

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

John Andrew Kazen

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

United States District Judge for the Southern 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 Southern District of Texas  
1300 Victoria Street, Suite 2317  
Laredo, TX 78040

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

1964; Lincoln, Nebraska

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, University of Houston Law Center; J.D., 1990

1983 – 1987, University of Texas at Austin; B.A., 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.

2018 – present

United States District Court, Southern District of Texas – Laredo Division  
1300 Victoria Street, Suite 2317  
Laredo, Texas 78040  
United States Magistrate Judge

1997 – 2018  
Kazen, Meurer & Pérez, L.L.P.  
211 Calle del Norte  
Laredo, Texas 78041  
Partner

1991 – 1997  
Kemp, Smith, Duncan & Hammond, P.C.  
221 North Kansas, Suite 1700  
El Paso, Texas 79901  
Partner (1996 – 1997)  
Associate (1991 – 1996)

1990 – 1991  
United States District Court for the Eastern District of Texas  
211 West Ferguson Street  
Tyler, Texas 75702  
Law Clerk to the Honorable Robert M. Parker

Summer 1989  
Kemp, Smith, Duncan & Hammond, P.C.  
221 North Kansas, Suite 1700  
El Paso, Texas 79901  
Summer Associate

Summer 1989  
Cox & Smith (now Dykema)  
112 East Pecan Street, Suite 1800  
San Antonio, Texas 78205  
Summer Associate

Summer 1989  
Russell L. Cook, Jr. & Associates  
1401 McKinney, Suite 1800  
Houston, Texas 77010  
Summer Associate

Summer 1988  
Jamail & Kolius  
500 Dallas Street, Suite 3434  
Houston, Texas 77002  
Summer Associate

Summer 1988  
Harry Gee, Jr. & Associates  
5847 San Felipe, Suite 2950

Houston, Texas 77057  
Summer Associate

1984 – 1987  
Fresh Plus Grocery  
1221 West Lynn Street  
Austin, Texas 78703  
Grocery store stocker and cashier

Summer 1983  
The Laredo National Bank (now PNC Bank)  
700 San Bernardo Avenue  
Laredo, Texas 78040  
Cashier

Other Affiliations (Uncompensated):

2017 – present  
Bethany House of Laredo, Inc.  
817 Hidalgo Street  
Laredo, Texas 78040  
Board Member

2010 – present  
Border Olympics, Inc.  
c/o Hector Garcia, Treasurer  
2502 O’Kane  
Laredo, Texas 78041  
Board Member

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 military. I registered for the selective service when I turned 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.

Border Olympics, Inc., Recipient of the Mule Frazier Award for Outstanding Track and Field Volunteer (2018)

LexisNexis Martindale-Hubbell AV® Preeminent™ Pccr Review Rated (2011)

Webb County Bar Association, Recipient of the Award of Merit in Recognition of Outstanding Service (1999)

*The Houston Journal of International Law* Certificate of Merit for Outstanding Service (1990)

D.D. Hachar Charitable Trust Fund Scholarship (1983)

Minnie Stevens Piper Foundation Scholars Program Four-Year Scholarship (1983)

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 (2011 – 2017)

American Board of Trial Advocates, Laredo Chapter, Member (2011 – 2018)

Secretary (2011, 2018)

Vice-president (2012)

President-elect (2013 – 2015)

President (2016 – 2017)

Bar Association of the Fifth Federal Circuit (2008 – 2018)

The College of State Bar of Texas (1997 – 2001)

Council of School Attorneys (1997 – 2018)

Defense Research Institute (1997 – 2018)

El Paso Bar Association (1991 – 1996)

Federal Magistrate Judges Association (2018 – present)

Laredo-Webb County Bar Association (1997 – 2018)

National Diocesan Attorneys Association (2003 – 2018)

Red Mass Planning Committee, Member (1997– present)

Co-chair (2018 – present)

State Bar of Texas, Member (1991 – present)

Administration Committee, Chair (2013 – 2014)

Business Law Section, Advisor (2013 – 2014)

CLE Committee, Advisor (2011–2012)

Client Security Fund Committee, Vice-Chair (2012 – 2013)

Committee Review Taskforce, Member (2012 – 2013)  
Consumer & Commercial Law Section, Advisor (2011 – 2012)  
Construction Law Section, Advisor (2012 – 2013)  
District 12-A Grievance Committee, Member (2000 – 2006)  
Executive Committee, Member (2012 – 2014)  
Executive Director Evaluation Subcommittee, Member (2014)  
Law Focused Education Committee, Member (2014 – 2015)  
Litigation and Contracts Committee, Member (2012 – 2013)  
MCLE Committee, Advisor (2012 – 2014)  
Professional Development Program Committee, Member (2011 – 2013)  
Technology Oversight Committee, Member (2011 – 2012)  
Texas State Bar Board of Directors, District 12 Director (2011 – 2014)  
Unauthorized Practice of Law Committee, Chair (2012 – 2013)

Texas Association of Defense Counsel (1997 – 2018)

Texas Bar Foundation, Fellow (2014 – present)

U.S. District Court for the Southern District of Texas  
Magistrate Judge Committee (2023 – present)  
Security Committee (2019 – 2023)

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.

New Mexico, 1995  
Texas, 1991

There have been no lapses in membership, but I have been on inactive status in New Mexico since 1998.

- 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, 2008  
United States District Court for the Southern District of Texas, 1997  
United States District Court for the Western District of Texas, 2011

There have been no lapses in membership.

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.

Bethany House of Laredo, Inc., Board Member (2017 – present)

Border Olympics, Inc., Board Member (2013 – present)

Daybreak Rotary Club (1999 – 2003)

University of Texas Exes (1983 – present)

U.S.A. Track & Field Association, Certified Track Official (2015– 2018)

- 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.

To the best of my knowledge, none of the above organizations currently discriminates on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies. To the best of my knowledge, only one of the organizations listed above previously discriminated on the basis of sex—the Rotary Club. In 1989 Rotary International amended its constitution to open membership to all sexes. Therefore, any discriminatory policy or practice against the admission of women was eliminated prior to the time of my membership in the local Rotary club.

## **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.

With J. Francisco Tamez, *Motions to Abate and Motions to Stay; Pleas to the Jurisdiction; Motions on Special Appearance*, in *Ultimate Motions Practice* (State Bar of Texas, Sept. 20, 2013). Copy supplied.

- 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.

During my service as a director on the State Bar of Texas Board of Directors from 2011 to 2014, I attended the following meetings of the board, for which minutes are supplied. At those meetings, the board generally considered and took action on matters relating to the legal profession and legal services for the public.

State Bar of Texas, Board of Directors Meeting, June 25, 2014.

State Bar of Texas, Board of Directors Meeting, April 25, 2014.

State Bar of Texas, Board of Directors Meeting, January 24, 2014.

State Bar of Texas, Board of Directors Meeting, June 20, 2013.

State Bar of Texas, Board of Directors Meeting, June 19, 2013.

State Bar of Texas, Board of Directors Meeting, April 12, 2013.

State Bar of Texas, Board of Directors Meeting, January 25, 2013.

State Bar of Texas, Board of Directors Meeting, September 21, 2012.

State Bar of Texas, Board of Directors Meeting, June 14, 2012.

State Bar of Texas, Board of Directors Meeting, June 13, 2012.

State Bar of Texas, Board of Directors Meeting, April 13, 2012.

State Bar of Texas, Board of Directors Meeting, January 20, 2012.

State Bar of Texas, Board of Directors Meeting, September 16, 2011.

State Bar of Texas, Board of Directors Meeting, June 23, 2011.

- 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.

During my time as an attorney, my law firm represented the Laredo College from

about 2005 through the date I left the firm in 2018. During that time, I attended a few meetings of the college's board of trustees, but I do not recall the dates of the meetings. I am unable to obtain any transcripts, or recordings of those meetings.

As an attorney, I was also outside general counsel to the Laredo Independent School District from October 1997 to June 2018. During that time, I attended almost all the public regular monthly board meetings, special call meetings, and board workshops of the school district's board of trustees. After a thorough search of publicly available records, I am supplying copies of minutes of the board meetings for the following time periods:

January 2018 – June 2018  
January 2017 – December 2017  
January 2016 – December 2016  
January 2015 – November 2015  
February 2014 – December 2014  
June 2013  
July, August, November, and December 2012  
January 2009 – June 2009  
January 2008 – December 2008  
January 2007 – December 2007  
January 2006 – December 2006  
January 2005 – December 2005  
March 2004 – December 2004  
January 2003 – April 2003  
January 2002  
December 2001  
January 1998 – November 1998

- 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.

Based upon my recollection and a thorough review of my files and searches of publicly available databases and the Internet, I have identified the following responsive materials, but it is possible that there are a few that I have been unable to recall or identify.

April 20, 2023: Panelist, Criminal Justice Act Panel Training, Federal Public Defender for the Southern District of Texas, Laredo, Texas. Presentation supplied.



February 17, 2023: Speaker, Advanced Legal Writing Class, St. Mary's School of Law, San Antonio, Texas. I was a guest speaker and discussed the roles and responsibilities of law clerks and reviewed selected Federal Rules of Civil Procedure which the students are likely to encounter as law clerks. I have no notes, transcript, or recording. The address for St. Mary's School of Law is One Camino Santa Maria, San Antonio, Texas 78228.

November 19, 2018: Speaker, Laredo Federal Courthouse Naming Ceremony, Laredo, Texas. Notes supplied.

2018 – present: Speaker, Naturalization Ceremonies, United States District Court for the Southern District of Texas, Laredo, Texas. As part of my duties as a magistrate judge, I preside over naturalization ceremonies for new citizens and have conducted ceremonies on the following dates: May 5, 2023; February 2, 2023; September 9, 2022; July 14, 2022; September 4, 2020; March 12, 2020; January 10, 2020; November 1, 2019; September 5, 2019; September 4, 2019; July 2, 2019; November 2, 2018; September 6, 2018; July 20, 2018. The notes I use for each ceremony are supplied. Press coverage of one ceremony supplied and video available at <https://www.kgns.tv/content/news/Naturalization-ceremony-488747791.html>.

March 23, 2018: Speaker, Recognizing and Preventing Sexual Harassment. Harris County Department of Education School Finance Council, Houston, Texas. Video available at [https://www.youtube.com/watch?v=dt0\\_\\_mZl0F4](https://www.youtube.com/watch?v=dt0__mZl0F4).

February 1, 2018: Speaker, Board of Trustees Training, Texas Open Meetings Act and Walking Quorums, The Laredo Independent School District, Laredo, Texas. Presentation supplied.

April 7, 2017: Speaker, School District Employment Contracts and Negotiations and Settlement Strategies. Harris County Department of Education School Finance Council, Houston, Texas. Video available at <https://www.youtube.com/watch?v=h0sShrcNoJo>.

