



ATTORNEYS AT LAW

FLORIDA LOUISIANA MISSISSIPPI NEW YORK OHIO TEXAS

**MEMORANDUM OF TRANSMITTAL**

April 20, 2012

**TO:** Richard A. Roman  
Fax Number 915-351-6754**FROM:** Nathan T. Anderson**RE:** Huml, Individually et al v. Federal National Mortgage Association et al**MESSAGES, NOTES, COMMENTS:**

Please see the attached copies of the Notice of Removal, Corporate Disclosure, and Notice of Notice of Removal filed in the Western District of El Paso.

**NO. OF PAGES:** 11 (Including Cover)**IF YOU EXPERIENCE DIFFICULTIES IN TRANSMISSION, OR DO NOT RECEIVE ALL PAGES INDICATED, PLEASE CONTACT TANNA HICKS @ 214-445-2414.****Confidentiality Statement**

"The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If you are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone and return the original message to us at the below address via the United States Postal Service."

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**BEA HUML, INDIVIDUALLY, JOEY  
RODRIGUEZ, INDIVIDUALLY, AND  
JOHN DOE(S) AND JANE DOE(S)**

**Plaintiffs,**

**v.**

**CAUSE NO. \_\_\_\_\_**

**FEDERAL NATIONAL MORTGAGE  
ASSOCIATION, MERSCORP, INC.;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.; BAC  
HOME LOANS SERVICING, L.P.; AND  
THE BANK OF NEW YORK MELLON  
F/K/A THE BANK OF NEW YORK  
CWABS, INC., ASSET BACKED  
SECURITIES SERIES 2007-09**

**Defendants**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**DEFENDANTS' NOTICE OF REMOVAL**

Defendants Mortgage Electronic Registration Systems, Inc. ("MERS"); MERSCORP Holdings, Inc., formerly known as MERSCORP, Inc. ("MERSCORP"); Federal National Mortgage Association ("Fannie Mae"); and Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, L.P. ("Bank of America") (collectively "Defendants"), hereby give Notice of Removal of the above-captioned case, currently pending in the 171st Judicial District Court of El Paso County, Texas as Cause No. 2011-DCV-10814 to the United States District Court for the Western District of Texas, El Paso Division. Removal is based on 28 U.S.C. § 1332 (diversity jurisdiction), and is authorized by 28 U.S.C. §§ 1441 and 1446.

Case 3:12-cv-00146 Document 3 Filed 04/20/12 Page 2 of 9

## I. INTRODUCTION

1. On December 29, 2011, Bea Huml ("Huml") filed her Original Petition in the 171st Judicial District Court of El Paso County, Texas. On February 21, 2012, she filed her First Amended Original Petition, Jury Demand, and Requests for Disclosure.

2. On March 8, 2012, Huml and plaintiff Joey Rodriguez filed their Second Amended Original Petition, Jury Demand, and Requests for Disclosure (the "Second Amended Petition"). The Second Amended Petition names MERS, MERSCORP, and Fannie Mae as defendants.

3. On April 3, 2012, Plaintiffs filed their Third Amended Original Petition, Jury Demand, and Requests for Disclosure (the "Third Amended Petition"). The Third Amended Petition added four additional plaintiffs: Joe Bruscuellas, Yvette Bruscuellas, Christopher Lee Valdez, and Eneida Valdez. It also added two defendants: BAC Home Loans Servicing, LP, which had already merged with and into Bank of America, and "The Bank of New York Mellon, f/k/a The Bank of New York CWABS Inc. (Asset[-]Backed Securities, Series 2007-9)" ("BNYM").

4. In their Third Amended Petition, Plaintiffs complain about the designation of MERS as mortgagee or beneficiary on mortgages or deeds of trust in Texas. Plaintiffs purport to assert causes of action for: (1) violations of Chapter 12 of the Texas Civil Practice and Remedies Code;<sup>1</sup> (2) violations of the Texas Local Government Code;<sup>2</sup> (3) unjust enrichment;<sup>3</sup> (4) negligent misrepresentation;<sup>4</sup> (5) grossly negligent misrepresentation;<sup>5</sup> (6) negligent

---

<sup>1</sup> See Plaintiffs' Third Amended Petition at ¶ 90-92.

