records, I do not have a copy of the paper. The address for the Pittsburgh Chapter is 239 Fourth Avenue Suite 1607, Pittsburgh, Pennsylvania 15222.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I searched my files as well as publically available Internet sources to create as comprehensive a response to this question as possible, but I may have given other interviews that I am unable to recall or identify.

Peter Urban, Steve Tetreault, and Jerrie Whiteley, *Renamed Federal Courthouse in Sherman a Tribute to Former Judge*, Herald Democrat, Dec. 20, 2013. Copy supplied.

Jerrie Whiteley, *Federal Judge Paul Brown Dies at Age 86*, Herald Democrat, Nov. 28, 2012. Copy supplied.

*TYLA History*, the Texas Young Lawyers Association, 2010. The video is available at <http://www.tyla.org/tyla/index.cfm/about/tyla-history>.

Bryon Romine, *Judge Mazzant: U.S. Magistrate Judge in Eastern District*, Dallas Bar Association/Headnotes, June 2009. Copy supplied.

*Inadmissible: 5th Court Shuffle?* Texas Lawyer, Jan. 26, 2009. Copy supplied.

Jerrie Whiteley, *Sherman Man Appointed as U.S. Magistrate Judge*, Herald Democrat, Jan. 17, 2009. Copy supplied.

Holland Sullivan, Jr., *Judicial Profile: Justice Amos Mazzant*, Dallas Bar Association, Oct. 2007. Copy supplied.

Morgan Morrison, *Determined to Make a Difference*, 69 Tex. B.J. 556 (2006). Copy supplied.

*Dallas Students Witness Law and Order Firsthand*, 69 Tex. B.J. 458 (2006). Copy supplied.

Anita Davis, *Texas Bar Foundation Celebrates Its 40th Anniversary*, 69 Tex. B.J. 176 (2006). Copy supplied.

Morgan Morrison, *Amarillo Attorney Takes Office as the 2005-06 Texas Young Lawyers Association President*, 68 Tex. B.J. 511 (2005). Copy supplied.

Jerrie Whiteley, *'Gentleman Lawyer' Joseph Wolfe Dies*, Herald Democrat, Jan. 6, 2005. Copy supplied.

Edward Southerland and Joyce Godwin, *Two Grayson County Men Get Appointments*, Herald Democrat, July 16, 2004. Copy supplied.

Jerrie Whiteley, *Recount Set in Primary*, Herald Democrat, Mar. 24, 2004. Copy supplied.

Jerrie Whiteley, *Fallon New Judge of the 15th Court*, Herald Democrat, Mar. 10, 2004. Copy supplied.

*Mazzant Touts Experience*, Herald Democrat, Jan. 13, 2004. Copy supplied.

Anita Davis, *Marshall Wood*, 66 Tex. B.J. 502 (2003). Copy supplied.

*First News Forum: Junior Judges*, KXII TV, Dec. 7, 2003. Video supplied.

*Making Good Choices*, Herald Democrat, Oct. 17, 2003. Copy previously supplied in response to 12d.

*Helping Kids Make Smart Choices*, TYLA Newsletter, Aug. 22, 2002. Copy supplied.

*Junior Judges "Helping Kids Make Smart Choices,"* Municipal Court Reporter, May 2002. Copy supplied.

Anita Davis, *Junior Judges: Helping Kids Make Smart Choices*, 65 Tex. B.J. 66 (2002). Copy supplied.

*An Interview with the President of the Texas Young Lawyers Association*, 64 Tex. B.J. 562 (2001). Copy supplied.

*Junior Judges*, Texas Lawyer, Dec. 31, 2001. Copy supplied.

Dorothy N. Fowler, *TYLA Goes National*, Herald Democrat, Dec. 27, 2001. Copy supplied.

Julie D. Smith, *Attorney: Be wary of making a living trust*, The Brownwood Bulletin, Nov. 26, 2001. Copy supplied.

*Grayson County Kicks Off Junior Judges*, ABA/YLD Reporter, Nov. 2001. Copy supplied.

Holli Schaub, *Junior Judges Gives Pupils Choices*, Herald Democrat, Oct. 21, 2001. Copy supplied.

*President-Elect Candidates*, 64 Tex. B.J. 358 (2000). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

On July 15, 2004, I was appointed as a justice to the Fifth District Court of Appeals. On November 2, 2004, I was elected as a justice to the Fifth District Court of Appeals to an unexpired term from November 2004 to December 31, 2006. On November 7, 2006, I was re-elected as a justice to the Fifth District Court of Appeals for a full six-year term running from January 1, 2007, to December 31, 2012. The court has appellate civil and criminal jurisdiction. I resigned on April 6, 2009, to become a United States Magistrate Judge.

On April 6, 2009, I was appointed to the position of United States Magistrate Judge for the United States District Court for the Eastern District of Texas, Sherman Division, to serve an eight-year term. By agreement of the judges of the Eastern District of Texas, fifty percent of all Sherman Division cases are handled in the Sherman courthouse, with the other fifty percent being handled at the Plano courthouse. For the fifty percent assigned to Sherman, I handled all pretrial matters and motions pertaining to the civil docket from 2009 until April 2, 2014. Beginning April 2, 2014, the assignment of cases has changed, and I am now directly assigned twenty-five percent of the non-habeas civil cases as the presiding judge. The other twenty-five percent, as well as all habeas cases, are still referred to me to handle for all pretrial purposes. In addition, I have jurisdiction over civil matters by consent of the parties. On the criminal side of the docket, I handle all pleas, suppression hearings, and other motions for the fifty percent of the cases assigned to Sherman. In conjunction with Judge Don D. Bush, the magistrate judge at the Plano courthouse, I handle all initial appearances, arraignments, detention hearings, revocations of supervised release, and applications for search and seizure warrants on an every-other-month rotation.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?



My best estimate is that I have presided over 186 cases that have gone to verdict or judgment, 97% of which are civil and 3% of which are criminal. The percentages below represent the approximately 21 cases that have gone to trial; the other cases noted above were resolved via dispositive motion or settlement of the parties.

i. Of these, approximately what percent were:

jury trials:	62%
bench trials:	38%
civil proceedings:	96%
criminal proceedings:	4%

b. Provide citations for all opinions you have written, including concurrences and dissents.

Please see attached lists.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

(1) *Amway Corp. v. bHIP Global, Inc.* No. 4:10-CV-549.

Plaintiffs asserted claims for tortious interference with contracts and/or business relations, tortious interference with prospective business relations, trade secret misappropriation, unfair competition, Texas Theft and Liability Act, conversion, and Lanham Act. The parties sold energy and sports drinks that competed against each other. Plaintiffs asserted that defendants unlawfully solicited and recruited one of plaintiffs' successful independent business owners to join bHIP and compete against plaintiffs. Plaintiffs alleged that defendants misappropriated plaintiffs' trade secrets and that bHIP misrepresented the quality of bHIP's products. I presided over a jury trial from December 4, 2012, to December 12, 2012, which resulted in a defense verdict. I denied the motion for a new trial. There was no appeal.

Plaintiffs' counsel:

William Charles Bundren  
2591 Dallas Parkway, Suite 300  
Frisco, TX 75034  
(972) 624-5338

Defendants' counsel:

Jenifer L. Grace  
The Grace Firm, PLLC  
901 Sam Rayburn Highway, Suite 100  
Melissa, TX 75454  
(972) 439-1745

Clay Alfred Hartmann  
The Hartmann Firm, PC  
6677 Gaston Avenue  
Dallas, TX 75214  
(214) 828-1822

The following are citations of significant opinions in this case:

*Amway Corp. v. bHIP Global, Inc.*, No. 4:10-CV-549, 2013 WL 2355083 (E.D. Tex. May 29, 2013) (plaintiffs' motion for new trial).

*Amway Corp. v. bHIP Global, Inc.*, No. 4:10-CV-549, 2013 WL 2355525 (E.D. Tex. May 29, 2013) (defendants' motion to amend judgment and motion to tax costs).

(2) *Dwyer v. City of Corinth*, No. 4:09cv198.

Plaintiff asserted a claim for excessive force based upon use of a Taser. Plaintiff, a sixteen-year-old boy, suffered a seizure, and struggled and resisted the paramedics' attempt to secure him to the gurney. When defendant officer arrived, he used a Taser on plaintiff in an attempt to control the situation. The Taser was applied six times, but was fired fifteen times. Prior to the first trial, I issued a report and recommendation on the motion for judgment on the pleadings, where I recommended that some claims be dismissed. No objections were filed to the report, and it was adopted on November 17, 2009, by United States District Judge Michael Schneider. I also issued a report and recommendation on the motion for summary judgment where I recommended that certain parties and claims be dismissed. After considering the objections, the district judge adopted my report. This case was first tried before a jury before the district judge, resulting in a finding of no excessive force. After the district judge granted a new trial, the parties consented, and I presided over the second trial from April 23, 2012, to April 27, 2012. The trial resulted in a finding of no excessive force in favor of defendant. There was no appeal.

