

# United States Court of Appeals for the Fifth Circuit

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No. 21-10320

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United States Court of Appeals  
Fifth Circuit

**FILED**

June 2, 2021

RAY SARABIAN,

Lyle W. Cayce  
Clerk

*Plaintiff—Appellant,*

*versus*

HALLIBURTON LOGGING SERVICES,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:19-CV-954

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Before HIGGINBOTHAM, SMITH, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within thirty days of entry of judgment.

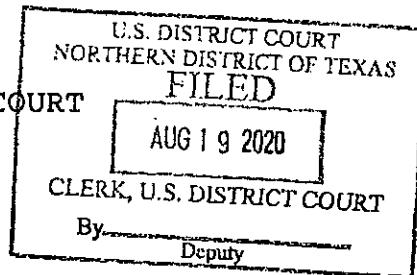
In this Employee Retirement Income Security Act case, the district court entered final judgment dismissing the complaint on August 20, 2020. Plaintiff filed a motion for new trial which the district court denied on

No. 21-10320

September 15, 2020. Therefore, the final day for filing a timely notice of appeal was October 15, 2020.

Plaintiff's first notice of appeal was dismissed by this court for want of prosecution. *Sarabian v. Halliburton Logging Services*, Case No. 20-10996 (5<sup>th</sup> Cir. January 4, 2021). Plaintiff has filed a second notice of appeal on March 29, 2021. When set by statute, the time limitation for filing a notice of appeal in a civil case is jurisdictional. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). The lack of a timely notice mandates dismissal of the appeal. *United States v. Garcia-Machado*, 845 F.2d 492, 493 (5th Cir. 1988). Accordingly, the appeal is DISMISSED for want of jurisdiction.

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION



RAY SARABIAN,

S

Plaintiff,

S

VS.

S NO. 4:19-CV-954-A

HALLIBURTON LOGGING SERVICES,

S

Defendant.

S

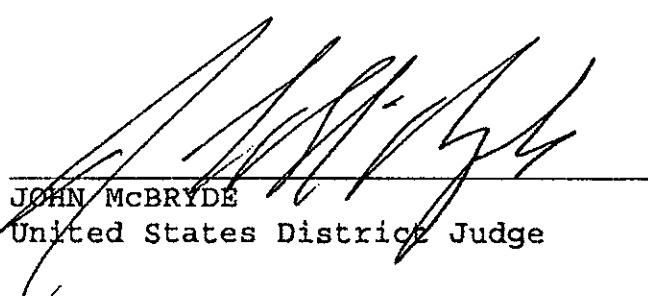
FINAL JUDGMENT

Consistent with the court's memorandum opinion and order  
signed this date,

The court ORDERS, ADJUDGES, and DECREES that plaintiff, Ray  
Sarabian, take nothing on his claims against defendant,  
Halliburton Energy Services, Inc., which says it has been  
incorrectly identified as Halliburton Logging Services, and that  
such claims be, and are hereby, dismissed with prejudice.

The court further ORDERS, ADJUDGES, and DECREES that  
defendant have and recover its court costs from plaintiff.

SIGNED August 19, 2020.

  
JOHN McBRYDE  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED

MAR 30 2021

CLERK, U.S. DISTRICT COURT

By Deputy

RAY SARABIAN,

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Plaintiff,

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VS.

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HALLIBURTON LOGGING SERVICES,

\$

Defendant

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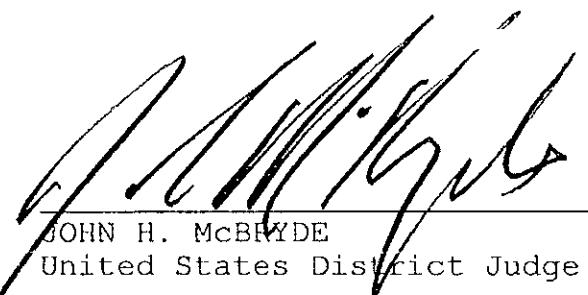
CIVIL ACTION NO. 4:19-CV-954-A

ORDER GRANTING MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS

Now pending is the motion for leave to proceed in forma pauperis on appeal filed by Ray Sarabian associated with a notice of appeal filed the same day. After review and consideration of the motion to proceed in forma pauperis on appeal, the court concludes that the motion should be granted. Therefore,

The court orders that the motion to proceed in forma pauperis on appeal of Ray Sarabian (doc. 64) is GRANTED.