<sup>2</sup> *Id.* at ¶ 93.

<sup>3</sup> *Id.* at ¶¶ 98-101.

<sup>4</sup> *Id.* at ¶ 102-104.

Case 3:12-cv-00146 Document 3 Filed 04/20/12 Page 3 of 9

undertaking;<sup>6</sup> (7) grossly negligent undertaking;<sup>7</sup> (8) fraudulent misrepresentation;<sup>8</sup> and (9) conspiracy.<sup>9</sup> Plaintiffs seek actual and exemplary damages, attorneys' fees, costs, and declaratory and injunctive relief.<sup>10</sup>

## II. STATUTORY REQUIREMENTS – DIVERSITY REMOVAL

5. This Court has original jurisdiction over this lawsuit pursuant to 28 U.S.C. § 1332 (diversity jurisdiction). The requirements for diversity jurisdiction are met in this case, as the named parties are completely diverse in citizenship and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.<sup>11</sup>

### A. Complete Diversity Exists

6. Complete diversity exists because named parties are of completely diverse citizenships.

7. On information and belief, Plaintiffs are citizens of Texas, as they currently reside there and own real property there.<sup>12</sup>

8. MERS is a corporation incorporated in Delaware, with its principal place of business in Reston, Virginia. For purposes of diversity, MERS is a citizen of Delaware and Virginia. 28 U.S.C. § 1332(c)(1).

---

<sup>5</sup> *Id.* at ¶ 105-107.

<sup>6</sup> *Id.* at ¶ 108-109.

<sup>7</sup> *Id.* at ¶ 110-111.

<sup>8</sup> *Id.* at ¶ 112-113.

<sup>9</sup> *Id.* at ¶ 119.

<sup>10</sup> *Id.* at ¶¶ 114 & 116.

<sup>11</sup> 28 U.S.C. § 1332.

<sup>12</sup> See Plaintiffs' Third Amended Petition at ¶ 1.

Case 3:12-cv-00146 Document 3 Filed 04/20/12 Page 4 of 9

9. MERSCORP is also a corporation incorporated in Delaware, with its principal place of business in Reston, Virginia. For purposes of diversity, MERSCORP is a citizen of Delaware and Virginia. 28 U.S.C. § 1332(c)(1).

10. Fannie Mae is a corporation chartered by act of Congress with its principal place of business in the District of Columbia. 12 U.S.C. § 1717(a)(2)(B) (Fannie Mae “shall maintain its principal office in the District of Columbia or the metropolitan area thereof and shall be deemed, for purposes of jurisdiction and venue in civil actions, to be a District of Columbia corporation.”).

11. Bank of America is a national banking association with its main office in North Carolina as designated in its articles of association. As a national banking association, Bank of America’s citizenship is determined solely by the location of its main office, as designated in its articles of association.<sup>13</sup> Accordingly, Bank of America is a citizen of North Carolina.

12. On information and belief, BONYM is a New York state chartered banking institution with its principal place of business in New York. Accordingly, BONYM is a citizen of New York.

13. Inasmuch as MERS is a citizen of Delaware, MERSCORP is a citizen of Delaware, Fannie Mae is a citizen of Washington, D.C., Bank of America is a citizen of North Carolina, BONY is a citizen of New York, and Plaintiffs are citizens of Texas, complete diversity exists.

**B. The Amount in Controversy Exceeds \$75,000.00.**

14. The amount in controversy is satisfied for three, independent reasons.

---

<sup>13</sup> *Wachovia Bank v. Schmidt*, 546 U.S. 303, 307 (2006); 28 U.S.C. 1348.