Plaintiff's counsel:

Michael J. Whitten  
The Whitten Law Firm

218 North Elm Street  
Denton, TX 76201  
(940) 383-1618

Defendant's counsel:

William W. Krueger  
McKamie Krueger LLP  
2007 North Collins Boulevard, Suite 501  
Richardson, TX 75080  
(214) 253-2600

The following are citations of significant opinions in this case:

*Dwyer v. City of Corinth*, No. 4:09cv198, 2010 WL 3283079 (E.D. Tex. July 23, 2010), *adopted by* 2010 WL 3283076 (E.D. Tex. Aug. 19, 2012) (defendants' motions for summary judgment).

*Dwyer v. City of Corinth*, No. 4:09cv198, 2009 WL 3856989 (E.D. Tex. Nov. 17, 2009) (defendants' second Rule 12(c) motion for judgment on the pleadings).

(3) *Fatan v. Tillman*, No. 4:11cv812.

Plaintiff asserted claims for illegal entry and seizure, false arrest and imprisonment, and malicious prosecution pursuant to 42 U.S.C. § 1983. Plaintiff asserted that defendant, a police officer, entered into his home without a warrant or without probable cause and arrested plaintiff. I issued a report and recommendation that suggested defendant's motion for summary judgment be granted in part and denied in part. I recommended that plaintiff's claims for malicious prosecution be dismissed as time-barred, that plaintiff's Section 1983 claims against defendant in his official capacity be dismissed, that plaintiff's state tort claims for intentional infliction of emotional distress and false imprisonment against defendant in his individual capacity be dismissed, but that the motion be denied on all other grounds. No objections were filed to the report, and it was adopted on March 1, 2013, by United States District Judge Ron Clark. With the parties' consent, I presided over a jury trial from January 7, 2014, to January 9, 2014. The jury returned a verdict in favor of defendant, finding that there was no constitutional violation.

Plaintiff's counsel:

Donald Lee Bailey  
309 North Willow  
Sherman, TX 75090  
(903) 892-9185

Gaylon Perry Riddels  
Gaylon P. Riddels Law Firm, PC  
108 East Houston Street, Suite 200  
Sherman, TX 75090  
(903) 893-2878

Defendant's counsel:

D. Randall Montgomery  
D. Randall Montgomery & Associates, PLLC  
12400 Coit Road, Suite 560  
Dallas, TX 75251  
(214) 292-2602

The following are citations of significant opinions in this case:

*Fatan v. Tillman*, No. 4:11cv812, 2013 WL 789236 (E.D. Tex. Jan. 31, 2013),  
*adopted by* 2013 WL 789121 (E.D. Tex. Mar. 1, 2013) (defendant's motion for  
summary judgment).

(4) *Frito-Lay North America, Inc. v. Medallion Foods, Inc.*, No. 4:12cv74.

This case involved claims for patent infringement, trademark infringement, trade dress infringement, dilution, misappropriation of trade secrets, unfair competition, and Texas Theft Liability Act. This lawsuit was brought by Frito-Lay to enforce its intellectual property rights in its Tostitos Scoops! tortilla chips, related packaging, and processes and systems for manufacturing the chips, arising from defendants' sale and manufacture of bowl-shaped tortilla chips. Frito-Lay contended that defendants sold a bowl-shaped tortilla chip that infringed Frito-Lay's federally registered trade dress rights in the Scoops! chip shape, often in packages that were confusingly similar to Frito-Lay's Tostitos Scoops! packaging trade dress. I decided a variety of motions and issues, including a motion to transfer, motion to dismiss, motion to exclude experts, motion to compel, motions for summary judgment, and motions in limine. I also presided over a Markman hearing and issued a claim construction order. I presided over a jury trial from February 11, 2013, to March 1, 2013, which resulted in a defense verdict. While post-trial motions were pending, the case settled and was dismissed.

Plaintiff's counsel:

Timothy Durst  
Baker Botts  
2001 Ross Avenue  
Dallas, TX 75201  
(214) 953-6816

Clyde Siebman  
Siebman Reynolds Burg & Phillips LLP  
300 North Travis Street  
Sherman, TX 75090  
(903) 870-0070

Defendants' counsel:

Jack Wesley Hill  
Thomas John Ward, Jr.  
Ward & Smith Law Firm  
1127 Judson Road, Suite 220  
P.O. Box 1231  
Longview, TX 75606  
(903) 757-6400

David W. Harlan  
Armstrong Teasdale LLP  
7700 Forsyth Boulevard, Suite 1800  
Saint Louis, MO 63105  
(314) 342-4157

The following are citations of significant opinions in this case:

*Frito-Lay North America, Inc. v. Medallion Foods, Inc.*, No. 4:12cv74, 2013 WL 101573 (E.D. Tex. Jan. 8, 2013) (Frito-Lay's motion for summary judgment on defendants' sale or public use affirmative defenses and counterclaims).

*Frito-Lay North America, Inc. v. Medallion Foods, Inc.*, No. 4:12cv74, 2013 WL 74605 (E.D. Tex. Jan. 4, 2013) (defendants' motion for summary judgment on counts 1, 2, 3, 5, 6, 9, and counterclaim 1).

*Frito-Lay North America, Inc. v. Medallion Foods, Inc.*, No. 4:12cv74, 2012 WL 4478355 (E.D. Tex. Sept. 27, 2012) (claim construction order).

*Frito-Lay North America, Inc. v. Medallion Foods, Inc.*, 867 F. Supp. 2d 859 (E.D. Tex. 2012) (defendants' motion to dismiss or, in the alternative, to transfer to the Eastern District of Arkansas).

(5) *Haberman v. PNC Mortg. Co.*, No. 4:11cv126.

Plaintiff asserted a claim under the Fair Credit Reporting Act ("FCRA"). Plaintiff contended that defendant negligently and/or willfully violated the FCRA on eight separate occasions by requesting and obtaining information from plaintiff's TransUnion credit report without having a legal, permissible purpose as required by the FCRA. This case presented a question of first impression on the liability of

a bank for account reviews in a post-bankruptcy discharge. I presided over a bench trial from August 13, 2012, to August 14, 2012. I found that there was no permissible purpose for defendant to access plaintiff's credit reports on eight separate occasions, and therefore defendant violated the FCRA. I also found that plaintiff did not suffer pain and suffering or any other actual damage as a result of the account reviews. I then found that a damage award of \$1,700 was appropriate in this matter and ordered defendant to pay \$1,700 to plaintiff in statutory damages. The \$1,700 represented \$100 for the seven account reviews and \$1,000 for the eighth account review, which occurred after defendant was sued in this case. I found that defendant's conduct did not entitle plaintiff to an award of punitive damages pursuant to 15 U.S.C. § 1681n(a)(2), but that plaintiff was entitled to an award of attorney's fees and costs. The case was not appealed.

Plaintiff's counsel:

Sylvia Antalis Goldsmith  
Law Office of Sylvia A. Goldsmith  
20545 Center Ridge Road, Suite 120  
Rock River, OH 44116  
(440) 934-3025

Defendant's counsel:

Latosha Lewis Payne  
Vorys, Sater, Seymour and Pease LLP  
700 Louisiana Street, Suite 4100  
Houston, TX 77002  
(713) 588-7018

The following are citations of significant opinions in this case:

*Haberman v. PNC Mortg. Co.*, 915 F. Supp. 2d 800 (E.D. Tex. 2013) (plaintiff's motion for attorneys' fees and costs).

*Haberman v. PNC Mortg. Co.*, No. 4:11cv126, 2012 WL 2921357 (E.D. Tex. July 17, 2012) (defendant's motion for summary judgment).

*Haberman v. PNC Mortg. Co.*, No. 4:11cv126, No. 77 (findings of fact and conclusions of law). Copy supplied.

(6) *Hendricks v. Ford Motor Co.*, No. 4:12cv71.

This was a product liability action. A scissor jack on a van sold and marketed by defendant failed and collapsed, and the decedent's van fell and crushed him to death in his garage. This was a test case by Ford on the failure of the scissor jack. The case involved testimony from the family members, as well as expert

testimony. I decided a variety of motions and issues, including a motion to exclude evidence of marijuana use, a motion to admit evidence of other accidents, a motion to exclude survey, a motion to exclude expert testimony, a motion for summary judgment on manufacturing accident, and motions in limine. I presided over a jury trial from October 22, 2012, to November 1, 2012, which resulted in a defense verdict. There was no appeal.

Plaintiffs' counsel:

Geoff J. Henley  
Henley & Henley, P.C.  
3300 Oak Lawn Avenue, Suite 700  
Dallas, TX 75219  
(214) 821-0222

Defendant's counsel:

William L. Mennucci  
John W. Chambless II  
Ronald D. Wamsted  
Thompson, Coe, Cousins & Irons, LLP  
701 Brazos, Suite 1500  
Austin, TX 78701  
(512) 708-8200

The following are citations of significant opinions in this case:

*Hendricks v. Ford Motor Co.*, No. 4:12cv71, 2012 WL 7958760 (E.D. Tex. Oct. 15, 2012) (defendant's opposed motion to exclude, or alternatively, motion in limine).

*Hendricks v. Ford Motor Co.*, No. 4:12cv71, 2012 WL 4478308 (E.D. Tex. Sept. 27, 2012) (plaintiff's motion to admit evidence of other accidents from same or similar cause).

