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Dorsaneo, Texas Litigation Guide

Publication 719 Release 101

May 2011

HIGHLIGHTS

101st Release

- This release updates *Texas Litigation Guide* with recent cases and other significant developments in Texas law since Release 100. Some of the significant developments incorporated in this release are summarized below.

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Pretrial, Trial, and Appellate Practice

Revised Civil Rules on Jury Proceedings and Charges. The Texas Supreme Court promulgated amendments, effective April 1, 2011, to Texas Rules of Civil

Procedure 281 (Papers Taken to Jury Room) and 284 (Judge to Caution Jury), and to the jury instructions prescribed by Court order under Texas Rule of Civil Procedure 226a [see Texas Supreme Court Order, Misc. Docket No. 10-9210]. The forms and discussion in Ch. 120, *Jury Selection*, Ch. 122, *Jury Charge*, and Ch. 123, *Jury Deliberations and the Verdict* have been revised to incorporate these changes.

In addition, Ch. 122, *Jury Charge*, has been revised to incorporate the Texas Supreme Court's decision in *Grohman v. Kahlig*, 318 S.W.3d 882, 887-888 (Tex. 2010), in which the Court ruled that any error in submitting a question of law to the jury was harmless when the jury answered the question correctly as the court should have done. See § 122.03[2][a].

Running of Statutes of Limitation. Ch. 72, *Limitation of Actions*, has been revised to include the Texas Supreme Court's opinion in *Exxon Corp. v. Emerald Oil and Gas Co.*, ___ S.W.3d ___ (Tex. 2010), discussing when a statute of limitation begins to

run in cases governed by the discovery rule or by the fraudulent concealment doctrine. See §§ 72.03[3][b], 72.04[1][a].

Disqualification of Counsel Who is Former Appellate Judge. A case in which a former appellate justice and her firm were disqualified from representing a client because she had previously served as a justice on the panel for an appeal from the same probate proceeding [*see* *In re de Brittingham*, 319 S.W.3d 95, 98–99 (Tex. App.—San Antonio 2010, orig. proceeding)] has been added to Ch. 110A, *Disqualification of Judge or Counsel*. See § 110A.11[1][c].

Mandamus Review of Orders Granting New Trial. A split of authority has arisen as to whether, when a court of appeals reviews an order granting new trial in a mandamus proceeding, the court has authority to review the merits of the grounds for new trial or is limited to review of whether the order is sufficiently specific [*compare* *In re Toyota Motor Sales, USA, Inc.*, 327 S.W.3d 302 (Tex. App.—El Paso 2010, orig. proceeding) *with* *In re Lufkin Indus., Inc.*, 317 S.W.3d 516, 519–521 (Tex. App.—Texarkana 2010, orig. proceeding)]. Discussion of these cases has been added to Ch. 140, *Motions for New Trial*, and Ch. 152, *Original Proceedings in Court of Appeals and Supreme Court*. See §§ 140.03[2], 152.03[1][b].

Who Decides Whether Attorney’s Fees Should be Segregated? In *Penhollow Custom Homes v. Kim*, 320 S.W.3d 366, 374 (Tex. App.—El Paso 2010, no pet.), the court of appeals held that the need to segregate attorney’s fees is a question of law; the extent to which claims can or cannot be segregated is a mixed question of law and fact. See Ch. 22, *Attorney’s Fees*, § 22.41A.

Strict Compliance With Rules for Ser-

vice of Citation Required. Caution is advised when preparing a default judgment. In *Rone Eng’g Serv. v. Culberson*, 317 S.W.3d 506, 508–512 (Tex. App.—Dallas 2010, no pet.), the court of appeal vacated a default judgment when the defendant’s name on the return of service differed from the name in the default judgment. See Ch. 31, *Service on Residents*, § 31.05[1].

Arbitration

Limits on Scope of Arbitration. In *Roe v. Ladymon*, 318 S.W.3d 502, 515 (Tex. App.—Dallas 2010, no pet.), the court of appeals held that the trial court, rather than the arbitrator, decides whether an arbitration contract binds a person who did not sign the contract. See Ch. 44, *Arbitration*, § 44.02[1][c].

Personal Injury Litigation

Health Care Liability Claims Include Alternative Bases of Liability. Ch. 321, *Medical Malpractice*, has been revised to reflect the Texas Supreme Court’s recent decision in *Yamada v. Friend*, 54 Tex. Sup. Ct. J. 382, 385–386 (Tex. 2010), in which the Court held that when any one claim against a defendant is a health care liability claim (HCLC) under Civil Practices and Remedies Code Chapter 74, then all claims against that particular defendant that arise from the same set of operative facts are HCLC’s, and the plaintiff may not assert some other alternative basis of liability. See § 321.02[2].

