

IN THE COUNTY COURT AT LAW NUMBER 3
OF EL PASO COUNTY, TEXAS

WILSON
DISTRICT CLERK

JOHN DOE
Plaintiff,

§
2009 APR 21 PM 12:09

v.

§
EL PASO COUNTY TEXAS
§
NO. 2006-2747

THE CATHOLIC DIOCESE OF EL PASO
and MSGR. THOMAS ROWLAND
Defendants.

§
BY _____
§
DEPUTY
§
§
§

**PLAINTIFF'S SECOND MOTION TO RECUSE AND
MOTION FOR EXPEDITED HEARING**

NOW COMES JOHN DOE, Plaintiff herein, and files this Second Motion to Recuse and would respectfully show the Court as follows:

I. Introduction

At issue in this suit are Plaintiff's claims of sexual abuse by Father James B. Hay while Plaintiff was an alter boy at Our Lady of the Light Catholic Church in El Paso, Texas. As the Court is aware, this case is one of many filed against various Catholic dioceses in the United States in which plaintiffs contend that they were sexually abused by priests and that the local diocese knew of, but covered up, the abuse. For many dioceses, these cases have resulted in substantial liability and financial difficulties, occasionally resulting in bankruptcies. As a result, dioceses have been forced to sell property, including convents, and have in some cases requested that parishioners and priests make "generous contribution[s]" to pay for the diocese's liability. See, e.g., Karl Vick, *Nuns Displaced From Convent to fund Sex-Abuse Settlement*, CHICAGO TRIBUNE, October 5, 2007 (**Exhibit A**); Sandi Dolbee, *Diocese of Orange Settles Four Cases Before Trial*, SAN DIEGO UNION-TRIBUNE, October 6, 2007 (**Exhibit B**).

Plaintiff files this motion because Plaintiff has learned that substantial campaign expenditures have been transferred by Judge Alvarez to the Defendant Catholic Diocese of El Paso ("Diocese"), its parishes and related organizations, some even during the pendency of the present case that were never disclosed to the parties in this case. These financial contributions by Judge Alvarez to the Defendant would raise a reasonable doubt among the public as to whether Judge Alvarez could be impartial in this matter. Furthermore, some peculiarities with regard to the timeliness of some of Judge Alvarez's rulings regarding the Defendants' motions for summary judgment and objections to the Plaintiff's summary judgment evidence, as well as comments made by Judge Alvarez during a hearing on Defendants' motion for entry of judgment, contribute to a reasonable doubt a member of the public would have regarding Judge Alvarez's impartiality.

Because a reasonable person might question whether any judge could be fully impartial given the circumstances and events as detailed below and because such events suggest a bias, Judge Alvarez should be recused from presiding over this case pursuant to TEX. R. CIV. P. 18b(2)(a).¹

II. Argument and Authority

A. Standard of Review

Rule 18b(2)(a) requires a judge to recuse himself from any proceeding in which "his impartiality might reasonably be questioned." TEX. R. CIV. P. 18b(2)(a). In determining whether recusal is required, the proper inquiry is whether a reasonable member of the public at large, knowing all of the facts in the public domain, would have

¹ See also TEX. CODE JUD. CONDUCT, Canon 2(A), reprinted in Tex. Gov't Code Ann., tit. 2, subtit. G app. B (Vernon 2005). Canon 2, entitled *Avoiding Impropriety and the Appearance of Impropriety in All of the Judge's Activities*, provides that "A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

a reasonable doubt that a judge is actually impartial. See *Sears v. Olivarez*, 28 S.W.3d 611, 613 (Tex. App.—Corpus Christi 2000, orig. proceeding); *Aguilar v. Anderson*, 855 S.W.2d 799, 804-05 (Tex. App.—El Paso 1993, writ denied) (Osborn, J., concurring).² It is beyond rational dispute that public policy demands that a judge who sits in a case act with absolute impartiality. *Prendergass v. Beale*, 59 Tex. 446, 447 (1883). Public policy also demands that a judge *appear* to be impartial to maintain a high level of public trust and confidence. *Indemnity Ins. Co. v. McGee*, 163 Tex. 412, 356 S.W.2d 666, 668 (Tex. 1962). The purpose of the standard embodied in Rule 18b(2)(a) is not merely to protect the public's confidence in the judiciary, but is also to protect judges from unfair accusations of impartiality. As Justice Osborn explained:

After all[,] the impartial standard [of Rule 18b(2)(a)] has been adopted in order that the public, i.e., the person on the street, might have confidence in the judiciary and to protect judges from unjustified complaints about their being partial in their decision.

Aguilar, 855 S.W.2d at 804-05 (Osborn, C.J., concurring).

Once a recusal motion is filed, the judge may take no further action on the case until a hearing is held on the motion. TEX. R. CIV. P. 18a(c) – (d). The judge must either grant the recusal motion or request that the presiding judge of the administrative region assign a judge to hear the motion. *Id.* If the judge grants the motion to recuse without referring the motion to the presiding judge of the administrative region, the order is unreviewable on appeal. TEX. R. CIV. P. 18a(f). However, an order denying a motion to recuse is reviewable for an abuse of discretion. *Id.*

B. Analysis

² See also *Rogers v. Bradley*, 909 S.W.2d 872, 880-81 (Tex.1995) (Enoch, J., recusal statement); *In re F.A.R.*, No. 11-04-00014, 2005 WL 181719, *2 (Tex. App.—Eastland 2005, no pet.).

The purpose of Rule 18b is two-fold: (1) to ensure that the judiciary maintains the confidence of the public and (2) to protect judges from unjustified accusations of impartiality. Consequently, the inquiry is not whether Judge Alvarez is, in fact, impartial, but whether a reasonable person off the street might question whether the judge is impartial in the given circumstance. *See Sears v. Olivarez*, 28 S.W.3d at 613; *Aguilar v. Anderson*, 855 S.W.2d at 804-05 (Osborn, J., concurring). In this case, both concerns are equally prevalent.

1. Financial Contributions to the Diocese

Plaintiff previously filed a motion to recuse Judge Alvarez on October 30, 2007. *See* Affidavit of Clark Harmonson (“**Exhibit C**”), at 2; *see also* Motion to Recuse, dated October 30, 2007. The basis for this motion was that Judge Alvarez is an active member of the Catholic Church in El Paso, Texas and also involved in a Catholic men’s organization in El Paso known as ACTS. *Id.* Plaintiff withdrew its motion after Judge Alvarez declined to agree to recusal. **Exhibit C**, at 3.