*Hendricks v. Ford Motor Co.*, No. 4:12cv71, 2012 WL 7958730 (E.D. Tex. Sept. 24, 2012) (defendant's motion for partial summary judgment).

*Hendricks v. Ford Motor Co.*, No. 4:12cv71, 2012 WL 7956426 (E.D. Tex. Aug. 24, 2012) (defendant's motion for partial summary judgment).

(7) *Kazmi v. BAC Home Loans Servicing, L.P.*, No. 4:11cv375.

The case is one example of the diverse kinds of cases handled in the Sherman Division. The division has a large number of mortgage-related cases, and this case illustrates the issues that the court routinely addresses in handling these

cases. Plaintiffs raised legal challenges to the foreclosure proceedings, including causes of action for breach of contract and anticipatory breach of contract, violations of the Texas Debt Collections Act, breach of the common law tort of unreasonable collection efforts, and negligence and gross negligence. Plaintiffs' claims were based on the contention that the bank did not have standing to foreclose. The bank asserted that under Texas law, the right to foreclose was transferred to it. I issued a report and recommendation where I addressed these issues, recommending that the motion to dismiss for lack of subject matter jurisdiction and motion for summary judgment be granted. The report was adopted. The dismissal of the case was affirmed on appeal.

Plaintiffs' counsel:

J.B. Peacock , Jr  
Gagnon Peacock & Vereeke, PC  
4245 North Central Expressway, Suite 250  
LB104  
Dallas, TX 75205  
(214) 824-1414

Defendants' counsel:

Richard Dwayne Danner  
McGlinchey Stafford, PLLC  
2711 North Haskell Avenue, Suite 2750, LB 38  
Dallas, TX 75204  
(214) 445-2408

The following are citations of significant opinions in this case:

*Kazmi v. BAC Home Loans Servicing, L.P.*, No. 4:11cv375, 2012 WL 629440 (E.D. Tex. Feb. 3, 2012), *adopted by* 2012 WL 629433 (E.D. Tex. Feb. 27, 2012), *reconsideration denied by* 2012 WL 1899556 (E.D. Tex. May 24, 2012), *aff'd* 517 F. App'x 228 (5th Cir. 2013) (defendants' motion to dismiss for lack of subject matter jurisdiction and motion for summary judgment).

(8) *Little v. Technical Specialty Products, LLC*, No. 4:11cv717.

Plaintiff had filed suit against defendants for alleged violations of the Fair Labor Standards Act ("FLSA"). Plaintiff asserted that defendants violated the FLSA by failing to pay overtime pay rates for hours worked in excess of 40 hours in a work week, and that defendants discharged plaintiff in retaliation for making an oral complaint about the new overtime policy implemented by defendants. At the summary judgment stage, I dismissed plaintiff's FLSA claim for overtime compensation, but found that plaintiff's claim for retaliatory discharge should proceed to trial. I also found that plaintiff could recover compensatory damages



under the FLSA, but no punitive damages would be available to plaintiff. I presided over the jury trial from April 29, 2013, to May 2, 2013, which resulted in a verdict for plaintiff. Based upon the jury verdict, I entered judgment in favor of plaintiff in the amount of \$210,732. An appeal was filed, but it was dismissed on December 30, 2013, for failure to prosecute.

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The following are citations of significant opinions in this case:

*Little v. Technical Specialty Products, LLC*, No. 4:11cv717, 2012 WL 695719 (E.D. Tex. Feb. 8, 2012), *adopted by* 2012 WL 695717 (E.D. Tex. Mar. 1, 2012) (report and recommendation addressing defendants' motion to compel arbitration and stay proceedings pending arbitration).

*Little v. Technical Specialty Products, LLC*, 940 F. Supp. 2d 460 (E.D. Tex. 2013) (defendants' motion for complete, or in the alternative, partial summary judgment, plaintiff's motion for partial summary judgment, and defendants' objection and conformed, amended motion to strike plaintiff's experts Brian Farrington and Scott Barnes).

*Little v. Technical Specialty Products LLC*, No. 4:11cv717, 2013 WL 5755363 (E.D. Tex. Oct. 23, 2013) (order addressing the issue of liquidated damages and front pay).

*Little v. Technical Specialty Products LLC*, No. 4:11cv717, 2013 WL 5755333 (E.D. Tex. Oct. 23, 2013) (defendants' motion for judgment as a matter of law).

*Little v. Technical Specialty Products LLC*, No. 4:11cv717, 2014 WL 1116895 (E.D. Tex. Mar. 18, 2014) (defendants' motion for new trial).

(9) *Moree v. City of Sherman*, No. 4:11cv11.

Plaintiff asserted that she had been terminated because of age and gender discrimination claims. Defendant argued that plaintiff was terminated from her employment with defendant City of Sherman, Texas, for untruthfulness and conduct unbecoming after working for the City for twenty-seven years. I issued a report and recommendation on the motion to dismiss where I recommended that the motion be denied. Objections were filed, and my report was adopted by United States District Judge Michael Schneider. After the parties consented, I issued an order denying the motion for summary judgment. I presided over a jury trial from April 10, 2012, to April 11, 2012. The jury entered a verdict for plaintiff on the gender discrimination claim but rejected the age discrimination claim. I denied the post-trial motions, and the case settled while pending appeal.

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The following are citations of significant opinions in this case:

*Moree v. City of Sherman*, No. 4:11cv11, 2012 WL 947296 (E.D. Tex. Mar. 20, 2012) (defendant's motion for summary judgment).

*Moree v. City of Sherman*, No. 4:11cv11, 2011 WL 1564035 (E.D. Tex. Apr. 6, 2011), *adopted by* 2011 WL 1564028 (E.D. Tex. Apr. 26, 2011) (defendant's Rule 12(b)(1) or, alternatively, 12(b)(6) motion to dismiss).

(10) *Oasis Research, LLC v. Adrive, LLC*, Nos. 4:10cv435, 4:12cv525, 4:12cv526.

Plaintiff filed this pre-America Invents Act (“AIA”) patent infringement lawsuit alleging that the defendants infringed four United States patents relating to online backup and storage. Defendants in this case were competitors who offered commercial online backup/storage services to their customers. Prior to consent of the parties, I recommended denial of severance of this case. Objections were filed, and my report was adopted by United States District Judge Michael Schneider. Defendants filed a mandamus with the United States Appeals Court for the Federal Circuit, and the Federal Circuit adopted a new test for severance, in pre-AIA cases, granted the petition, and directed the court to reconsider the motions in light of the new test. All parties consented, and, upon reconsideration, I granted severance, but denied the motions to transfer venue. Defendants again sought a mandamus from the Federal Circuit on the denial of the transfer of venue, but the mandamus was denied. I presided over a jury trial from March 14, 2013, to March 22, 2013, on the invalidity claim for failure to name co-inventors, resulting in a verdict for defendants. A motion for judgment as a matter of law is pending. Plaintiff’s motion asserts that Jack Byrd is not a co-inventor of the patents-in-suit, and that the patents-in-suit are therefore not invalid.

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The following are citations of significant opinions in this case:

*Oasis Research, LLC v. Carbonite, Inc.*, No. 4:12-CV-525, 2012 WL 3600680 (E.D. Tex. Aug. 21, 2012) (defendant Carbonite, Inc.'s motion to sever the claims against Carbonite for misjoinder and transfer those claims to the United States District Court for the District of Massachusetts).

*Oasis Research, LLC v. EMC Corp.*, No. 4:12-CV-526, 2012 WL 3600789 (E.D. Tex. Aug. 21, 2012) (defendants EMC Corp., Decho Corp, and Iomega Corp.'s motion to dismiss for misjoinder or, in the alternative, to sever and transfer claims to the United States District Court for the District of Utah).

*Oasis Research, LLC v. GoDaddy.com, Inc.*, No. 4:12-CV-528, 2012 WL 3600795 (E.D. Tex. Aug. 21, 2012) (defendant GoDaddy.com, Inc.'s motion for

transfer of venue to the District of Arizona, or in the alternative, for dismissal of claims against Go Daddy for lack of jurisdiction and improper venue).

*Oasis Research, LLC v. Iron Mountain, Inc.*, No. 4:12-CV-529, 2012 WL 3600816 (E.D. Tex. Aug. 21, 2012) (Iron Mountain Incorporated and Iron Mountain Information Management Inc.'s motion to dismiss for misjoinder or, in the alternative, to sever and transfer claims to the United States District Court for the District of Massachusetts).

*Oasis Research, LLC v. Pro Softnet Corp.*, No. 4:12-CV-531, 2012 WL 3600838 (E.D. Tex. Aug. 21, 2012) (defendant Pro Softnet Corporation's motion to sever and transfer claims against Pro Softnet to the United States District Court for the Central District of California, or in the alternative, to dismiss).

*Oasis Research, LLC v. Carbonite, Inc.*, No. 4:10-CV-435, 2012 WL 3544881 (E.D. Tex. Aug. 15, 2012) (defendants' motions to sever and consolidation order).

*Oasis Research, LLC v. AT&T Corp.*, No. 4:10-CV-435, 2012 WL 602199 (E.D. Tex. Feb. 23, 2012) (claim construction order).

