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Dorsaneo, Texas Litigation Guide

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HIGHLIGHTS

Mandamus

- The Texas Supreme Court determined that mandamus was available to enforce a ruling transferring venue when a party sought to circumvent this ruling by nonsuiting and filing in a new court. See *In re Team Rocket, L.P.*, 256 S.W.3d 257 (Tex. 2008). See Ch. 61, *Venue*, § 61.21[3][a].

Venue

- The Texas Supreme Court held that a party may not avoid the rule against subsequent motions to transfer venue by taking a nonsuit and refiling in another county—once a court has ruled on venue, that decision is determinative as to those parties and claims. See *In re Team Rocket, L.P.*, 256 S.W.3d 257 (Tex. 2008). See Ch. 61, *Venue*, § 61.20[7] and Ch. 103, *Dismissal*, § 103.01[3][d].

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Pretrial, Trial, and Appellate Practice

Significant cases in the area of pretrial, trial, and appellate practice include:

Lost profit damages. When there are definite reasons to expect a business to yield a profit, the enterprise is not prohibited from recovering lost profit damages merely because it is new. See *Amigo Broadcasting v. Spanish Broadcasting System*, 521 F.3d 472, 485 (5th Cir. [Tex.] 2008). See Ch. 21, *Damages in Contract*, § 21.11[3][b][iii].

Waiver of Arbitration. In *In re Citigroup Global Markets, Inc.*, 258 S.W.3d 623, 51 Tex. Sup. Ct. J. 909 (Tex. 2008), the Texas Supreme Court held that a party's statements about what discovery might be saved in another court was not enough to

substantially invoke the judicial process and thereby waive arbitration. See Ch. 44, *Arbitration*, § 44.02[3][b].

Waiver of Arbitration. In *In re Fleetwood Homes of Texas, L.P.*, 257 S.W.3d 692, 51 Tex. Sup. Ct. J. 1066 (Tex. 2008), the Texas Supreme Court held that discussing potential trial setting and sending discovery the day before moving to compel arbitration did not waive arbitration. See Ch. 44, *Arbitration*, § 44.02[3][b].

Mandamus. The Texas Supreme Court determined that mandamus was available to enforce a ruling transferring venue when a party sought to circumvent this ruling by nonsuiting and filing in a new court. See *In re Team Rocket, L.P.*, 256 S.W.3d 257 (Tex. 2008). See Ch. 61, *Venue*, § 61.21[3][a].

Default Judgment. In *Sells v. Drott*, 259 S.W.3d 156 (Tex. 2008), the Texas Supreme Court ruled that the trial court had erred by dismissing the defendant's answer and granting default judgment after the plaintiff had offered evidence showing that the answer had not been signed by the defendant but by her daughter. Before dismissing based on a defect in a facially valid answer, the trial court should have given the defendant notice and an opportunity to be heard. See Ch. 100, *Default Judgment*, § 100.01[2][a].

Venue. The Texas Supreme Court held that a party may not avoid the rule against subsequent motions to transfer venue by taking a nonsuit and refiling in another county—once a court has ruled on venue, that decision is determinative as to those parties and claims. See *In re Team Rocket, L.P.*, 256 S.W.3d 257 (Tex. 2008), discussed in Ch. 61, *Venue*, § 61.20[7], and Ch. 103, *Dismissal*, § 103.01[3][d].

Foreign Judgments. The Fourteenth Court of Appeals interpreted the Uniform

Enforcement of Foreign Judgments Acts, and ruled that a foreign judgment sought to be enforced must be filed in a county that would have proper venue under the Texas venue statutes. See *Cantu v. Howard S. Grossman, P.A.*, 251 S.W.3d 731, 734–742 (Tex. App.—Houston [14th Dist.] 2008, no pet. h.). See Ch. 134, *Foreign Judgments*, § 134.02[2].

Appellate Timetable. The Texas Supreme Court ruled that an order suggesting remittitur is considered to be an order modifying the judgment for purposes of the appellate timetable; thus, deadlines will begin to run from the date of the order rather than from the date of the earlier judgment. See *Arkoma Basin Expl. Co. v. FMF Assocs. 1990-A, Ltd.*, 249 S.W.3d 380, 390–391 (Tex. 2008). See Ch. 140, *Motions for New Trial*, § 140.01[4].

Business Entities and Relationships

Significant cases in the area of business entities and relationships include:

Limited liability companies. Texas courts and other jurisdictions, have applied to limited liability companies the same state law principles for piercing the corporate veil that they have applied to corporations. See *McCarthy v. Wani Venture, A.S.*, 251 S.W.3d 573, 590 (Tex. App.—Houston [1st Dist.] 2007, pet. denied). See Ch. 183, *Limited Liability Company*, § 183.07[1].