SIGNED March 30, 2021.

  
JOHN H. McBRYDE  
United States District Judge

As it is indicated above, the honorable United States District Judge, John H. McBryde, granted my motion to proceed in forma pauperis on "Appeal" to United States Courts of Appeal, in 5th Circuit. All briefs and other documents submitted previously remain the same and should be used for this appeal for refiling. Please, let me know if you need more information to complete this appeal, Proxey.

Ray Sarabian

RAY SARABIAN

4-28-21

***United States Court of Appeals***

**FIFTH CIRCUIT  
OFFICE OF THE CLERK**

**LYLE W. CAYCE  
CLERK**

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

May 25, 2021

Mr. Ray Sarabian  
P.O. Box 1594  
Fort Worth, TX 76101

No. 21-10320 Sarabian v. Halliburton Logging Services  
USDC No. 4:19-CV-954

Dear Mr. Sarabian,

We are not filing or taking action on your brief because it is premature. We will issue a notice advising you of the next procedural step necessary to process your appeal. When you receive the briefing notice, you must notify this office in writing if you want the premature brief filed. Failure to notify this office or file a brief will result in dismissal of your appeal without further notice.

Sincerely,

LYLE W. CAYCE, Clerk

Reece NC Dorough

Bv:

Renee S. McDonough, Deputy Clerk  
504-310-7673

CC:

Mr. James Barnish  
Mr. David E. Finck

***United States Court of Appeals***  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

May 11, 2021

Mr. Ray Sarabian  
P.O. Box 1594  
Fort Worth, TX 76101

No. 21-10320      Sarabian v. Halliburton Logging Services  
USDC No. 4:19-CV-954

Dear Mr. Sarabian,

We received your info copy of District Court's order granting IFP with request to use documents from closed case 20-10996. You are currently proceeding IFP in the above appeal.

However, no action is being taken on your request to use all briefs and documents from your appeal 20-10996. That case is closed as it was dismissed for failure to file a sufficient brief. And, we do not use documents from closed cases.

Sincerely,

LYLE W. CAYCE, Clerk



By:

Mary Frances Yeager, Deputy Clerk  
504-310-7686

cc: Mr. James Barnish  
Mr. David E. Finck

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

**LYLE W. CAYCE  
CLERK**

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

March 03, 2021

Mr. Ray Sarabian  
P.O. Box 1594  
Fort Worth, TX 76101

No. 20-10996 Sarabian v. Halliburton Logging Srv  
USDC No. 4:19-CV-954

Dear Mr. Sarabian,

We received your correspondence addressed to the Chief Justice. In light that we cannot determine the relief you are seeking and this case has been closed in our court, we are taking no action on this document. The motion to reopen the case was denied by our court on 2/23/2021.

Sincerely,

LYLE W. CAYCE, Clerk

*Laney Lampard*

By:  
Laney L. Lampard, Deputy Clerk  
504-310-7652

CC:

Mr. James Barnish  
Mr. David E. Finck

**United States Court of Appeals**  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

**LYLE W. CAYCE**  
**CLERK**

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

March 22, 2021

Mr. Ray Sarabian  
P.O. Box 1594  
Fort Worth, TX 76101

No. 20-10996      Sarabian v. Halliburton Logging Srv  
USDC No. 4:19-CV-954

Dear Mr. Sarabian,

We received your letter dated March 17, 2021.

In light that the motion to reopen the case was denied by our court on 2/23/2021 and the case was closed, we are taking no action on this document.

Sincerely,

LYLE W. CAYCE, Clerk

*Laney Lampard*

By: Laney L. Lampard, Deputy Clerk  
504-310-7652

CC:

Mr. James Barnish  
Mr. David E. Finck

IN THE UNITED STATES COURT OF APPEALS FOR

THE FIFTH CIRCUIT

RAY SARABIAN \$

PLAINTIFF-APPELLANT \$

VS.