*Oasis Research, LLC v. AT&T Corp.*, No. 4:10-CV-435, 2012 WL 602202 (E.D. Tex. Feb. 23, 2012) (defendants' motion for partial summary judgment of indefiniteness of claim 1 of U.S. Patent No. 5,771,354, and its asserted dependent claims).

*Oasis Research, LLC v. Adrive, LLC*, No. 4:10-CV-435, 2011 WL 7272473 (E.D. Tex. Sept. 13, 2011) (plaintiff's motion to compel non-infringement contentions from defendants and defendants' amended motion to limit number of asserted patent claims).

*Oasis Research, LLC v. Adrive, LLC*, No. 4:10-CV-435, 2011 WL 3099885 (E.D. Tex. May 23, 2011) (defendants' motions to sever and transfer).

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- (1) *Colbert v. City of McKinney*, No. 4:12-cv-612, No. 68 (E.D. Tex. Dec. 3, 2013). Copy supplied.

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- (2) *Fatan v. Tillman*, No. 4:11-cv-812, 2013 WL 789236 (E.D. Tex. Jan. 31, 2013).

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- (3) *Frito-Lay North America, Inc. v. Medallion Foods, Inc.*, 867 F. Supp. 2d 859 (E.D. Tex. 2012).

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- (4) *Imperium (IP) Holdings, Inc. v. Apple Inc.*, 920 F. Supp. 2d 747 (E.D. Tex. 2013).

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- (5) *Little v. Technical Specialty Products, LLC*, 940 F. Supp. 2d 460 (E.D. Tex. 2013).

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- (6) *Net Navigation, LLC v. Cisco Systems, Inc.*, Nos. 4:11-cv-660, 4:11-cv-662, 2012 WL 6161931 (E.D. Tex. Dec. 11, 2012).

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- (7) *SEC v. Shavers*, No. 4:13-cv-416, 2013 WL 4028182 (E.D. Tex. Aug. 6, 2013).

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- (8) *Sgroe v. Wells Fargo Bank, N.A.*, 941 F. Supp. 2d 731 (E.D. Tex. 2013).

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- (9) *United States v. Morales-Rosales*, 698 F. Supp. 2d 716 (E.D. Tex. 2010).

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- (10) *VocalSpace, LLC v. Lorenzo, et. al.*, No. 4:09-cv-350, 2011 WL 839667 (E.D. Tex. Mar. 7, 2009).

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- e. Provide a list of all cases in which certiorari was requested or granted.

I know of no cases in which certiorari was granted. Certiorari was denied in the following cases:

*Winegarner v. City of Lewisville, TX*, No. 4:11-cv-854, No. 3 (E.D. Tex. Dec. 30, 2011), *dismissed by* No. 12-40236, No. 66 (5th Cir. Nov. 25, 2013), *cert. denied* No. 13-8959, 2014 WL 859742 (May 19, 2014).

*Kercher v. United States*, No. 4:07-cv-310, 2012 WL 874325 (E.D. Tex. Mar. 14, 2012), *aff'd* 539 F. App'x 517 (5th Cir. 2013), *cert. denied* 134 S.Ct. 1776 (2014).

*Nyamharo v. United States*, No. 4:11cv260 (E.D. Tex. June 15, 2011), *aff'd* 514 F. App'x 479 (5th Cir. 2013), *cert. denied* 134 S.Ct. 492 (2013).

*Priester v. JP Morgan Chase Bank, N.A.*, No. 4:10-CV-641, 2011 WL 6116491 (E.D. Tex. Oct. 13, 2011), *adopted by* 2011 WL 6116481 (E.D. Tex. Dec. 8, 2011), *aff'd* 708 F.3d 667 (5th Cir. 2013), *cert. denied* 134 S.Ct. 196 (2013).

*Clarke v. Director, TDCJ-CID*, No. 4:08cv381, 2009 WL 1910682 (E.D. Tex. June 30, 2009), *vacated in part by* *Clarke v. Thaler*, 415 F. App'x 529 (5th Cir. Feb. 2, 2011), *cert. denied* 132 S.Ct. 385 (2011), *on remand to*, 2012 WL 4061231 (E.D. Tex. Aug. 8, 2012), *adopted by* 2012 WL 4061228 (E.D. Tex. Sept. 13, 2012).

*Pratt v. State*, Nos. 05-07-00538-CR, 05-07-00539-CR, 2008 WL 921495 (Tex. App. – Dallas, pet. ref'd), *cert. denied* 556 U.S. 1108 (2009).

*Henson v. Southwest Airlines Company*, 180 S.W.3d 841 (Tex. App. – Dallas, 2005, pet. denied), *cert. denied* 549 U.S. 914 (2006).

Certiorari was dismissed in the following case:

*Dolenz v. Dallas Cent. Appraisal Dist.*, 259 S.W.3d 331 (Tex. App. – Dallas, 2008, pet. denied), *cert. dismissed* 556 U.S. 1151 (2009).

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

United States Magistrate Judge:

To the best of my knowledge, only two final orders of mine have been appealed to the United States Court of Appeals for the Fifth Circuit and been reversed or reversed in part:

*Fidelity Nat'l Title Ins. Co. v. Doubletree Partners, L.P.*, 866 F. Supp. 2d 604 (E.D. Tex. 2011), *aff'd in part, rev'd in part and remanded by Lawyers Title Ins. Corp. v. Doubletree Partners, L.P.*, No. 12-40692, 12-40702, 2014 WL 127131 (5th Cir. Jan. 14, 2014); *Fidelity Nat. Title Ins. Co. v. Doubletree Partners, L.P.*, No. 4:08cv243, 2012 WL 1867080 (E.D. Tex. May 22, 2012), *rev'd in part* by 2014 WL 127131 (5th Cir. Jan. 14, 2014). Doubletree Partners paid \$3.45 million for land to build "a luxury retirement community for seniors." In connection with the purchase, it bought title insurance from Lawyers Title, which required a survey. The survey disclosed a flowage easement, but the surveyor "substantially underrepresented the area of the property that was subject to the flowage easement." Doubletree discovered the error only after Lawyers Title issued the policy, the sale closed, and Doubletree was in the course of development. I found that the insurance policy should be reformed due to mutual mistake. The Fifth Circuit affirmed the decision to apply the corrected policy (finding Lawyers Title's original issuance of the policy, without the extra coverage or flowage easement exclusion, was a mutual mistake), but the court reversed my interpretation of policy. The Fifth Circuit also affirmed me on the rejection of the extra contractual claims, but reversed my award of attorneys' fees. The Fifth Circuit also remanded for consideration of additional issues.

*River Capital Advisors of North Carolina, Inc. v. FCS Advisors, Inc.*, No. 4:10cv471 (E.D. Tex. Jan. 8, 2013) (copy supplied), *rev'd* No. 13-40196,

2014 WL 60169 (5th Cir. Jan. 8, 2014). Plaintiff brought this action against two banks, asserting that defendants worked in concert to cause a third party to default on its obligation to pay plaintiff a success fee of over \$3.2 million. Plaintiff asserted claims of negligent misrepresentation and tortious interference with contract. I presided over a bench trial held from August 27, 2012, to August 28, 2012, which resulted in a verdict for plaintiff. Plaintiff failed on its negligent misrepresentation claim, but succeeded on the tortious interference claim. Plaintiff was awarded the success fee. On appeal the case was reversed in an unpublished decision on the justification defense.

Conservatively, I have issued over 1,450 reports and recommendations in civil cases. For my reports and recommendations that were adopted by the district court and then appealed to the Fifth Circuit or the United States Court of Appeals for the Federal Circuit, I am aware of only seven cases where I was reversed or reversed in part.

*Jabary v. City of Allen*, No. 4:10cv711, 2012 WL 3685962 (E.D. Tex. July 11, 2012), *aff'd in part, rev'd in part and remanded by* No. 12-41054 (5th Cir. Nov. 25, 2013) (copy supplied). I recommended that defendants Smith, Terrell, Bass, Felty, Vargas, McCullough, Rushing and John Does 1–5 be dismissed on a Rule 12(b)(6) motion. The Fifth Circuit reversed and remanded on the procedural due process claim as to defendants McCullough and Terrell, but affirmed the dismissal of these claims against the remaining defendants.

*Bucknell v. Director, TDCJ-CID*, No. 4:10cv216, No. 4 (E.D. Tex. May 4, 2010) (copy supplied), *adopted by* No. 8 (E.D. Tex. Mar. 15, 2011) (copy supplied), *remanded by* *Bucknell v. Thaler*, 488 F. App'x 851 (5th Cir. 2012). I prepared a report that recommended that the case be dismissed without prejudice because the petitioner had not exhausted his state court remedies. While the report was pending before the district judge, the petitioner exhausted his remedies, which resulted in the remand by the Fifth Circuit to consider the merits of the case.

*Harris v. Devon Energy Production Co.*, No. 4:10cv708, 2011 WL 7092649 (E.D. Tex. Dec. 29, 2011), *adopted by* 2012 WL 220212 (E.D. Tex. May 17, 2012), *affirmed as modified by* 500 F. App'x 267 (5th Cir. 2012). I recommended that plaintiffs' motion to voluntarily dismiss this case be granted without prejudice. The district judge adopted these findings. On appeal, the Fifth Circuit decision affirmed the dismissal, but modified so as to dismiss the case with prejudice.

