

Appellate Docket Number: 05-12-01429-CV
 Appellate Case Style: Jim Silliman
 Vs. Luxor Contracting, Inc., d/b/a Luxor Staffing

Companion Case No.:

FILED IN
 5th COURT OF APPEALS
 DALLAS, TEXAS

3/4/2013 3:00:14 PM

Amended/corrected statement: x

DOCKETING STATEMENT (Civil)
 Appellate Court: 5th Court of Appeals
 (to be filed in the court of appeals upon perfection of appeal under TRAP 32)

LISA MATZ
 Clerk

I. Appellant	II. Appellant Attorney(s)
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<input checked="" type="checkbox"/> Person <input type="checkbox"/> Organization (choose one) First Name: Jim Middle Name: Last Name: Silliman Suffix: Pro Se: <input type="radio"/>	<input checked="" type="checkbox"/> Lead Attorney First Name: Norvin Middle Name: Reed Last Name: Silliman Suffix: Law Firm Name: Faegre, Baker & Daniels, LLP Address 1: 111 E. Wayne Street Address 2: Suite 800 City: Fort Wayne State: Indiana Zip+4: 46802 Telephone: (260) 460-1625 ext. Fax: (260) 460-1700 Email: Reed.Silliman@faegrebd.com SBN: 330 02
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I. Appellant	II. Appellant Attorney(s)
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<input checked="" type="checkbox"/> Person <input type="checkbox"/> Organization (choose one) First Name: Jim Middle Name: Last Name: Silliman Suffix: Pro Se: <input type="radio"/>	<input type="checkbox"/> Lead Attorney First Name: Scott Middle Name: Patrick Last Name: Stolley Suffix: Law Firm Name: Thompson & Knight LLP Address 1: 1722 Routh Street Address 2: Suite 1500
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	City: Dallas State: Texas Zip+4: 75201 Telephone: (214) 969-1700 ext. Fax: (214) 880-3287 Email: scott.stolley@tklaw.com SBN: 19284350
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III. Appellee	IV. Appellee Attorney(s)
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<input type="checkbox"/> Person <input checked="" type="checkbox"/> Organization (choose one) Organization Name: Luxor Contracting, Inc., d/b/a Luxor Staffing First Name: Middle Name: Last Name: Suffix: Pro Se: <input type="radio"/>	<input checked="" type="checkbox"/> Lead Attorney First Name: Kevin Middle Name: T. Last Name: Schutte Suffix: Law Firm Name: Bracewell & Guiliani LLP Address 1: 1445 Ross Avenue Address 2: Suite 3800 City: Dallas State: Texas Zip+4: 75202-2724 Telephone: (214) 758-1000 ext. Fax: (214) 758-1010 Email: kevin.schutte@bgllp.com SBN: 24033050
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III. Appellee	IV. Appellee Attorney(s)
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<input type="checkbox"/> Person <input checked="" type="checkbox"/> Organization (choose one) Organization Name: Luxor Contracting, Inc., d/b/a Luxor Staffing First Name: Middle Name: Last Name: Suffix: Pro Se: <input type="radio"/>	<input type="checkbox"/> Lead Attorney First Name: Lauren Middle Name: J. Last Name: Brown Suffix: Law Firm Name: Bracewell & Guiliani LLP Address 1: 1445 Ross Avenue Address 2: Suite 3800 City: Dallas State: Texas Zip+4: 75202-2724 Telephone: (214) 758-1000 ext. Fax: (214) 758-1010 Email: lauren.brown@bgllp.com SBN: 24069430
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III. Appellee	IV. Appellee Attorney(s)
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<input type="checkbox"/> Person <input checked="" type="checkbox"/> Organization (choose one) Organization Name: Luxor Contracting, Inc., d/b/a Luxor Staffing First Name:	<input type="checkbox"/> Lead Attorney First Name: Tricia Middle Name: R
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Middle Name:

Last Name:

Suffix:

Pro Se:

Last Name: DeLeon

Suffix:

Law Firm Name: Bracewell & Guiliani LLP

Address 1: 1445 Ross Avenue

Address 2: Suite 3800

City: Dalas

State: Texas

Zip+4: 75202-2724

Telephone: (214) 758-1000 ext.