## Case 3:12-cv-00146 Document 3 Filed 04/20/12 Page 5 of 9

15. First, Plaintiffs' Third Amended Petition alleges 285,525 "fraudulent" filings in violation of Section 12.002 of the Texas Civil Practice and Remedies Code.<sup>14</sup> In connection with their allegations, Plaintiffs specifically seek \$10,000.00 per filing as statutory damages under Texas Civil Practice and Remedies Code 12.002.<sup>15</sup> Defendants deny that Plaintiffs are entitled to any relief, but if Plaintiffs were to obtain the judgment that they seek in their Third Amended Petition, the award as to the statutory damages alone would be for \$2,855,250,000.00, which greatly exceeds the minimum amount necessary for diversity jurisdiction.<sup>16</sup>

16. Second, the amount in controversy exceeds \$75,000.00 per each named plaintiff even when considering only liens related to Plaintiffs' properties. Each plaintiff is a resident and homeowner in Texas, and their properties are allegedly subject to deeds of trust in which MERS is designated as the beneficiary.<sup>17</sup> Plaintiffs assert they are entitled, if they were to prevail under Texas Civil Practice and Remedies Code § 12.002, to statutory damages or actual damages, whichever is greater, plus attorney's fees, court costs, and exemplary damages.<sup>18</sup> Thus:

(a) section 12.202 allows statutory damages of at least \$10,000 per plaintiff if they were entitled to recover (which Defendants deny);

(b) Exemplary damages can also be considered in determining amount in controversy.<sup>19</sup> Texas law has awarded exemplary damages of far more than ten times actual damages where a defendants' conduct is egregious.<sup>20</sup>

---

<sup>14</sup> See Plaintiffs' Third Amended Complaint at ¶ 73.

<sup>15</sup> See Plaintiffs' Third Amended Complaint at ¶ 92.

<sup>16</sup> See *La. ex rel. Caldwell v. Allstate Ins. Co.*, 536 F.3d 418, 430 (5th Cir. 2008) (amount in controversy satisfied based on potential recovery to unnamed real parties in interest).

<sup>17</sup> See Plaintiffs' Third Amended Complaint at ¶¶ 1, 72-74.

<sup>18</sup> See Plaintiffs' Third Amended Complaint at ¶ 90; Tex. Civ. Prac. & Rem. Code § 12.002(b).

<sup>19</sup> *Marcel v. Pool Co.*, 5 F.3d 81, 84 (5th Cir. 1993) (exemplary damages are considered in determining amount in controversy)

Case 3:12-cv-00146 Document 3 Filed 04/20/12 Page 6 of 9

Here, Plaintiffs allege such egregious conduct, asserting that MERS has committed fraud,<sup>21</sup> has wrought "havoc" and "created massive confusion... throughout the United States,"<sup>22</sup> and has caused the "disruption and/or corruption of the real property pub[li]c records/ recording system" in Texas.<sup>23</sup> Thus, although Defendants deny any liability to Plaintiffs whatsoever, and deny that actual or exemplary damages should be awarded, their request for actual and exemplary damages if granted could amount to between \$110,000.00 and \$1,010,000.00 per plaintiff, satisfying the \$75,000.00 amount in controversy requirement.

(c) Plaintiffs also request attorney's fees. Section 12.002(b)(3) authorizes attorney's fees, so attorney's fees are considered in determining amount in controversy,<sup>24</sup> and Texas courts often use a 33% recovery in awarding such fees.<sup>25</sup> Although Defendants deny any liability to Plaintiffs, their request for attorney's fees, if granted, would increase their award between \$36,667.00 and \$336,667.00. This further satisfies the amount-in controversy requirement.

17. Third, the amount in controversy is independently satisfied by Plaintiffs' request for injunctive relief.<sup>26</sup> "In actions seeking declaratory or injunctive relief the amount in controversy is measured by the value of the object of the litigation."<sup>27</sup> Plaintiffs seek an order

---

<sup>20</sup> *Wansey v. Hole*, 2011 WL 1326521, at \*9 (Tex. App. - Corpus Christi Apr. 7, 2011 - pet. dismissed) (affirming exemplary damages award 66 times award of actual damages); *Safeshred, Inc. v. Martinez*, 310 S.W.3d 649, 665 (Tex. App. - Austin 2010 - pet. granted) (upholding award of exemplary damages 11 times compensatory damages); see also *Lincoln v. Case*, 340 F.3d 283, 293 (5th Cir. 2003) (allowing punitive damage award 110 times compensatory damage award).

<sup>21</sup> Plaintiffs' Third Amended Complaint at ¶ 118.