HALLIBURTON LOGGING SERVICES \$ CASE NO. 20-10-996

DEFENDANT-APPELLEE

MOTION FOR REOPENING THE ABOVE NO. CASE

It comes now the plaintiff, Ray Sarabian and moves the above no. case to reopen for appeal to fifth circuit which was dismissed due to delay to file the corrected brief on time. The reasons for delay are as follows:

1. My brief case was stolen with all the document on this case and others.
2. Christmas and new years holiday.
3. Coronavirus pandemic

cc. to defendant attorney

Respectfully submitted

Ray Sarabian

  
Date ~~Feb 11, 2021~~  
02/11/21

**United States Court of Appeals**  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

**LYLE W. CAYCE**  
**CLERK**

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

January 04, 2021

Ms. Karen S. Mitchell  
Northern District of Texas, Fort Worth  
United States District Court  
501 W. 10th Street  
Room 310  
Fort Worth, TX 76102

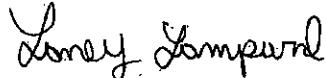
No. 20-10996 Sarabian v. Halliburton Logging Srv  
USDC No. 4:19-CV-954

Dear Ms. Mitchell,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By:  
Laney L. Lampard, Deputy Clerk  
504-310-7652

cc w/encl:

Mr. James Barnish  
Mr. David E. Finck  
Mr. Ray Sarabian

# United States Court of Appeals

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

October 14, 2020

Mr. Ray Sarabian  
P.O. Box 1594  
Fort Worth, TX 76101

No. 20-10996 Ray Sarabian v. Halliburton Logging Services  
USDC No. 4:19-CV-954

Dear Mr. Sarabian,

We have docketed the appeal as shown above, and ask you to use the case number for future inquiries. You can obtain a copy of our briefing checklist on the Fifth Circuit's website ["http://www.ca5.uscourts.gov/docs/default-source/forms-and-documents---clerks-office/rules/brchecklist"](http://www.ca5.uscourts.gov/docs/default-source/forms-and-documents---clerks-office/rules/brchecklist).

Briefing Notice: The record is complete for purposes of the appeal, see **FED. R. APP. P.** 12. Appellant's brief and record excerpts are due within 40 days of the date shown above, see **FED. R. APP. P.** & **5<sup>TH</sup> CIR. R.** 28, 30, and 31. See also **5<sup>TH</sup> CIR. R.** 30.1.2 and **5<sup>TH</sup> CIR. R.** 31.1 to determine if you have to file electronic copies of the brief and record excerpts. [If required, electronic copies MUST be in Portable Document Format (PDF).]

Record Excerpts: **5<sup>TH</sup> CIR. R.** 30.1.7(c) provides that the electronic PDF version of the record excerpts should contain pages representing the "tabs" identified in the index of the document. However, we remind attorneys that the actual paper copies of record excerpts filed with the court must contain actual physical tabs that extend beyond the edge of the document, to facilitate easy identification and review of tabbed documents.

Brief Covers: THE CASE CAPTION(S) ON BRIEF COVERS MUST BE EXACTLY THE SAME AS THE CASE CAPTION(S) ON THE ENCLOSED TITLE CAPTION SHEET(S). YOU WILL HAVE TO CORRECT ANY MODIFICATIONS YOU MAKE TO THE CAPTION(S) BEFORE WE SUBMIT YOUR BRIEF TO THE COURT.

Policy on Extensions: The court grants extensions sparingly and under the criteria of **5<sup>TH</sup> CIR. R.** 31.4. If you request an extension, you must contact opposing counsel and tell us if the extension is opposed or not. **5<sup>TH</sup> CIR. R.** 31.4 and the Internal Operating Procedures following rules 27 and 31 state that except in the most

Provided below is the court's official caption. Please review the parties listed and advise the court immediately of any discrepancies. If you are required to file an appearance form, a complete list of the parties should be listed on the form exactly as they are listed on the caption.

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Case No. 20-10996

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Ray Sarabian,

Plaintiff - Appellant

v.