Medical Malpractice Claims Against Government Employees. Chapter 293, *Claims Against Government Entities*, and Chapter 321, *Medical Malpractice*, have been revised to reflect the recent Texas Supreme Court decision in *Franka v. Velasquez*, ___ S.W.3d ___, 54 Tex. Sup. Ct. J. 460 (Tex. 2011). In *Franka*, the Court construed Tex. Civ. Prac. & Rem. Code § 101.106(f), which gives a government

health care employee a right to dismissal and substitution of the employing governmental unit if (1) the employee is sued for malpractice that occurred within the scope of employment, and (2) the action “could have been brought” against the employing governmental unit under the Tort Claims Act. The Court held that an action could have been brought against a government unit under § 101.106(f) whenever tort claims are asserted, regardless of whether the Act waives the unit’s immunity from suit. The Court’s decision in *Franka* repudiated and disapproved the interpretation of the statute that had been applied by most courts of appeals that dismissal and substitution were available only when the employee demonstrated that the claims against the governmental unit were cognizable under the waiver rules of the Tort Claims Act.

Medical Malpractice Statute of Limitations Bar Applies to Designated 3rd Parties Under Proportionate Responsibility Statute. Ch. 291, *Proportionate Responsibility: Contribution & Indemnity* has been updated to reflect the Texas Supreme Court’s decision in *Molinet v. Kimbrell*, ___ S.W.3d ___, 54 Tex. Sup. Ct. J. 491 (Tex. 2011), in which the Court held that the specific two-year statute of limitations for health care liability claims, which applies “notwithstanding any other law” [Tex. Civ. Prac. & Rem. Code § 74.251(a)], prevails over the proportionate responsibility statutes [Tex. Civ. Prac. & Rem. Code § 33.004(e)] to the extent that the latter would permit the plaintiff to assert a claim against a health care provider designated as responsible third party, despite the limitations bar.

Expert Testimony Required Regarding Causation in Medical Malpractice Action. Ch. 321, *Medical Malpractice*, has also been revised to reflect the Texas Supreme Court’s decision in *Jelinek v. Casas*,

54 Tex. Sup. Ct. J. 272, 275–280 (Tex. 2010), in which the Court held that expert testimony was required to prove whether a hospital’s admitted negligence in suspending a particular medication caused the complications suffered by a terminal cancer patient. See § 321.17[1].

Scope of Proportionate Responsibility Statute Discussed. Ch. 291, *Proportionate Responsibility: Contribution and Indemnity*, has been revised to reflect the Texas Supreme Court’s recent decision in *MCI Sales & Serv. v. Hinton*, 54 Tex. Sup. Ct. J. 386, 404–409 (Tex. 2010), in which the Court held that when claimants obtained payment as creditors against the bankruptcy estates of two potential defendants whose liability was discharged, each bankrupt was a “settling person” under Tex. Civ. Prac. & Rem. Code § 33.011(5) whose proportionate responsibility should have been submitted to the jury. The case confirms that status as a “settling person” does not require a formal settlement agreement. See § 291.03[2][a][ii][D].

Flood Waters Are Not “Special Defect” Under Government Tort Claims Statute. Ch. 293, *Claims Against Governmental Entities*, has been revised to reflect the Texas Supreme Court’s recent decision in *Reyes v. City of Laredo*, ___ S.W.3d ___, 54 Tex. Sup. Ct. J. 314, 315–316 (Tex. 2010) (per curiam), in which the Court held that flood waters that rise onto roadways during torrential rainstorms are not a special defect under the Tort Claims Act because although such flooding is a hindrance to driving, it is not similar to an excavation or obstruction. See § 293.10[5][g][iv].

Certain Motor Vehicle Product Liability Claims Held Not Preempted by Federal Law. Ch. 320, *Products Liability*, has been revised to reflect the Texas Supreme Court’s recent decision in *MCI Sales &*

Serv. v. Hinton, 54 Tex. Sup. Ct. J. 386, 395–404 (Tex. 2010), in which the Court held that the federal National Traffic and Motor Vehicle Safety Act and its accompanying regulations do not preempt state law claims that a bus was defectively designed with respect to either (1) the absence of seatbelts, or (2) the kind of glass used in the side passenger windows. See § 320.09[3].

Workers' Compensation Litigation

Scope of “Going and Coming” and “Dual Purpose” Rules Analyzed by Supreme Court. Ch. 340, *Worker's Compensation*, has been revised to reflect the Texas Supreme Court's recent decision in *Leordeanu v. American Protection Ins. Co.*, 54 Tex. Sup. Ct. J. 291, 294–298 (Tex. 2010), in which the Court applied the rules of Tex. Lab. Code § 401.011(12) as to when travel is within the course and scope of employment and held that the “coming and going” rule and the “dual purpose” rule are entirely separate provisions that cannot both apply to the same travel. The Court therefore concluded that an employee injured while traveling from one work-related activity to another was within the course and scope of employment even though the employee ultimately intended to go home after finishing all work activities. See § 340.04[3][b].