<sup>22</sup> Plaintiffs' Third Amended Complaint at ¶¶ 70 & 71

<sup>23</sup> Plaintiffs' Third Amended Complaint at ¶ 84

<sup>24</sup> *Foret v. Southern Farm Bureau Life Ins. Co.*, 918 F.2d 534, 537 (5th Cir. 1990) ("The law is now quite settled that attorney's fees are a part of the matter in controversy when they are provided for by contract or by state statute.").

<sup>25</sup> See, e.g., *Smith v. Levine*, 911 S.W.2d 427, 437 (Tex. App. - San Antonio 1995 - writ denied); *Texas Farmers Ins. Co. v. Hernandez*, 649 S.W.2d 121, 124 (Tex. App. - Amarillo 1983 - writ of error refused, no reversible error).

<sup>26</sup> See Plaintiffs' Third Amended Complaint at ¶¶ 116-17.

<sup>27</sup> *Leininger v. Leininger*, 705 F.2d 727, 729 (5th Cir. 1983).

Case 3:12-cv-00146 Document 3 Filed 04/20/12 Page 7 of 9

“permanently enjoining Defendants from filing any instruments in the deed records of El Paso County, Texas (and others) identifying MERS or any other person or entity as a “mortgagee” or “beneficiary” of any mortgage in which such person or entity does not have a beneficial interest or other legally sufficient interest” and an order “requiring Defendants, jointly and severally, to correct the false and deceptive filings described herein by causing the recordation of corrective instruments setting forth the entire chain of title for each instrument described herein.”<sup>28</sup> A permanent future injunction would prevent Defendants from recording hundreds of thousands of deeds of trust (similar to the 285,525 already recorded),<sup>29</sup> depriving counties of millions of dollars in recording fee revenue.<sup>30</sup> And if the Court were to order Defendants to “correct” the existing 285,525 allegedly false filings, that would require an enormous expenditure to research, prepare, and file corrective documents. Even if each filing required just one one-page document to be recorded, the cost of recording (at \$16.00 for a single-page document)<sup>31</sup> would be \$4,568,400.00, again satisfying the amount in controversy.

### **III. ADDITIONAL REQUIREMENTS**

18. Venue for this Removal is proper in the U.S. District Court for the Western District of Texas, El Paso Division because this district and division includes El Paso County, Texas—the location of the pending state court action.

19. Pursuant to 28 U.S.C. § 1446(a), Defendants have obtained certified copies of all process, pleadings, orders and other papers filed in the state court action which are attached hereto as **Exhibit “A”**.

---

<sup>28</sup> Third Amended Petition at ¶¶ 116-17.

<sup>29</sup> See Plaintiffs’ Third Amended Complaint at ¶ 73.

<sup>30</sup> See Tex. Loc. Gov’t Code § 118.011(a) (counties collect fees for recording documents).

<sup>31</sup> See <http://www.epcounty.com/clerk/recording.htm>



Case 3:12-cv-00146 Document 3 Filed 04/20/12 Page 8 of 9

20. MERS and MERSCORP were served with citation of Plaintiffs' Second Amended Petition on March 21, 2012. On information and belief, no other defendants have been served with citation in this matter. Accordingly, this Notice is timely.<sup>32</sup>

21. The removing Defendants all consent to removal of this case. No consent to removal is necessary from BNYM because it has not been served with citation in this matter.

22. Plaintiffs demanded a jury trial in their state court action.

23. Written Notice of Removal will be provided to Plaintiffs and filed with the District Clerk of El Paso County, Texas.

24. This Notice of Removal is signed pursuant to FED. R. CIV. P. 11.<sup>33</sup>

25. Pursuant to Section 1016 of the Judicial Improvements and Access to Justice Act of 1988, no bond is required in connection with this Notice of Removal. Pursuant to Section 1016 of the Act, this Notice need not be verified.

26. In the event that Plaintiffs seek to remand this case, or the Court considers remand *sua sponte*, Defendants respectfully request the opportunity to submit such additional argument or evidence in support of removal as may be necessary.

WHEREFORE, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332, and this action should proceed in the United States District Court for the Western District of Texas, El Paso Division as an action properly removed thereto under 28 U.S.C. §§ 1441 and 1446.

Respectfully submitted,

By: /s/ Nathan T. Anderson

---

<sup>32</sup> 28 U.S.C. § 1446(b).