*Dawes v. United States*, No. 4:07cv528, No. 17 (E.D. Tex. Feb. 7, 2011) (copy supplied), *adopted by* No. 19 (E.D. Tex. Feb. 28, 2011) (copy supplied), *remanded by* 480 F. App'x 788 (5th Cir. 2012). I prepared a report that recommended dismissal of the petition, which the district judge adopted. The



Fifth Circuit remanded for an evidentiary hearing in light of the Supreme Court's intervening decision in *Lafler v. Cooper*, 132 S. Ct. 1376 (2012), and the government's request that the case be remanded. After remand, I conducted an evidentiary hearing.

*Oasis Research, LLC v. Adrive, LLC*, No. 4:10cv435, 2011 WL 3099885 (E.D. Tex. May 23, 2011), *adopted by* 2011 WL 3103972 (E.D. Tex. July 25, 2011). Prior to consent of the parties, I recommended denial of severance of this case. The district judge adopted these findings. Defendants filed a mandamus with the Federal Circuit. In addressing this matter of first impression, the Federal Circuit held that mandamus can be an appropriate means to test a district court's discretion in ruling on motions to sever and transfer in patent infringement actions. *In re EMC Corp.*, 677 F.3d 1351 (Fed. Cir. 2012). The Federal Circuit also adopted a new test for severance, in pre-America Invents Act cases, and granted the petition and directed the court to reconsider the motions in light of the new test. At this point the parties had consented and, upon reconsideration, I granted severance, but denied the motions to transfer venue. Defendants again sought a mandamus from the Federal Circuit, but the mandamus was denied in *In re EMC Corp.*, 501 F. App'x 973 (Fed. Cir. 2013).

*Clarke v. Director, TDCJ-CID*, No. 4:08cv381, 2009 WL 1910682 (E.D. Tex., June 30, 2009), *vacated in part by Clarke v. Thaler*, 415 F. App'x 529 (5th Cir. Feb. 2, 2011), *cert. denied* 132 S.Ct. 385 (2011), *on remand to* 2012 WL 4061231 (E.D. Tex. Aug. 8, 2012), *adopted by* 2012 WL 4061228 (E.D. Tex. Sept. 13, 2012). In this habeas corpus case, I recommended that the petition be denied, explaining the complained-of charges did not violate the Ex Post Facto Clause. The petitioner filed objections, which were overruled by the district judge. On appeal, the Fifth Circuit vacated the dismissal of the petition, in part, and remanded the case for further consideration to address the claims that the Ex Post Facto Clause was violated by requiring sex offenders to complete a sexual offender treatment program before being released on parole, by keeping violent offenders in prison longer to receive federal funds under the Truth-in-Sentencing Act, and by the state's passing of laws that make it tougher for violent offenders to be released on parole. Upon remand, I considered these additional issues and recommended that the present petition for a writ of habeas corpus lacked merit and should be dismissed with prejudice. Petitioner's objections were overruled by the district judge.

*Funk v. Thaler*, Nos. 4:09cv510, 4:09cv543, No. 8 (E.D. Tex. Nov. 2, 2009) (copy supplied), *adopted by* No. 13 (E.D. Tex. Dec. 14, 2009) (copy supplied), *remanded by* 390 F. App'x 409 (5th Cir. 2010). I prepared a report that recommended dismissal of the petition as time-barred. The district judge adopted my findings. On appeal, the Fifth Circuit vacated the decision and remanded the case for a determination whether the statute of limitations was

tolled due to a state-created impediment of a lack of access to a library. Upon remand, I found that petitioner had access to an adequate law library.

Every report and recommendation is subject to review by the district court, and my recommendations have been adopted in approximately 99% of those cases. The following reports and recommendations were adopted only in part:

*Duarte v. The City of Lewisville*, 4:12-cv-00169, No. 18 (E.D. Tex. Aug. 14, 2012) (copy supplied), *adopted in part*, No. 4:12cv169 (E.D. Tex. Oct. 23, 2012) (copy supplied). Plaintiff Aurelio Duarte asserted civil rights violations under 42 U.S.C. § 1983 for damages and 28 U.S.C. § 2201 for declaratory relief involving the Due Process and Equal Protection Clauses of the Fourteenth Amendment, the Double Jeopardy Clause of the Fifth Amendment, and the Ex Post Facto Clause of the United States Constitution. Plaintiffs Wynjean Duarte, Savana Duarte, and Brandi Duarte asserted procedural and substantive due process claims against the City of Lewisville. Plaintiffs alleged that the ordinance entitled “Regulation of Child Predator Offender Residency” enacted by defendant was unconstitutional. In a report and recommendation, I concluded that defendant’s Fed. R. Civ. P. 12(b)(6) motion be granted and plaintiffs’ case dismissed. The district judge agreed to the dismissal of all plaintiffs, with the exception of Aurelio Duarte. I later recommended that defendant’s motion for summary judgment be granted, which was adopted by the district court. *See Duarte v. City of Lewisville*, No. 4:12-cv169, 2013 WL 3367292 (E.D. Tex. July 3, 2013).

*Stewart v. L.A. Fitness Int’l, L.L.C.*, No. 4:12cv100, 2013 WL 866472 (E.D. Tex. Jan 4, 2013), *adopted in part by* 2013 WL 866483 (E.D. Tex. Mar. 7, 2013). The district judge adopted my recommendation that plaintiff’s claims for retaliation under Title VII and for intentional infliction of emotional distress under Texas law be dismissed. The district judge also adopted my recommendation that plaintiff’s hostile work environment claim should go to trial, but the district judge provided additional clarification on the applicable burden of proof in a Title VII hostile work environment case where a supervisor in the employee’s chain of command, as opposed to a co-worker, is accused of sexual harassment.

*Imperium (IP) Holdings, Inc. v. Apple Inc.*, No. 4:11-cv-163, 2012 WL 6949611 (E.D. Tex. July 2, 2012), *adopted as modified by* 2013 WL 322053 (E.D. Tex. Jan. 28, 2013). I presided over a claim construction hearing addressing claim construction of patents relating to digital cameras and camcorders and the sensor arrays used therein. The district judge adopted all of my findings subject to the modification of the construction of the “[green/red] zone system” terms construed in Section B.2 of my report and recommendation.

*Williams v. Astrue*, No. 4:09-cv-170, 2010 WL 2991158 (E.D. Tex. Jun 23, 2010), *adopted in part by* 2010 WL 2991160 (E.D. Tex. Jul 27, 2010). In this Social Security disability appeal, I recommended that the commissioner's decision be affirmed. The district judge sustained the first objection that the magistrate judge erred in concluding the administrative law judge properly evaluated plaintiff's somatization disorder at steps two, three, and in the residual functional capacity assessments and remanded the case for further review on the issue of plaintiff's somatization disorder.

For the criminal docket, I have issued over 100 reports and recommendations on dispositive criminal motions, over 150 reports and recommendations on supervised release revocations, and over 200 detention orders. My only criminal order to be reversed was in the following case:

*United States v. Perkins*, No. 4:09-cr-76, No. 34 (E.D. Tex. May 27, 2009) (copy supplied), *stay granted by* No. 38 (E.D. Tex. May 28, 2009) (copy supplied), *reversed by* No. 46 (E.D. Tex. June 5, 2009) (copy supplied). After I determined the United States failed to meet its burden, I granted a bond for the defendant. The government appealed and presented new evidence to the district judge, resulting in a reversal of my decision and denial of the bond.

#### Court of Appeals Justice:

I had the following three reversals as a justice on the court of appeals:

*Signature Mgmt. Team, LLC v. Quixtar, Inc.*, 281 S.W.3d 666 (Tex. App. – Dallas 2010), *rev'd*, 315 S.W.3d 28 (Tex. 2010). Writing for the appellate court, I found that Michigan was an available and adequate forum, but Quixtar, Inc. failed to show that private interest and public interest factors strongly favored dismissal for forum non conveniens. The Texas Supreme Court reversed, finding that Quixtar's burden of proof for forum non conveniens was less stringent than if Team was a Texas resident, and Quixtar presented sufficient evidence for trial court to determine that private interest factors weighed in favor of dismissal.

*Crities v. Collins*, 215 S.W.3d 924 (Tex. App. – Dallas 2007), *rev'd*, 284 S.W.3d 839 (Tex. 2009). Writing for the appellate court, I held that the physician was not entitled to dismissal with prejudice or attorney fees and costs because she filed motion after action was nonsuited. The Texas Supreme Court held that physician was not precluded from moving for sanctions even though the patient had previously nonsuited action.

*City of Mesquite v. PKG Contracting, Inc.*, 148 S.W.3d 209 (Tex. App–Dallas 2004, *rev'd*, 197 S.W.3d 388 (Tex. 2006) (per curiam). In this governmental immunity case, the Texas Supreme Court agreed with the court's opinion, but reversed and remanded to the trial court for plaintiff to have the opportunity to

plead a cause of action under sections 271.151 and 271.160 of the Tex. Local Gov't Code, which had been enacted by the Legislature while this case was on appeal.