At that time, Plaintiff and his counsel were unaware of substantial campaign expenditures that Judge Alvarez has transferred to the Diocese, its parishes and related organizations. *See* Campaign Finance Reports, attached as **Exhibit 1** to **Exhibit C**. However, recently Plaintiff’s counsel received campaign finance reports (“Campaign Finance Reports”) from the El Paso County election/campaign office located in the El Paso County Courthouse showing such expenditures. **Exhibit C**, at 3. Schedule I of the Campaign Finance Reports contains a listing of non-political expenditures made from political contributions. *Id.* These Campaign Finance Reports demonstrate that Judge Alvarez has transferred in excess of \$8,000.00 to the Diocese, its parishes and its related

organizations, including substantial sums to the Diocese, St. Ignatius Catholic Church, St. Patrick's Cathedral, and St. Patrick's Cathedral Men's ACTS. *Id.* All of these expenditures came from Judge Alvarez's political and campaign contributions. *Id.* Many of these expenditures were made during the pendency of the present litigation. *Id.* According to these Campaign Finance Reports, Judge Alvarez has contributed in excess of \$1,100.00 directly to the Diocese, its parishes and related organizations during the pendency of this litigation. *Id.* Further, on February 14, 2002, Judge Alvarez gave \$5,000.00 to St. Patrick's Cathedral Church. St. Patrick's is the cathedral for the Diocese. *Id.*

While contributing campaign funds to charitable organizations would generally not show partiality on the part of a donating judge, such contributions to a *defendant during the pendency of that defendant's case* in front of the donating judge is certainly an act that might cause a reasonable member of the public to question whether the judge is impartial. This is especially true given the financial difficulties cases such as this have caused for other dioceses. That being the circumstance here, Judge Alvarez should recuse himself from this case.

2. The Peculiar Timeliness of Rulings on Motions for Summary Judgment and *Daubert* Challenges Contributes to a Reasonable Doubt Regarding Judge Alvarez's Impartiality

On September 30, 2008 and December 24, 2008, Defendant Thomas Rowland ("Rowland") and Defendant Diocese, respectively each filed a motion for summary judgment in the above referenced matter. On January 22, 2009, the Plaintiff John Doe filed his responses to these summary judgment motions. **Exhibit C**, at 1. Prior to the hearing date, Judge Alvarez informed the parties that he would not hear any oral argument from counsel on the motions for summary judgment. *Id.* On January 26, 2009 the Court granted,

via letter, Defendant Diocese's motion for summary judgment on the statute of limitations only. *Id.* The granting of this summary judgment was done a mere four (4) days (two business days) after Plaintiff had filed a lengthy response to the motion for summary judgment. *Id.* The Court similarly granted Defendant Rowland's motion for summary judgment, via email, on the statute of limitations only on February 2, 2009. *Id.*

Additionally, on January 29, 2009 Defendant Diocese and Defendant Rowland each filed objections and motions to strike summary judgment evidence that was contained in Plaintiff's responses to the motion for summary judgment. The objections challenged the testimony of Plaintiff's experts under Rule 702 (*Daubert/Robinson*). *Id.* at 2. On February 2 and 4, 2009 the Court summarily sustained Defendant Rowland's objections to Plaintiff's evidence despite the fact that the Court did not allow Plaintiff any opportunity to respond to these objections. *Id.*

While judges may certainly decline to hear oral arguments on motions for summary judgment, the practice is unusual. Moreover, the granting of a summary judgment motion without oral argument a mere two business days after the Plaintiff filed his lengthy response further contributes to the unusual circumstances by which the Plaintiff's claims were summarily disposed.

Furthermore, it is well known that *Daubert/Robinson* objections pursuant to Texas Rule of Evidence 702 are complex proceedings often requiring the consideration of substantial expert testimony and other material, and usually live testimony by experts, to adequately address an expert's qualifications. This is the reason most scheduling orders, as the one in this case, contain a specific day by which such challenges should be made and considered in a hearing. However, Judge Alvarez summarily granted the Defendants'

Daubert/Robinson objections initially without even allowing the Plaintiff the opportunity to file any response. It was only after counsel for Plaintiff pleaded with the court through a motion and in a hearing on the Defendants' motion for entry of judgment that Judge Alvarez reluctantly agreed to give the Plaintiff one week and then two weeks to respond to these complex motions.

The unusual expediency with which Judge Alvarez summarily disposed of the Plaintiff's claims and evidence with minimal consideration of the merits and perfunctory consideration of the *Daubert/Robinson* challenge would cause a reasonable member of the public to question the motivation behind such rulings, especially in light of his transfer of campaign funds to the Defendant Diocese during the pendency of this litigation.

3. Biased Comments at Hearing on Entry of Judgment

Further indications of Judge Alvarez's partiality was evident from his demeanor during a hearing on Plaintiff's Motion for Reconsideration, Defendants' Objections to Summary Judgment Evidence, and Defendants' Motion for Entry of Judgment on February 27, 2009. *Id.* at 2.

At the hearing, counsel argued on behalf of the Plaintiff that Judge Alvarez did not provide the Plaintiff with an opportunity for Plaintiff to respond to the Defendants' *Daubert/Robinson* objections to summary judgment evidence. *See Exhibit C*, at 2; *see also* Hearing Transcript at 12-13 (attached as **Exhibit D**). Judge Alvarez initially said he would only hear testimony from the Plaintiff's expert witnesses on the *Daubert/Robinson* issues raised in the objections *on that very day* as if the Plaintiff were required to anticipate this and have flown his expert in from California and Virginia to conduct a full-blown *Daubert* hearing. *Id.* Counsel argued that the Judge had already granted the objections without any

opportunity for Plaintiff to respond. *Id.* Judge Alvarez then gave Plaintiff one (1) week to respond to the objections by providing additional briefing and affidavits regarding Defendants' objections to expert testimony. *See Exhibit C*, at 2; *see also Exhibit D*, at 17-19. At this time, Counsel explained to the Court that one week was an insufficient time period to respond the Defendants' objections based upon *Daubert/Robinson*. *Id.* The Court then allowed two (2) weeks to respond to these objections. *Id.* However, the Court denied Plaintiff the opportunity to present live testimony and only allowed the Plaintiff to submit affidavits even though Judge Alvarez's scheduling order dated November 5, 2008 provided that the Court would only receive live testimony regarding *Daubert/Robinson* motions. *See Exhibit C*, at 2; *see also Exhibit D*, at 18; 12. Judge Alvarez also stated at the hearing that it was the Plaintiff's right to "spend his money" regarding the *Daubert/Robinson* issues. *See Exhibit C*, at 2; *see also Exhibit D*, at 14.