October 29, 2016: Speaker, Board Training, Team Building, and Related Issues, The Laredo Independent School District, Laredo, Texas. Presentation supplied.

November 6, 2015: Speaker, Understanding the Rule Against Gifts of Public Funds and Department of Labor Investigations and Overtime Violations. Harris County Department of Education School Finance Council, Houston, Texas. Video available at <https://www.youtube.com/watch?v=liF7nUdkiK0>.

January 16, 2015: Speaker, Contract Liability and Immunity Issues. Harris County Department of Education School Finance Council, Houston, Texas. Video available at <https://www.youtube.com/watch?v=3UXe7-WPtMk>.

January 17, 2015: Speaker, Overview of Legal Issues for Trustees, The Laredo Independent School District, Laredo, Texas. Presentation supplied.

September 28, 2014: Speaker, Suspension without Pay: Procedures and Issues Related to Contract Terminations, Texas Association of School Boards, Texas Council of School Attorneys, Austin, Texas. Presentation supplied.

May 1, 2014: Speaker, Young Women's Leadership Conference, Texas A&M International University, Laredo, Texas. Notes supplied.

2013 (specific date unknown): Speaker, The Role of the Board Member in School District Governance, The Laredo Independent School District, Laredo, Texas. Presentation supplied.

November 8, 2013: Speaker, Drafting Disciplinary Documentation and Purchasing Law for School Districts, Harris County Department of Education School Finance Council, Houston, Texas. Notes supplied.

September 20, 2013: Speaker, Motions to Abate and Motions to Stay; Pleas to the Jurisdiction; Motions on Special Appearance, State Bar of Texas, Ultimate Motions Practice Seminar, Austin, Texas. Notes supplied.

February 14, 2013: Speaker, Reducing Legal Risk in School District Contracts. Harris County Department of Education School Finance Council, Houston, Texas. Notes supplied.

July 3, 2012: Co-speaker, What Every Lawyer Needs to Know About Texas Unemployment Law, State Bar of Texas Webcast, Austin, Texas. Notes supplied.

March 2011 (specific date unknown): Speaker, State Bar of Texas District 12 Director Candidate Speech, Hidalgo County Bar Association luncheon, McAllen, Texas. Notes supplied.

December 2, 2010: Speaker, Governance: The Board Member's Role, The Laredo Independent School District, Laredo, Texas. Presentation supplied.

November 5, 2010: Speaker, Ethical Issues for Counselors, Border Counseling Association, Laredo, Texas. Notes supplied.

2009 (specific date unknown): Speaker, Open Meetings: Agenda Items and Executive Session, The Laredo Independent School District, Laredo, Texas. Presentation supplied.

November 20, 2009: Speaker, Counselor Ethics and Current Events, Border Counseling Association, Laredo, Texas. Notes supplied.

October 6, 2009: Speaker, Introduction of Speaker Judge George P. Kazen, Ninth Annual Red Mass Ceremony, San Agustín Cathedral, Laredo, Texas. I introduced my father as the guest speaker and discussed his background, upbringing, and philosophy. I have no notes, transcript, or recording. The address of the Diocese of Laredo is 1901 Corpus Christi Street, Laredo, Texas 78043.

October 24, 2008: Speaker, Ethical and Legal Issues for School Counselors, Border Counseling Association, Laredo, Texas. Notes supplied.

October 20, 2008: Speaker, Purchasing Law for School Districts, Harris County Department of Education School Finance Council, Houston, Texas. Notes supplied.

November 30, 2007: Speaker, Ethical and Legal Issues for School Counselors, Border Counseling Association, Laredo, Texas. Notes supplied.

August 8, 2006: Speaker, School Counselors and the Law, Border Counseling Association, Laredo, Texas. Notes supplied.

June 26, 2004: Speaker, Judge George P. Kazen 25th Anniversary Celebration, Laredo, Texas. Notes supplied.

- 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.

Ashley Soriano and Yocelin Gallardo, *Courtrooms to Resume In-Person Jury Trials*, NBC-KGNS TV (May 12, 2021). Copy supplied.

Mindy Casso, *Remembering Judge George P. Kazen*, NBC-KGNS TV (May 3, 2021). Copy supplied and video available at:  
<https://www.kgns.tv/2021/05/03/remembering-judge-george-p-kazen>.

Julia Wallace, *Family, Colleagues and Friends Reflect on Kazen's Life On and Off the Bench*, LAREDO MORNING TIMES (May 2, 2021). Copy supplied.

Mindy Casso, *Skipping jury duty may be punishable by imprisonment*, NBC-KGNS TV (Oct. 17, 2019). Copy supplied.

Mindy Casso, *Federal courthouse officially named after Judge Kazen*, NBC-KGNS-TV (Nov. 19, 2018). Copy supplied and video available at  
<https://www.kgns.tv/content/news/Federal-courthouse-to-be-officially-renamed-after-Judge-Kazen-500814651.html>.

September 6, 2018, Cream City Magazine, Issue No. 50. The magazine published an interview conducted by written submission. The focus of the article was my status as an alumnus from St. Augustine High School and how my high school education affected my career. I do not have a copy of the published article, and it is not available online. However, I did retain a copy of my written responses to the interview questions, which is supplied.

KGNS Staff, *New Kazen set to carry on the legacy of federal judge*, NBC-KGNS TV (Aug. 10, 2018). Copy supplied and video available at <https://www.kgns.tv/content/news/John-Kazen-gets-sworn-in-490576111.html>.

Joana Santillan, *Judge J. Kazen Sworn In*, THE ZAPATA TIMES (June 20, 2018). Copy supplied.

Joana Santillan, *Nombran a John Kazen Nuevo Juez Federal*, LAREDO MORNING TIMES (June 9, 2018). Copy supplied.

*Judge John A. Kazen is Sworn-in as a United States Magistrate*, KGNS TV (June 18, 2018). Video available at <https://www.kgns.tv/content/news/Judge-Kazens-to-be-sworn-in-485846821.html>.

Joana Santillan, *Sigue Serie de Juicios en Webb*, LAREDO MORNING TIMES (Feb. 16, 2018). Copy supplied.

Kendra Ablaza, *Alcohol Vendor Files Lawsuit*, LAREDO MORNING TIMES (Sept. 20, 2015). Copy supplied.

Cody Permenter, *Claim States Employees Too Rough*, LAREDO MORNING TIMES (Nov. 5, 2013). Copy supplied (reprinted in multiple outlets).

Special to the Times, *Red Mass Speaker Set for Wednesday*, LAREDO MORNING TIMES (Oct. 5, 2013). Copy supplied.

JJ Velasquez, *Board Acts on Budget Issues*, LAREDO MORNING TIMES (July 1, 2013). Copy supplied (reprinted in multiple outlets).

JJ Velasquez, *LISD Offers \$16M for Civic Center*, LAREDO MORNING TIMES (Sept. 14, 2012). Copy supplied.

JJ Velasquez, *Demandan a LISD*, LAREDO MORNING TIMES (Aug. 6, 2012). Copy supplied.

Nick Georgiou, *LISD Will Try to Buy City Civic Center*, LAREDO MORNING TIMES (Mar. 24, 2012). Copy supplied.

Dennis Silva II, *Zachry Complex Looms*, LAREDO MORNING TIMES (Sept. 4,

2011). Copy supplied.

Nick Georgiou, *Zachry Complex Should be Done by End of Year*, LAREDO MORNING TIMES (July 20, 2011). Copy supplied.

Nick Georgiou, *LISD Staff is "Afraid," Trustee Says*, LAREDO MORNING TIMES (Dec. 3, 2010). Copy supplied.

Nick Georgiou, *LISD in Arbitration in Program Audit*, LAREDO MORNING TIMES (June 20, 2009). Copy supplied.

Taryn White, *Nepotism a Real Worry*, LAREDO MORNING TIMES (Nov. 27, 2008). Copy supplied.

Taryn White, *Outside Counsel Hired On*, LAREDO MORNING TIMES (Oct. 18, 2008). Copy supplied.

Jason Buch, *Judge Nixes Montalvo Challenge*, LAREDO MORNING TIMES (Sept. 30, 2008). Copy supplied.

Paul Martinez, *Cargo Eventual Por Seis Semanas*, LAREDO MORNING TIMES (Sept. 23, 2008). Copy supplied.

Tricia Cortez, *Cigarroa High Employee Sues*, LAREDO MORNING TIMES (Feb. 28, 2008). Copy supplied.

Tricia Cortez, *It's Getting Hot – LISD Chief Files Own Report*, LAREDO MORNING TIMES (Jan. 11, 2008). Copy supplied (reprinted in multiple outlets).

Tricia Cortez, *Cartas Decision Delayed Despite Lengthy Meeting*, LAREDO MORNING TIMES (Dec. 20, 2007). Copy supplied.

Tricia Cortez, *Cartas Topic of Tuesday Meeting*, LAREDO MORNING TIMES (Dec. 18, 2007). Copy supplied (reprinted in multiple outlets).

Tricia Cortez, *Probes Begin - LISD Launches Investigations of*, LAREDO MORNING TIMES (Dec. 10, 2007). Copy supplied.

Christina Rosales, *Law Change Means No School Trustee Elections This*, LAREDO MORNING TIMES (Aug. 31, 2007). Copy supplied (reprinted in multiple outlets).

Tricia Cortez, *LISD Sets Vote on KIVA Deal*, LAREDO MORNING TIMES (May 16, 2007). Copy supplied.

Tricia Cortez, *LISD Audits Fall Into Limbo: Superintendent*, LAREDO MORNING TIMES (Apr. 26, 2007). Copy supplied.

Tricia Cortez, *Trustee Considers Giving Up Seat*, LAREDO MORNING TIMES (Mar. 17, 2006). Copy supplied.

Tricia Cortez, *Gyms, Field House Wait for Electricity*, LAREDO MORNING TIMES (Sept. 27, 2004). Copy supplied.

Tricia Cortez, *LISD Gets Clear Title to Paper Streets*, LAREDO MORNING TIMES (Sept. 21, 2004). Copy supplied.

Laurel Almada, *LISD Sues City Over Paper Streets*, LAREDO MORNING TIMES (May 26, 2004). Copy supplied.

Robert Garcia, *Court Rules on Former LISD Official's Lawsuit*, LAREDO MORNING TIMES (Mar. 28, 2003). Copy supplied.

Odie Arambula, *LISD Reorganization Raises Concern*, LAREDO MORNING TIMES (Mar. 16, 2003). Copy supplied.

Odie Arambula, *Monday Wash: Running Out of Fingers*, LAREDO MORNING TIMES (July 15, 2002). Copy supplied.

Diana De La Garza, *Diocese Resolves Sports Complex Complaints With*, LAREDO MORNING TIMES (July 12, 2002). Copy supplied.

Tricia Cortez, *Laredo Diocese Planning Traditional Red Mass*, LAREDO MORNING TIMES (Aug. 29, 2001). Copy supplied.