Two of my opinions where I was an authoring justice were later disapproved in part by the Texas Supreme Court:

*Federal Ins. Co. v. Ruiz*, 281 S.W.3d 177 (Tex. App.–Dallas 2009, no pet.), *disapproved by State Office of Risk Mgmt. v. Lawton*, 295 S.W.3d 646, 650 (Tex. 2009). Claimant brought workers' compensation claim. The hearing officer concluded that employer's workers' compensation insurer did not waive its right to contest compensability of bilateral carpal tunnel syndrome, and claimant appealed. The administrative appeals panel ruled that the insurer waived the right to contest compensability of bilateral carpal tunnel syndrome, and the insurer appealed. The 298th District Court denied insurer's motion for summary judgment, and insurer appealed. On appeal, as the authoring justice, my opinion held that insurer waived its right to contest compensability of claimant's bilateral carpal tunnel syndrome. No appeal was requested. In a later opinion, the Texas Supreme Court expressed disapproval of the court's prior decision.

*Beach v. Beach*, No. 05-05-01316-CV, 2007 WL 1765250 (Tex. App.–Dallas June 20, 2007, no pet.), *disapproved of by Iliff v. Iliff*, 339 S.W.3d 74 (Tex. 2011). Writing for the appellate court, I concluded that the evidence did not show the trial court abused its discretion in finding appellant was underemployed and ordering appellant to pay \$500 per month as child support, overruling appellant's fifteenth point of error. No appeal was requested. In a later opinion, the Texas Supreme Court expressed disapproval of the court's prior decision. The Texas Supreme Court disapproved of twelve courts of appeals, finding that the Texas Family Code section 154.066 contains no requirement of proof that an obligor be intentionally unemployed or underemployed for the purposes of avoiding child support.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a magistrate judge, only nine of my opinions – representing 1% of my decisions – have been published. However, all of my orders and opinions are filed and stored at CM/ECF, aka PACER, the federal courts' electronic case management system. In addition, many of my decisions are available on Westlaw or Lexis.

As a state appellate judge, almost all of my civil opinions are published and some of my criminal opinions are published in a reporter or in Westlaw or Lexis. All of my opinions whether published or unpublished are also available from the Fifth

District Court of Appeals website at [www.5thcoa.courts.state.tx.us](http://www.5thcoa.courts.state.tx.us), searchable by citation and by case name.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

*Colbert v. City of McKinney*, No. 4:12-cv-612, No. 68 (E.D. Tex. Dec. 3, 2013) (copy supplied in response to Q.13d); *Colbert v. City of McKinney*, No. 4:12-cv-612, 2013 WL 3368237 (E.D. Tex. July 3, 2013).

*United States v. Shkambi*, No. 4:09-cr-193-5, 2013 WL 5609360 (E.D. Tex. Oct. 11, 2013); *United States v. Shkambi*, No. 4:09-cr-193-5, 2013 WL 5585466 (E.D. Tex. Oct. 10, 2013); *United States v. Shkambi*, No. 4:09-cr-193-5, 2013 WL 4511288 (E.D. Tex. Aug. 22, 2013).

*United States v. Nguyen*, No. 4:13-cr-48, 2013 WL 5488719 (E.D. Tex. Oct. 2, 2013).

*Waterman v. McKinney Independent School District*, No. 4:13-cv-170, 2014 WL 2611185 (E.D. Tex. June 11, 2014); *Waterman v. McKinney Independent School District*, No. 4:13-cv-170, 2013 WL 5718546 (E.D. Tex. Oct. 21, 2013).

*Duarte v. City of Lewisville*, No. 4:12-cv-169, 2013 WL 3367292 (E.D. Tex. July 3, 2013), *Duarte v. City of Lewisville*, No. 4:12-cv-169, No. 18 (E.D. Tex. Aug. 14, 2012) (copy supplied in response to Q.13f), *adopted in part by* No. 20 (E.D. Tex. Oct. 23, 2012) (copy supplied in response to Q.13f).

*Fatan v. Tillman*, No. 4:11-cv-812, 2013 WL 789236 (E.D. Tex. Jan. 31, 2013), *adopted by* 2013 WL 789121 (E.D. Tex. Mar. 1, 2013); *Fatan v. Tillman*, No. 4:11-cv-812, 2012 WL 695804 (E.D. Tex. Feb. 3, 2012), *adopted by* 2012 WL 695801 (E.D. Tex. Mar. 1, 2012).

*Jabary v. City of Allen*, No. 4:10-cv-711, 2012 WL 669915 (E.D. Tex. Jan. 27, 2012), *adopted by* 2012 WL 669761 (E.D. Tex. Feb. 29, 2012), *aff'd in part, rev'd in part by* 547 F. App'x 600 (5th Cir. 2013).

*United States v. Aponete*, No. 4:11-cr-249, 2012 WL 3043069 (E.D. Tex. July 5, 2012), *adopted by* 2012 WL 3044278 (E.D. Tex. July 25, 2012).

*Estate of Lance ex rel., Lance v. Lewisville Indep. Sch. Dist.*, No. 4:11-cv-32, No. 122 (E.D. Tex. May 11, 2012) (copy supplied), *adopted by* 2012 WL 5384200 (E.D. Tex. Sept. 11, 2012), *aff'd by* 743 F.3d 982 (5th Cir. Feb. 28, 2014); *Estate of Lance ex rel., Lance v. Lewisville Indep. Sch. Dist.*, No. 4:11-cv-32, 2011 WL 4100960 (E.D. Tex. Aug. 23, 2011), *adopted by* 2011 WL 4101164 (E.D. Tex. Sept. 13, 2011).

*Dwyer v. Tyson*, No. 4:08-cv-198, 2010 WL 3283079 (E.D. Tex. July 23, 2010), *adopted by* 2010 WL 3283076 (E.D. Tex. Aug. 19, 2010).

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on any federal appellate court.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

As a United States Magistrate Judge, I follow the federal recusal statutes and Code of Conduct for United States Judges. Whether called for by the Code of Conduct for United States Judges, the recusal statutes, or my general interest in maintaining impartiality and the appearance of impartiality of the court, I disclose the potential conflict and/or recuse myself.

I evaluate each case when referred to me. I also review cases as they proceed, examining the list of counsel and parties to determine if an association appears which is not listed in our conflict database or if there is some other reason why I should consider recusal. I have also started utilizing the court's automated recusal system, and I have notified the staff attorneys to screen habeas corpus cases to see if any petition was filed in a case on which I sat as the appellate judge for the case. I recuse myself on any case where I served as the appellate judge for the criminal case which is the subject matter of the habeas petition. I have been asked to recuse myself in several pro se cases which were denied by me or the United States District Judge assigned to the case. I have not kept a record of these civil cases. In the following

cases, I recused as a U.S. Magistrate Judge due to personal, family relationships or from previous knowledge:

*Stanford v. Social Security Commissioner*, No. 4:08cv312 and *Stanford v. Social Security Commissioner*, No. 4:11cv106. The main issue in these cases was the findings of a local doctor. The doctor's wife had painted a portrait of me and presented it as a gift in honor of my investiture as a United States Magistrate Judge.

*Sethi v. Director*, No. 4:07cv163; *Busby v. Director*, No. 4:07cv342; and *Joseph v. Director*, No. 4:12cv129. In these habeas corpus cases, I served as a justice on their criminal appeals while I was at the court of appeals.

*Brody v. Social Security Commissioner*, No. 4:09cv137. Mr. Brody was involved in my prior race for state district judge.

*United States of America v. Renda*, No. 4:09cv368. While in private practice, I represented an individual who was sued by Mr. Renda.

*Hamaker v. Chase Manhattan Corporation*, No. 4:12cv773. Plaintiff filed a motion to recuse, pointing out that he had been a primary opponent to the Hon. Robert Faulkner. I had been a career law clerk to Judge Faulkner. Although I was aware that Judge Faulkner had lost a primary race in Arkansas many years before, I was unaware that plaintiff was that opponent until the motion to recuse was filed.

*Nguyen v. Ridling*, No. 4:11cv00151. In this civil rights action, I served as justice on the criminal appeal while I was at the court of appeals, involving the same subject matter. I initiated the recusal after I realized that I had previously served as a justice on the state case.

There have also been cases where the district judge signed an order of recusal, which resulted in my removal from the case when the case was reassigned. When the district judge recused, my referral ended in the following cases:

*Flanary v. Mortgage Electronic Registration System, Inc.*, 4:12-cv-293 (E.D. Tex.)

*Weisbart v. Bullock*, 4:13-cv-404 (E.D. Tex.)

As a state judge, I followed the recusal requirements of state law. My practice was to review the file of any case before me upon receiving the briefs. If there was a reason to recuse, I would recuse sua sponte. In state court, I recused myself from the following cases:

*Karlseng v. H. Jonathan Cooke*, No. 05-08-00380-CV. The key issue in this case involved my former employer, Judge Robert Faulkner.

*Nikki Carmody v. State Farm Lloyds*, No. 05-04-01806-CV. The appellants were personal friends and discussed the facts of this case with me prior to my becoming a judge.

Although I cannot recall the case name, I do recall that there was a case from which the entire Fifth District of Appeals recused.