Business and Commercial Litigation

Aider and Abettor Liability Under Texas Securities Act. When an alleged aider has no duty to disclose, its failure to do so cannot be considered in determining whether it rendered substantial assistance in the seller's primary violation of the Texas Securities Act. *Navarro v. Grant Thornton, LLP*, 316 S.W.3d 715, 721–722 (Tex. App.—Houston [14th Dist.] 2010, no pet. h.); see § 171.03[1][e].

Courts Will Not Enforce Forum Selection Clause that is Unfair, Unreasonable,

or Against Public Policy. A forum selection clause that was ambiguous and presented to unsophisticated client six months into an attorney-client relationship was held to be unfair and not enforceable [*Falk & Fish, L.L.P. v. Pinkston's Lawnmower & Equip.*, 317 S.W.3d 523, 527–530 (Tex. App.—Dallas 2010, no pet.)]. See Ch. 32, *Personal Jurisdiction and Service on Non-residents*, § 32.07[3].

Forfeiture of Consideration for Breach of Fiduciary Duty. When willful actions, which are breaches of fiduciary duty, also constitute fraudulent inducement, contractual consideration that the fiduciary received is recoverable in equity, regardless of whether actual damages are shown, subject to certain limiting principles. *ERI Consulting Engineers, Inc. v. Swinnea*, 318 S.W.3d 867, 873, 882 (Tex. 2010); see § 210A.04[3][c][i].

No Tort remedy for Breach of Security Agreement. Even when a defendant breaches a duty in tort separate from the contract, when the only loss or damage is to the subject matter of the contract, the plaintiff's action is ordinarily on the contract alone. For example, when a plaintiff alleges that the defendant has breached their security agreement, the plaintiff's action is in contract alone, and the court properly refuses to submit to the jury tort claims for conversion of the collateral. *Grohman v. Kahlig*, 318 S.W.3d 882, 887–889 (Tex. 2010); see § 210A.42[2][c][iii]. The Texas Supreme Court also held in that case that any definition of terms contained in the contract will guide the court's interpretation of the contract. See § 210A.24.

Scope of DTPA Claim for Failure to Disclose. A defendant cannot be held liable under the Deceptive Trade Practices Act (DTPA) for failing to disclose information that it does not actually know, and proof

that it should have known the information is insufficient. *Sheehan v. Adams*, 320 S.W.3d 890, 897, 899 (Tex. App.—Dallas 2010, no pet. h.); see § 220.02[2][a].

Employment Litigation

Damages Claim under Family and Medical Leave Act Held Subject to Sovereign Immunity. The Texas Supreme Court has held that Congress exceeded its abrogation authority under the enforcement section of the Fourteenth Amendment when it subjected states to private damages suits under the self-care provision of the Family and Medical Leave Act (FMLA). Nothing in the legislative history of the FMLA reveals that Congress intended to remedy unconstitutional gender discrimination by the self-care provision or links this provision to any pattern of gender-role stereotyping by states as employers. *University of Texas at El Paso v. Herrera*, 322 S.W.3d 192, 194–201 (Tex. 2010); see § 203.35[5].

Time for Filing Lilly Ledbetter Fair Pay Act Claim. An employee's filing under the Act is timely when he or she files the complaint within 180 days of his or her most recent paycheck that is alleged to be discriminatory under the Act. *Prairie View A & M University v. Chatha*, 317 S.W.3d 402, 407 (Tex. App.—Houston [1st Dist.] 2010, no pet. h.); see § 203A.04[6].

Damages Cap in TCHRA Action is Waived by Failure to Plead. A defendant that wants to rely on the statutory cap on damages in an action under the TCHRA must plead and prove this defense. *O'Dell v. Wright*, 320 S.W.3d 505, 515–516 (Tex. App.—Fort Worth 2010, pet. denied); see § 203A.21[7][a].

Time for Filing TCHRA Action after Receiving Right-to-Sue Letter. The 60-day statutory period for filing and serving a TCHRA action after receiving a right-to-

sue letter from the Texas Workforce Commission is not jurisdictional. *McCollum v. Tex. Dep't of Licensing & Regulation*, 321 S.W.3d 58, 64 (Tex. App.—Houston [1st Dist.] 2010, pet. filed). The right-to-sue letter is not part of the exhaustion-of-administrative-remedies requirement, which is jurisdictional. *Marquis v. Omniguide, Inc.*, 714 F.Supp.2d 640, 644–645 (N.D. Tex. 2010). For discussion, see § 203A.50[1].