Diana De La Garza, *LISD Plans No Appeal of Decision for Trevino*, LAREDO MORNING TIMES (Apr. 25, 2001). Copy supplied.

Diana De La Garza, *Sources Say LISD OK in Bus Advertising*, LAREDO MORNING TIMES (Feb. 21, 2001). Copy supplied.

Kelly Hildebrandt, *Teachers in Lawsuit Against Company, School*, LAREDO MORNING TIMES (June 25, 2000). Copy supplied.

Robert Garcia, *LISD, Lamar Teacher in Lawsuit*, LAREDO MORNING TIMES (Oct. 21, 1999). Copy supplied.

Rick Pauza, *LISD Attorney Explains Interviews*, LAREDO MORNING TIMES (June 27, 1998). Copy supplied.

John Sevigny, *LISD Trustees Deny Finalist List*, LAREDO MORNING TIMES (June 25, 1998). Copy supplied.

L.B. Eisen, *LISD Search Considers Family-Oriented Approach*, LAREDO MORNING TIMES (June 24, 1998). Copy supplied.

Mark Peterson, *LISD Letters Clear Misunderstanding*, LAREDO MORNING TIMES (May 12, 1998). Copy supplied.

Mark Peterson, *AG Rules for Release of Letter*, LAREDO MORNING TIMES (May 9, 1998). Copy supplied.

Mark Peterson, *Ramirez Says Letter no Factor in Decision*, LAREDO MORNING TIMES (Mar. 7, 1998). Copy supplied.

Mark Peterson, *Tax-collecting Attorney Works for City, Schools*, LAREDO MORNING TIMES (Dec. 21, 1997). Copy supplied.

Staff reporters and Editor Odie Arambula, *Times Obtains Unedited Version of LISD Report*, LAREDO MORNING TIMES (Dec. 2, 1997). Copy supplied.

Staff reporters, *Portions of LISD Report Blacked Out in LMT Copy*, LAREDO MORNING TIMES (Nov. 21, 1997). Copy supplied.

Eddie Zavala, *Troublesome Parents Top Teachers Lists*, LAREDO MORNING TIMES (Mar. 31, 1996). Copy supplied.

L.B. Eisen, *LISD Suit Alleges Cheating*, LAREDO MORNING TIMES (Mar. 13, 1996). Copy supplied.

L.B. Eisen, *LISD Dealing with TV Demotion Protest*, LAREDO MORNING TIMES (Feb. 13, 1996). Copy supplied.

Andrew Blum, *Asbestos Litigation in Disarray*, THE NATIONAL LAW JOURNAL (Sept. 3, 1990). Copy supplied.

Additionally, I recall being interviewed for an article by the San Antonio Express-News about my father, U.S. District Court Judge George Kazen, for his 25th Anniversary on the bench in June 2004, but I was not ultimately quoted in the piece.

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.

Since June 2018, I have served as a United States Magistrate Judge on the United States District Court for the Southern District of Texas. I was selected for that position following a two-stage process. In the first stage, members of a merit selection panel comprised of lawyers and non-lawyers recommended three finalists. In the second stage.

the United States District Judges of the Southern District of Texas made the final selection from the three finalists. I am currently serving an eight-year renewable term. The United States District Court for the Southern District of Texas is an Article III court of limited jurisdiction, and the jurisdiction of United States Magistrate Judges is governed by 28 U.S.C. § 636. For civil cases in which the parties have consented to the magistrate judge, I preside over every aspect of the case through final disposition, including trial. I handle civil cases referred by the presiding district judge for full pretrial management, including entry of scheduling orders, the resolution of non-dispositive motions, and issuing reports and recommendations on dispositive motions. I may also be referred individual motions and matters for resolution in cases that have not been fully referred for pretrial management. In criminal cases, my duties involve conducting preliminary proceedings, including initial appearances, probable cause hearings, identity hearings, and detention hearings, as well as the issuance of criminal complaints, material witness complaints, search warrants, seizure warrants, pen registers, and trap and trace orders. I also handle referred motions or matters in criminal cases, and issue reports and recommendations as appropriate, including taking guilty pleas and conducting hearings on motions to suppress and petitions for violations of conditions of supervised release.

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

I have presided over seven civil trials and one misdemeanor criminal trial. I have also presided over jury selection in two felony criminal cases by consent of the parties. Additionally, information from the court's case management/electronic case filing system reflects that I have been assigned as the presiding judge in 85 civil consent cases that have gone to verdict or judgment. I have also presided over 1,814 misdemeanor criminal cases.

- i. Of these cases, approximately what percent were:

jury trials:	71%
bench trials:	29%

- ii. Of these cases, approximately what percent were:

civil proceedings:	100%
criminal proceedings:	0%

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

See attached lists of citations.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Cantu Silva v. United States*, No. 5:19-CV-151 (S.D. Tex. Oct. 31, 2022), *appeal filed*, No. 22-40835 (5th Cir.). Opinion supplied.

In this Federal Tort Claims Act (“FTCA”) case, Plaintiff alleged that a Border Patrol agent negligently shot him in the course of an arrest in the United States. The plaintiff, Cantu Silva, entered the United States near Laredo, Texas without legal documentation with the intent of traveling to Houston. The plaintiff alleged that he was chased by a border patrol agent after fleeing a vehicle and shot by the agent, even though he did not resist the arrest. The border patrol agent claimed he had tripped, causing the firearm to discharge. I presided over a bench trial by consent of the parties. At the conclusion of trial, I *sua sponte* ordered the parties to brief the question of subject matter jurisdiction and potential application of discretionary function exception to the FTCA claim. I subsequently granted Defendant’s motion to dismiss, holding that Mr. Cantu Silva’s claim of negligence was barred by the discretionary function exception to the FTCA’s waiver of sovereign immunity, and dismissed the case for lack of subject matter jurisdiction. Mr. Silva appealed to the Fifth Circuit Court of Appeals, where it is currently pending.

Counsel for Plaintiff:

Felipe De Jesus Vielma, Jr.  
Vielma Law Firm, PLLC  
1007 San Dario Avenue  
Laredo, TX 78040  
(956) 725-5500

Roberto F. Ramirez  
Law Office of Roberto F. Ramirez, PLLC  
5825 Callaghan Road, Suite 201  
San Antonio, TX 78228  
(210) 239-6757

Norma Nelly Vielma  
Attorney at Law  
1016 Juarez Avenue  
Laredo, TX 78040  
(956) 725-5500

Counsel for Defendant:

Lance G. Duke  
U.S. Attorney’s Office, Southern District of Texas  
800 North Shoreline Boulevard, Suite 500

Corpus Christi, TX 78401  
(361) 888-3111

2. *Matta v. Kan. City S. Ry. Co.*, No. 5:20-cv-00048, 2022 WL 1467461 (S.D. Tex., Mar. 30, 2022).

Plaintiff sued Defendant for retaliation under the Federal Railroad Safety Act (“FRSA”). The parties consented to trial before me as the magistrate judge. The plaintiff alleged that he was retaliated against for raising a safety concern. I entered an order on Defendant’s motion for summary judgment, granting it in part and denying it in part, which involved interpreting the definition of protected activity under the FRSA, an issue that has not been addressed by the Fifth Circuit. The parties subsequently reached a settlement agreement and entered a joint stipulation of dismissal. The case was accordingly dismissed and closed in August 2022.

Counsel for Plaintiff:  
Kevin M. Camp  
Roven Camp, PLLC  
550 Westcott, Suite 305  
Houston, TX 77007  
(713) 465-8522

Counsel for Defendant:  
J. Mitchell Smith  
Germer PLLC  
America Tower  
2929 Allen Parkway, Suite 2900  
Houston, TX 77019  
(713) 650-1313

3. *Vicente v. United States*, No. 5:20-CV-00081 (S.D. Tex., July 19, 2021), *report and recommendation adopted in part and rejected in part*, 2021 WL 4452786 (S.D. Tex. Sept. 29, 2021). Copy supplied.

This case involved a suit for damages against a Border Patrol agent after a fatal shooting occurred along the United States-Mexico border. The Plaintiffs were the parents and estate administrator of the deceased victim. The Defendants moved to dismiss Plaintiffs’ *Bivens* claims. I issued a report and recommendation to the district judge in which I found that Plaintiffs sought to extend *Bivens* into a new context. I also found that two special factors counseled against permitting such an extension: the existence of the Federal Tort Claims Act as an adequate alternative remedial structure, and the national security consequences of extending *Bivens* into the arena of border security. Judge Diana Saldaña adopted my recommendations but rejected my report and recommendation in part. She sustained objections to my findings that (1) the border patrol agent was of a

different rank than the narcotics officer in *Bivens*; (2) that the incident occurred on a public street; and (3) that the conduct at issue only occurred after a proper seizure had already taken place. The district judge also found a third special factor counseling in favor of dismissal, which I did not address: the absence of Congressional action. The parties subsequently reached a settlement agreement and entered a joint stipulation of dismissal. The case was accordingly dismissed and closed in September 2022.

Counsel for Plaintiff:  
Edgar Saldivar  
American Civil Liberties Union of Texas  
5225 Katy Freeway, Suite 350  
Houston, TX 77007  
(713) 942-8146

Counsel for Defendant United States:  
Jimmy Anthony Rodriguez  
U.S. Attorney's Office, Southern District of Texas  
1000 Louisiana Street, Suite 2300  
Houston, TX 77002  
(713) 567-9532

Counsel for Defendant Barrera:  
Jason Murray Davis  
Davis & Santos Attorneys & Counselors, P.C.  
719 South Flores Street  
San Antonio, TX 78204  
(210) 853-5882

Octavio Salinas, II  
Attorney at Law  
1116 Calle del Norte  
Laredo, TX 78041  
(956) 727-4942

4. *United States v. 3.572 Acres of Land*, No. 5:20-cv-00039 (S.D. Tex. Jan. 22, 2021). Copy supplied.

This case was one of numerous lawsuits filed by the federal government to acquire land for construction of a border wall through properties abutting the Mexican border. The government sought a right of entry onto the properties to conduct feasibility studies and filed motions for order of immediate possession to obtain those rights of entry. In a case in which the parties consented to me to handle the case through judgment, the property owner opposed the government's right of entry by asserting numerous procedural objections. I issued a preliminary order overruling those objections. The parties resolved the dispute by agreement

and filed a joint stipulation of dismissal, whereby the United States agreed to dismiss the lawsuit without prejudice. The case was accordingly closed in March 2022.

Counsel for Plaintiff:  
Chanmealea Thou  
11204 McPherson Road, Suite 100A  
Laredo, TX 78045  
(956) 723-6523

Counsel for Defendant Caldera:  
Douglas W. Alexander  
Alexander Dubose & Jefferson LLP  
515 Congress Avenue, Suite 2350  
Austin, TX 78701  
(512) 482-9300

Ricardo Efrain de Anda  
Attorney at Law  
212 Flores Avenue  
Laredo, TX 78040  
(956) 726-0038

5. *Dixon v. Leopoldo Garza Logistics*; No. 5:17-cv-00127, 2020 WL 4689217 (S.D. Tex. June 26, 2020).