It was apparent from the dialogue at the hearing that Judge Alvarez was not inclined to adhere to the scheduling order which allowed for live testimony and a full-blown *Daubert* hearing, but was instead interested in a quick and perfunctory resolution of the issue.

III. Conclusion

Judge Alvarez's transfer of his own campaign funds to a defendant in this case even during the pendency of this litigation would cause a reasonable member of the public to harbor concern regarding Judge Alvarez's ability to be impartial in this case. The peculiarities regarding Judge Alvarez's rulings on the Defendants' motions for summary judgment and *Daubert/Robinson* objections would further bolster such concern. As a result, Judge Alvarez should be recused from presiding over this matter further.

MOTION FOR EXPEDITED HEARING

The final judgment in this case was signed on March 24, 2009. Contemporaneously with this motion, the Plaintiff is filing a Motion for New Trial. The Motion to Recuse will necessarily have to be ruled on prior to a ruling on the Motion for New Trial. The Motion for New Trial will be overruled by operation of law on June 8, 2009. Therefore, Plaintiff asks that this Motion to Recuse be set for an expedited hearing so that, in the instance Judge Alvarez is recused from hearing the motion for new trial, there is sufficient time to have the Motion for New Trial set for hearing before the judge appointed to preside over the case before the Motion for New Trial is overruled by operation of law.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that the Honorable Javier Alvarez recuse himself. Plaintiff asks for expedited consideration of this Motion. Plaintiff also requests all other relief to which he is entitled.

Respectfully submitted,

DURHAM & PITTARD, LLP

By: 

F. Leighton Durham
State Bar No. 24012569
Kirk L. Pittard
State Bar No. 24010313
P.O. Box 224626
Dallas, Texas 75222
(214) 946-8000
(214) 946-8433 (fax)


AND

By: 

T.O. GILSTRAP, JR.
State Bar No. 07964500
S. CLARK HARMONSON

State Bar No. 24041055
T.O. GILSTRAP, JR., P.C.
5915 Silver Springs, Bldg. 2
El Paso, TX 79912
(915) 581-0020
(915) 581-7934 (fax)

AND

By: 
TERRY SCARBOROUGH
State Bar No. 17716000
Hance Scarborough, LLP
111 Congress Avenue, Suite 500
Austin, TX 78701
512-479-8888 office
512-482-6891 fax

COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Plaintiff's Second Motion to Recuse* was served on the following counsel of record on this the 21st day of April, 2009:

Via Hand Delivery

David M. Driscoll
Ainsa Hutson, LLP
5809 Acacia Circle
El Paso, Tx 79912

**ATTORNEYS FOR THE CATHOLIC
DIOCESE OF EL PASO**

Via Hand Delivery

Robert A. Skipworth
310 N. Mesa, Ste. 600
El Paso, TX 79901

**COUNSEL FOR MSGR.
THOMAS ROWLAND**

Via Hand Delivery

Thomas E. Stanton
Attorney at Law
521 Texas Avenue
El Paso, Texas 79901

**COUNSEL FOR THE HONORABLE
JAVIER ALVAREZ**



Tommy O. Gilstrap, Jr.

EXHIBIT A

www.chicagotribune.com/news/local/chi-relig_convents_05oct05,0,4400416.story

chicagotribune.com

RELIGION

Nuns displaced from convent to fund sex-abuse settlement

By Karl Vick

The Washington Post

October 5, 2007

SANTA BARBARA, Calif.

In Southern California, where the Roman Catholic Church has agreed to pay victims of pedophile priests \$660 million, the archdiocese is ordering nuns out of convents so the buildings can be sold to fund the out-of-court settlement.

Here in Santa Barbara, the sins of the fathers are being visited on the Sisters of Bethany. The three nuns living in a modest building on Nopal Street received an eviction notice last month ordering them to be out by Dec. 31. Earlier "would be acceptable as well," the letter said.

Sister Angela Escalera, 69, who is diabetic and able to get around only with a walker, had hoped to live out her days in the convent.

"This is how the archdiocese is going about getting the money to pay off the victims," said her younger sister, Rosemary Escalera Gutierrez, 64, a former nun in the order.

"She said: 'It's such a heavy price to pay for such an ugly thing,'" said Gutierrez, quoting her sister.

The public storm over the evictions has prolonged an excruciating controversy that the archdiocese of Los Angeles had hoped to begin putting behind it in July when it agreed to payouts for 508 accusers of 221 priests and other male church employees.

Instead, the new flap has raised the question of how much the church has learned about the crucial business of public perception.

Gutierrez quoted her sister because church officials slapped a gag order on the nuns.

"What's interesting is the church has not learned its lesson. The church thinks Catholics will still follow it without question," said Denise d'Sant Angelo, a member of Save Our Sisters, a local group formed to resist the eviction. "They're still operating under the shroud of secrecy, and secrecy isn't going to be

tolerated by Catholics anymore, especially this new generation.

"We're going to kick it up a notch."

The archdiocese of Los Angeles did not reply to telephone and e-mail messages for this report. A statement posted on its Web site detailed the effort to inform the nuns of their fate and expressed gratitude to the order for its service.

But from Santa Barbara pulpits, some priests defended the church. At Holy Cross Parish on Cliff Drive, Rev. Ludo DeClippel lamented that "these kinds of conflicts within our church are immediately thrown into the public arena, creating, once more, an hostile public opinion."

DeClippel observed that four other convents also were being shuttered to produce cash for the abuse settlement and that the nuns being evicted "accepted it without protest or public outcry."

Gutierrez expressed dismay that the Los Angeles archdiocese, which was pilloried for its reluctance to investigate allegations of sexual abuse, seems to be hunkering down again.

"It's the same mistake all over again: 'Be quiet, be quiet. Don't say anything. Don't rock the boat,'" Gutierrez said.

By local standards the convent property promises no economic windfall. Oprah Winfrey paid \$50 million for an estate in neighboring Montecito. But in the heavily Hispanic, relatively poor section of Santa Barbara that the sisters have served since 1952, comparable two-bedroom homes go for around \$700,000.

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EXHIBIT B

SignOnSanDiego.com
THE SAN DIEGO UNION-TRIBUNE

 **PRINT THIS**

More Metro news
DIOCESE IN TURMOIL

Parishioners, priests asked to pay a share

Diocese of Orange settles four cases before trial. A4

By Sandi Dolbee
UNION-TRIBUNE STAFF WRITER

October 6, 2007

Priests in the Diocese of San Diego are being asked to donate a month's salary as part of a campaign to help fund the recent \$198.1 million settlement to childhood sexual abuse victims.