Real Estate Litigation

Effect of Coastline Alteration Caused by Major Storms on Public Beach Easements. Ch. 280, *Adjoining Landowners*, and Chapter 281, *Easements*, have been revised to reflect the Texas Supreme Court's recent decision in *Severance v. Patterson*, 54 Tex. Sup. Ct. J. 172, 181–184 (Tex. 2010), in which the Court held that the Open Beaches Act provides a mechanism to define and enforce public beach easements that already exist, and is not an independent source of creation of such an easement. The Court therefore held that when the coastline is suddenly altered by storms, a preexisting public beach easement is terminated and does not “roll” to affect previously unburdened property. See §§ 280.01[1][e], 281.05[3], 281.06[3].

Effect of Failure to Provide Bills-Paid Affidavit on Contractor's Action to Recover Payments. Ch. 270, *Improvement Contracts*, and Chapter 271, *Mechanic's and Materialmen's Liens*, have been revised to reflect the Texas Supreme Court's recent decision in *Solar Applications Eng'g, Inc. v. T.A. Operating Corp.*, 54 Tex. Sup. Ct. J. 238, 240–244 (Tex. 2010), in which the Court held that unless otherwise provided in the contract, the failure of a contractor to provide a bills-paid affidavit is a breach of a covenant, not a condition precedent to recovery of payment under the contract. See §§ 270.10[1], 270.15[1],

270.22[2], 271.02[1].

Failure to Record Extension of Foreclosure Period Does Not Invalidate Extension. Ch. 255, *Real Property Security Interests*, has been revised to reflect the Texas Supreme Court's recent decision in *Wind Mountain Ranch, LLC v. City of Temple*, 54 Tex. Sup. Ct. J. 286, 287 (Tex. 2010) (per curiam), in which the Court held that when a court order extends the limitations period for foreclosure, the order need not be filed and recorded in the county property records to be effective, because that requirement under Tex. Civ. Prac. & Rem. Code § 16.036 applies only to extension agreements made between the parties. See § 255.03[2][e].

Family Law Proceedings

Discussion of Standing in Parent-Child Relationship Cases Revised. The discussion of the statutory framework governing standing to file a suit affecting the parent-child relationship has been revised and expanded to reflect recent case law developments. This area continues to evolve rapidly in response to the United States Supreme Court's decision in *Troxel v. Granville* [530 U.S. 57, 120 S. Ct. 2054, 147 L. Ed. 2d 49 (2000)]. See Ch. 370, *SAPCR Procedures*, § 370.02.

Role of Amicus Attorney in Parent-Child Proceedings Clarified. The proper role of an amicus attorney is to assist the court, not to represent the child or the parents. An amicus attorney is thus statutorily immune from a parent's fraud and negligence claims [*Zeifman v. Nowlin*, 322 S.W.3d 804, 807–809 (Tex. App.—Austin 2010, no pet. h.)]. See Ch. 370, *SAPCR Procedures*, § 370.07[2][d][i], [5].

Noncustodial Conservator's Rights Under Standard Possession Order. The Austin Court of Appeals has made clear that once a trial court finds that the standard

possession order is in the child's best interest, the noncustodial conservator has an absolute right to make elections for extended possession unless the trial court affirmatively finds that the extended possession is not in the child's best interest. The elections must be made before or at the same hearing at which the order is orally rendered [*Mason-Murphy v. Grabowski*, 317 S.W.3d 923, 928–929 (Tex. App.—Austin 2010, no pet. h.)]. See Ch. 371, *Conservatorship*, § 371.04[2][b][iii][D].

Inclusion of Inheritance in "Net Resources" for Child Support Calculation Purposes. The Dallas Court of Appeals has held that a cash inheritance should be included in the calculation of a child support obligor's net resources [In re P.C.S., 320 S.W.3d 525, 532–540 (Tex. App.—Dallas 2010, no pet. h.)]. See Ch. 371A, *Child Support*, § 371A.03[2][b][ii].

Expanded Discussion of Child Support Liens. The discussion of the assets to which a child support lien may attach has been expanded to include the recent holding that a child support lien may attach to a bank account containing the disposable earnings of a self-employed obligor [In re C.A.T., 316 S.W.3d 202, 205–209 (Tex. App.—Dallas 2010, no pet. h.)]. See Ch. 372, *Enforcement of SAPCR Orders*, § 372.06[5].

Probate Proceedings

Effect of Codicil's Reference to Prior Will. A properly executed and valid codicil, which contains a sufficient reference to a prior will, operates as a republication of the will in so far as the will is not altered or revoked by the codicil. It need not contain a specific reference to the prior will or any particular facts about the prior will in order to republish it, but is sufficient if it gives enough information to permit an adequate

identification of the will being republished. In re Estate of Hendler, 316 S.W.3d 703, 710 (Tex. App.—Dallas 2010, no pet. h.); see § 394.02[2][a].

Nonmarital Child May Be Pretermitted Child. A nonmarital child born after the testator executed the will may be a “pretermitted child.” A child is “born” for purposes of the pretermitted child statute on the date of the child’s actual birth, not on the date the child was adjudicated the testator’s child. Bailey v. Warren, 319 S.W.3d 185, 189–191 (Tex. App.—Tyler 2010, pet. filed); see § 394.06[5].