<sup>33</sup> See 28 U.S.C. § 1446(a).

Case 3:12-cv-00146 Document 3 Filed 04/20/12 Page 9 of 9

**R. DWAYNE DANNER**  
State Bar No. 00792443  
**NATHAN T. ANDERSON**  
State Bar No. 24050012  
McGlinchey Stafford, PLLC  
2711 N. Haskell Ave., Suite 2750  
Dallas, TX 75204  
(214) 445-2445  
(214) 445-2450 (fax)

**JEFFREY R. SEEWALD**  
State Bar No. 17986640  
McGlinchey Stafford, PLLC  
1001 McKinney, Suite 1500  
Houston, TX 77002  
(713) 520-1900  
(713) 520-1025 (Fax)  
jseewald@mcglinchey.com

***ATTORNEYS FOR DEFENDANTS***

**CERTIFICATE AND NOTICE OF FILING**

I certify that on April 20, 2012 this Notice of Removal was sent to the District Clerk of El Paso County, Texas, and that written notice of filing of the Notice of Removal was served via certified mail, return receipt requested, upon counsel of record for Plaintiffs.

*/s/ Nathan T. Anderson*  
\_\_\_\_\_  
Nathan T. Anderson

**CERTIFICATE OF SERVICE**

I certify that on April 20, 2012, a correct copy of the foregoing Notice of Removal was filed with the Clerk of the Court via the Court's CM/ECF system and that a correct copy of same was forwarded to the following:

**Via Facsimile (915) 351-6754**

Richard A. Roman  
505 East Rio Grande  
El Paso, Texas 79902

***Attorney for Plaintiffs***

*/s/ Nathan T. Anderson*  
\_\_\_\_\_  
Nathan T. Anderson

400947.4  
104060.PM31736

Case 3:12-cv-00146 Document 1-10 Filed 04/20/12 Page 1 of 2

CAUSE NO. 2011-DCV-10814

BEA HUML, JOEY RODRIGUEZ,  
AND JOHN DOE(S) AND JANE  
DOE(S),

Plaintiffs,

v.

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION, MERSCORP, INC.,  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.;  
BAC HOME LOANS SERVICING, L.P.;  
AND THE BANK OF NEW YORK  
MELLON F/K/A THE BANK OF  
NEW YORK CWABS, INC., ASSET  
BACKED SECURITIES SERIES 2007-09

Defendants.

IN THE DISTRICT COURT

OF EL PASO COUNTY, TEXAS

171<sup>ST</sup> JUDICIAL DISTRICT

**NOTICE OF NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that on April 20, 2012, Mortgage Electronic Registration Systems, Inc.; MERSCORP Holdings, Inc., formerly known as MERSCORP, Inc.; Federal National Mortgage Association; and Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, L.P., (collectively "Defendants"), filed in the United States District Court for the Western District of Texas, El Paso Division, a Notice of Removal of Cause No. 2011-DCV-10814, *Bea Huml and Joey Rodriguez v. Federal National Mortgage Association, et. al*, in the 171st Judicial District Court of El Paso County Texas. A copy of the Notice of Removal is attached as **Exhibit "A"**.

Case 3:12-cv-00146 Document 1-10 Filed 04/20/12 Page 2 of 2

Respectfully submitted,

**McGLINCHEY STAFFORD, PLLC**

By: /s/ Nathan T. Anderson

**R. DWAYNE DANNER**  
State Bar No. 00792443  
**NATHAN T. ANDERSON**  
State Bar No. 24050012  
McGlinchey Stafford, PLLC  
2711 N. Haskell Ave., Suite 2750  
Dallas, TX 75204  
(214) 445-2445  
(214) 445-2450 (fax)

**JEFFREY R. SEEWALD**  
State Bar No. 17986640  
McGlinchey Stafford, PLLC  
1001 McKinney, Suite 1500  
Houston, TX 77002  
(713) 520-1900  
(713) 520-1025 (Fax)  
[jseewald@mcglinchey.com](mailto:jseewald@mcglinchey.com)

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been sent, pursuant to Rules 21 and 21a of the Texas Rules of Civil Procedure, on this 20th day of April, 2012, as follows:

**Via Facsimile: 915.351.6754**

Richard A. Roman  
Attorney at Law  
505 E. Rio Grant  
El Paso, Texas 79902-4206

*Attorney for Plaintiffs*

/s/ Nathan T. Anderson  
**NATHAN T. ANDERSON**

Case 3:12-cv-00146 Document 2 Filed 04/20/12 Page 1 of 3

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

BEA HUML, INDIVIDUALLY, JOEY
RODRIGUEZ, INDIVIDUALLY, AND
JOHN DOE(S) AND JANE DOE(S)

Plaintiffs,

v.