Wage claims. The Texas Supreme Court has held that actions under the Payday Act do not abrogate common law claims against employers for an alleged failure to pay compensation; however, an employee foregoes any common law claims by pursuing an administrative claim under the Act to a final decision. See *Igal v. Brightstar Information Technology*, 250 S.W.3d 78, 88 (Tex. 2008). See Ch. 203, *Employer-Employee Relations*, § 203.28.

Statistical evidence showing disparate impact in promotions. In establishing a statistically significant disparate impact in promotions in an action under Title VII, applicant flow data should be used if available; a court may, however, permit the parties to analyze potential applicant flow data when actual data is unreliable. See *McClain v. Lufkin Industries, Inc.*, 519 F.3d 264, 275 (5th Cir. [Tex.] 2008). See Ch. 203A, *Employment Litigation*, § 203A.05[1][f][iv].

Retaliation claim. The United States Supreme Court has held that a retaliation claim may be brought under Section 1981 by an individual who suffered retaliation because he or she complained about a violation of another person's rights. See *CBOCS West, Inc. v. Humphries*, — U.S. —, 128 S. Ct. 1951, 1954, 1958–1961, 170 L. Ed. 2d 864 (2008). See Ch. 203A, *Employment Litigation*, § 203A.11[1].

First Amendment rights of public employees in Section 1983 action. When a public employee raises complaints or concerns up the chain of command in the workplace about the employee's job duties, this speech is undertaken in the course of performing his or her job and is not entitled to First Amendment protection; however, when a public employee takes his or her job concerns to persons outside of the workplace, in addition to raising them up the chain of command in the workplace, those external communications are ordinarily not made as an employee, but as a citizen. See *Davis v. McKinney*, 518 F.3d 304, 313 (5th Cir. [Tex.] 2008). See Ch. 203A, *Employment Litigation*, § 203A.12[1][b][iii].

Age Discrimination in Employment Act. The United States Supreme Court has held that a federal employee who is a victim of retaliation based on the filing of an age discrimination complaint may assert

a claim under the federal-sector provision of the ADEA. This provision was patterned directly after Title VII's federal-sector discrimination ban. Like the ADEA's federal-sector provision, Title VII's federal-sector provision, contains a broad prohibition of discrimination, rather than a list of specific prohibited practices. See *Gomez-Perez v. Potter*, — U.S. —, 128 S. Ct. 1931, 1936, 1940–1941, 1943, 170 L. Ed. 2d 887 (2008). See Ch. 203A, *Employment Litigation*, § 203A.16[2][a].

Whistleblower Act. The Texas Supreme Court has held that for a personnel action to be “adverse” within the meaning of the Whistleblower Act, it must be material and thus likely to deter a reasonable, similarly situated employee from reporting a violation of the law. See *Montgomery County v. Park*, 246 S.W.3d 610, 612, 615–616 (Tex. 2007). See Ch. 203A, *Employment Litigation*, § 203A.22[1][a].

Commercial Litigation

Significant cases in the area of commercial litigation include:

Insurance contract not in violation of public policy. The Texas Supreme Court has held that the state's public policy does not prohibit insurance coverage of exemplary damages for gross negligence in the workers' compensation context. See *Fairfield Ins. v. Stephens Martin Paving*, 246 S.W.3d 653, 670 (Tex. 2008). See Ch. 210A, *Contracts*, § 210A.05[3][b].

Auctioneers. The Texas Supreme Court has held that auctioneers cannot generally be held strictly liable for defects in the goods they auction, and have no duty to discover and repair defects in the goods they sell for others. See *New Texas Auto. v. Gomez de Hernandez*, 249 S.W.3d 400, 403–406 (Tex. 2008). See Ch. 211, *Auctioneers and Commission Merchants*, § 211.01[1].

Attorney's fees for breach of warranty. Attorney's fees are generally not recoverable under Article 2 as consequential damages, but may be recoverable if authorized by another statute. Because a claim based on an express warranty is in essence a contract action, a prevailing party is entitled to recover attorney's fees under Section 38.001 of the Civil Practice and Remedies Code. See *Medical City Dallas, Ltd. v. Carlisle Corp.*, 251 S.W.3d 55, 58, 60–63 (Tex. 2008). See Ch. 221, *Warranties*, § 221.15[5][a][iv].