Order Granting Accounting Is Not Appealable. An order granting a request for an accounting of a decedent’s estate is an interlocutory order, which is not immediately appealable, because no statute declares that such an order is final and appealable, an order for an accounting is not part of any proceeding other than the overall independent administration of the estate which remains open, and the further action is anticipated within the administration of the estate. Pollard v. Pollard, 316 S.W.3d 238, 240–241 (Tex. App.—Dallas 2010, no

pet. h.); see § 400.10[1].

Administrative Proceedings

Deadline for Judicial Review Begins to Run When Agency Order Signed. In Star Houston, Inc. v. Bray, 317 S.W.3d 742, 744 (Tex. App.—Austin 2010, pet. denied), the court of appeals held that when an agency renders an order denying a motion for a rehearing, the 30-day deadline begins to run on the date the order was signed, not the date the party seeking judicial review received notice of the order. See Ch. 423, *Judicial Review of Contested Cases*, § 423.04.

Statutory Interpretation

Court Presumes Statute Prospective Unless Expressly Made Retrospective. A statute will not be applied retroactively unless it appears from the language used that it was the intention of the legislature to make it applicable to both past and future transactions [University of Texas v. Estate of Arancibia, 324 S.W.3d 544, 2010 Tex. LEXIS 792, **5–6 (Tex. 2010)]. See Ch. 4, *Statutory Construction*, § 4.05[1][b].

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Publication 719 Release 101

May 2011

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<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	140-9.	140-9
<input type="checkbox"/>	140-34.5	140-34.5 thru 140-34.7
<input type="checkbox"/>	140-36.4(1) thru 140-36.5	140-36.5 thru 140-36.6(1)
<input type="checkbox"/>	140-53	140-53 thru 140-54.1
<input type="checkbox"/>	147-12.1 thru 147-13	147-13 thru 147-14.1
<input type="checkbox"/>	150-16.1 thru 150-17	150-17 thru 150-18.1
<input type="checkbox"/>	150-45 thru 150-49	150-45 thru 150-50.1
<input type="checkbox"/>	150-77 thru 150-78.1	150-77 thru 150-78.1
<input type="checkbox"/>	152-23 thru 152-24.1	152-23 thru 152-24.1
<input type="checkbox"/>	152-53 thru 152-54.1	152-53 thru 152-54.1
<input type="checkbox"/>	154-12.1 thru 154-20.1	154-13 thru 154-20.1

VOLUME 11

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	162-7.	162-7 thru 162-8.1
<input type="checkbox"/>	162-13 thru 162-14.1	162-13 thru 162-14.1
<input type="checkbox"/>	165-5 thru 165-17.	165-5 thru 165-18.1
<input type="checkbox"/>	171-21	171-21 thru 171-22.1
<input type="checkbox"/>	171-37	171-37 thru 171-38.1
<input type="checkbox"/>	171-75	171-75

VOLUME 13

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	200A-5	200A-5
<input type="checkbox"/>	200A-17 thru 200A-18.1	200A-17 thru 200A-18.1
<input type="checkbox"/>	200A-73	200A-73
<input type="checkbox"/>	201-11	201-11 thru 201-12.1
<input type="checkbox"/>	201-63 thru 201-65	201-63 thru 201-65
<input type="checkbox"/>	202-11	202-11 thru 202-12.1
<input type="checkbox"/>	202-25	202-25 thru 202-26.1
<input type="checkbox"/>	203-41	203-41 thru 203-42.1
<input type="checkbox"/>	203-49 thru 203-55	203-49 thru 203-56.1
<input type="checkbox"/>	203-61 thru 203-64.1	203-61 thru 203-64.2(1)
<input type="checkbox"/>	203-75 thru 203-77	203-75 thru 203-78.1
<input type="checkbox"/>	203-139	203-139
<input type="checkbox"/>	203A-1	203A-1
<input type="checkbox"/>	203A-27	203A-27 thru 203A-28.1
<input type="checkbox"/>	203A-33	203A-33 thru 203A-34.1

Check As Done	<i>Remove Old Pages Numbered</i>	<i>Insert New Pages Numbered</i>
<input type="checkbox"/>	203A-50.5 thru 203A-51	203A-51 thru 203A-52.1
<input type="checkbox"/>	203A-89	203A-89 thru 203A-90.1
<input type="checkbox"/>	203A-95	203A-95 thru 203A-96.1
<input type="checkbox"/>	203A-109 thru 203A-111	203A-109 thru 203A-112.1
<input type="checkbox"/>	203A-121 thru 203A-137	203A-121 thru 203A-138.1
<input type="checkbox"/>	203A-142.13	203A-142.13 thru 203A-142.14(1)
<input type="checkbox"/>	203A-142.17 thru 203A-142.21	203A-142.17 thru 203A-142.21
<input type="checkbox"/>	203A-147 thru 203A-151	203A-147 thru 203A-152.1
<input type="checkbox"/>	203A-157 thru 203A-158.1	203A-157 thru 203A-158.2(1)
<input type="checkbox"/>	203A-177	203A-177