Fax: (214) 758-1010

Email: tricia.deleon@bgllp.com

SBN: 24005885

V. Perfection Of Appeal And Jurisdiction

Nature of Case (Subject matter or type of case): Other

Date order or judgment signed: July 19, 2012

Type of judgment: Jury Trial

Date notice of appeal filed in trial court: October 17, 2012

If mailed to the trial court clerk, also give the date mailed:

Interlocutory appeal of appealable order: Yes No

If yes, please specify statutory or other basis on which interlocutory order is appealable (See TRAP 28):

Accelerated appeal (See TRAP 28): Yes No

If yes, please specify statutory or other basis on which appeal is accelerated:

Parental Termination or Child Protection? (See TRAP 28.4): Yes No

Permissive? (See TRAP 28.3): Yes No

If yes, please specify statutory or other basis for such status:

Agreed? (See TRAP 28.2): Yes No

If yes, please specify statutory or other basis for such status:

Appeal should receive precedence, preference, or priority under statute or rule: Yes No

If yes, please specify statutory or other basis for such status:

Does this case involve an amount under \$100,000? Yes No

Judgment or order disposes of all parties and issues: Yes No

Appeal from final judgment: Yes No

Does the appeal involve the constitutionality or the validity of a statute, rule, or ordinance? Yes No

VI. Actions Extending Time To Perfect Appeal

Motion for New Trial: Yes No If yes, date filed: August 20, 2012

Motion to Modify Judgment: Yes No If yes, date filed: August 20, 2012

Request for Findings of Fact and Conclusions of Law: Yes No If yes, date filed: August 8, 2012

Motion to Reinstate: Yes No If yes, date filed:

Motion under TRCP 306a: Yes No If yes, date filed:

Other: Yes No

If other, please specify:

VII. Indigency Of Party (Attach file-stamped copy of affidavit, and extension motion if filed.)

Affidavit filed in trial court: Yes No If yes, date filed:

Contest filed in trial court: Yes No If yes, date filed:

Date ruling on contest due:

Ruling on contest: Sustained Overruled Date of ruling:

VIII. Bankruptcy

Has any party to the court's judgment filed for protection in bankruptcy which might affect this appeal? Yes No

If yes, please attach a copy of the petition.

Date bankruptcy filed:

Bankruptcy Case Number:

IX. Trial Court And Record

Court: 134th Judicial District Court

County: Dallas

Trial Court Docket Number (Cause No.): DC10-01795

Trial Judge (who tried or disposed of case):

First Name: Dale

Middle Name:

Last Name: Tillery

Suffix:

Address 1: George L. Allen, Sr. Courts Bldg.

Address 2 : 600 Commerce Street, Suite 650

City: Dallas

State: Texas Zip + 4: 75202

Telephone: (214) 653-6995 ext.

Fax: (214) 653-6988

Email: fly@dallascourts.org

Clerk's Record:

Trial Court Clerk: District County

Was clerk's record requested? Yes No

If yes, date requested: October 7, 2012

If no, date it will be requested:

Were payment arrangements made with clerk?

Yes No Indigent

(Note: No request required under TRAP 34.5(a),(b))

Appellant has already paid for the clerk's record, which has been completed and filed.

Reporter's or Recorder's Record:

Is there a reporter's record? Yes No

Was reporter's record requested? Yes No

Was there a reporter's record electronically recorded? Yes No

If yes, date requested: October 17, 2012

If no, date it will be requested:

Were payment arrangements made with the court reporter/court recorder? Yes No Indigent

Appellant has paid a \$4,000 deposit to the court reporter. The court reporter has said she will bill Appellant for the balance when she completes the transcript. Appellant has agreed to this arrangement and will pay the balance when it is billed by the court reporter.