Halliburton Logging Services,

Defendant - Appellee

United States Court of Appeals  
for the Fifth Circuit



No. 20-10996

A True Copy  
Certified order issued Jan 04, 2021

*Tyler W. Cayer*  
Clerk, U.S. Court of Appeals, Fifth Circuit

RAY SARABIAN,

*Plaintiff—Appellant,*

*versus*

HALLIBURTON LOGGING SERVICES,

*Defendant—Appellee.*

---

Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:19-CV-954

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CLERK'S OFFICE:

Under 5<sup>TH</sup> CIR. R. 42.3, the appeal is dismissed as of January 4, 2021, for want of prosecution. The appellant failed to timely file sufficient brief and record excerpts. *had been submitted*

The brief also remains insufficient as noted in this court's letter dated 11/30/2020. If appellant moves to reopen the appeal, both record excerpts and a sufficient brief must accompany any motion to reopen this appeal.

# United States Court of Appeals

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

November 30, 2020

Mr. Ray Sarabian  
P.O. Box 1594  
Fort Worth, TX 76101

No. 20-10996 Ray Sarabian v. Halliburton Logging Services  
USDC No. 4:19-CV-954

Dear Mr. Sarabian,

The following pertains to your brief filed in paper form on 11/22/2020.

We have filed your brief. However, you must make the following corrections within the next 14 days.

You need to correct or add:

1.) The Table of Contents and the Table of Authorities must be separated. The Table of Authorities must list cases (alphabetically arranged), statutes, and other authorities, with references to the pages of the brief where they are cited, see **Fed. R. App. P. 28(a) (3)**.

2.) A Standard of review must be included, see **Fed. R. App. P. 28(a) (8) (B)**. *Separate*

3.) The Argument must be included and separated from the Summary of the Argument, see **Fed. R. App. P. 28(a) (8) and 5<sup>th</sup> Cir. R. (28.3) (i)**.

4.) A Certificate of compliance is required by **Fed. R. App. P. 32(g) (1) and 5<sup>th</sup> Cir. R. 32.3. (See Fed. R. App. P. 28(a) (10))**.

5.) The only attachments allowed to the briefs without leave of court are statutes, rules, regulations, etc. Any filings from district court must be removed from the brief. See **Fed. R. App. P. 28(f)**.

6.) We have not received 4 copies of the Record Excerpts required by **5<sup>th</sup> Cir. R. 30.1.2**.

extraordinary circumstances, the maximum extension for filing briefs is 30 days in criminal cases and 40 days in civil cases.

Reply Brief: We do not send cases to the court until all briefs are filed, except in criminal appeals. Reply briefs must be filed within the 21 day period of **FED. R. APP. P.** 31(a)(1). See **5<sup>TH</sup> CIR. R.** 31.1 to determine if you have to file electronic copies of the brief, and the format.

Dismissal of Appeals: The clerk may dismiss appeals without notice if you do not file a brief on time, or otherwise fail to comply with the rules.

Appearance Form: If you have not electronically filed a "Form for Appearance of Counsel," you must do so within 14 days of this date. You must name each party you represent, See **FED. R. APP. P.** and **5<sup>TH</sup> CIR. R.** 12. The form is available from the Fifth Circuit's website, [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov).

Brief Template: The clerk's office offers brief templates and the ability to check the brief for potential deficiencies prior to docketing to assist in the preparation of the brief. To access these options, log in to CM/ECF and from the Utilities menu, select 'Brief Template' (Counsel Only) or 'PDF Check Document'.

ATTENTION ATTORNEYS: Direct access to the electronic record on appeal (EROA) for pending appeals will be enabled by the U S District Court on a per case basis. Counsel can expect to receive notice once access to the EROA is available. Counsel must be approved for electronic filing and must be listed in the case as attorney of record before access will be authorized. Instructions for accessing and downloading the EROA can be found on our website at <http://www.ca5.uscourts.gov/docs/default-source/forms/instructions-for-electronic-record-download-feature-of-cm>. Additionally, a link to the instructions will be included in the notice you receive from the district court.

Sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. Access to sealed documents will continue to be provided by the district court only upon the filing and granting of a motion to view same in this court.

VIDEO/AUDIO EXHIBITS: If this record contains exhibits (e.g. Dash cam or Body cam videos) that must be submitted to the court's attention, you must provide them to the District Court in MP4 format for submission to our court.

#### Guidance Regarding Citations in Pleadings.

**5<sup>TH</sup> CIR. R.** 28.2.2 grants the Clerk the authority to create a standard format for citation to the electronic record on appeal. You must use the proper citation format when citing to the electronic record on appeal.