Real Estate Litigation

Significant cases in the area of real estate litigation include:

Express Easements. In *Canyon Reg'l Water Auth. v. Guadalupe-Blanco River Auth.*, 51 Tex. Sup. Ct. J. 904, 907–909 (Tex. 2008), the Texas Supreme Court held that: (1) an express easement granted to a water authority did not permit it to construct a *second* intake on a lake when it had already used the easement to construct the first intake (see Ch. 281, *Easements*, § 281.06[1]); but (2) the authority could acquire an easement to build the second intake by condemnation because the proposed use did not practically destroy or materially interfere with the existing public use of the lake for recreation. See *Canyon Reg'l Water Auth. v. Guadalupe-Blanco River Auth.*, 51 Tex. Sup. Ct. J. 904, 907–909 (Tex. 2008). See Ch. 261, *Condemnation*, § 261.01[3].

Condemnation. In *FKM P'Ship, Ltd. v. Bd. of Regents of Univ. of Houston Sys*, 51 Tex. Sup. Ct. J. 989, 991–992, 998–1000 (Tex. 2008), the Texas Supreme Court held that: (1) a condemnor may reduce the amount of land sought without leave of court and without loss of jurisdiction, because the condemnor is free to amend its pleadings or dismiss some or all of its

claims; but (2) when the reduction is so significant that the original claim is functionally abandoned, Tex. Prop. Code § 21.019(b) permits an award of expenses to the landowner, and the action need not be dismissed in its entirety to award expenses. See *FKM P'Ship, Ltd. v. Bd. of Regents of Univ. of Houston Sys*, 51 Tex. Sup. Ct. J. 989, 991–992, 998–1000 (Tex. 2008). See Ch. 261, *Condemnation*, §§ 261.02[6], [7], 261.100[1].

Standing for a Subcontractor. In *Frymire Eng'g Co. v. Jomar Int'l Ltd.*, 51 Tex. Sup. Ct. J. 1042, 1043–1046 (Tex. 2008), the Texas Supreme Court held that a subcontractor who paid a property owner for water damage allegedly caused by a defective valve had standing to pursue claims against the valve manufacturer under the doctrine of equitable subrogation because the subcontractor (1) paid a debt primarily owed by the manufacturer, (2) did so involuntarily, and (3) sought subrogation in a situation in which the manufacturer would be unjustly enriched if subrogation were precluded. See *Frymire Eng'g Co. v. Jomar Int'l Ltd.*, 51 Tex. Sup. Ct. J. 1042, 1043–1046 (Tex. 2008). See Ch. 270, *Improvement Contracts*, § 270.31.

Personal Injury Litigation.

Significant cases in the area of personal injury litigation include:

Premises Liability. The Texas Supreme Court held that when a warehouse operator hired an independent contractor to pick up and deliver parts from the warehouse, the operator was not liable for injury to the contractor's employee: (1) for an alleged premises defect, because it was not a concealed condition, but was open and obvious, so that it was the contractor's responsibility to warn of the condition or make it safe; or (2) for an alleged negligent activity, because the operator did not retain or exer-

cise control over the manner in which the driver performed the particular aspect of his work from which the injury resulted. See *General Elec. Co. v. Moritz*, 51 Tex. Sup. Ct. J. 1030, 1031–1032 (Tex. 2008). See Ch. 310, *Premises Liability*, §§ 310.02[1], [3], 310.05[2][d], 310.122[1], and Ch. 290, *Negligence*, § 290.32[1][b].

Damages for Death or Personal Injury. The Texas Supreme Court held that when a plaintiff seeks damages for death or personal injury arising from the breach of an implied warranty under Article 2 of the UCC, the damages are analogous to tort recovery, so the claim is subject to the proportionate responsibility statutes, and a finding that the plaintiff was 60% at fault precluded recovery. See *JCW Electronics, Inc. v. Garza*, 257 S.W.3d 701, 51 Tex. Sup. Ct. J. 1104, 1105–1108 (Tex. 2008). See Ch. 291, *Proportionate Responsibility; Contribution and Indemnity*, § 291.03.

Negligence of Mental Health Providers. The Texas Supreme Court held that any alleged negligence of mental health providers in assessing a patient's risk of suicide was not a cause in fact of the suicide that occurred less than two days later because there was no evidence that the patient could have been involuntarily held in the hospital, that the patient would have consented to hospitalization, that hospitalization would have made suicide unlikely, that the patient exhibited unusual behavior following discharge, or that any family or friends of the patient though further treatment was justified. See *Providence Health Care Ctr. v. Dowell*, 51 Tex. Sup. Ct. J. 935, 937–939 (Tex. 2008). See Ch. 321, *Medical Malpractice*, § 321.08.

Expert Reports. The Texas Supreme Court held that: (1) the 120-day period in which to serve an expert report in a medical

malpractice case runs from the filing of the action, not from the date that the claimant provided presuit notice to the defendant; and (2) when elements of a timely report are found deficient, whether by the trial court or on interlocutory appeal, one 30-day extension may be granted, so the court of appeals properly remanded to permit the trial court to exercise discretion as to an extension. See *Leland v. Brandal*, 51 Tex. Sup. Ct. J. 1046, 1047–1049 (Tex. 2008). See Ch. 321, *Medical Malpractice*, § 321.15[1], [6].