**15. Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office other than judicial offices. In 2004, I was an unsuccessful candidate in the Republican primary to become a judge of the 15th Judicial District Court of Grayson County.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

After consulting my records and the Internet, I have provided all of the information regarding my political activities that I can recall, though there may be some events that I have missed.

In addition to my own campaigns, I have volunteered for two other campaigns. In 1993, I volunteered for Senator Kay Bailey Hutchison's race for the United States Senate by distributing yard signs and by being a poll watcher. In 1984, I volunteered for Vice President Walter Mondale's presidential campaign, knocking on doors and participating in phone banks.

From 2005 to 2006, I served as a member of the Dallas Republican Party's Judiciary Advisory Committee, which met periodically to strategize about the re-election of Dallas judges. In 2004 and 2006, I also served as a delegate to the Texas Republican Convention. In 2004, I was a delegate to the Grayson County Republican Party Convention where I chaired the resolutions committee. My role as chair was ministerial; I was required to read all submitted resolutions to the convention delegates. In 1993, I was appointed by the Grayson County Republican Chair as Republican Precinct Chair for a few months until I resigned.



to return to work for the United States District Court for the Eastern District of Texas, Sherman Division. Given my short tenure as a precinct chair, I did not attend any precinct chair meetings.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1990 to 1992, I clerked for the Honorable Paul Brown, District Judge of the United States District Court for the Eastern District of Texas.

From October 1993 to March 2003, I served as a career law clerk for the Honorable Robert Faulkner, Magistrate Judge of the United States District Court for the Eastern District of Texas.

From March to August 2003, I clerked for the Honorable Don D. Bush, Magistrate Judge of the United States District Court for the Eastern District of Texas.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1992 – 1993, August 2003 – July 2004  
Wolfe, Tidwell & McCoy, LLP  
(formerly Henderson Bryant & Wolfe)  
320 North Travis Street, Suite 205  
Sherman, Texas 75090  
Of Counsel (August 2003 – July 2004)  
Associate (1992 – 1993)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

During my time in private practice at Wolfe Tidwell & McCoy, LLP (formerly Henderson Bryant & Wolfe) from 1992 to 1993 and again from 2003 to 2004, I primarily represented municipalities in civil cases in state and federal court. My practice involved preparation of other civil matters for trial, including motion practice, written discovery, discovery disputes, depositions, research, and trial preparation. Typical cases included employment discrimination, civil rights, and railroad cases. I also served as court-appointed counsel in some criminal cases.

The bulk of my career before becoming a judge, however, was spent serving as a term law clerk and a career law clerk for Judges Paul Brown, Robert Faulkner and Don D. Bush. In this capacity, I assisted the judges in every aspect of civil and criminal cases before the court, including, but not limited to, evaluation of the court's subject matter jurisdiction, pre-trial motions, motions to remand, motions to compel, motions to dismiss, motions for summary judgment, evidentiary rulings before and during trial, jury instructions, and post-trial motions. For the last decade, I have served first as a state justice on the Fifth District Court of Appeals and a federal magistrate judge for the Eastern District of Texas.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

During my private practice most of my work was for municipalities when they were sued.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

One hundred percent of my private practice was spent in litigation. Most of my private practice was federal litigation, although I did appear occasionally in state court. As an associate, I primarily worked on the motion practice, although I did appear in federal court for scheduling conferences.

- i. Indicate the percentage of your practice in:
- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 83% |
| 2. state courts of record:  | 17% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 0%  |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 91% |
| 2. criminal proceedings: | 9%  |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried one case to verdict as lead counsel in a criminal case in federal court.

i. What percentage of these trials were:

- |              |      |
|--------------|------|
| 1. jury:     | 100% |
| 2. non-jury: | 0%   |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

None.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

The information requested dates back over ten years, and, unfortunately, I no longer have access to the records relating to my private practice. I attempted to search for cases through the CM/ECF/PACER system, but, due to the age of the cases, detailed information is not available. I have attempted to identify cases with as much specificity as I can recall and provide the information that I obtained through my investigation.

(1) *Watkins v. City of Clarksville*, No. 5:03cv237 (United States District Court for the Eastern District of Texas, Marshall Division); United States District Judge

John T. Ward.

After the plaintiff refused to take a requested drug test by the City, he was terminated. Plaintiff then sued, asserting claims for violation of his due process and for violation of his right to be free from unreasonable search and seizure. He sued the City, the City Manager, the Mayor, and the City Council Members. In addition to handling pretrial matters, I prepared the initial motion to dismiss on behalf of defendants. After I left the firm, United States District Judge John T. Ward granted the motion in part, dismissing the City Council Members and the Mayor. The motion was denied as to the City and the City Manager. The court subsequently granted a second motion to dismiss, closing the case. I worked on the case from October 2003 until July 2004.

Plaintiff's counsel:

Clarice Attaway Pat Allen  
P.O. Box 3  
Texarkana, TX 75504  
(903) 794-4440

Co-counsel:

James C. Tidwell  
Wolfe Tidwell & McCoy LLP  
320 North Travis Street, Suite 205  
Sherman, TX 75090  
(903) 868-1933

(2) *Etters v. City of Clarksville, Texas*, No. 5:03cv34 (United States District Court for the Eastern District of Texas, Texarkana Division); United States District Judge David Folsom.

Plaintiff was an employee of the City. Plaintiff asserted a claim for hostile environment under Title VII, an equal protection claim, and a claim for intentional infliction of emotional distress based on the failure to be selected for a position. In addition to working on pretrial matters, I prepared the motion for summary judgment on behalf of defendant. The motion was granted by United States District Judge David Folsom. Plaintiff filed a motion to reconsider, and I prepared the response. After I left the firm, another attorney handled additional briefing. Judge Folsom granted the motion to reconsider as to the hostile work environment and intentional infliction of emotional distress claims. The case settled. I worked on this case from August 2003 until July 2004.

Plaintiff's counsel:

Alex Arthur Castetter

Stuckey, Garrigan & Castetter  
2803 North Street  
P.O. Box 631902  
Nacogdoches, TX 75963  
(936) 560-6020

Co-counsel:

James C. Tidwell  
Wolfe Tidwell & McCoy LLP  
320 North Travis Street, Suite 205  
Sherman, TX 75090  
(903) 868-1933

(3) *Tinsley v. Town of Addison, Texas*, No. 3:93cv260 (United States District Court for the Northern District of Texas, Dallas Division); United States District Judge Sidney Fitzwater.

I worked on pretrial matters on behalf of defendant. After federal claims were dismissed, the state claim was remanded to state court. I worked on the case from February until October 1993.

Plaintiffs' counsel:

Albert B. Greco, Jr.  
7107 Schafer Street  
Dallas, TX 75252  
(214) 415-7333

Co-counsel:

Hon. Ron Clark (formerly with Henderson Bryant & Wolfe)  
The Jack Brooks Federal Building and  
United States Courthouse  
300 Willow Street, Suite 221  
Beaumont, TX 77701  
(409) 654-2800

(4) *Self v. Toyota Motor Sales*, No. 4:93cv121 (United States District Court for the Eastern District of Texas, Sherman Division); United States District Judge Paul Brown.

This was a personal injury case where I was appointed to serve as the guardian ad litem for the minor plaintiff. My role as the guardian ad litem was to investigate and advise the court whether the settlement was in the best interest of the minor.

After a hearing, the settlement was approved. I worked on the case in August 1993.

Plaintiffs' counsel:

Louis Claiborne Dugas  
Clay, Dugas and Associates  
805 Park Street  
Beaumont, TX 77701  
(409) 813-1111

Defendant's counsel:

Kurt Christopher Kern  
Bowman and Brooke LLP  
2501 North Harwood, Suite 1700  
Dallas, TX 75201  
(972) 616-1700

(5) *Ricketts v. City of Sherman*, No. 3:93cv22 (United States District Court for the Eastern District of Texas, Paris Division); United States District Judge William Wayne Justice.

This was an employment discrimination case where I assisted with pretrial matters for defendant. The case was transferred to the Sherman Division, and settled. My work on this case occurred from March to October 1993.

Plaintiff's counsel:

Ronald Huff  
112 South Crockett  
Sherman, TX 75090  
(903) 893-1616

Co-counsel:

Hon. Ron Clark (formerly with Henderson Bryant & Wolfe)  
The Jack Brooks Federal Building and  
United States Courthouse  
300 Willow Street, Suite 221  
Beaumont, TX 77701  
(409) 654-2800

Deborah Sterling (formerly with Henderson Bryant & Wolfe)  
Quilling Selander Lownds Winslett & Moser, P.C.  
2001 Bryan Street, Suite 1800

Dallas, TX 75201  
(214) 871-2100

(6) *Renda v. Horner*, No. 4:93cv21 (United States District Court for the Eastern District of Texas, Sherman Division); United States District Judge Paul Brown.

This was a slander case where I handled pretrial matters on behalf of the defendant, Mr. Horner. After I left the firm, the case proceeded to trial and resulted in a defense verdict. I worked on the case from February 1993 until October 1993.