This case involved a single-vehicle rollover of a tractor trailer allegedly caused by the improper loading of its cargo. Plaintiff was the driver who sustained injuries in the accident, and he sued the shipper for negligently loading the contents of the trailer. The case involved the legal issue of the relative legal duties and liability for the unsafe loading of cargo between a shipper, a carrier, and the driver. The parties consented to trial before me as the magistrate judge. I granted summary judgment in favor of the shipper based on a finding that the Plaintiff had an opportunity to inspect the contents of the trailer before commencing the trip. Because the ruling on summary judgment disposed of all Plaintiff's claims, I entered a final judgment in favor of Defendant in June 2020.

Counsel for Plaintiff:  
Owen S. Jones  
211 East Parkwood Avenue, Suite 110  
Friendswood, TX 77546  
(281) 992-1541

S. Nasim Ahmad  
Ahmad Capodice PLLC  
24900 Pitkin Road, Suite 300

The Woodlands, TX 77386  
(832) 767-3207

Counsel for Defendant:  
Shan Marie Egliskis  
Law Office of R.E. (Felix) Cox  
1100 Northwest Loop 410, Suite 370  
San Antonio, TX 78213  
(210) 949-0166

6. *Villarreal v. City of Laredo*, No. 5:19-CV-48, 2020 WL 13517246 (S.D. Tex. May 8, 2020), *aff'd in part, rev'd in part, and remanded*, 17 F.4th 532 (5th Cir. 2021), *withdrawn and superseded by* 44 F.4th 363 (5th Cir. 2022), *reh'g en banc granted, opinion vacated*, 52 F.4th 265 (5th Cir. 2022).

A citizen-journalist brought § 1983 claims against City of Laredo officials after she was arrested pursuant to a statute proscribing the solicitation, with intent to obtain a benefit, of nonpublic information from public servants who possess such information by virtue of their office or employment. While Plaintiff was out on bond, a Texas court declared the statute unconstitutional. Plaintiff then sued to recover damages for violations of her constitutional rights. In this consent case, I granted Defendants' motion to dismiss, finding that the arresting officers had probable cause to believe Plaintiff violated the statute and that they were therefore entitled to qualified immunity. Two judges on a three-judge panel on the Fifth Circuit reversed, finding the arresting officers had no probable cause to believe Plaintiff violated the statute. The Chief Judge dissented. The Fifth Circuit later vacated the panel opinion and agreed to rehear the appeal en banc. The appeal remains pending before the Fifth Circuit Court of Appeals.

Counsel for Plaintiff:  
Joshua Tyler Morris  
Foundation for Individual Rights and Expression  
700 Pennsylvania Avenue, Southeast, Suite 340  
Washington, DC 20003  
(215) 717-5475

Counsel for Defendants:  
William Michael McKamie  
Taylor Olson Adkins Sralla & Elam LLC  
401 East Sonterra Boulevard, Suite 375  
San Antonio, TX 78258  
(210) 510-4147

Jason Eric Magee  
Allison, Bass & Magee, L.L.P.  
402 West 12th Street

Austin, TX 78701  
(512) 482-0701

7. *Trevino v. Pompeo*, No. 5:16-CV-00139 (S.D. Tex. Sept. 13, 2019). Decision supplied.

Plaintiff Trevino sued for a judicial declaration that she was a United States citizen by birth. The parties consented to trial with me. The case involved the resolution of legal issues relating to competing birth certificates in Mexico and the United States. I conducted a bench trial, entered findings of fact and conclusions of law, and entered a final judgment in favor of Plaintiff in September 2019.

Counsel for Plaintiff:  
Norberto Cardenas, III  
The Law Office of Norberto Cardenas III, PLLC  
9902 Crystal Court, Suite 101  
Laredo, TX 78045  
(956) 726-0700

Counsel for Defendants:  
Richard A. Kincheloe  
Elizabeth Frances Karpati  
United States Attorney's Office  
1000 Louisiana Street, Suite 2300  
Houston, TX 77002  
(713) 567-9422

8. *United States v. Martinez-Fernandez*, No. 5:18-CR-789 (S.D. Tex. Apr. 12, 2019), *R. & R. adopted*, No. 5:18-CR-789 (S.D. Tex. May 16, 2019). Copy supplied.

I prepared a report and recommendation on Defendant's motion to suppress evidence in this criminal case in which Defendant was charged with being a felon in possession of a firearm, discovered in the course of an investigation involving the theft of cases of tequila. The motion raised issues about whether Defendant was seized within the meaning of the Fourth Amendment, whether the search of Defendant's home was based on valid consent, and whether any of Defendant's statements were elicited in violation of his Fifth Amendment *Miranda* rights. I recommended that the majority of the motion be denied except as to the discovery of a firearm in Defendant's home. The district judge adopted my report and recommendation, and the Defendant pled guilty to alien in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(5)(A) and 924(a)(2), and was sentenced by the district judge to time served followed by one year of supervised release.

Counsel for Plaintiff:

April Holly Ayers-Perez  
Department of Justice, Antitrust Division  
450 5th Street, Northwest, Room 11412  
Washington, DC 22035  
(202) 598-2576

Counsel for Defendant:  
Arturo Vasquez  
Federal Public Defender's Office  
600 East Harrison, Room 102  
Brownsville, TX 78520  
(956) 548-2573

9. *United States v. Reynero-Serna*, No. 5:18-CR-00335 (S.D. Tex. Aug. 21, 2018), *aff'd*, 786 F. App'x 28 (5th Cir. 2019). Report and recommendation supplied.

I prepared a report and recommendation on Defendant's motion to suppress evidence. Defendant was charged with transporting undocumented aliens in this criminal case. Defendant asserted that the arresting officers committed an unreasonable search and seizure in violation of the Fourth Amendment because they lacked reasonable suspicion to stop his vehicle. The district court adopted my recommendation that the motion to suppress be denied. The Defendant pled guilty to conspiracy to transport an undocumented alien within the United States, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(ii), (v)(I), and (B)(i), and was sentenced to a term of imprisonment of 15 months followed by three years of supervised release. Defendant appealed the ruling on the motion to suppress. The Fifth Circuit affirmed.

Counsel for Plaintiff:  
Matthew Isaac  
Gordon Rees Scully Mansukhani, LLP  
275 Battery Street Suite 2000  
San Francisco, CA 94111  
(415) 986-5900

Counsel for Defendant:  
David Castillo  
Federal Public Defender's Office  
1202 Houston Street  
Laredo, TX 78040  
(956) 753-5313

10. *Distribuidora Mari Jose, S.A. de C.V. v. Transmaritime, Inc.*, No. 5:10-CV-00131 (S.D. Tex.).

This case involved the shifting burdens of proof and establishing a prima facie case under the Carmack Amendment for a loss of cargo during shipment from China to the United States. This was the first jury trial I presided over as a judge. Prior to my assignment to the case as magistrate judge, the Fifth Circuit issued an opinion reversing the district court's grant of summary judgment, but the opinion left open some legal issues related to the language of a jury question. The jury returned a verdict for Defendant, and I entered a final judgment in November 2018.

Counsel for Plaintiff:  
Guillermo Gerardo Alarcon  
J. Alberto Alarcon  
Hall Quintanilla & Alarcon  
1302 Washington Street  
Laredo, TX 78040  
(956) 723-5527

Counsel for Defendants:  
Craig A. Lawrence  
Attorney at Law, P.C.  
6999 McPherson Road, Suite 325  
Laredo, TX 78041  
(956) 717-1961

Marcel C Notzon, III  
The Notzon Law Firm  
6999 McPherson Road, Suite 325  
Laredo, TX 78041  
(956) 717-1961

- 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. *Cantu Silva v. United States*, No. 5:19-CV-151 (S.D. Tex. Oct. 31, 2022), *appeal filed*, No. 22-40835 (5th Cir.). Opinion previously supplied in response to Question 13(c).

Counsel for Plaintiff:  
Felipe De Jesus Vielma, Jr.  
Vielma Law Firm, PLLC  
1007 San Dario Avenue  
Laredo, TX 78040  
(956) 725-5500



Roberto F. Ramirez  
Law Office of Roberto F. Ramirez, PLLC  
5825 Callaghan Road, Suite 201  
San Antonio, TX 78228  
(210) 239-6757

Norma Nelly Vielma  
Attorney at Law  
1016 Juarez Avenue  
Laredo, TX 78040  
(956) 725-5500

Counsel for Defendant:  
Lance G. Duke  
U.S. Attorney's Office, Southern District of Texas  
800 North Shoreline Boulevard, Suite 500  
Corpus Christi, TX 78401  
(361) 888-3111

2. *Martinez v. Hinojosa*, No. 5:20-CV-75 (S.D. Tex. Mar. 31, 2022). Copy supplied.

Lead Counsel for Plaintiff:  
David L. Flores  
Griffith Law Group  
4228 North McColl  
McAllen, TX 78504  
(956) 971-9446

Lead Counsel for Defendants:  
William Michael McKamie  
Taylor Olson Adkins Sralla & Elam, LLP  
6000 Western Place, Suite 200  
Fort Worth, TX 76107  
(817) 332-2580

3. *Matta v. Kan. City S. Ry. Co.*, No. 5:20-CV-48, 2022 WL 1467461 (S.D. Tex. Mar. 30, 2022).

Counsel for Plaintiff:  
Kevin M. Camp  
Roven Camp, PLLC  
550 Westcott, Suite 305  
Houston, TX 77007  
(713) 465-8522

Counsel for Defendant:  
J. Mitchell Smith  
Germer PLLC  
P.O. Box 4915  
Beaumont, TX 77704  
(409) 654-6700

4. *Ragar Transp., Ltd. v. Lear Corp.*, No. 5:17-CV-52, 2021 WL 4502316 (S.D. Tex. Sept. 30, 2021).

Lead Counsel for Plaintiff:  
Mark Anthony Fassold  
Watts Guerra LLP  
875 East Ashby Place, Suite 1200  
San Antonio, TX 78212  
(210) 447-0500

Lead Counsel for Defendant Lear Corporation:  
Burgain Garfield Hayes  
Attorney at Law  
P.O. Box 10447  
Austin, TX 78766  
(512) 472-2193

Lead Counsel for Ryder Integrated Logistics Inc.:  
Jason Murray Davis  
Davis & Santos Attorneys & Counselors, P.C.  
719 South Flores Street  
San Antonio, TX 78204  
(210) 853-5882

5. *Vicente v. United States*, No. 5:20-CV-81, 2021 WL 5242955 (S.D. Tex. July 19, 2021), *R. & R. adopted in part, rejected in part*, No. 5:20-CV-81, 2021 WL 4452786 (S.D. Tex. Sept. 29, 2021). Opinion previously supplied in response to Question 13(c).