Mandamus. The Texas Supreme Court held that: (1) when the plaintiff alleged negligence in issuing credentials to physician, but nothing in the expert's curriculum vitae or reports suggested that the author had special knowledge or expertise regarding hospital credentialing, the trial court erred in finding the reports to be adequate; and (2) in an action governed by the former law of art. 4590i, in which interlocutory appeal is unavailable, mandamus is available to correct a trial court's erroneous decision that a report is adequate. See *In re McAllen Med. Ctr., Inc.*, 51 Tex. Sup. Ct. J. 893, 895–900 (Tex. 2008). See Ch. 321, *Medical Malpractice*, § 321.15[1], [5].

The Texas Supreme Court held in an action governed by the former law of art. 4590i that mandamus is not available to review an order of the trial court extending the time for a plaintiff to file an expert report in a medical malpractice action, a holding that would appear to apply equally under the current provision of the Civil Practices and Remedies Code. See *In re Roberts*, 51 Tex. Sup. Ct. J. 988, 988 (Tex. 2008) (per curiam). See Ch. 321, *Medical Malpractice*, § 321.15[6].

Assault and False Imprisonment. The Texas Supreme Court held that a church and its authorities cannot be liable for

assault or false imprisonment to a church member when only intangible, emotional damages are claimed from the church's religious practices because liability would violate the church's First Amendment rights under the Free Exercise Clause. See *Pleasant Glade Assembly of God v. Schubert*, 51 Tex. Sup. Ct. J. 1086, 1090–1094 (Tex. 2008). See Ch. 330, *Assault and Battery*, § 330.07[2], and Ch. 331, *False Imprisonment*, § 331.03[3].

Special Defects. The Texas Supreme Court held that a two-inch change in the elevation of lanes on a roadway is not of the same kind or class as an excavation or obstruction, and so is not a special defect under the Tort Claims Act as a matter of law. See *City of Dallas v. Reed*, 51 Tex. Sup. Ct. J. 919, 919–920 (Tex. 2008) (per curiam). See Ch. 293, *Claims Against Governmental Entities*, § 293.10[5][g].

High-low Agreements. The court of appeals held that although the parties had entered into an enforceable high-low agreement in open court during jury deliberations, when the plaintiff nevertheless moved for entry of judgment on the jury verdict rather than as dictated by the high-low agreement, the plaintiff repudiated its consent to the agreement, so that a consent judgment could not be entered and judgment on the verdict was proper even though it contradicted the terms of the high-low agreement. See *Baylor College of Med. v. Camberg*, 247 S.W.3d 342, 346–349 (Tex. App.—Houston [14th Dist.] 2008, pet. filed). See Ch. 102, *Settlement*, § 102.04[2].

Life Insurance Beneficiary. The court of appeals held that: (1) when an ex-husband applied for life insurance and designated his ex-wife as beneficiary, she had an insurable interest in his life under Tex. Ins. Code § 1103.053(a), and the fact that

the alimony obligation that the policy was intended to secure had been fully paid did not extinguish ex-wife's insurable interest; and (2) when insured inquired about changing the beneficiary from his ex-wife to his current wife, but never submitted the change of beneficiary form provided by the insurer, the ex-wife remained the beneficiary and was entitled to the full proceeds of the policy. See *McCall v. Smith*, 252 S.W.3d 663 (Tex. App.—Houston [14th Dist.] 2008, pet. filed). See Ch. 344, *Life, Health, and Accident Insurance*, § 344.03[1][a], [3][a].

The court of appeals held that a beneficiary named in a life insurance policy has no vested interest in the proceeds of the policy unless one of the following conditions occurs: (1) a contract, separate from the policy itself, proscribes any change of the beneficiary; (2) the policy itself precludes any change to the beneficiary; or (3) the insured dies. See *Rotating Servs. Indus., Inc. v. Harris*, 245 S.W.3d 476, 481 (Tex. App.—Houston [1st Dist.] 2007, pet. denied). See Ch. 344, *Life, Health, and Accident Insurance*, § 344.03[3][a].

Family Code Litigation

Significant cases in the area of family code litigation include:

Contractual alimony. A court will not modify an agreed order concerning spousal support. A contractual alimony obligation cannot be avoided on the ground that it has become more burdensome than anticipated. See Ch. 363, *Division of Property*, § 363.43[3].