VOLUME 14

Revision

<input type="checkbox"/>	Title page	Title page
<input type="checkbox"/>	210A-5 thru 210A-25	210A-5 thru 210A-26.1
<input type="checkbox"/>	210A-29	210A-29 thru 210A-30.1
<input type="checkbox"/>	210A-41 thru 210A-43	210A-41 thru 210A-44.1
<input type="checkbox"/>	210A-65	210A-65 thru 210A-66.1
<input type="checkbox"/>	210A-68.5 thru 210A-68.7	210A-68.5 thru 210A-68.7
<input type="checkbox"/>	210A-77 thru 210A-83	210A-77 thru 210A-84.1
<input type="checkbox"/>	210A-92.1 thru 210A-99	210A-93 thru 210A-100.3
<input type="checkbox"/>	210A-113	210A-113 thru 210A-114.1
<input type="checkbox"/>	210A-118.3 thru 210A-127	210A-119 thru 210A-128.1
<input type="checkbox"/>	210A-133 thru 210A-135	210A-133 thru 210A-136.1
<input type="checkbox"/>	210A-141 thru 210A-150.1	210A-141 thru 210A-150.1
<input type="checkbox"/>	210A-157	210A-157 thru 210A-158.1
<input type="checkbox"/>	210A-177	210A-177
<input type="checkbox"/>	215-17 thru 215-19	215-17 thru 215-19
<input type="checkbox"/>	220-9 thru 220-15	220-9 thru 220-16.1
<input type="checkbox"/>	220-21 thru 220-31	220-21 thru 220-32.1
<input type="checkbox"/>	220-43 thru 220-48.3	220-43 thru 220-48.3
<input type="checkbox"/>	220-53 thru 220-54.1	220-53 thru 220-54.1
<input type="checkbox"/>	220-61 thru 220-71	220-61 thru 220-71
<input type="checkbox"/>	220-79 thru 220-80.5	220-79 thru 220-80.5
<input type="checkbox"/>	220-85 thru 220-95	220-85 thru 220-93
<input type="checkbox"/>	220-103 thru 220-105	220-103 thru 220-106.1
<input type="checkbox"/>	220-111 thru 220-113	220-111 thru 220-113
<input type="checkbox"/>	220-125 thru 220-130.1	220-125 thru 220-129
<input type="checkbox"/>	220-139 thru 220-143	220-139 thru 220-143
<input type="checkbox"/>	221-97	221-97
<input type="checkbox"/>	221-151	221-151

VOLUME 15

Check As Done	<i>Remove Old Pages Numbered</i>	<i>Insert New Pages Numbered</i>
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Revision

- | | | |
|--------------------------|------------------------------|----------------------|
| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 230-17 thru 230-25 | 230-17 thru 230-26.1 |

VOLUME 16

Revision

- | | | |
|--------------------------|--------------------------------|----------------------|
| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 240-39 | 240-39 thru 240-40.1 |
| <input type="checkbox"/> | 240-45 thru 240-51 | 240-45 thru 240-51 |
| <input type="checkbox"/> | 240-57 thru 240-59 | 240-57 thru 240-59 |
| <input type="checkbox"/> | 240-73 | 240-73 |
| <input type="checkbox"/> | 240-79 thru 240-81 | 240-79 thru 240-81 |
| <input type="checkbox"/> | 240-89 | 240-89 |
| <input type="checkbox"/> | 240-119 thru 240-121 | 240-119 thru 240-123 |
| <input type="checkbox"/> | 242-45 thru 242-47 | 242-45 thru 242-47 |

VOLUME 17

Revision

- | | | |
|--------------------------|---------------------------------------|-----------------------------|
| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 250-49 thru 250-52.1 | 250-49 thru 250-52.1 |
| <input type="checkbox"/> | 251-15 thru 251-16.1 | 251-15 thru 251-16.2(1) |
| <input type="checkbox"/> | 252-9 thru 252-11 | 252-9 thru 252-12.1 |
| <input type="checkbox"/> | 252-17 thru 252-22.5 | 252-17 thru 252-22.5 |
| <input type="checkbox"/> | 252-53 | 252-53 thru 252-54.1 |
| <input type="checkbox"/> | 252-70.3 thru 252-70.4(1) | 252-70.3 thru 252-70.4(1) |
| <input type="checkbox"/> | 254-31 | 254-31 |
| <input type="checkbox"/> | 255-24.1 thru 255-24.3 | 255-24.1 thru 255-24.3 |
| <input type="checkbox"/> | 257-21 thru 257-22.1 | 257-21 thru 257-22.1 |
| <input type="checkbox"/> | 260-6.1 thru 260-7 | 260-7 thru 260-8.1 |
| <input type="checkbox"/> | 260-19 thru 260-20.1 | 260-19 thru 260-20.1 |
| <input type="checkbox"/> | 260-69 | 260-69 thru 260-70.1 |
| <input type="checkbox"/> | 260-77 thru 260-79 | 260-77 thru 260-80.1 |
| <input type="checkbox"/> | 260-82.39 thru 260-82.40(1) | 260-82.39 thru 260-82.40(1) |
| <input type="checkbox"/> | 261-19 thru 261-23 | 261-19 thru 261-24.1 |