Court Reporter Court Recorder
 Official Substitute

First Name: Vielica
Middle Name:
Last Name: Dlobbins
Suffix:
Address 1: George L. Allen, Sr. Bldg.
Address 2: 600 Commerce Street, Suite 650
City: Dallas
State: Texas Zip + 4: 75202
Telephone: (214) 653-7239 ext.
Fax: (214) 653-6988
Email: vielica@sbcglobal.net

X. Supersedeas Bond

Supersedeas bond filed: Yes No If yes, date filed:

Will file: Yes No

Appellant is working on filing a bond or an alternative to a bond.

XI. Extraordinary Relief

Will you request extraordinary relief (e.g. temporary or ancillary relief) from this Court? Yes No

If yes, briefly state the basis for your request:

XII. Alternative Dispute Resolution/Mediation (Complete section if filing in the 1st, 2nd, 4th, 5th, 6th, 8th, 9th, 10th, 11th, 12th, 13th, or 14th Court of Appeal)

Should this appeal be referred to mediation? Yes No

If no, please specify:

Has the case been through an ADR procedure? Yes No

If yes, who was the mediator?

What type of ADR procedure?

At what stage did the case go through ADR? Pre-Trial Post-Trial Other

If other, please specify:

Type of case?

Give a brief description of the issue to be raised on appeal, the relief sought, and the applicable standard for review, if known (without prejudice to the right to raise additional issues or request additional relief):

(1) Sufficiency of the evidence to support liability; (2) Casteel error in the charge; (3) error in changing the ruling about the transfer date.

How was the case disposed of? Trial

Summary of relief granted, including amount of money judgment, and if any, damages awarded.

If money judgment, what was the amount? Actual damages: \$216,597.00

Punitive (or similar) damages: \$0.00

Attorney's fees (trial): \$185,578.00

Attorney's fees (appellate): \$110,000.00

Other:

If other, please specify:

Will you challenge this Court's jurisdiction? Yes No

Does judgment have language that one or more parties "take nothing"? Yes No

Does judgment have a Mother Hubbard clause? Yes No

Other basis for finality?

Rate the complexity of the case (use 1 for least and 5 for most complex): 1 2 3 4 5

Please make my answer to the preceding questions known to other parties in this case. Yes No

Can the parties agree on an appellate mediator? Yes No

If yes, please give name, address, telephone, fax and email address:

Name	Address	Telephone	Fax	Email
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Languages other than English in which the mediator should be proficient: none

Name of person filing out mediation section of docketing statement: Scott P. Stolley

XIII. Related Matters

List any pending or past related appeals before this or any other Texas appellate court by court, docket number, and style.

Docket Number:

Trial Court:

Style:

Vs.

XIV. Pro Bono Program (Complete section if filing in the 1st, 2nd, 3rd, 5th, 13th or 14th Courts of Appeals)

The Courts of Appeals listed above, in conjunction with the State Bar of Texas Appellate Section Pro Bono Committee and local Bar Associations, are conducting a program to place a limited number of civil appeals with appellate counsel who will represent the appellant in the appeal before this Court.

The Pro Bono Committee is solely responsible for screening and selecting the civil cases for inclusion in the Program based upon a number of discretionary criteria, including the financial means of the appellant or appellee. If a case is selected by the Committee, and can be matched with appellate counsel, that counsel will take over representation of the appellant or appellee without charging legal fees. More information regarding this program can be found in the Pro Bono Program Pamphlet available in paper form at the Clerk's Office or on the Internet at www.tex-app.org. If your case is selected and matched with a volunteer lawyer, you will receive a letter from the Pro Bono Committee within thirty (30) to forty-five (45) days after submitting this Docketing Statement.

Note: there is no guarantee that if you submit your case for possible inclusion in the Pro Bono Program, the Pro Bono Committee will select your case and that pro bono counsel can be found to represent you. Accordingly, you should not forego seeking other counsel to represent you in this proceeding. By signing your name below, you are authorizing the Pro Bono committee to transmit publicly available facts and information about your case, including parties and background, through selected Internet sites and Listserv to its pool of volunteer appellate attorneys.