Counsel for Plaintiff:  
Edgar Saldivar  
American Civil Liberties Union of Texas  
5225 Katy Freeway, Suite 350  
Houston, TX 77007  
(713) 942-8146

Counsel for Defendant United States:  
Jimmy Anthony Rodriguez  
U.S. Attorney's Office, Southern District of Texas

1000 Louisiana Street, Suite 2300  
Houston, TX 77002  
(713) 567-9532

Counsel for Defendant Barrera:  
Jason Murray Davis  
Davis & Santos Attorneys & Counselors, P.C.  
719 South Flores Street  
San Antonio, TX 78204  
(210) 853-5882

Octavio Salinas, II  
Attorney at Law  
1116 Calle del Norte  
Laredo, TX 78041  
(956) 727-4942

6. *Dixon v. Leopoldo Garza Logistics*; No. 5:17-CV-127, 2020 WL 4689217 (S.D. Tex. June 26, 2020).

Counsel for Plaintiff:  
Owen S. Jones  
16214 Blue Mesa Ridge Drive  
Friendswood, TX 77546  
(281) 992-1541

S. Nasim Ahmad  
Ahmad Capodice PLLC  
24900 Pitkin Road, Suite 300  
The Woodlands, TX 77386  
(832) 767-3207

Counsel for Defendant:  
Shan Marie Egliskis  
20726 Stone Oak Parkway, Suite 116  
San Antonio, TX 78258  
(210) 446-2828

7. *Villarreal v. City of Laredo*, No. 5:19-CV-48, 2020 WL 13517246 (S.D. Tex. May 8, 2020), *aff'd in part, rev'd in part, and remanded*, 17 F.4th 532 (5th Cir. 2021), *withdrawn and superseded by* 44 F.4th 363 (5th Cir. 2022), *reh'g en banc granted, opinion vacated*, 52 F.4th 265 (5th Cir. 2022).

Counsel for Plaintiff:  
Joshua Tyler Morris  
Foundation for Individual Rights and Expression

700 Pennsylvania Avenue, Southeast, Suite 340  
Washington, DC 20003  
(215) 717-5475

Counsel for Defendants City of Laredo, *et al.*:  
William Michael McKamie  
Taylor Olson Adkins Sralla & Elam LLC  
401 East Sonterra Boulevard, Suite 375  
San Antonio, TX 78258  
(210) 510-4147

Counsel for Defendants Webb County, Texas, *et al.*:  
Jason Eric Magee  
Allison, Bass & Magee, L.L.P.  
1301 Nucces Street, Suite 201  
Austin, TX 78701  
(512) 482-0701

8. *United States v. Martinez-Fernandez*, No. 5:18-CR-789 (S.D. Tex. Apr. 12, 2019), *R. & R. adopted*, No. 5:18-CR-789 (S.D. Tex. May 11, 2019). Opinion previously supplied in response to Question 13(c).

Counsel for Plaintiff:  
April Holly Ayers-Perez  
Department of Justice, Antitrust Division  
450 5th Street, Northwest, Room 11412  
Washington, DC 22035  
(202) 598-2576

Counsel for Defendant:  
Arturo Vasquez  
Federal Public Defender's Office  
600 East Harrison, Room 102  
Brownsville, TX 78520  
(956) 548-2573

9. *United States v. Reynero-Serna*, No. 5:18-CR-00335 (S.D. Tex. Aug. 21, 2018), *aff'd*, 786 F. App'x 28 (5th Cir. 2019). Report and recommendation previously supplied in response to Question 13(c).

Counsel for Plaintiff:  
Matthew Isaac  
Gordon Rees Scully Mansukhani, LLP  
275 Battery Street Suite 2000  
San Francisco, CA 94111  
(415) 986-5900

Counsel for Defendant:  
David Castillo  
Federal Public Defender's Office  
1202 Houston Street  
Laredo, TX 78040  
(956) 753-5313

10. *Garza v. Briones*, No. 16-CV-251, 2018 WL 8874191 (S.D. Tex. Aug. 16, 2018), *R. & R. adopted*, No. 5:16-CV-00251, 2018 WL 8868510 (S.D. Tex. Sept. 13, 2018), *aff'd*, 943 F.3d 740 (5th Cir. 2019).

Counsel for Plaintiffs:  
Jose Eduardo Pena  
Attorney at Law  
P.O. Box 102  
1219 Victoria Street, Suite 2  
Laredo, TX 78042  
(956) 722-9854

Counsel for Defendants:  
Albert Lopez  
Law Offices of Albert Lopez  
2222 Estate Gate Drive  
San Antonio, TX 78260  
(210) 404-1983

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

To the best of my knowledge and based upon a review of publicly available legal databases, certiorari has not been requested or granted in any of my cases.

- 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.

*La Union del Pueblo Entero v. Fed. Emergency Mgmt. Agency et al.*, No. 5:21-CV-71, (S.D. Tex. June 12, 2023), *R. & R. adopted in part, rejected in part*, No. 5:21-CV-71 (S.D. Tex. Aug. 1, 2023). Copies supplied. Plaintiff sued the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) under the Freedom of Information Act (FOIA). After conducting a records search and producing records, Defendants moved to dismiss, or in the alternative, for summary judgment, and Plaintiff filed a motion for discovery. In a report and recommendation, I recommended that Defendants' motions be granted

in part and denied in part and that Plaintiff's motion for discovery be denied. The district judge adopted the majority of my recommendations, but she postponed deciding my recommendation that 5 U.S.C. § 552(a)(4)(B) authorizes courts to order agencies to post documents online. Instead, the district judge deferred deciding that issue because it may be mooted as the case proceeds, therefore denying Defendants' motion for summary judgment on that issue without prejudice. The district judge also deferred deciding my recommendation on whether a district court has authority to issue a prospective injunction to enforce the electronic reading room requirement of 5 U.S.C. § 552(a)(4)(B). The case remains pending.

*United States v. Saldana-Alaniz*, No. 5:22-CR-822 (S.D. Tex. Mar. 16, 2023), *R. & R. adopted in part, rejected in part*, No. 5:22-CR-822 (S.D. Tex. June 30, 2023). Copies supplied. Defendant was charged with illegal possession of ammunition by an alien unlawfully in the United States. He filed a motion to suppress evidence of the ammunition on the grounds that the warrantless search of the premises was unlawful because the officers lacked probable cause and Defendant did not consent to the search. I issued a report and recommendation recommending that the motion to suppress be denied because exigent circumstances supported the warrantless entry of the premises and because Defendant consented. The district court adopted the majority of the report and recommendation and denied the motion to suppress. But in so doing, the district judge granted some objections to factual findings and legal conclusions. The district judge also modified the recommendations to find that the evidence supported that the officers' search was justified as a protective sweep. Defendant pled guilty to being an alien in possession of ammunition, in violation of 18 U.S.C. §§ 925(g)(5)(A) and 924(a)(2). Defendant is scheduled to be sentenced by the district judge later this year.

*Vicente v. United States*, No. 5:20-CV-81, 2021 WL 5242955 (S.D. Tex. July 19, 2021), *R. & R. adopted in part, rejected in part*, No. 5:20-CV-81, 2021 WL 4452786 (S.D. Tex. Sept. 29, 2021). This case involved a suit for damages against a Border Patrol agent after a fatal shooting occurred along the United States-Mexico border. The Defendants moved to dismiss Plaintiffs' *Bivens* claims. I issued a report and recommendation in which I found that Plaintiffs sought to extend *Bivens* into a new context. I also found that two special factors counseled against permitting such an extension: the existence of the Federal Tort Claims Act as an adequate alternative remedial structure, and the national security consequences of extending *Bivens* into the arena of border security. The district judge adopted my recommendations but rejected my report and recommendation in part. The district judge rejected in part because she sustained objections to my findings that (1) the border patrol agent was of a different rank than the narcotics officer in *Bivens*; (2) that the incident occurred on a public street; and (3) that the conduct at issue only occurred after a proper seizure had already taken place. The district judge also found a third special factor counseling in favor of dismissal, which I did not address: the absence of Congressional action.

*Boone v. Davis et al.*, No. 5:20-CV-113 (S.D. Tex. Apr. 12, 2021), *R. & R. adopted in part, rejected in part*, No. 5:20-CV-113 (S.D. Tex. Sept. 1, 2021). Copies supplied. In this case, Petitioner filed a petition for writ of habeas corpus and Respondents moved for summary judgment. In a report and recommendation, I recommended that the petition be denied as time-barred and that Respondents' motion for summary judgment be granted. The district judge agreed. However, the district judge rejected the report and recommendation in part because I had concluded that the petition was filed five days after she concluded it had actually been filed. The date I had used reflected the date stamped on the petition by the state court clerk. Other records suggested it was filed five days sooner, and thus the court sustained Respondents' objection in that respect.

*Osorio v. United States*, No. 5:16-CR-946-3, 2020 WL 12788169 (S.D. Tex. Nov. 12, 2020), *R. & R. adopted as modified*, No. 5:16-CR-946-3, 2021 WL 5279490 (S.D. Tex. Nov. 12, 2021). This case involved a motion to vacate a sentence following a guilty plea. The petitioner, who was partially blind, asserted that his guilty plea was not knowing and voluntary because his attorney failed to read aloud for him two paragraphs from the plea agreement. In a report and recommendation to the district judge, I recommended that the motion be denied. The district judge agreed and adopted my recommendation. However, the district judge also sustained an objection that I misattributed to the Fifth Circuit a conclusion that was actually made by appellate counsel in an *Anders* brief.

*Villarreal v. City of Laredo*, No. 5:19-CV-48, 2020 WL 13517246 (S.D. Tex. May 8, 2020), *aff'd in part, rev'd in part, and remanded*, 17 F.4th 532 (5th Cir. 2021), *withdrawn and superseded by* 44 F.4th 363 (5th Cir. 2022), *reh'g en banc granted, opinion vacated*, 52 F.4th 265 (5th Cir. 2022). A citizen-journalist brought § 1983 claims against officials after she was arrested pursuant to a statute proscribing the solicitation, with intent to obtain a benefit, of nonpublic information from public servants who possess such information by virtue of their office or employment. While Plaintiff was out on bond, a Texas court declared the statute unconstitutional. Plaintiff then sued to recover damages for violations of her constitutional rights. I granted Defendants' motion to dismiss, finding that the arresting officers had probable cause to believe Plaintiff violated the statute and that they were therefore entitled to qualified immunity. Two judges on a three-judge panel on the Fifth Circuit reversed, finding the arresting officers had no probable cause to believe Plaintiff violated the statute. The Chief Judge dissented. The Fifth Circuit later vacated the panel opinion and agreed to rehear the appeal en banc.