Plaintiffs' counsel:

Brian Watson Erikson  
Milby, PLLC  
1909 Woodall Rogers, Suite 500  
Dallas, TX 75201  
(214) 220-1210

Co-counsel:

Hon. Ron Clark (formerly with Henderson Bryant & Wolfe)  
The Jack Brooks Federal Building and  
United States Courthouse  
300 Willow Street, Suite 221  
Beaumont, TX 77701  
(409) 654-2800

(7) *United States v. Kathy Willis*, No. 4:93cr2 (United States District Court for the Eastern District of Texas, Sherman Division); United States District Judge Paul Brown.

I was appointed by the court to represent Ms. Willis. She was charged with possession of a firearm during the commission of a drug crime. Ms. Willis's defense was that she was under duress. I offered expert testimony to support the duress defense based upon the theory of battered women's syndrome. After a jury trial, defendant was convicted. I represented Ms. Willis from the time of her arraignment in June 1993 through sentencing in October 1993.

Government counsel:

Cliff Stricklin (formerly with United States Attorney's Office)  
Bryan Cave LLP  
1700 Lincoln Street, Suite 4100  
Denver, CO 80203  
(303) 866-0372

(8) *Oatman v. City of Seagoville, Texas*, No. 3:92cv1666 (United States District Court for the Northern District of Texas, Dallas Division); United States District Judge Jane J. Boyle.

I worked on pretrial matters on behalf of defendants. After dispositive motions were filed, the case settled. I worked on the case from September 1992 until April 1993.

Plaintiffs' counsel:

James R. Tucker  
4201 Lomo Alto Drive, LB108  
Dallas, TX 75219  
(214) 505-0097

Co-counsel:

Hon. Ron Clark (formerly with Henderson Bryant & Wolfe)  
The Jack Brooks Federal Building and  
United States Courthouse  
300 Willow Street, Suite 221  
Beaumont, TX 77701  
(409) 654-2800

(9) *Landers v. City of Daingerfield*, No. 2:92cv124 (United States District Court for the Eastern District of Texas, Marshall Division); United States District Judge Sam B. Hall, Jr.

This was a civil rights action in which I assisted with pretrial matters in representation of defendant Sartain. The case settled. My work on this case occurred from October 1992 to October 1993.

Plaintiff's counsel:

Barry Dale Jenkins  
Deceased

City of Daingerfield's counsel:

Thomas Brandt  
Fanning Harper Martinson Brandt & Kutchin PC  
4849 Greenville Avenue, Suite 1300  
Dallas, TX 75206  
(214) 860-0324



Rogers' counsel:

Robert William Weber  
Smith Weber LLP  
5505 Plaza Drive  
P.O. Box 6167  
Texarkana, TX 75505  
(903) 223-5656

Co-counsel:

Hon. Ron Clark (formerly with Henderson Bryant & Wolfe)  
The Jack Brooks Federal Building and  
United States Courthouse  
300 Willow Street, Suite 221  
Beaumont, TX 77701  
(409) 654-2800

(10) *Donnell v. Denton County, Texas*, No. 4:91cv140 (United States District Court for the Eastern District of Texas, Sherman Division); United States District Judge Paul Brown and United States Magistrate Judge Judith Guthrie.

This was a prisoner civil rights case where I handled pretrial matters for defendants. The case settled. My work on this case would have been from December 1992 to September 1993.

Plaintiff was pro se.

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to my years in private practice, I assisted with numerous civil and criminal hearings and trials as a law clerk to the late District Judge Paul Brown and as a career law clerk to Magistrate Judge Robert Faulkner. I assisted Judge Brown and Judge Faulkner in every aspect of cases before the court, from the initial filing to the disposition of each case. I drafted orders, memoranda, and jury instructions in civil and criminal cases. This involved extensive research of the law and required knowledge of the Federal Rules of Civil and Criminal Procedure, as well as the court's local rules, policies, and procedures.

In addition, I assisted Judges Brown and Faulkner throughout bench and jury trials, researching legal issues as needed and drafting findings of fact and conclusions of law

following bench trials. During jury trials, I was actively involved in the preparation of jury instructions and verdict forms in both civil and criminal cases. Specifically, I received proposed jury instructions and verdict forms from the parties before trial, and from those proposed jury documents, I would prepare jury instructions and verdict forms based on the evidence presented at trial. It was my duty to draft appropriate instructions for the court to issue in light of the rulings and evidence presented at trial. Judges Brown and Faulkner would review the jury instructions with the parties informally and then hold a formal jury instruction conference. From time to time, questions would arise during jury deliberations, and it was my responsibility to advise the judge as to the applicable law.

As a career law clerk, I also helped manage the judge's caseload daily. Judge Faulkner was responsible for one-third of the civil cases filed in the Sherman Division for all pretrial purposes. It was my responsibility to review cases, research the law, and make recommendations to Judge Faulkner on the disposition of various motions. I drafted opinions on all motions as well as Social Security appeals. I also met with the pro se law clerks to monitor prisoner cases on Judge Faulkner's docket.

In criminal cases, I attended hearings, including, but not limited to, change of plea hearings, pre-trial motion hearings, suppression hearings, and detention hearings. I researched any legal issues that arose during these hearings and I drafted orders and opinions that addressed these issues.

I have not performed any lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any course.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no plans to pursue outside employment.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I do not have any family members, persons, parties, litigation, or financial arrangements that are likely to present potential conflicts of interest if I am confirmed. My wife works for the Sherman Independent School District. If the school district ever became a party in a case before me, I would recuse myself from the case if the case was not flagged by the court's conflict system. If any such conflict arose, I would address it in the manner instructed by the Code of Conduct for United States Judges, Canon 3.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I would continue to follow the federal recusal statute and the Code of Conduct for United States Judges. I would use the conflict screening provided by the court, as well as personally reviewing each case assigned to me for potential conflicts. If necessary, I would seek advice from the Code of Conduct Committee of the Judicial Conference. In cases where any uncertainty exists, I will err on the side of recusal rather than non-recusal.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

While in private practice, I did handle one pro bono divorce in the 15th District Court of Grayson County. However, during my employment with the district court, both as a career law clerk and as a magistrate judge, and during my employment as a justice at the court of appeals, I was prohibited from practicing law, except in very limited circumstances.

During my years in public service, I contributed to the community as permissible. For instance, I created Junior Judges: Helping Kids Make Smart Choices, an elementary school project adopted by and used in over 1,300 elementary schools in Texas. The program is designed to help children make the right choices in tough situations they will likely encounter in their childhood and adolescent years. It is also designed to inform children of potential consequences they and their families may face if they make the wrong decisions. The curriculum covers cheating, property destruction, teasing, bullying, stealing, weapons and gangs, and drugs and alcohol. I created an award-winning video, which is used while teaching the program to elementary students. Junior Judges was awarded the ABA Endowment Award for Best Public Service Project in 2002. It was also adopted by the American Bar Association and implemented in all 50 states. I started this program at my children's elementary school, and I continue to teach it today.

I also co-created Supreme Team: Layin' Down the Law. The goal of Supreme Team is to educate high school seniors about the Constitution through the "eyes" of the Supreme Court of the United States. This curriculum allows the students to experience the Supreme Court from the view of a justice by taking the students through the steps that are required to become a justice. The students play the roles of potential justices and senators in a mock confirmation hearing. All students review a mock Supreme Court Nominee Questionnaire and a mock FBI background check. The students then examine potential Supreme Court cases from four various subject areas. The students decide which cases will be set for oral argument, and they review real cases in these four subject areas and examine the Supreme Court's interpretation of the Constitution in these four areas. The project culminates with the students conducting a moot court, where the students play the roles of the Supreme Court Justices, lawyers, and other court personnel. At the end of the argument and after the student justices reach a decision on each case, the students are instructed on how the Supreme Court decided each case and why. This project is an active project for the Texas Young Lawyers. For my work on this project, I received the Texas Young Lawyers' President's Award.

I also worked to educate senior citizens about their legal rights. I chaired the Needs of Senior Citizens Committee. I started conducting seminars around the state of Texas to educate senior citizens about their legal rights and to educate them about the need for advanced planning. My motivation for this effort was due to my own mother's Alzheimer's disease and the fact that she was ill-prepared for facing her golden years. I implemented the model in Grayson County and then coordinated statewide implementation. I have made presentations about this topic around the state and nationwide. For my work on this project, I was awarded the Texas Young Lawyers' Director of the Year Award. This project still continues in Grayson County.

I am also active in several non-profits, including the Dallas Summer Musicals and the Sherman Community Players. I recently served as President of the Sherman Community Players, which seeks to provide quality theater to the local community as well as educate children about the theater.

**26. Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On August 14, 2013, I submitted my application to Senators John Cornyn and Ted Cruz, in response to their call for applications for the position of United States District Judge for the Eastern District of Texas, Sherman Division. On November 22, 2013, I interviewed with the Senators' Federal Judiciary Evaluation Committee in Houston, Texas. On February 18, 2014, I was invited to interview with Senators Cornyn and Cruz. Since February 25, 2014, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 13, 2014, I interviewed with Senators Cornyn and Cruz in Washington, D.C. On March 14, 2014, I was notified by Senator Cornyn's office that my name was sent to the White House. On April 2, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On June 26, 2014, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Amos L. Mazzant, III, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

6/26/14  
(DATE)

C Mazzant III  
(NAME)



Terri Kaye Roby  
(NOTARY)