Do you want this case to be considered for inclusion in the Pro Bono Program? Yes No

Do you authorize the Pro Bono Committee to contact your trial counsel of record in this matter to answer questions the committee may have regarding the appeal? Yes No

Please note that any such conversations would be maintained as confidential by the Pro Bono Committee and the information used solely for the purposes of considering the case for inclusion in the Pro Bono Program.

If you have not previously filed an affidavit of Indigency and attached a file-stamped copy of that affidavit, does your income exceed 200% of the U.S. Department of Health and Human Services Federal Poverty Guidelines? Yes No

These guidelines can be found in the Pro Bono Program Pamphlet as well as on the internet at <http://aspe.hhs.gov/poverty/06poverty.shtml>.

Are you willing to disclose your financial circumstances to the Pro Bono Committee? Yes No

If yes, please attach an Affidavit of Indigency completed and executed by the appellant or appellee. Sample forms may be found in the Clerk's Office or on the internet at <http://www.tex-app.org>. Your participation in the Pro Bono Program may be conditioned upon your execution of an affidavit under oath as to your financial circumstances.

Give a brief description of the issues to be raised on appeal, the relief sought, and the applicable standard of review, if known (without prejudice to the right to raise additional issues or request additional relief; use a separate attachment, if necessary).

XV. Signature

Signature of counsel (or pro se party)

Date: March 4, 2013

Printed Name: Scott P. Stolley

State Bar No.: 19284350

Electronic Signature: /s/ Scott P. Stolley
(Optional)

XVI. Certificate of Service

The undersigned counsel certifies that this docketing statement has been served on the following lead counsel for all parties to the trial court's order or judgment as follows on March 4, 2013

Signature of counsel (or pro se party)

Electronic Signature: /s/ Scott P. Stolley
(Optional)

State Bar No.: 19284350

Person Served

Certificate of Service Requirements (TRAP 9.5(e)): A certificate of service must be signed by the person who made the service and must state:

- (1) the date and manner of service;
- (2) the name and address of each person served, and
- (3) if the person served is a party's attorney, the name of the party represented by that attorney

Please enter the following for each person served:

Date Served: March 4, 2013

Manner Served: Email

First Name: Kevin

Middle Name: T.

Last Name: Schutte

Suffix:

Law Firm Name: Bracewell & Guiliani LLP

Address 1: 1445 Ross Avenue

Address 2: Suite 3800

City: Dallas

State Texas Zip+4: 75202-2724

Telephone: (214) 758-1000 ext.

Fax: (214) 758-1010

Email: kevin.schutte@bgllp.com

If Attorney, Representing Party's Name: Luxor Contracting, Inc., d/b/a Luxor Staffing

Ver. 1.0 7/12

Please enter the following for each person served:

Date Served: March 4, 2013

Manner Served: Email

First Name: Lauren

Middle Name: J.

Last Name: Brown

Suffix:

Law Firm Name: Bracewell & Guiliani LLP

Address 1: 1445 Ross Avenue

Address 2: Suite 3800

City: Dallas

State Texas Zip+4: 75202-2724

Telephone: (214) 758-1000 ext.

Fax: (214) 758-1010

Email: lauren.brown@bglp.com

If Attorney, Representing Party's Name: Luxor Contracting, Inc., d/b/a Luxor Staffing

Ver. 1.0 7/12

Please enter the following for each person served:

Date Served: March 4, 2013

Manner Served: Email

First Name: Tricia

Middle Name: R.

Last Name: DeLeon

Suffix:

Law Firm Name: Bracewell & Guiliani LLP

Address 1: 1445 Ross Avenue

Address 2: Suite 3800

City: Dallas

State Texas Zip+4: 75202-2724

Telephone: (214) 758-1000 ext.

Fax: (214) 758-1010

Email: tricia.deleon@bgllp.com

If Attorney, Representing Party's Name: Luxor Contracting, Inc., d/b/a Luxor Staffing

Ver. 1.0 7/12