"We cannot ask of others what we are unwilling to do ourselves," wrote San Diego Catholic Bishop Robert Brom in a memo sent this week to about 280 priests. A month's salary ranges from \$1,535 for pastors to \$1,485 for associate pastors.

In addition, letters will be sent to the 1 million Roman Catholics in San Diego and Imperial counties asking them to make "a generous contribution," according to Brom's memo. The packets are to be mailed no later than Oct. 26 and will include letters from Brom and the pastor of that person's parish, along with a return envelope.

Brom said the revenue from the "Embracing Our Mission" campaign will be used to help "cover the expense involved in compassionate outreach to our brothers and sisters who suffered sexual abuse within the family of the church."

The idea for the campaign came from current priests in the diocese as a gesture of reconciliation toward the 144 men and women who allege they were sexually abused by clergy and church workers when they were minors.

"It's a way of kind of righting some of the injustices done to them and also start the healing process," said the Rev. Ned Brockhaus, pastor of St. John of the Cross in Lemon Grove who also serves as dean of that region of parishes. "A lot of us thought it would be a good gesture."

As for parishioners, the immediate response was mixed.

"It's a done deal and we have to pay for it and move on, so I'll contribute," said Dan Hughes, who attends St. Margaret's Church in Oceanside.

Judy Bethel, a Catholic and a San Diego resident, disagreed. She argues that if Brom hadn't sought Chapter 11 bankruptcy protection for the diocese in February, he could have settled the suits for less money.

"I think he's asking us to bear the cost of his mistakes," Bethel said. "I for one am not willing to do this."



Bishop Robert Brom's memo calls on everyone in the diocese to make "a generous contribution" to help cover settlement expenses.

Most of the suits were filed in 2003 when California lifted its statute of limitations for these kinds of claims for one year.

Under terms of the agreement announced Sept. 7, the average payout will be \$1.38 million per victim. That average mirrors the settlement reached in the Los Angeles archdiocese in July.

The San Diego diocese will pay about \$107 million of the total. That figure includes \$30 million for cases involving religious orders, some of which the diocese hopes will be repaid by those orders. The remainder will come from the diocese's insurance carrier and the Diocese of San Bernardino, which was once part of the San Diego diocese.

Church officials said last month that the diocese's share of the money will come from a combination of cash, stocks and bonds, the sale of real estate and loans.

One question is whether the San Diego diocese will follow Los Angeles and put its administrative headquarters up for sale. Rodrigo Valdivia, the San Diego diocese's chancellor, said yesterday that no decision has been made. "Every property of the diocese is under consideration," he said.

■ **Sandi Dolbee:** (619) 293-2082; sandi.dolbee@uniontrib.com

Find this article at:

<http://www.signonsandiego.com/news/metro/20071006-9999-1n6diocese.html>

■ Check the box to include the list of links referenced in the article.

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EXHIBIT C

**IN THE COUNTY COURT AT LAW NUMBER THREE
EL PASO COUNTY, TEXAS**

JOHN DOE,

Plaintiff,

v.

**THE CATHOLIC DIOCESE OF EL PASO
AND MSGR. THOMAS ROWLAND,**

Defendants.

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Cause No. 2006-2747

AFFIDAVIT OF S. CLARK HARMONSON

STATE OF TEXAS)
)
COUNTY OF EL PASO)

1. “My name is S. Clark Harmonson. I am over eighteen (18) years old, of sound mind, and fully capable of making this affidavit. I have personal knowledge of the facts stated herein.”

2. “I, along with my partner, T.O. Gilstrap, Jr., and our appellate counsel Durham & Pittard, LLP, represent the Plaintiff in the above referenced matter. On September 30, 2008 and December 24, 2008, Defendant Thomas Rowland (“Rowland”) and Defendant Catholic Diocese of El Paso (“Diocese”), respectively, each filed a motion for summary judgment in the above referenced matter. On January 22, 2009, the Plaintiff John Doe filed his responses to these summary judgment motions. Prior to the hearing date, Honorable Javier Alvarez informed the parties that he would not hear any oral argument from counsel on the motions for summary judgment.”

3. “On January 26, 2009 the Court granted, via letter, Defendant Diocese’s motion for summary judgment on the statute of limitations only. The granting of this summary judgment was done a mere four (4) days (two business days) after Plaintiff had filed a lengthy response to the motion for summary judgment. The Court similarly granted Defendant Rowland’s motion for summary judgment, via email, on the statute of limitations only on February 2, 2009.”

4. "On January 29, 2009 Defendant Diocese and Defendant Rowland each filed objections and motions to strike summary judgment evidence that was contained in Plaintiff's responses to the motion for summary judgment. The objections challenged the testimony of Plaintiff's experts under Rule 702 (*Daubert/Robinson*). On February 2 and 4, 2009 the Court summarily sustained Defendant Rowland's objections to Plaintiff's evidence despite the fact that the Court did not allow Plaintiff any opportunity to respond to these objections."

5. "Plaintiff filed a Motion for Reconsideration, Response to Defendants' Objections to Summary Judgment Evidence, and Response to Defendants' Motion for Entry of Judgment on February 26, 2009. A hearing was conducted on Plaintiff's Motion for Reconsideration and the Defendant Diocese's objections and motion for entry of judgment on February 27, 2009."

6. "At the hearing, I argued on behalf of the Plaintiff that Judge Alvarez did not provide any opportunity for Plaintiff to respond to the Defendants' objections to summary judgment evidence. The Court initially said he would only hear testimony from our expert witnesses on the *Daubert/Robinson* issues raised in the objections on that very day. I argued that the Judge had already granted the objections without any opportunity for Plaintiff to respond. Judge Alvarez then gave Plaintiff one (1) week to respond to the objections by providing additional briefing and affidavits regarding Defendants' objections to expert testimony. At this time, I explained to the Court that one week was an insufficient time period to respond the Defendants' objections based upon *Daubert/Robinson*. The Court then allowed two (2) weeks to respond to these objections. However, the Court did not allow Plaintiff the opportunity for live testimony even though Judge Alvarez's scheduling order dated November 5, 2008 provides that the Court will only receive live testimony regarding *Daubert/Robinson* motions. Judge Alvarez stated at the hearing that it was the Plaintiff's right to "spend his money" regarding the *Daubert/Robinson* issues."

7. "Plaintiff filed Plaintiff's Supplemental Response to Defendants' Objections to Expert Testimony of Thomas P. Doyle and Marianne Benkert, M.D. on March 13, 2009. On March 23, 2009, Judge Alvarez granted all of Defendants' objections to Plaintiff's summary judgment evidence and entered judgment in favor of the Defendants."