Probate Code Litigation

Significant cases in the area of probate code litigation include:

Venue of probate proceeding. In determining a decedent's domicile for purposes of venue, the decedent statements regarding

residence that are inconsistent with the facts showing actual residence, are of slight weight and do not establish the decedent's residence in fact; instead, the controlling factor is the actual fact as to the place of residence and the decedent's real attitude and intention with respect to it as disclosed by the decedent's entire course of conduct. See *In re Graham*, 251 S.W.3d 844, 850–851 (Tex. App.—Austin 2008, no pet. h.). See Ch. 392, *Admitting Wills to Probate*, § 392.02[2].

Nuncupative will. The testator must be “in extremis” (*i.e.*, near the point of death) to make a valid nuncupative will. See *In re Estate of Alexander*, 250 S.W.3d 461, 464–467 (Tex. App.—Waco 2008, pet. denied). See Ch. 392, *Admitting Wills to Probate*, § 392.05[3].

Notice of amended petition. Notice of an amended petition to probate a will need not be given except to those individuals who have requested notice under Probate Code Section 33(j). See *In re Estate of Wilson*, 252 S.W.3d 708, 711–712 (Tex. App.—Texarkana 2008, no pet. h.). See Ch. 392, *Admitting Wills to Probate*, § 392.06[6].

Vested remainder interest. When a trust creates a life estate for one individual and provides that the trust is terminated on

that individual's death and the trust principal is to be distributed to a specified remainder beneficiary, the remainder interest is vested as long as it is in an ascertainable person and there is no condition precedent other than the termination of the prior estate. The character of a remainder as vested is not affected by an uncertainty as to the amount that the remainder beneficiary will receive when he or she becomes entitled to possession. See *In re Townley Bypass Unified Credit Trust*, 252 S.W.3d 715, 717–718 (Tex. App.—Texarkana 2008, no pet. h.). See Ch. 394, *Will Construction*, § 394.05[4].

Administrative Proceedings.

Significant cases in the area of administrative proceedings include:

Method of Review of Agency Decisions. The Texas Supreme Court held that generally, an agency's rules and decisions are reviewed under the substantial evidence rule; however, the review is *de novo* when an action is challenged on the ground that the agency acted beyond its statutory authority. See *In Guitar Holding Company, L.P. v. Hudspeth County Underground Water Conservation District No. 1*, — S.W.3d —, 51 Tex. Sup. Ct. J. 971 (Tex. 2008). See Ch. 423, *Judicial Review of Contested Cases*, § 423.03[1].

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Publication 719 Release 91

November 2008

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<input type="checkbox"/>	150-101 thru 150-103	150-101 thru 150-103
<input type="checkbox"/>	150-119	150-119
<input type="checkbox"/>	150-143	150-143
<input type="checkbox"/>	150-153 thru 150-154.1	150-153
<input type="checkbox"/>	151-25 thru 151-27	151-25 thru 151-28.1
<input type="checkbox"/>	151-37	151-37

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
<input type="checkbox"/>	151-67	151-67
<input type="checkbox"/>	151-107 thru 151-109	151-107 thru 151-109
<input type="checkbox"/>	152-21	152-21 thru 152-22.1
<input type="checkbox"/>	152-53 thru 152-54.1	152-53 thru 152-54.1
<input type="checkbox"/>	152-59 thru 152-73	152-59 thru 152-73
<input type="checkbox"/>	152-93 thru 152-99	152-93 thru 152-99
<input type="checkbox"/>	152-115	152-115
<input type="checkbox"/>	153-5 thru 153-7	153-5 thru 153-7
<input type="checkbox"/>	153-38.1 thru 153-41	153-39 thru 153-42.1
<input type="checkbox"/>	153-44.13 thru 143-44.17	153-44.13 thru 153-44.17

VOLUME 11

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	162-7 thru 162-13.	162-7 thru 162-13
<input type="checkbox"/>	162-21 thru 162-25	162-21 thru 162-25
<input type="checkbox"/>	165-5.	165-5
<input type="checkbox"/>	172-5.	172-5

VOLUME 12

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	180-41 thru 180-42.1	180-41
<input type="checkbox"/>	180-57	180-57
<input type="checkbox"/>	180-77	180-77 thru 180-78.1
<input type="checkbox"/>	180-105 thru 180-107	180-105
<input type="checkbox"/>	183-29	183-29