*Gonzalez v. Degollado*, No. 5:20-CV-30, 2020 U.S. Dist. LEXIS 88483 (S.D. Tex. Mar. 23, 2020). *R. & R. rejected by* No. 5:20-CV-30, 2020 U.S. Dist. LEXIS 71315 (S.D. Tex. Apr. 22, 2020). In this case I issued an order denying a pro se Plaintiff's motion to proceed *in forma pauperis* ("IFP"). I denied the motion because I believed the Prison Litigation Reform Act's three-strikes rule barred

him from bringing any more civil actions IFP. The district judge construed my order as a report and recommendation, rejected it, and granted Plaintiff's motion. The district judge reasoned that one of the cases I counted as a strike against Plaintiff was created by another district court as a purely discretionary decision to sever claims for the sake of convenience. The district judge concluded that counting this as a separate strike would unfairly allow a discretionary and independent event to control Plaintiff's future eligibility for IFP status.

*Cuellar v. Hernandez*, No. 5:17-CV-76, 2019 WL 13114338 (S.D. Tex. June 28, 2019), *R. & R. adopted in part, rejected in part*, No. 5:17-CV-76, 2019 WL 13114311 (S.D. Tex. Sept. 16, 2019). Parents sued under § 1983 after Laredo police officers shot their son, a Webb County Sheriff's Deputy, in his home during a welfare check. Defendants, two Laredo police officers and the City of Laredo, all moved for summary judgment, asserting qualified immunity. There was a factual dispute as to whether decedent raised his gun after he was instructed to drop it. I recommended that summary judgment be granted for the City of Laredo under qualified immunity. However, as a result of the factual dispute, I recommended that the district judge deny summary judgment as to the excessive force claim against one officer and the invasion-of-privacy claims against both officers. I found that the plaintiffs had established an alleged violation of a clearly established constitutional right. The district judge rejected my recommendation in part, granting the dismissal of the excessive force claim against the officer, on the grounds that the alleged constitutional violation was not clearly established under Supreme Court or Fifth Circuit precedent. Both invasion-of-privacy claims were permitted to proceed, but the parties reached a settlement agreement and filed a joint stipulation of dismissal.

- 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.

In my five years as a magistrate judge, I have issued more than 7,500 orders, reports and recommendations, opinions, and orders on motions. Most of these are routine, but approximately 200 rulings involved substantive factual or legal analysis. Of these rulings, approximately 129 are available on Lexis and/or Westlaw, and the remaining orders are stored in the electronic case management system maintained by the United States District Court for the Southern District of Texas.

- 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.

*Martinez v. Hinojosa*, No. 5:20-CV-75 (S.D. Tex. Mar. 31, 2022). Copy previously supplied in response to Question 13d.



*Vicente v. United States*, No. 5:20-cv-00081, 2021 WL 4452768 (S.D. Tex. Sept. 9, 2021).

*Villarreal v. City of Laredo*, No. 5:19-CV-48, 2020 WL 13517246 (S.D. Tex. May 8, 2020), *aff'd in part, rev'd in part and remanded*, 17 F.4th 532 (5th Cir. 2021), *withdrawn and superseded by* 44 F.4th 363 (5th Cir. 2022), *reh'g en banc granted, opinion vacated*, 52 F.4th 265 (5th Cir. 2022).

*United States v. Martinez-Fernandez*, No. 5:18-CR-789 (S.D. Tex. Apr. 12, 2019), *R. & R. adopted*, No. 5:18-CR-789 (S.D. Tex. May 11, 2019). Copy previously supplied in response to Question 13c.

*Garza v. Briones*, No. 5:16-CV-251, 2018 WL 8874191 (S.D. Tex. Aug. 16, 2018), *R. & R. adopted*, No. 5:16-CV-00251, 2018 WL 8868510 (S.D. Tex. Sept. 13, 2018), *aff'd*, 943 F.3d 740 (5th Cir. 2019).

*United States v. Reynero-Serna*, No. 5:18-CR-00335 (S.D. Tex. Aug. 21, 2018), *aff'd*, 786 F. App'x 28 (5th Cir. 2019). Copy previously supplied in response to Question 13c.

- 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 court of appeals.

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.

I make recusal decisions in accordance with the Code of Conduct for United States Judges and 28 U.S.C. § 455, and I comply with the conflicts screening procedures of the United States District Court for the Southern District of Texas. I recused myself in the following cases:

*Mares v. Webb County, Texas*, No. 5:18-cv-00121 (S.D. Tex.). I recused sua sponte because Plaintiff was formerly a board member of one of my former clients.

*Alvarado v. Ross Dress for Less, Inc.*, No. 5:19-cv-00103 (S.D. Tex.). I recused sua sponte myself because a party was represented by my former law firm.

*Santos v. Transportes Logísticos de Carga, S.A. de C.V., et al.*, No. 5:20-cv-00009 (S.D. Tex.). I recused sua sponte because a party was represented by my former law firm.

*Bricker Transport, LLC v. Great Southern Technologies, LLC. et al.*, No. 5:20-cv-00020 (S.D. Tex.). I recused sua sponte because I had previously represented one of the parties as an attorney.

*Bruni et al. v. Hughes, in her official capacity as the Texas Secretary of State, et al.*, No. 5:20-cv-00035 (S.D. Tex.). I recused sua sponte because I had previously been adverse to one of the parties in a legal matter.

*The United States of America v. 202.893 Acres of Land, more or less, et al.*, No. 5:20-cv-00067 (S.D. Tex.). I recused sua sponte because a former law firm partner of mine was serving as counsel for a Defendant.

*Gonzalez v. Texas Webb County, et al.*, No. 5:20-cv-00052 (S.D. Tex.). I recused sua sponte because a family member was involved in the judicial procedural history of this prisoner habeas corpus case.

*Gonzalez v. Degollado et al.*, No. 5:20-cv-00030 (S.D. Tex.). I recused sua sponte because a family member was involved in the judicial procedural history of this prisoner habeas corpus case.

*Texas Alliance of Retired Americans, et al. v. Scott, in his official capacity as the Texas Secretary of State*, No. 5:20-cv-00128 (S.D. Tex.). I recused sua sponte because I had previously been adverse in a legal matter involving one of the parties.

*U.S. v. 13,887 Covid Test Kits*, No. 5:20-cv-00153 (S.D. Tex.). I recused sua sponte because a member of my chambers staff had a financial interest in the real party in interest.

*The United Independent School District v. Palacios et al.*, No. 5:20-cv-00179 (S.D. Tex.). I recused sua sponte because one of the parties was a former client.

*Osinski v. Laredo College*; No. 5:20-cv-00189 (S.D. Tex.). I recused sua sponte because

one of the parties was a former client.

*Limas v. Leyendecker Oil, Inc.*; No. 5:20-cv-00200 (S.D. Tex.). I recused sua sponte because one of the parties was a former client.

*Limas v. Oscar & Betty Moreno Properties, Ltd.*, No. 5:20-cv-00174 (S.D. Tex.). I recused sua sponte because my personal relationship with one of the parties.

*Dunkle v. Armstrong et al.*, No. 5:21-cv-00140; (S.D. Tex.). I recused sua sponte because my former law firm was representing one of the parties.

*Samtani et al. v. City of Laredo et al.*, No. 5:22-cv-00076 (S.D. Tex.). Pro se Plaintiffs' original complaint included a motion to recuse all federal judges of the Laredo Division of the Southern District of Texas and me in particular. The otherwise inflammatory allegations did include a correct assertion that I had previously been adverse to the named Plaintiff in litigation I previously handled as an attorney. I therefore entered an order of recusal on that basis.

*Samtani v. State Farm Lloyds*, No. 5:22-cv-00082 (S.D. Tex.). I recused sua sponte because I had been adverse to one of the parties in litigation I previously handled as an attorney.

\*Sealed Case\* No. 5:19-MC-894; (S.D. Tex.). I recused sua sponte because I had been adverse to one of the parties in litigation I previously handled as an attorney.

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.

From 2011 to 2014 I served as the Director for District 12 on the State Bar of Texas Board of Directors. I was elected by the attorneys of District 12, which is comprised of 17 counties in south Texas. The term of office is for three years, and I served the full term.

- 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.

None.

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 1991 I served as a law clerk to the Honorable Robert M. Parker 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 not practiced law 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;

1991 – 1997

Kemp, Smith, Duncan & Hammond, P.C.

221 North Kansas, Suite 1700

El Paso, Texas 79901

Partner (1996 – 1997)

Associate (1991 – 1996)

1997 – 2018

Kazen, Meurer & Pérez, L.L.P.

211 Calle del Norte

Laredo, Texas 78041

Partner

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.

In 1999 I completed a 40-hour basic mediation training course in dispute resolution techniques. From 2004 to 2018, I served as a mediator in approximately 25 cases. As a mediator, it was my practice to not keep any notes after the conclusion of the mediation, and so I do not have any notes or records of those mediations, and I have no recollection of the specifics of any particular case I mediated. I recall that the majority of the cases I mediated involved personal injury negligence claims arising from motor vehicle accidents.

b. Describe:

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

When I began practicing law in 1991 as an attorney with the Kemp Smith law firm in El Paso, Texas, my practice was primarily in personal injury defense litigation. After I started my own law firm in Laredo, Texas in 1997, I continued to handle personal injury defense litigation, but my practice also expanded to include the general representation of businesses and organizations. This representation included advising clients on matters such as personnel matters and business transactions. I also handled civil litigation matters for my business and organizational clients. For example, I was outside general counsel to the Laredo Independent School District (“LISD”) from 1997 to 2018. I provided legal advice and counseling to LISD’s board of trustees and administration on issues such as board governance, public information requests, student issues, employee issues and grievances, business transactions, and litigation matters.

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

From 1991 to 1997, my practice was primarily in personal injury defense litigation, and I represented businesses, insurance companies, and insureds. From 1997 to 2018, I continued to handle personal injury defense litigation, but my practice also expanded to include the general representation of businesses and organizations. My two largest clients were the Laredo Independent School District and the Catholic Diocese of Laredo. I also represented a variety of other businesses, including a residential construction company and a few warehousing and logistics companies. For those business and organizational clients, I generally handled their civil litigation matters and also advised them about personnel matters and business transactions.

- 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.

The majority of my practice was in litigation, and I appeared in court frequently. I estimate that approximately 65 percent of my practice was in litigation. My trial practice was exclusively in civil litigation, and I appeared primarily in state court.

- i. Indicate the percentage of your practice in:
  1. federal courts: 10%
  2. state courts of record: 90%
  3. other courts: 0%
  4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 100%
2. criminal proceedings: 0%

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 18 jury trials to verdict. In those jury trials, I was sole counsel in approximately six cases, chief counsel in approximately six cases, and co-counsel with another law firm in approximately six cases. I also tried approximately 5 bench trials as lead counsel in ad valorem tax cases. From 1997 to 2018, my law firm handled ad valorem tax collection litigation for two local governmental entities. The vast majority of those cases were resolved by default judgment, but a few of those cases went to a bench trial. After a search of the available public records, I have not been able to determine the precise number of those cases that proceeded to a bench trial.

i. What percentage of these trials were:

1. jury: 78%
2. non-jury: 22%

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.