- A. In single record cases, use the short citation form, "ROA" followed by a period, followed by the page number. For example, "ROA.123."

- B. For multiple record cases, cite "ROA" followed by a period, followed by the Fifth Circuit appellate case number of the record referenced, followed by a period, followed by the page of the record. For example, "ROA.13-12345.123.".
- C. Please note each individual citation must end using a termination of a period (.) or semicolon (;).

Pro se litigants may request the record from the district court to prepare their brief. Those proceeding in forma pauperis may receive the record without payment of shipping costs. If you wish to receive exhibits, you must specifically request them.

**Once you obtain the record, you should check it within 14 days of receipt for any missing or incomplete items. If you need to request a supplemental record or order transcripts, do so promptly. The court will not grant extensions of time to file your brief because you did not timely check the record.**

**Reminder as to Sealing Documents on Appeal:** Our court has a strong presumption of public access to our court's records, and the court scrutinizes any request by a party to seal pleadings, record excerpts, or other documents on our court docket. Counsel moving to seal matters must explain in particularity the necessity for sealing in our court. Counsel do not satisfy this burden by simply stating that the originating court sealed the matter, as the circumstances that justified sealing in the originating court may have changed or may not apply in an appellate proceeding. It is the obligation of counsel to justify a request to file under seal, just as it is their obligation to notify the court whenever sealing is no longer necessary. An unopposed motion to seal does not obviate a counsel's obligation to justify the motion to seal.

Sincerely,

LYLE W. CAYCE, Clerk

By: /s/ Casey Sullivan  
Casey Sullivan, Deputy Clerk  
504-310-7642

Enclosure(s)

cc w/encl:

Mr. James Barnish  
Mr. David E. Finck

# United States Court of Appeals

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

October 09, 2020

Mr. Ray Sarabian  
P.O. Box 1594  
Fort Worth, TX 76101

No. 20-10996 Ray Sarabian v. Halliburton Logging Services  
USDC No. 4:19-CV-954

Dear Mr. Sarabian,

We have docketed the appeal as shown above, and ask you to use the case number above in future inquiries.

Filings in this court are governed strictly by the Federal Rules of **Appellate** Procedure. We cannot accept motions submitted under the Federal Rules of **Civil** Procedure. We can address only those documents the court directs you to file, or proper motions filed in support of the appeal. See **FED. R. APP. P.** and **5<sup>TH</sup> CIR. R.** 27 for guidance. We will not acknowledge or act upon documents not authorized by these rules.

All counsel who desire to appear in this case must electronically file a "Form for Appearance of Counsel" naming all parties represented within 14 days from this date, see **FED. R. APP. P.** 12(b) and **5<sup>TH</sup> CIR. R.** 12. This form is available on our website [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov). Failure to electronically file this form will result in removing your name from our docket. Pro se parties are not required to file appearance forms.

**ATTENTION ATTORNEYS:** Attorneys are required to be a member of the Fifth Circuit Bar and to register for Electronic Case Filing. The "Application and Oath for Admission" form can be printed or downloaded from the Fifth Circuit's website, [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov). Information on Electronic Case Filing is available at [www.ca5.uscourts.gov/cmecf/](http://www.ca5.uscourts.gov/cmecf/).

**ATTENTION ATTORNEYS:** Direct access to the electronic record on appeal (EROA) for pending appeals will be enabled by the U S District Court on a per case basis. Counsel can expect to receive notice once access to the EROA is available. Counsel must be approved for electronic filing and must be listed in the case as attorney of record before access will be authorized. Instructions for accessing and downloading the EROA can be found on our website at <http://www.ca5.uscourts.gov/docs/default->

source/forms/instructions-for-electronic-record-download-feature-of-cm. Additionally, a link to the instructions will be included in the notice you receive from the district court.

Sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. Access to sealed documents will continue to be provided by the district court only upon the filing and granting of a motion to view same in this court.

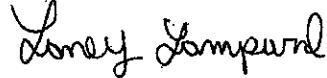
We recommend that you visit the Fifth Circuit's website, [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov) and review material that will assist you during the appeal process. We especially call to your attention the Practitioner's Guide and the 5th Circuit Appeal Flow Chart, located in the Forms, Fees, and Guides tab.