8. "Plaintiff previously filed a motion to recuse Judge Alvarez on October 30, 2007. The basis for this motion was that Judge Alvarez is an active member of the Catholic Church in El Paso, Texas and also involved in a Catholic men's organization in El Paso known as ACTS. Plaintiff withdrew its motion after Judge Alvarez declined to agree to recusal. At that time, Plaintiff and his counsel were unaware of substantial campaign expenditures that Judge Alvarez has given to the Catholic Diocese of El Paso, its parishes and related organizations."

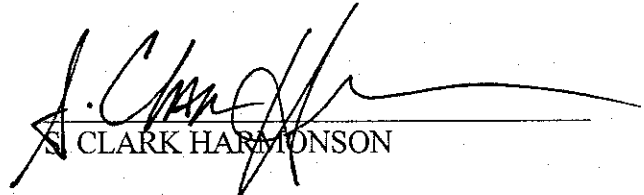
9. "On information and belief gathered from Catholic parishioners in El Paso, the Honorable Javier Alvarez is an active member of Our Lady of Guadalupe Parish of the Catholic Diocese of El Paso."

10. "On information and belief gathered from Catholic parishioners in El Paso, the Honorable Javier Alvarez is actively involved with the Catholic men's organization in El Paso known as ACTS."

11. "Attached hereto as Exhibit "1" are true and correct copies of portions of Honorable Javier Alvarez's campaign finance reports for the years 1997 through 2008. T.O. Gilstrap, Jr. and I received these records from the El Paso County election/campaign office located in the El Paso County Courthouse. Schedule I of the campaign finance certified reports contains a listing of non-political expenditures made from political contributions. Honorable Javier Alvarez has given in excess of \$8,000.00 to the Catholic Diocese of El Paso, its parishes and its related organizations, including substantial sums to the Catholic Diocese of El Paso, St. Ignatius Catholic Church, St. Patrick's Cathedral, and St. Patrick's Cathedral Men's ACTS. All of these expenditures came from Judge Alvarez's political and campaign contributions. Many of these expenditures were made during the pendency of the present litigation. According to these records, Judge Alvarez has contributed in excess of \$1100.00 directly to the El Paso Catholic Diocese, its parishes and related organizations during the pendency of this litigation. On February 14, 2002, Judge Alvarez gave a \$5,000.00 check to St. Patrick's Cathedral Church. St. Patrick's is the cathedral for the Catholic Diocese of El Paso."

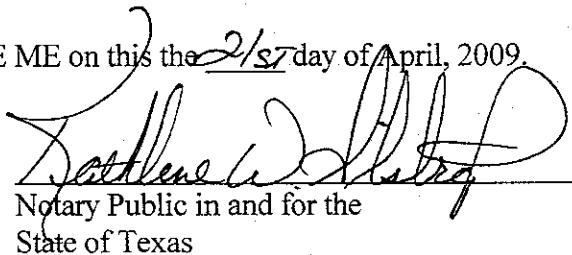
12. "At the time of the initial withdrawal of the motion to recuse, Plaintiff was unaware of the substantial financial ties Judge Alvarez has with the Catholic Diocese of El Paso. Plaintiff was unaware that Judge Alvarez had donated over \$8,000.00 to the Diocese, its parishes and related organizations from his political and campaign coffers. Plaintiff was further unaware that Judge Alvarez had donated over \$1,100.00 from his political and campaign coffers to the Diocese, its parishes and related organizations during the pendency of this litigation. Plaintiff renews his motion for the recusal of Judge Alvarez based upon these additional facts learned in this litigation and after Plaintiff's withdrawal of his first motion to recuse."

FURTHER AFFIANT SAYETH NAUGHT.


CLARK HARMONSON

SUBSCRIBED AND SWORN TO BEFORE ME on this the 21st day of April, 2009.

My Commission Expires:


Notary Public in and for the
State of Texas

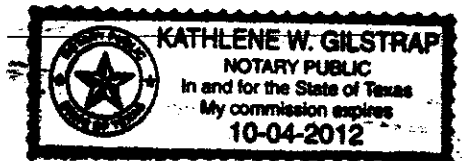


EXHIBIT 1

**JUDICIAL CANDIDATE / OFFICEHOLDER
CAMPAIGN FINANCE REPORT** **FORM JC/OH
COVER SHEET PG 1**

ORIGINAL

The JC/OH Instruction Guide explains how to complete this form.		1 ACCOUNT # (Ethics Commission files)	2 Total pages filed: 18
3 CANDIDATE / OFFICEHOLDER NAME	MS / MRS / <input checked="" type="radio"/> MR	FIRST JAVIER	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-weight: bold;">OFFICE USE ONLY</p> <p style="text-align: center; font-weight: bold;">RECEIVED ELECTIONS DEPT. JAN 07 2009</p> </div>
		MI Alvarez	
4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS		ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE 3221 Louisville AVE. EL PASO, Texas 79930	
<input checked="" type="checkbox"/> Change of Address		Date Hand-delivered or Date Postmarked	
5 CANDIDATE / OFFICEHOLDER PHONE	AREA CODE	PHONE NUMBER	EXTENSION
		(915) 546-2183 (w)	
6 CAMPAIGN TREASURER NAME	MS / MRS / <input checked="" type="radio"/> MR	FIRST JAVIER	MI
		MI Alvarez	
7 CAMPAIGN TREASURER ADDRESS (Residence or business)		STREET ADDRESS (NO PO BOX PLEASE); APT / SUITE #; CITY; STATE; ZIP CODE 3221 Louisville AVE., EL PASO, TX 79930	
8 CAMPAIGN TREASURER PHONE	AREA CODE	PHONE NUMBER	EXTENSION
		(915) 546-2183 (w)	
9 REPORT TYPE	<input checked="" type="checkbox"/> January 15 <input type="checkbox"/> 30th day before election <input type="checkbox"/> Runoff <input type="checkbox"/> 15th day after campaign treasurer appointment (officeholder only) <input type="checkbox"/> July 15 <input type="checkbox"/> 8th day before election <input type="checkbox"/> Exceeded \$500 limit <input type="checkbox"/> Final report (Attach C/OH - FR)		
10 PERIOD COVERED	Month	Day	Year
11 ELECTION		ELECTION DATE: Month / Day / Year / / ELECTION TYPE: <input type="checkbox"/> Primary <input type="checkbox"/> Runoff <input type="checkbox"/> General <input type="checkbox"/> Special N/A	
12 OFFICE	OFFICE HELD (if any)	13 OFFICE SOUGHT (if known)	
	County Court at Law #3	(same)	
14 NOTICE OF DIRECT CAMPAIGN EXPENDITURE BY OTHER INDIVIDUALS	** Direct campaign expenditures are campaign expenditures made by others without the candidate's prior consent or approval. Candidates are required to disclose this information only if they receive notification of the direct campaign expenditure. **		
	Name		
	N/A		
Address / PO Box; Apt / Suite #; City; State; Zip Code			
<input type="checkbox"/> additional pages			