I did not practice before the Supreme Court of the United States.

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.

1. *Moreno vs. Mary Help of Christians Sch.*, Cause No. 2012CVT000773-D3 (341st. Dist. Ct., Webb County, Tex. 2012), *In re Vida*, No. 04-14-00636-CV, 2015 WL 82717 (Tex. App. Jan. 7, 2015).

I was attorney-in-charge for Defendant Dr. Vida, superintendent of schools for the Catholic Diocese of Laredo, who was sued for negligence, tortious interference, and other causes of action. The allegations concerned her participation in a decision by the school defendant not to promote a student from kindergarten to first grade. I conducted discovery and co-drafted pleadings and dispositive motions with an associate attorney. We prepared a plea asserting that the claims against Dr. Vida should be dismissed for lack of jurisdiction pursuant to the ecclesiastical abstention doctrine under the First Amendment to the U.S. Constitution. The trial court denied the motion. We then filed a writ of mandamus—similar to an interlocutory appeal—to the Texas Fourth Court of Appeals asserting that the trial court abused its discretion in denying the motion. During the appellate proceedings, we retained appellate counsel, and I assisted with editing and reviewing the briefing. There was no oral argument. The Fourth Court of Appeals ruled in our client’s favor and granted the writ of mandamus, conditionally ordering the trial court to dismiss the case. The plaintiffs filed in the Court of Appeals a motion for reconsideration and a motion for *en banc* reconsideration, both of which were denied. Plaintiffs then filed a Petition for Writ of Mandamus with the Texas Supreme Court, *In Re Moreno and Moreno, Individually and on Behalf of Their Daughter GM*, Case No. 15-0167. Plaintiffs also filed an emergency motion to stay the Court of Appeals’ order granting the writ. Both motions were denied by the Texas Supreme Court. The trial court entered an order granting our plea and motion for severance in accordance with the Court of Appeals’ conditional writ of mandamus. Plaintiffs filed a motion to modify the judgment and motion for new trial. They then filed a motion for rehearing on the plea to the jurisdiction. Those motions were denied and the dismissal of claims against Vida became final.

Date of representation: 2012 – 2016

Judge: Honorable Beckie Palomo, 341st District Court Judge

Co-counsel for Defendant:

Juan Francisco Tamez  
Law Office of J. Francisco Tamez, PLLC  
7913 McPherson Road, Suite 103  
Laredo, TX 78045-2807  
(956) 753-0003

Appellate Counsel for Defendant:

Samuel V. Houston, III  
Houston Dunn, PLLC  
4040 Broadway, Suite 440  
San Antonio, TX 78209  
(210) 775-0882

Counsel for Plaintiffs:  
Ronald Rodriguez  
Law Offices of Ronald Rodriguez, PC  
424 East Del Mar Boulevard  
Laredo, TX 78041  
(956) 796-1000

Appellate Counsel for Plaintiffs:  
Craig S. Smith  
14493 S.P.I.D., Suite A, P.M.B. 240  
Corpus Christi, TX 78418  
(361) 728-8037

2. *ADT Security Services, S.A. De C.V. v. Alert 24 Security, L.L.C.*, No. 2006CVQ001051-D2 (111th Dist. Ct., Webb County, Tex.)

My client, Plaintiff ADT, asserted claims for malicious prosecution and violations of the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§ 1961, *et seq.*, arising from disputed sales rights of home security systems in Mexico. Defendant Alert 24 Security asserted a counterclaim for quantum meruit for services rendered. I was retained as co-counsel for ADT a few months before a jury trial was scheduled. I attended multiple hearings on pretrial motions and took the deposition of a court-appointed expert witness on Mexican law issues. The case proceeded to a jury trial in 2009. During trial, I questioned multiple witnesses and argued damages in closing arguments. The jury found in favor of ADT on the civil RICO claim, and the trial court entered judgment in favor of Plaintiff for \$108 million. The jury also found in favor of Defendant 24 Alert Security on its counterclaim, and the trial court entered judgment in its favor in the amount of \$9.1 million. Plaintiff and Defendant both appealed the judgment to the Texas Fourth Court of Appeals. I did not work on the appeal. The parties reached a settlement agreement while the case was on appeal.

Date of representation: 2008 – 2012

Judge: Honorable Raul Vasquez, 111th District Court Judge

Lead Counsel for Plaintiff:  
Thomas R. Ajamie  
Ajamie, L.L.P.  
Pennzoil Place – South Tower  
711 Louisiana, Suite 2150  
Houston, TX 77002  
(713) 860-1600

Lead Counsel for Defendants:  
Marcel C. Notzon, III



The Notzon Law Firm  
6999 McPherson Road, Suite 325  
Laredo, TX 78041  
(956) 717-1961

Emilio 'Chito' Davila, Jr.  
Law Office of Emilio Davila, Jr.  
1112 San Agustin Avenue  
Laredo, TX 78040  
(956) 723-3639

3. *Perales v. Southland Lloyds Ins. Co.*, No. 06-05-11309-ZCVAJA (365th Dist. Ct., Zavala County, Tex. 2006); 04-10-00626-CV (Tex. App.–San Antonio 2010).

This first-party insurance case involved a dispute about the scope of loss caused by a hailstorm. Plaintiff asserted causes of action for breach of contract and extracontractual claims, including violations of the Texas Insurance Code. I was attorney-in-charge for Defendant Southland Lloyds in multiple lawsuits arising from the same hailstorm in Dimmit County, Texas. I conducted discovery, drafted pleadings and pretrial motions, and was lead counsel in the jury trial. This case was tried to verdict, and we obtained a favorable finding from the Dimmit County jury that our client, Southland Lloyds, did not breach the insurance policy, despite finding a violation of the duty of good faith and fair dealing. We filed a motion with the trial court for judgment in favor of Defendant on the basis that the legal argument that the Defendant could not be liable for the jury's finding of a breach of extracontractual duties, since there was no underlying breach of contract. The trial court agreed and entered judgment in favor of Defendant, notwithstanding the jury's finding of an extracontractual violation. Plaintiff appealed to the Texas Fourth Court of Appeals. During the appellate proceedings, we retained appellate counsel, and I assisted with editing and reviewing the briefing. There was no oral argument. In 2011, before we filed our appellee's brief, the parties reached a settlement agreement by which we jointly asked the Court of Appeals to enter an order reversing the trial court judgment and remanding the case to the trial court for entry of an agreed take-nothing judgment. Accordingly, the case was remanded to the trial court where a final take-nothing judgment was entered by agreement in 2011.

Date of representation: 2006 – 2011

Judge: Honorable Amado Abascal, 365th District Court

Co-counsel for Defendant Southland Lloyds Insurance Company:  
Juan Francisco 'Kiko' Tamez  
Law Office of J. Francisco Tamez, PLLC  
7913 McPherson Road, Suite 103  
Laredo, TX 78045  
(956) 753-0003

Appellate Counsel for Defendant(s):  
Sharon E. Callaway  
Crofts & Callaway, P.C.  
306 Arcadia Place  
San Antonio, TX 78209  
(210) 824-8466

Counsel for Plaintiff:  
Matthew R. Pearson  
Pearson Legal, PC  
425 Soledad Street, Suite 600  
San Antonio, TX 78205  
(210) 732-7766

Marc E. Gravely  
Gravely P.C.  
5 Cowboys Way, Suite 300  
Frisco, TX 75304  
(214) 225-6681

Shannon E. Loyd  
Loyd & Pollum, PLLC  
12703 Spectrum Drive, Suite 201  
San Antonio, TX 78249  
(210) 775-1424

Local Counsel for Plaintiff:  
Alfredo Z. Padilla  
104 North 5th Street  
P.O. Drawer 355  
Carrizo Springs, TX 78834  
(830) 876-9123

Appellate Counsel for Plaintiff:  
Brendan K. McBride  
McBride Law Firm  
16018 Via Shavano  
San Antonio, TX 78249  
(210) 386-7357

4. *Cantu vs. Southland Lloyds Ins. Co.*, No. 05-11-11164-ZCV (293rd Dist. Ct., Zavala County, Tex. 2005), *aff'd*, No. 04-09-00705-CV, 2011 WL 1158244 (Tex. App.-San Antonio 2011, pet. denied)

This first party insurance case involved a dispute about the scope of loss caused by a hailstorm. Plaintiff asserted causes of action for breach of contract and extracontractual

claims, including violations of the Texas Insurance Code. I was attorney-in-charge for Defendant Southland Lloyds in multiple lawsuits arising from the same hailstorm in Dimmit County, Texas. I conducted discovery, drafted pleadings and pretrial motions, and was lead counsel in the jury trial. The jury returned a verdict for Plaintiff. We appealed the verdict. During the appellate proceedings, we retained appellate counsel, and I assisted with editing and reviewing the briefing. There was no oral argument. Texas Fourth Court of Appeals affirmed the trial court's judgment. The case settled on appeal in 2011.

Date of representation: 2005 – 2012

Judge: Judge Cynthia Muniz, 293rd District Court

Co-counsel for Defendant Southland Lloyds Insurance Company:

Juan Francisco 'Kiko' Tamez  
Law Office of J. Francisco Tamez, PLLC  
7913 McPherson Road, Suite 103  
Laredo, TX 78045-2807  
(956) 753-0003

Appellate Counsel for Defendant(s):

Sharon E. Callaway  
Crofts & Callaway, P.C.  
306 Arcadia Place  
San Antonio, TX 78209  
(210) 824-8466

Counsel for Plaintiff:

Matthew R. Pearson  
Pearson Legal, PC  
425 Soledad Street, Suite 600  
San Antonio, TX 78205  
(210) 732-7766

Marc E. Gravely  
Gravely P.C.  
5 Cowboys Way, Suite 300  
Frisco, TX 75304  
(214) 225-6681

Shannon E. Loyd  
Loyd & Pollum, PLLC  
12703 Spectrum Drive, Suite 201  
San Antonio, TX 78249  
(210) 775-1424

Local Counsel for Plaintiff:  
Alfredo Z. Padilla  
104 North 5th Street  
P.O. Drawer 355  
Carrizo Springs, TX 78834  
(830) 876-9123

Appellate Counsel for Plaintiff:  
Brendan K. McBride  
McBride Law Firm  
16018 Via Shavano  
San Antonio, TX 78249  
(210) 386-7357

5. *A. v. Laredo Indep. Sch. Dist.*, No. 5:05-cv-237, 2007 WL 189458 (S.D. Tex. Jan. 22, 2007)

Parents of an elementary school student asserted various claims against my client, the Laredo Independent School District, including a claim under 42 U.S.C. § 1983, arising from an incident in which the student was assaulted by other students. As chief counsel for Laredo ISD, I filed a motion for judgment on the pleadings pursuant to FRCP 12(c), arguing that the school district could not be held liable for the conduct of the students, who were independent third parties. The motion was granted, and a corresponding final judgment was entered in favor of Laredo ISD.