VOLUME 18

Revision

- | | | |
|--------------------------|----------------------------------|-------------------------|
| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 270-20.1 thru 270-27 | 270-21 thru 270-28.5 |
| <input type="checkbox"/> | 270-34.1 thru 270-36.3 | 270-35 thru 270-36.4(3) |

Check As Done	<u>Remove Old Pages Numbered</u>	<u>Insert New Pages Numbered</u>
<input type="checkbox"/>	270-36.11 thru 270-39	270-37 thru 270-39
<input type="checkbox"/>	270-53 thru 270-58.3	270-53 thru 270-58.1
<input type="checkbox"/>	270-71 thru 270-72.2(1)	270-71 thru 270-72.2(1)
<input type="checkbox"/>	271-23 thru 271-24.1	271-23 thru 271-24.1
<input type="checkbox"/>	271-45 thru 271-48.1	271-45 thru 271-48.2(1)
<input type="checkbox"/>	271-55 thru 271-56.1	271-55 thru 271-56.1
<input type="checkbox"/>	271-60.3	271-60.3
<input type="checkbox"/>	280-13	280-13 thru 280-14.1
<input type="checkbox"/>	280-51 thru 280-53	280-51 thru 280-54.1
<input type="checkbox"/>	281-39 thru 281-41	281-39 thru 281-41
<input type="checkbox"/>	281-46.1 thru 281-55	281-47 thru 281-56.3
<input type="checkbox"/>	283-33 thru 283-35	283-33 thru 283-36.1
<input type="checkbox"/>	283-65 thru 283-66.1	283-65 thru 283-66.1
<input type="checkbox"/>	283-88.1 thru 283-88.4(1)	283-88.1 thru 283-88.4(1)
<input type="checkbox"/>	283-139 thru 283-141	283-139 thru 283-141
<input type="checkbox"/>	285-6.1 thru 285-9	285-7 thru 285-10.1
<input type="checkbox"/>	285-45 thru 285-46.1	285-45 thru 285-46.1

VOLUME 19

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	290-15	290-15 thru 290-16.1
<input type="checkbox"/>	290-39	290-39 thru 290-40.1
<input type="checkbox"/>	290-78.1 thru 290-79	290-79 thru 290-80.1
<input type="checkbox"/>	291-17	291-17 thru 291-18.1
<input type="checkbox"/>	291-23 thru 291-30.3	291-23 thru 291-30.4(1)
<input type="checkbox"/>	292-8.1 thru 292-9	292-9 thru 292-10.1
<input type="checkbox"/>	292-21	292-21 thru 292-22.1
<input type="checkbox"/>	293-15 thru 293-16.1	293-15 thru 293-16.1
<input type="checkbox"/>	293-53	293-53
<input type="checkbox"/>	293-69 thru 293-77	293-69 thru 293-78.1
<input type="checkbox"/>	293-104.1 thru 293-106.1	293-105 thru 293-106.2(1)
<input type="checkbox"/>	293-106.15 thru 293-108.1	293-107 thru 293-108.2(1)
<input type="checkbox"/>	293-118.1 thru 293-121	293-119 thru 293-122.5
<input type="checkbox"/>	293-129 thru 293-136.4(9)	293-129 thru 293-136.4(15)
<input type="checkbox"/>	293-155 thru 293-157	293-155 thru 293-157
<input type="checkbox"/>	300-69 thru 300-70.1	300-69 thru 300-70.1
<input type="checkbox"/>	310-15	310-15 thru 310-16.1
<input type="checkbox"/>	311-9 thru 311-10.1	311-9 thru 311-10.1
<input type="checkbox"/>	311-21 thru 311-25	311-21 thru 311-25