GO TO PAGE 2

**JUDICIAL CANDIDATE / OFFICEHOLDER REPORT:
SUPPORT & TOTALS**

**FORM JC/OH
COVER SHEET PG 2**

15 C/OH NAME JAVIER ALVAREZ 16 ACCOUNT # (Ethics Commission Filers)

17 NOTICE FROM POLITICAL COMMITTEE(S)
 - This box is for notice of political contributions accepted or political expenditures made by political committees to support the candidate / officeholder. These expenditures may have been made without the candidate's or officeholder's knowledge or consent. Candidates and officeholders are required to report this information only if they receive notice of such expenditures. **

COMMITTEE TYPE
 GENERAL
 SPECIFIC

COMMITTEE NAME
N/A

COMMITTEE ADDRESS

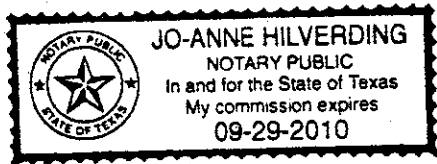
COMMITTEE CAMPAIGN TREASURER NAME

COMMITTEE CAMPAIGN TREASURER ADDRESS

additional pages

18 CONTRIBUTION TOTALS	1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED	\$ - 0 -
	2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$ - 0 -
EXPENDITURE TOTALS	3. TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED	\$ <u>itemized</u>
	4. TOTAL POLITICAL EXPENDITURES <u>political + non political expenditures</u>	\$ <u>3219.⁰⁰</u>
CONTRIBUTION BALANCE	5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ <u>45,442.42</u>
OUTSTANDING LOAN TOTALS	6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ - 0 -

19 AFFIDAVIT



I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.

Javier Alvarez
 Signature of Candidate or Officeholder

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Javier Alvarez, this the 7th day of January, 20 09, to certify which, witness my hand and seal of office.

Jo-Anne Hilverding Signature of officer administering oath
Jo-Anne Hilverding Print name of officer administering oath
Notary Public Title of officer administering oath

**NON-POLITICAL EXPENDITURES
MADE FROM POLITICAL CONTRIBUTIONS**

SCHEDULE I

The Instruction Guide explains how to complete this form.

1 Total pages Schedule I: _____

2 FILER NAME

JAVIER Alvarez

3 ACCOUNT # (Ethics Commission filers)

4 Date

5 Payee name

Riverside Middle School

6 Payee address; City; State; Zip Code

El Paso, Texas

8 Amount (\$)

6/3/08

7 Purpose of expenditure (See instructions regarding type of information required.)

Avid trip donation

\$100.-

Date

Payee name

Hilbert Honey, Jr.

Payee address; City; State; Zip Code

El Paso, Texas

Amount (\$)

7/10/08

Purpose of expenditure (See instructions regarding type of information required.)

*donation to: Criminal Justice Ministry
Catholic Diocese of El Paso*

\$200.-

Date

Payee name

St. Ignatius Catholic Church

Payee address; City; State; Zip Code

El Paso, Texas

Amount (\$)

7/16/08

Purpose of expenditure (See instructions regarding type of information required.)

charitable donation church bazaar

\$200.-

Date

Payee name

N.A.A.C.P.

Payee address; City; State; Zip Code

El Paso, Texas

Amount (\$)

8/6/08

Purpose of expenditure (See instructions regarding type of information required.)

2 banquet tickets

\$100.-

Date

Payee name

N.A.A.C.P. - El Paso Chapter

Payee address; City; State; Zip Code

El Paso, Texas

Amount (\$)

8/7/08

Purpose of expenditure (See instructions regarding type of information required.)

2 tickets Don Williams

\$100.-

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

**JUDICIAL CANDIDATE / OFFICEHOLDER
CAMPAIGN FINANCE REPORT**

**FORM JC/OH
COVER SHEET PG 1**

ORIGINAL

The JC/OH Instruction Guide explains how to complete this form.		1 ACCOUNT # (Ethics Commission filers)	2 Total pages filed: 15
3 CANDIDATE / OFFICEHOLDER NAME	MS / MRS / MR (MR)	FIRST JAVIER	MI.
	NICKNAME	LAST ALVAREZ	SUFFIX
4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS <input checked="" type="checkbox"/> Change of Address	ADDRESS / PO BOX:	APT / SUITE #:	CITY: STATE: ZIP CODE
	1009 Montana El Paso, Texas 79902		
5 CANDIDATE / OFFICEHOLDER PHONE	AREA CODE	PHONE NUMBER	EXTENSION
	(915) 546-2183		
6 CAMPAIGN TREASURER NAME	MS / MRS / MR (MR)	FIRST JOE	MI A.
	NICKNAME	LAST SPENCER	SUFFIX
7 CAMPAIGN TREASURER ADDRESS (Residence or business)	STREET ADDRESS (NO PO BOX PLEASE):	APT / SUITE #:	CITY: STATE: ZIP CODE
	1009 Montana El Paso, TX 79902		
8 CAMPAIGN TREASURER PHONE	AREA CODE	PHONE NUMBER	EXTENSION
(915) 532-5562			
9 REPORT TYPE	<input type="checkbox"/> January 15	<input type="checkbox"/> 30th day before election	<input type="checkbox"/> Runoff
	<input checked="" type="checkbox"/> July 15	<input type="checkbox"/> 8th day before election	<input type="checkbox"/> Exceeded \$500 limit
10 PERIOD COVERED	Month	Day	Year
	01/15/08		THROUGH 07/15/08
11 ELECTION	ELECTION DATE		ELECTION TYPE
	Month	Day	Year
N/A		/ /	<input type="checkbox"/> Primary <input type="checkbox"/> Runoff <input type="checkbox"/> General <input type="checkbox"/> Special
12 OFFICE	OFFICE HELD (if any)	13 OFFICE SOUGHT (if known)	
	County Court at Law #3		same
14 NOTICE OF DIRECT CAMPAIGN EXPENDITURE BY OTHER INDIVIDUALS <input type="checkbox"/> additional pages	** Direct campaign expenditures are campaign expenditures made by others without the candidate's prior consent or approval. Candidates are required to disclose this information only if they receive notification of the direct campaign expenditure. **		
	Name N/A		
	Address / PO Box; Apt. / Suite #: City: State: Zip Code		