Date of representation: 2005 – 2007

Judge: U.S. District Judge Micaela Alvarez

Lead Counsel for Plaintiff:  
Adan A. Gonzalez, III  
4316 Muirfield  
San Antonio, TX 78229  
(956) 645-1692

6. *Garza v. Laredo Indep. Sch. Dist.*, No. 5:04-cv-137 (S.D. Tex. 2004), *aff'd*, No. 08-40387, 2009 WL 221258 (5th Cir. 2009).

I was attorney-in-charge for Defendant Laredo Independent School District in this case in which Plaintiff Garza, a Mexican American teacher employed by the school district, alleged that he was the subject of discrimination on the basis of national origin and harassment in violation of Title VII. He alleged various perceived wrongful actions against him by employees of the school district. I conducted discovery and drafted pleadings and dispositive motions on behalf of my client. We filed motions to dismiss and for summary judgment, asserting a lack of adverse employment actions and a lack of evidence of discriminatory causal animus. The trial court granted the motion for

summary judgement and entered judgment in favor of our client. Plaintiff filed an appeal. I drafted the appellee's brief. There was no oral argument. The Fifth Circuit affirmed.

Date of representation: 2004 – 2009

Judge: Judge Micaela Alvarez

Plaintiff proceeded pro se

7. *Reliable Ambulance Serv., Inc. v. Mercy Hosp. of Laredo*, No. 2000-CVQ-001113-D1 (49th Dist. Ct., Webb County, Tex. 2000), *aff'd*, No.04-02-00188-CV, 2003 WL 21972724 (Tex. App. – San Antonio Aug. 20, 2003).

I was attorney-in-charge for Defendant Medical Ambulance Services, Inc. ("MAS"). Plaintiff Reliable sued MAS, its owners, and Mercy Hospital claiming that the pricing arrangement in the contract for ambulance services between the Defendants violated the anti-kickback provision of the Social Security Act, 42 U.S.C. § 1320a-7b(b). At the trial level, I conducted discovery and drafted motions for my client. The trial judge granted summary judgment in favor of Defendants and Plaintiff appealed. I drafted the appellee's brief on behalf of my client, in coordination with counsel for the co-defendants. I attended oral argument on behalf of my client but did not make arguments, deferring instead to counsel for Mercy Hospital, which was considered the lead defendant. The Texas Fourth Court of Appeals held that the alleged violation of the federal anti-kickback statute did not support a common law cause of action and affirmed summary judgment in favor of Defendants.

Date of representation: 2000 – 2003

Judge: Honorable Manuel R. Flores, 49th District Court Judge

Counsel for Plaintiff:

Andrew M. Greenwell

Harris & Greenwell

800 North Shoreline Boulevard #2800

Corpus Christi, TX 78401

(361) 883-1946

Counsel for Defendant Mercy Hospital of Laredo:

Richard G. Munzinger (deceased)

8. *Alvarez v. Tex. Migrant Council, Inc.*, No. 5:2000-cv-00153 (S.D. Tex. 2000)

Plaintiff was a Mexican citizen and legal permanent resident of the United States. She was an employee of my client, defendant Texas Migrant Council ("TMC"), a nonprofit organization which provided social services to immigrant families. She claimed her supervisor discriminated against her and harassed her because of her national origin and

citizenship in violation of Title VII. I was lead trial counsel and co-counsel with my law partner. I participated in some discovery and prepared pretrial filings such as the joint pretrial report and motion in limine. The case was tried before a jury in 2002. As lead trial counsel, I conducted jury selection, made opening statements and closing arguments, and questioned the majority of the witnesses presented at trial. The jury returned a verdict in favor of TMC.

Date of representation: 2000 – 2002

Judge: Judge Keith P. Ellison

Lead Counsel for Plaintiff:  
Juan M. Gonzalez  
Law Office of Juan M. Gonzalez  
403 West Cypress Street  
San Antonio, TX 78212  
(210) 587-4002

Lead Counsel for Defendant South Texas Rural Health Services, Inc.:  
Mark Price Brewster  
Brewster Law Firm  
The Oak Ridge Building  
11120 Wurzbach Road, Suite 200  
San Antonio, TX 78230  
(210) 437-1232

Co-counsel for Plaintiff Texas Migrant Council, Inc.:  
Sigifredo Perez, III  
Kazen, Meurer & Perez LLP  
211 Calle del Norte  
Laredo, TX 78041  
(956) 712-1600

9. *Garcia-Gutierrez v. Interceramic, Inc.*, No. B-98-128 (S.D. Tex. 1998)

Plaintiff was a truck driver who sued Interceramic for personal injuries caused when a load of tile he was hauling shifted during transportation. I was originally retained as co-counsel for Defendant Interceramic. However, shortly before trial, the original lead counsel withdrew, leaving me as attorney-in-charge for pretrial matters and a jury trial in March 2000. The Plaintiff's state law negligence claims were tried to a jury, resulting in a verdict and take-nothing judgment in favor of Defendant Interceramic.

Date of representation: 2000

Judge: Judge Hilda G. Tagle

Lead Counsel for Plaintiff:  
John D. Sloan, Jr.  
Sloan, Hatcher, Perry, Runge, Robertson & Smith  
101 East Whaley Street  
P.O. Box 2909  
Longview, TX 75601  
(903) 757-7000

Co-counsel for Defendant Interceramic:  
Sigifredo Perez, III  
Kazen, Meurer & Perez LLP  
211 Calle del Norte  
Laredo, TX 78041  
(956) 712-1600

10. *Feldman v. L&M Radiator, Inc.*; No. 90-8316 (210th Dist. Ct., El Paso County, Tex. 1990), *aff'd in part and rev'd in part sub nom. Feldman v. Kohler Co.*, 918 S.W.2d 615 (Tex. App.—El Paso 1996).

I was co-counsel for Defendant/Appellee L&M Radiator. We filed a motion for summary judgment raising the “government contractor defense” on behalf of our client, which manufactured radiators in accordance with designs provide by the military for use in military vehicles. The trial court granted summary judgment as to the design defect and failure to warn claims against L&M. Plaintiff appealed. As an associate attorney at the law firm, I was the primary drafter of the appellee’s brief, and I argued the case before the Eighth Court of Appeals. The court of appeals affirmed summary judgment on the design defect claim but reversed on the failure to warn claim.

Date of representation: 1994 – 1996

Judge Presiding: Honorable Sam M. Paxson, 210th District Court Judge

Lead Counsel for Plaintiff:  
Michael Y. Saunders  
Law Office of Michael Y. Saunders  
607 Rowlock Lane  
Houston, TX 77079  
(281) 589-8938

Lead Counsel for Kohler:  
R. Wayne Pritchard  
R Wayne Pritchard, P.C.  
416 North Stanton Street, Suite 404  
El Paso, TX 79901  
(915) 533-0080

Co-counsel for Defendant/Appellee L&M Radiator:  
Paul M. Bracken  
Robles Bracken & Hughes. PLLC  
310 North Mesa Street, Suite 700  
El Paso, TX 79901  
(915) 544-1144

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.)

As a United States Magistrate Judge, I have served as a member of the Security Committee of the District Court for the Southern District of Texas. I was recently appointed as a member of the Magistrate Judge Committee for our District.

The majority of my work as a lawyer involved litigation in state and federal courts. As lead counsel in hundreds of cases, I handled discovery matters, drafted pleadings and dispositive motions, and argued those motions in many trial courts throughout South Texas. I also provided general legal advice to institutional and business clients. I advised my clients on a broad range of matters specific to their businesses or operations. For example, I was outside general counsel to the Laredo Independent School District from 1997 to 2018. I provided legal advice and counsel to the board of trustees and administration on issues such as board governance, public information requests, student issues, employee issues and grievances, construction issues, and business transactions. While representing the school district, I handled multiple administrative proceedings before the Texas Education Agency involving the termination or reassignment of contractual employees. For approximately 17 years, until 2018, I was also the Diocesan Attorney for the Catholic Diocese of Laredo, and I handled a similar range of issues for that entity.

I have not performed any lobbying activities or registered as a lobbyist.

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 courses.

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.

None.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that 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.

If confirmed, I would continue to follow the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical laws, rules, or canons. For a period of time, I would recuse myself from all cases involving my former firm, Kazen, Meurer & Perez, LLP. I would also recuse from any case involving any former clients that I represented as an attorney and from any case involving a party to which I was adverse in any matter I handled as an attorney. I would also recuse from any case handled by my brother, who practices law in Austin, Texas, and may occasionally litigate cases in the Southern District of Texas. Finally, I would recuse from any case involving a business or entity employing my wife, siblings, or other close family members.

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

If confirmed, I would continue to evaluate and resolve any potential conflict of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical laws, rules, or canons.

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.

As a United States Magistrate Judge from June 2018 to the present, I have been unable to take on direct pro bono representations. While in private practice, I regularly handled pro bono work and projects, and I devoted substantial time to such work over the course of my career. For example, while practicing law in El Paso, Texas, I volunteered as a mediator and third-party neutral at the county dispute resolution center, and I also actively participated in the pro bono programs of the El Paso Bar Association. As an attorney in Laredo, Texas, I served as an officer with the Laredo-Webb County Bar Association, and I was active in their pro bono activities at that time. Over the years, I provided free or reduced-price legal advice and representation to numerous clients on various legal issues. As a lawyer and as a judge, I have participated in multiple mock trials with local students.

Throughout my career, I also have sought to serve the community in other ways. I regularly made financial contributions to various fundraisers benefiting local low-income students. My law firm donated annually to scholarships for high school students and students at Laredo College. Since 2017, I have been a volunteer member of the board of directors of Bethany House of Laredo, Inc. The mission of this not-for-profit organization is to provide hot meals free of charge for the homeless, disabled, indigent, and veterans; to provide shelter for the homeless and to maintain a clothing center providing free clean clothes for the homeless, indigent school children, and families in crisis. I also have been an active volunteer and board member for the Border Olympics for over ten years. Border Olympics is a not-for-profit organization that annually hosts tournaments for student athletes in various sports at the high school and college level throughout Texas and the United States.

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 April 8, 2022, I submitted an application to Senators John Cornyn and Ted Cruz regarding a position on the United States District Court for the Southern District of Texas. On March 17, 2023, I interviewed with the Federal Judiciary Evaluation Committee established by Senators Cornyn and Cruz. On May 15, 2023, I interviewed separately with Senators Cornyn and Cruz. On June 12, 2023, I interviewed with attorneys from the White House Counsel's Office. Since June 20, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 30, 2023, the President announced his intent to nominate me.

- 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.