VOLUME 13

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	200-105 thru 200-110.1	200-105 thru 200-110.1
<input type="checkbox"/>	200A-9 thru 200A-11	200A-9 thru 200A-12.1
<input type="checkbox"/>	203-17 thru 203-18.1	203-17 thru 203-18.1
<input type="checkbox"/>	203-67	203-67 thru 203-68.1
<input type="checkbox"/>	203-135	203-135
<input type="checkbox"/>	203A-3 thru 203A-6.1	203A-3 thru 203A-6.1
<input type="checkbox"/>	203A-31 thru 203A-33	203A-31 thru 203A-33
<input type="checkbox"/>	203A-43 thru 203A-60.1	203A-43 thru 203A-60.1
<input type="checkbox"/>	203A-73	203A-73 thru 203A-74.1
<input type="checkbox"/>	203A-105.	203A-105 thru 203A-106.1

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
<input type="checkbox"/>	203A-113 thru 203A-119	203A-113 thru 203A-120.9
<input type="checkbox"/>	203A-139.	203A-139
<input type="checkbox"/>	203A-163 thru 203A-179	203A-163 thru 203A-177
<input type="checkbox"/>	205-9 thru 205-19	205-9 thru 205-20.1
<input type="checkbox"/>	205-35 thru 205-37	205-35 thru 205-37

VOLUME 14

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	210-13 thru 210-21	210-13 thru 210-22.1
<input type="checkbox"/>	210-67 thru 210-75	210-67 thru 210-75
<input type="checkbox"/>	210-107 thru 210-108.1	210-107 thru 210-108.1
<input type="checkbox"/>	210-141 thru 210-145	210-141 thru 210-145
<input type="checkbox"/>	210A-11 thru 210A-19.	210A-11 thru 210A-20.1
<input type="checkbox"/>	210A-29	210A-29 thru 210A-30.1
<input type="checkbox"/>	210A-43	210A-43
<input type="checkbox"/>	210A-53 thru 210A-61	210A-53 thru 210A-62.1
<input type="checkbox"/>	210A-89 thru 210A-93	210A-89 thru 210A-94.1
<input type="checkbox"/>	210A-103 thru 210A-113	210A-103 thru 210A-114.1
<input type="checkbox"/>	210A-121 thru 210A-132.1	210A-121 thru 210A-132.1
<input type="checkbox"/>	210A-141 thru 210A-142.1	210A-141 thru 210A-142.1
<input type="checkbox"/>	210A-163 thru 210A-167	210A-163 thru 210A-167
<input type="checkbox"/>	210A-177.	210A-177 thru 210A-178.1
<input type="checkbox"/>	211-3 thru 211-4.1.	211-3 thru 211-4.1
<input type="checkbox"/>	211-23	211-23
<input type="checkbox"/>	213-11	213-11
<input type="checkbox"/>	214-15	214-15
<input type="checkbox"/>	215-9.	215-9
<input type="checkbox"/>	215-37 thru 215-43	215-37 thru 215-41
<input type="checkbox"/>	216-5.	216-5 thru 216-6.1
<input type="checkbox"/>	220-9.	220-9 thru 220-10.1
<input type="checkbox"/>	220-25 thru 220-34.1	220-25 thru 220-33
<input type="checkbox"/>	220-47 thru 220-48.1	220-47 thru 220-48.1
<input type="checkbox"/>	220-69	220-69 thru 220-70.1
<input type="checkbox"/>	220-80.5	220-80.5
<input type="checkbox"/>	220-91 thru 220-93	220-91 thru 220-93
<input type="checkbox"/>	221-3 thru 221-16.1	221-3 thru 221-16.1
<input type="checkbox"/>	221-39 thru 221-42.1	221-39 thru 221-42.1
<input type="checkbox"/>	221-53 thru 221-65	221-53 thru 221-65

VOLUME 15

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

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	230-45	230-45
<input type="checkbox"/>	232-11 thru 232-15	232-11 thru 232-15
<input type="checkbox"/>	232-31 thru 232-35	232-31 thru 232-35
<input type="checkbox"/>	232-67	232-67
<input type="checkbox"/>	232-83	232-83

VOLUME 16

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	240-11	240-11 thru 240-12.1

VOLUME 17

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	251-11 thru 251-16.7	251-11 thru 251-16.5
<input type="checkbox"/>	252-13 thru 252-14.1	252-13 thru 252-14.1
<input type="checkbox"/>	252-30.3 thru 252-35	252-31 thru 252-36.3
<input type="checkbox"/>	252-61	252-61
<input type="checkbox"/>	254-14.1	254-14.1
<input type="checkbox"/>	254-45 thru 254-46.1	254-45 thru 254-46.1
<input type="checkbox"/>	254-61 thru 254-63	254-61 thru 254-64.1
<input type="checkbox"/>	255-35 thru 255-37	255-35 thru 255-38.1
<input type="checkbox"/>	255-49	255-49 thru 255-50.1
<input type="checkbox"/>	260-17	260-17 thru 260-18.1
<input type="checkbox"/>	260-61 thru 260-62.1	260-61 thru 260-62.1
<input type="checkbox"/>	260-65 thru 260-71	260-65 thru 260-72.1
<input type="checkbox"/>	260-74.9	260-74.9
<input type="checkbox"/>	260-78.1 thru 260-82.3	260-79 thru 260-82.5
<input type="checkbox"/>	260-99	260-99
<input type="checkbox"/>	261-7 thru 261-9	261-7 thru 261-10.1
<input type="checkbox"/>	261-15	261-15 thru 261-16.1
<input type="checkbox"/>	261-43	261-43 thru 261-44.1
<input type="checkbox"/>	261-49 thru 261-65	261-49 thru 261-66.11
<input type="checkbox"/>	261-77 thru 261-78.1	261-77 thru 261-78.1
<input type="checkbox"/>	261-91	261-91 thru 261-92.1
<input type="checkbox"/>	261-121 thru 261-123	261-121 thru 261-123