ATTENTION: If you are filing Pro Se (without a lawyer) you can request to receive correspondence from the court and other parties by email and can also request to file pleadings through the court's electronic filing systems. Details explaining how you can request this are available on the Fifth Circuit website at <http://www.ca5.uscourts.gov/docs/default-source/forms/pro-se-filer-instructions>. This is not available for any pro se serving in confinement.

**Sealing Documents on Appeal:** Our court has a strong presumption of public access to our court's records, and the court scrutinizes any request by a party to seal pleadings, record excerpts, or other documents on our court docket. Counsel moving to seal matters must explain in particularity the necessity for sealing in our court. Counsel do not satisfy this burden by simply stating that the originating court sealed the matter, as the circumstances that justified sealing in the originating court may have changed or may not apply in an appellate proceeding. It is the obligation of counsel to justify a request to file under seal, just as it is their obligation to notify the court whenever sealing is no longer necessary. An unopposed motion to seal does not obviate a counsel's obligation to justify the motion to seal.

Sincerely,

~ LYLE W. CAYCE, Clerk



By: Laney L. Lampard, Deputy Clerk

CC:

Mr. James Barnish  
Ms. Karen S. Mitchell

RAY SARABIAN §  
Plaintiff, §  
Vs. §  
HALLIBURTON LOGGING SERVICES §  
Defendant,

2019 DEC 23 PM 3:13

DEPUTY CLERK OS

CASE NUMBER, 4:19-CV-954-A" CTJ

Plaintiff's Amended Complaint

Plaintiff was hired by Gearhart Industries, June 1, 1979 as a petroleum engineer and worked for that company until July 1987 when Halliburton Logging Services bought the company and took over.

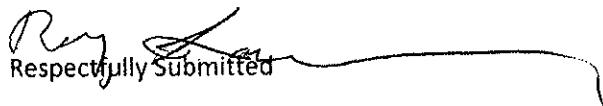
At the time of employment with Gearhart, the plaintiff pension plan was discussed. The plan was that the amount of money that is being deposited from plaintiff's pay check with the company every month, the company would deposit the same amount toward the retirement plan.

Unfortunately, the Halliburton Logging Services has not full filled the above requirement. Plaintiff has discussed this situation with Halliburton for several months but received no effective results.

Exhibit "A" shows the example of "Employee Ray Sarabian, Contributions to Profit-sharing or retirement plans" for the year of 1982 is \$2775.46.

Texas courts recognize the Deceptive Trade Practices Act the employee is as customer to employer the plaintiff request treble damages.

Wherefore, the plaintiff prays this Honorable court to issue a merit to compensate plaintiff the money that Halliburton owes him as Court deems appropriate and for such other and further relief, in law and in equity to which the parties may show themselves justly entitled.

  
Respectfully Submitted

RAY SARABIAN  
PO BOX 161040  
FORT WORTH, TX, 76161  
682-347-0930

Certificate of Service

In keeping with rule 21(a) and Rule 21(f) of the Texas Rules of Civil PROCEDURE, I hereby certify that a true and correct copy of the foregoing instrument has been served upon

JAMES T BARNISH

TWO HOUSTON CENTER

909 Fannin, Suite 2700, Houston, TX, 77010, 713-588-7050, FAX: 713-588-7050



**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only**

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**NEW YORK CITY MAIL USE**

7629	9726
16290	1290
Certified Mail Fee \$ 3.60	
\$ 7.35	
Extra Services & Fees (check box and fee if applicable)	
<input type="checkbox"/> Return Receipt (Handcopy) \$ 1.00	
<input type="checkbox"/> Return Receipt (Electronic) \$ 1.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ 11.00	
<input type="checkbox"/> Adult Signature Required \$ 14.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	\$ 1.55
Total Postage and Fees	\$ 9.10

01/01  
34  
Postmark  
Here

11/28/2021

United States Postmaster General  
Street and Box No. or P.O. Box No.  
City, State, Zip Code  
New York City, NY 100-0000  
PS Form 3800, April 2015 PSN 7500-02-000-9047 See Reverse for Instructions