OFFICE USE ONLY
Date Received: **RECEIVED ELECTIONS DEPT. JUL 08 2008**
Date Hand-delivered or Date Post-marked: **(CP)**

GO TO PAGE 2

**JUDICIAL CANDIDATE / OFFICEHOLDER REPORT:
SUPPORT & TOTALS**

**FORM JC/OH
COVER SHEET PG 2**

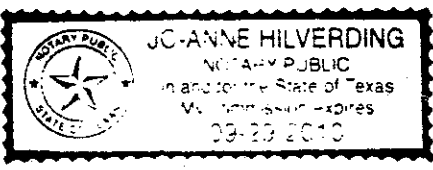
15 C/OH NAME _____ 16 ACCOUNT # (Ethics Commission Filers) _____

17 NOTICE FROM POLITICAL COMMITTEE(S)
 ** This box is for notice of political expenditures by political committees to support the candidate / officeholder. These expenditures may have been made without the candidate's or officeholder's knowledge or consent. Candidates and officeholders are required to report this information only if they receive notice of such expenditures. **

<input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIFIC <input type="checkbox"/> additional pages	COMMITTEE TYPE	COMMITTEE NAME
		N/A
		COMMITTEE ADDRESS
		N/A
		COMMITTEE CAMPAIGN TREASURER NAME
		N/A
		COMMITTEE CAMPAIGN TREASURER ADDRESS
		N/A

18 CONTRIBUTION TOTALS	1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED	\$ -0-
	2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$ -0-
EXPENDITURE TOTALS	3. TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED	\$ see attached - itemized
	4. TOTAL POLITICAL EXPENDITURES	\$ 1559.88
CONTRIBUTION BALANCE	5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ 45,414.42
OUTSTANDING LOAN TOTALS	6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ -0-

19 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.



Javier Alvarez
Signature of Candidate or Officeholder

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Javier Alvarez this the 8th day of July, 2008, to certify which, witness my hand and seal of office.

Jo-Anne Hilverding Jo-Anne Hilverding Notary Public
Signature of officer administering oath Print name of officer administering oath Title of officer administering oath

NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS **SCHEDULE I**

The Instruction Guide explains how to complete this form.		1 Total pages Schedule I:
2 FILER NAME		3 ACCOUNT # (Ethics Commission files)
4. Date	5 Payee name <i>Walter McAuliffe</i> 6 Payee address: City: State: Zip Code <i>El Paso, Texas</i>	8 Amount (\$)
2/5/08	7 Purpose of expenditure (See instructions regarding type of information required.) <i>Donation - El Paso Sergeant Major Assoc.</i>	\$ 75.00 XX
Date	Payee name <i>Subway # 28060</i> Payee address: City: State: Zip Code <i>El Paso, Texas 79901</i>	Amount (\$)
2/13/08	Purpose of expenditure (See instructions regarding type of information required.) <i>Lunch - El Paso Assoc. for Court Administration</i>	\$ 54.88
Date	Payee name <i>St. Patrick's Cathedral A.C.T.S.</i> Payee address: City: State: Zip Code <i>El Paso, Texas</i>	Amount (\$)
2/28/08	Purpose of expenditure (See instructions regarding type of information required.) <i>Mons Retreat donation Bob Garcia/Ruben Garcia</i>	\$ 225.00 XX
Date	Payee name <i>County of El Paso</i> Payee address: City: State: Zip Code <i>El Paso, Texas</i>	Amount (\$)
3/14/08	Purpose of expenditure (See instructions regarding type of information required.) <i>Texas Center for Judiciary - seminars</i>	45.00 XX
Date	Payee name <i>Los Ojos de Dios</i> Payee address: City: State: Zip Code <i>El Paso Texas / Cd. Juarez, Chih., Mex</i>	Amount (\$)
3/17/08	Purpose of expenditure (See instructions regarding type of information required.) <i>donation - childrens' orphanage</i>	\$ 100

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

**JUDICIAL CANDIDATE / OFFICEHOLDER
CAMPAIGN FINANCE REPORT** **FORM JC/OH
COVER SHEET PG 1**

ORIGINAL

The JC/OH Instruction Guide explains how to complete this form.	1- ACCOUNT# (Ethics Commission filers)	2 Total pages filed: <div style="text-align: center; border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">16</div>
---	---	--

3 CANDIDATE / OFFICEHOLDER NAME	MS / MRS / MR <input checked="" type="radio"/> FIRST MI <div style="text-align: center; font-size: 1.5em; font-weight: bold;">JAVIER</div> NICKNAME LAST SUFFIX <div style="text-align: center; font-size: 1.5em; font-weight: bold;">ALVAREZ</div>	<div style="border: 1px solid black; padding: 5px;"> OFFICE USE ONLY Date Received: <u>FEB 10 2008</u> ELECTION REPT. JAN 04 2008 </div>
---------------------------------	---	--

4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS <input type="checkbox"/> Change of Address	ADDRESS / PO BOX APT / SUITE # CITY STATE ZIP CODE <div style="text-align: center; font-size: 1.2em;">1009 Montana El Paso, Texas 79902</div>	Date Hand-delivered or Date Postmarked
--	--	--

5 CANDIDATE / OFFICEHOLDER PHONE	AREA CODE PHONE NUMBER EXTENSION <div style="text-align: center; font-size: 1.2em;">(915) 546-2183</div>	Receipt # Amount Date Processed Date Imaged
----------------------------------	---	---

6 CAMPAIGN TREASURER NAME	MS / MRS / MR <input checked="" type="radio"/> FIRST MI <div style="text-align: center; font-size: 1.5em; font-weight: bold;">JOE</div> NICKNAME LAST SUFFIX <div style="text-align: center; font-size: 1.5em; font-weight: bold;">Spencer</div>	
---------------------------	--	--

7 CAMPAIGN TREASURER ADDRESS (Residence or business)	STREET ADDRESS (NO PO BOX PLEASE) APT / SUITE # CITY STATE ZIP CODE <div style="text-align: center; font-size: 1.2em;">1009 Montana El Paso, Texas 79902</div>
--	---

8 CAMPAIGN TREASURER PHONE	AREA CODE PHONE NUMBER EXTENSION <div style="text-align: center; font-size: 1.2em;">(915) 532-5562</div>
----------------------------	---