VOLUME 20

Check As Done	<i>Remove Old <u>Pages Numbered</u></i>	<i>Insert New <u>Pages Numbered</u></i>
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Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	320-9 thru 320-15.	320-9 thru 320-16.1
<input type="checkbox"/>	320-64.1	320-64.1 thru 320-64.2(1)
<input type="checkbox"/>	321-13 thru 321-21	321-13 thru 321-22.1
<input type="checkbox"/>	321-26.3 thru 321-26.7	321-26.3 thru 321-26.7
<input type="checkbox"/>	321-80.3 thru 321-84.1	321-81 thru 321-84.1
<input type="checkbox"/>	321-95	321-95 thru 321-96.1
<input type="checkbox"/>	321-104.5.	321-104.5 thru 321-104.6(1)
<input type="checkbox"/>	321-104.9.	321-104.9 thru 321-104.10(1)
<input type="checkbox"/>	321-104.17	321-104.17
<input type="checkbox"/>	322-54.3 thru 322-54.4(3)	322-54.3 thru 322-54.4(3)
<input type="checkbox"/>	330-5.	330-5 thru 330-6.1
<input type="checkbox"/>	332-11	332-11 thru 332-12.1
<input type="checkbox"/>	333-37	333-37 thru 333-38.1
<input type="checkbox"/>	333-51 thru 333-52.1	333-51 thru 333-52.1
<input type="checkbox"/>	334-15 thru 334-16.1	334-15 thru 334-16.1
<input type="checkbox"/>	336-19 thru 336-20.1	336-19 thru 336-20.1
<input type="checkbox"/>	336-35	336-35
<input type="checkbox"/>	336-49 thru 336-50.1	336-49 thru 336-50.1
<input type="checkbox"/>	337-24.1 thru 337-25	337-25 thru 337-26.1

VOLUME 21

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	340-23 thru 340-24.1	340-23 thru 340-24.1
<input type="checkbox"/>	340-29 thru 340-32.1	340-29 thru 340-32.3
<input type="checkbox"/>	340-73 thru 340-75	340-73 thru 340-76.1
<input type="checkbox"/>	340-84.3 thru 340-84.11	340-84.3 thru 340-84.12(3)
<input type="checkbox"/>	341-39 thru 341-40.1	341-39 thru 341-40.1
<input type="checkbox"/>	341-58.1	341-58.1 thru 341-58.3
<input type="checkbox"/>	341-69 thru 341-70.1	341-69 thru 341-70.1
<input type="checkbox"/>	341-77	341-77
<input type="checkbox"/>	343-15	343-15 thru 343-16.1
<input type="checkbox"/>	345-47 thru 345-49	345-47 thru 345-50.1
<input type="checkbox"/>	345-76.1 thru 345-79	345-77 thru 345-80.1

VOLUME 22

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	364-27 thru 364-28.1	364-27 thru 364-28.1
<input type="checkbox"/>	370-1.	370-1 thru 370-2.1

Check As Done	<i>Remove Old Pages Numbered</i>	<i>Insert New Pages Numbered</i>
<input type="checkbox"/>	370-7 thru 370-15	370-7 thru 370-16.3
<input type="checkbox"/>	370-27 thru 370-39	370-27 thru 370-40.3
<input type="checkbox"/>	371-51	371-51 thru 371-52.1
<input type="checkbox"/>	371A-25	371A-25 thru 371A-26.1

VOLUME 23

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	372-28.1 thru 372-33	372-29 thru 372-33
<input type="checkbox"/>	372-81	372-81 thru 372-82.1
<input type="checkbox"/>	373-67 thru 373-83	373-67 thru 373-83
<input type="checkbox"/>	381-65 thru 381-68.1	381-65 thru 381-68.1

VOLUME 24

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	392-40.3	392-40.3
<input type="checkbox"/>	392-67 thru 392-68.1	392-67 thru 392-68.1
<input type="checkbox"/>	392-77	392-77 thru 392-78.1
<input type="checkbox"/>	392-95 thru 392-97	392-95 thru 392-98.1
<input type="checkbox"/>	394-7.	394-7 thru 394-8.1
<input type="checkbox"/>	394-21	394-21 thru 394-22.1
<input type="checkbox"/>	394-61 thru 394-65	394-61 thru 394-66.1
<input type="checkbox"/>	400-55 thru 400-57	400-55 thru 400-58.1

VOLUME 25

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	422-23	422-23 thru 422-24.1
<input type="checkbox"/>	423-17	423-17 thru 423-18.1
<input type="checkbox"/>	423-25	423-25 thru 423-26.1

VOLUME 26

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	I-11 thru I-61	I-11 thru I-62.1
<input type="checkbox"/>	I-121 thru I-151.	I-121 thru I-152.1
<input type="checkbox"/>	I-189 thru I-221.	I-189 thru I-222.1
<input type="checkbox"/>	I-277 thru I-317	I-277 thru I-318.1

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
<input type="checkbox"/>	I-373 thru I-389	I-373 thru I-390.1
<input type="checkbox"/>	I-429 thru I-479	I-429 thru I-480.1
<input type="checkbox"/>	I-559 thru I-661	I-559 thru I-662.1
<input type="checkbox"/>	I-829 thru I-865	I-829 thru I-866.1
<input type="checkbox"/>	I-933 thru I-943	I-933 thru I-944.1

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