CAUSE NO. \_\_\_\_\_

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, MERSCORP, INC.,
AND MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; BAC
HOME LOANS SERVICING, L.P.; THE
BANK OF NEW YORK MELLON F/K/A
THE BANK OF NEW YORK CWABS,
INC., ASSET BACKED SECURITIES
SERIES 2007-09

Defendants

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

DEFENDANTS' CORPORATE DISCLOSURE STATEMENT AND
CERTIFICATE OF INTERESTED PERSONS

Defendants Mortgage Electronic Registration Systems, Inc. ("MERS"); MERSCORP Holdings, Inc., formerly known as MERSCORP, Inc. ("MERSCORP"); Federal National Mortgage Association ("Fannie Mae"); and Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, L.P. ("Bank of America") (collectively "Defendants"), file this their Corporate Disclosure Statement and Certificate of Interested Persons.

Federal National Mortgage Association is a federally chartered corporation. It has no parent corporation, and no publicly held company owns 10% percent or more of Federal National Mortgage Association's stock.

Mortgage Electronic Registration Systems, Inc. is a privately held Delaware corporation. Mortgage Electronic Registration Systems, Inc. is a wholly owned subsidiary of MERSCORP

## Case 3:12-cv-00146 Document 2 Filed 04/20/12 Page 2 of 3

Holdings, Inc., which is a privately-held Delaware corporation. MERSCORP Holdings, Inc. is not publicly-traded company.

Bank of America, N.A. is a publicly traded company and a wholly owned subsidiary of BANA Holding Corporation. BANA Holding Corporation is a wholly owned subsidiary of BAC North America Holding Company. BAC North America Holding Company is a wholly owned subsidiary of NB Holdings Corporation. NB Holdings Corporation is a wholly owned subsidiary of Bank of America Corporation. Bank of America Corporation is a publicly traded corporation, and no publicly traded corporation owns more than 10% of Bank of America Corporation.

The following entities and/or persons are financially interested in the outcome of this case:

- 1) Bea Huml;
- 2) Joey Rodriguez;
- 3) Christopher Lee Valdez;
- 4) Eneida Valdez;
- 5) Joe Bruscuclas;
- 6) Yvette Bruscuclas;
- 7) Mortgage Electronic Registration Systems, Inc.;
- 8) MERSCORP Holdings, Inc.;
- 9) Federal National Mortgage Association;
- 10) Bank of America, N.A.; and
- 11) The Bank of New York

Respectfully submitted,

By: /s/ Nathan T. Anderson

**R. DWAYNE DANNER**  
State Bar No. 00792443  
**NATHAN T. ANDERSON**  
State Bar No. 24050012  
McGlinchey Stafford, PLLC  
2711 N. Haskell Ave., Suite 2750  
Dallas, TX 75204  
(214) 445-2445  
(214) 445-2450 (fax)

**JEFFREY R. SEEWALD**

Case 3:12-cv-00146 Document 2 Filed 04/20/12 Page 3 of 3

State Bar No. 17986640  
McGlinchey Stafford, PLLC  
1001 McKinney, Suite 1500  
Houston, TX 77002  
(713) 520-1900  
(713) 520-1025 (Fax)  
[jseewald@mcglinchey.com](mailto:jseewald@mcglinchey.com)

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I certify that on April 20, 2012, a correct copy of the foregoing was filed with the Clerk of the Court via the Court's CM/ECF system and that a correct copy of same was forwarded to the following:

**Via Facsimile (915) 351-6754**

Richard A. Roman  
505 East Rio Grande  
El Paso, Texas 79902

***Attorney for Plaintiffs***

/s/ Nathan T. Anderson  
Nathan T. Anderson