VOLUME 18

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

<input type="checkbox"/>	Title page	Title page
<input type="checkbox"/>	270-19 thru 270-20.1	270-19 thru 270-20.1
<input type="checkbox"/>	270-71 thru 270-72.1	270-71 thru 270-72.3
<input type="checkbox"/>	270A-11	270A-11 thru 270A-12.1
<input type="checkbox"/>	270A-27	270A-27 thru 270A-28.1
<input type="checkbox"/>	270A-53	270A-53 thru 270A-54.1
<input type="checkbox"/>	271-55 thru 271-59	271-55 thru 271-60.1
<input type="checkbox"/>	281-49 thru 281-52.3	281-49 thru 281-52.3
<input type="checkbox"/>	282-22.3 thru 282-22.5	282-22.3 thru 282-22.5
<input type="checkbox"/>	282-45	282-45
<input type="checkbox"/>	282-79	282-79
<input type="checkbox"/>	282-82.5	282-82.5 thru 282-82.6(1)
<input type="checkbox"/>	285-21 thru 285-22.1	285-21 thru 285-22.1
<input type="checkbox"/>	285-35	285-35

VOLUME 19

Revision

<input type="checkbox"/>	Title page	Title page
<input type="checkbox"/>	290-13	290-13 thru 290-14.1
<input type="checkbox"/>	290-21	290-21 thru 290-22.1
<input type="checkbox"/>	290-59 thru 290-62.1	290-59 thru 290-62.1
<input type="checkbox"/>	290-95 thru 290-97	290-95 thru 290-98.1
<input type="checkbox"/>	290-215 thru 290-217	290-215 thru 290-217
<input type="checkbox"/>	291-17 thru 291-23	291-17 thru 291-24.1
<input type="checkbox"/>	291-29	291-29 thru 291-30.1
<input type="checkbox"/>	291-40.1 thru 291-40.3	291-40.1 thru 291-40.3
<input type="checkbox"/>	291-51 thru 291-55	291-51 thru 291-55
<input type="checkbox"/>	291-133	291-133
<input type="checkbox"/>	293-39 thru 293-41	293-39 thru 293-42.1
<input type="checkbox"/>	293-57 thru 293-61	293-57 thru 293-62.1
<input type="checkbox"/>	293-71 thru 293-80.1	293-71 thru 293-80.5
<input type="checkbox"/>	293-91 thru 293-93	293-91 thru 293-94.1
<input type="checkbox"/>	293-131 thru 293-136.4(1)	293-131 thru 293-136.4(3)
<input type="checkbox"/>	293-177 thru 293-179	293-177 thru 293-179
<input type="checkbox"/>	310-11 thru 310-22.1	310-11 thru 310-22.3
<input type="checkbox"/>	310-51 thru 310-52.1	310-51 thru 310-52.2(1)
<input type="checkbox"/>	310-69	310-69
<input type="checkbox"/>	310-103 thru 310-105	310-103 thru 310-105

VOLUME 20

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"/>	320-38.1 thru 320-41	320-39 thru 320-42.1
<input type="checkbox"/>	320-49	320-49 thru 320-50.1
<input type="checkbox"/>	321-5 thru 321-15.	321-5 thru 321-16.3
<input type="checkbox"/>	321-29 thru 321-30.1	321-29 thru 321-30.1
<input type="checkbox"/>	321-51 thru 321-54.3	321-51 thru 321-54.1
<input type="checkbox"/>	321-67 thru 321-71	321-67 thru 321-72.1
<input type="checkbox"/>	321-79 thru 321-81	321-79 thru 321-82.1
<input type="checkbox"/>	321-89 thru 321-104.3.	321-89 thru 321-104.5
<input type="checkbox"/>	321-129 thru 321-130.1	321-129 thru 321-130.1
<input type="checkbox"/>	322-25 thru 322-31	322-25 thru 322-32.1
<input type="checkbox"/>	322-54.3	322-54.3 thru 322-54.4(1)
<input type="checkbox"/>	330-15	330-15 thru 330-16.1
<input type="checkbox"/>	330-47 thru 330-55	330-47 thru 330-49
<input type="checkbox"/>	331-9.	331-9 thru 331-10.1
<input type="checkbox"/>	331-49	331-49
<input type="checkbox"/>	332-7 thru 332-12.1	332-7 thru 332-12.1
<input type="checkbox"/>	332-19	332-19
<input type="checkbox"/>	333-29	333-29
<input type="checkbox"/>	333-51 thru 333-57	333-51 thru 333-57
<input type="checkbox"/>	333-77 thru 333-78.3	333-77 thru 333-78.3
<input type="checkbox"/>	334-5 thru 334-9	334-5 thru 334-9
<input type="checkbox"/>	336-51 thru 336-52.1	336-51 thru 336-52.1

VOLUME 21

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	340-55 thru 340-57	340-55 thru 340-58.1
<input type="checkbox"/>	340-69 thru 340-75	340-69 thru 340-76.1
<input type="checkbox"/>	340-99 thru 340-101.	340-99 thru 340-101
<input type="checkbox"/>	341-24.1 thru 341-37	341-25 thru 341-38.1
<input type="checkbox"/>	341-53	341-53 thru 341-54.1
<input type="checkbox"/>	341-67 thru 341-68.1	341-67 thru 341-68.1
<input type="checkbox"/>	341-77 thru 341-80.1	341-77 thru 341-80.1
<input type="checkbox"/>	341-163 thru 341-171	341-163 thru 341-171
<input type="checkbox"/>	343-23 thru 343-24.1	343-23 thru 343-24.1
<input type="checkbox"/>	344-39 thru 344-43	344-39 thru 344-44.1
<input type="checkbox"/>	345-89 thru 345-90.1	345-89 thru 345-90.1
<input type="checkbox"/>	345-185 thru 345-186.1	345-185 thru 345-186.1

VOLUME 22

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

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	363-69 thru 363-95	363-69 thru 363-95
<input type="checkbox"/>	363-109 thru 363-111	363-109 thru 363-112.1
<input type="checkbox"/>	370-37	370-37 thru 370-38.1
<input type="checkbox"/>	371-55	371-55

VOLUME 23

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	372-17 thru 372-20.1	372-17 thru 372-20.1
<input type="checkbox"/>	373-21 thru 373-27	373-21 thru 373-28.3
<input type="checkbox"/>	380-3 thru 380-4.1	380-3 thru 380-4.1
<input type="checkbox"/>	380-25 thru 380-27	380-25 thru 380-28.1
<input type="checkbox"/>	381-27 thru 381-45	381-27 thru 381-45
<input type="checkbox"/>	382-37 thru 382-42.1	382-37 thru 382-41

VOLUME 24

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	392-21 thru 392-22.1	392-21 thru 392-22.1
<input type="checkbox"/>	392-29 thru 392-31	392-29 thru 392-31
<input type="checkbox"/>	392-38.1 thru 392-39	392-39 thru 392-40.3
<input type="checkbox"/>	392-65	392-65
<input type="checkbox"/>	392-78.1 thru 392-78.3	392-78.1 thru 392-78.3
<input type="checkbox"/>	392-89 thru 392-90.1	392-89 thru 392-90.1
<input type="checkbox"/>	392-119	392-119
<input type="checkbox"/>	393-9 thru 393-11	393-9 thru 393-11
<input type="checkbox"/>	393-29 thru 393-31	393-29 thru 393-31
<input type="checkbox"/>	393-45 thru 393-48.1	393-45 thru 393-48.1
<input type="checkbox"/>	394-40.1 thru 394-43	394-41 thru 394-43
<input type="checkbox"/>	400-7 thru 400-15	400-7 thru 400-16.3
<input type="checkbox"/>	400-61 thru 400-63	400-61 thru 400-63

VOLUME 25

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	420-3.	420-3
<input type="checkbox"/>	421-3 thru 421-4.1	421-3 thru 421-4.1
<input type="checkbox"/>	423-7 thru 423-21	423-7 thru 423-22.1

Check As Done	<i>Remove Old <u>Pages Numbered</u></i>	<i>Insert New <u>Pages Numbered</u></i>
<input type="checkbox"/>	423-47 thru 423-51	423-47 thru 423-51
<input type="checkbox"/>	424-5.	424-5 thru 424-6.1
<input type="checkbox"/>	424-31 thru 424-33	424-31 thru 424-33

VOLUME 26

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	I-1 thru I-1103	I-1 thru I-995

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