9 REPORT TYPE	<input checked="" type="checkbox"/> January 15 <input type="checkbox"/> 30th day before election <input type="checkbox"/> Runoff <input type="checkbox"/> 15th day after campaign treasurer appointment (officeholder only) <input type="checkbox"/> July 15 <input type="checkbox"/> 8th day before election <input type="checkbox"/> Exceeded \$500 limit <input type="checkbox"/> Final report (Attach C/OH - FR)
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10 PERIOD COVERED	Month Day Year THROUGH Month Day Year <div style="text-align: center; font-size: 1.2em;">June 01 / 07 THROUGH Dec / 31 / 07</div>
-------------------	--

11 ELECTION	ELECTION DATE Month Day Year <div style="text-align: center; font-size: 1.5em;">/ / N/A</div>	ELECTION TYPE <input type="checkbox"/> Primary <input type="checkbox"/> Runoff <input type="checkbox"/> General <input type="checkbox"/> Special
-------------	---	---

12 OFFICE OFFICE HELD (if any) <div style="text-align: center; font-size: 1.2em;">County Court at Law No. 3</div>	13 OFFICE SOUGHT (if known) <div style="text-align: center; font-size: 1.2em;">(Same held)</div>
---	---

14 NOTICE OF DIRECT CAMPAIGN EXPENDITURE BY OTHER INDIVIDUALS	** Direct campaign expenditures are campaign expenditures made by others without the candidate's prior consent or approval. Candidates are required to disclose this information only if they receive notification of the direct campaign expenditure. ** Name <div style="text-align: center; font-size: 1.5em; font-weight: bold;">None</div> Address / PO Box APT / Suite # City State Zip Code
---	--

additional pages

GO TO PAGE 2

JUDICIAL CANDIDATE / OFFICEHOLDER REPORT: SUPPORT & TOTALS

FORM JC/OH
COVER SHEET PG 2

15 C/OH NAME

JAVIER ALVAREZ

16 ACCOUNT # (Ethics Commission Filers)

17 NOTICE FROM POLITICAL COMMITTEE(S)

-- This box is for notice of political expenditures by political committees to support the candidate / officeholder. These expenditures may have been made without the candidate's or officeholder's knowledge or consent. Candidates and officeholders are required to report this information only if they receive notice of such expenditures. --

COMMITTEE TYPE

GENERAL

SPECIFIC

additional pages

COMMITTEE NAME

N/A

COMMITTEE ADDRESS

N/A

COMMITTEE CAMPAIGN TREASURER NAME

N/A

COMMITTEE CAMPAIGN TREASURER ADDRESS

N/A

18 CONTRIBUTION TOTALS

1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED

\$ - 0 -

2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)

\$ - 0 -

EXPENDITURE TOTALS

3. TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED

\$ see attached itemized

4. TOTAL POLITICAL EXPENDITURES

\$ \$3823.55

CONTRIBUTION BALANCE

5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF THE REPORTING PERIOD

\$ 50,716.35

OUTSTANDING LOAN TOTALS

6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD

\$ - 0 -

19 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.



Javier Alvarez
Signature of Candidate or Officeholder

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Javier Alvarez, this the 9th day of January, 2008, to certify which, witness my hand and seal of office.

Jo-Anne Hilverding
Signature of officer administering oath

Jo-Anne Hilverding
Print name of officer administering oath

Notary Public
Title of officer administering oath

**NON-POLITICAL EXPENDITURES
MADE FROM POLITICAL CONTRIBUTIONS**

SCHEDULE I

The Instruction Guide explains how to complete this form. 1 Total pages Schedule I:

2 FILER NAME *JAVIER ALVAREZ* 3 ACCOUNT # (Ethics Commission filers)

4 Date <i>Oct. 18, 2007</i>	5 Payee name <i>El Paso County Texas</i> 6 Payee address; City; State; Zip Code <i>500 E. San Antonio El Paso, Texas 79901</i> 7 Purpose of expenditure (See instructions regarding type of information required.) <i>partial travel expenditure ^{Salveston, Texas} judicial conference</i>	8 Amount (\$) <i>\$ 1,025. ⁴⁵ xx</i>
--	---	--

Date <i>Sept. 14, 2007</i>	Payee name <i>Judge Eduardo Namboa</i> Payee address; City; State; Zip Code <i>El Paso, Texas</i> Purpose of expenditure (See instructions regarding type of information required.) <i>car rental judicial conference ^{Salveston Tx}</i>	Amount (\$) <i>\$60⁰⁰</i>
---------------------------------------	--	---

Date <i>August 17, 2007</i>	Payee name <i>St. Patrick's Mens ACTS</i> Payee address; City; State; Zip Code <i>El Paso, Texas</i> Purpose of expenditure (See instructions regarding type of information required.) <i>golf tournament</i>	Amount (\$) <i>\$200⁰⁰</i>
--	--	--

Date <i>August 14, 2007</i>	Payee name <i>Thomson West Publishing</i> Payee address; City; State; Zip Code <i>Minneapolis, MN</i> Purpose of expenditure (See instructions regarding type of information required.) <i>Summers / white Uniform Commercial Code Handbooks</i>	Amount (\$) <i>\$135. ⁵⁰ xx</i>
--	---	---

Date <i>Aug. 13, 2007</i>	Payee name <i>N. A. A. C. P.</i> Payee address; City; State; Zip Code <i>El Paso, Texas</i> Purpose of expenditure (See instructions regarding type of information required.) <i>dinner + ad. for annual banquet</i>	Amount (\$) <i>\$200⁰⁰</i>
--------------------------------------	---	--

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

**JUDICIAL CANDIDATE / OFFICEHOLDER
CAMPAIGN FINANCE REPORT**

**FORM JC/OH
COVER SHEET PG 1**

ORIGINAL

The JC/OH Instruction Guide explains how to complete this form. **1** ACCOUNT # (Ethics Commission filers) **2** Total pages filed **17**

3 CANDIDATE / OFFICEHOLDER NAME	MS / MRS MR FIRST MI	OFFICE USE ONLY 5 Date Received Date Hand-delivered or Date Postmarked
	NICKNAME LAST SUFFIX	

JAVIER ALVAREZ

4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS <input checked="" type="checkbox"/> Change of Address	ADDRESS / PO BOX: APT / SUITE #: CITY: STATE: ZIP CODE
	1009 Montana El Paso, Texas 79902

5 CANDIDATE / OFFICEHOLDER PHONE	AREA CODE PHONE NUMBER EXTENSION	Receipt #	Amount
	(915) 546-2183	Date Processed	

6 CAMPAIGN TREASURER NAME	MS / MRS MR FIRST MI	OFFICE USE ONLY 5 Date Imaged
	NICKNAME LAST SUFFIX	

JOE A. SPENCER

7 CAMPAIGN TREASURER ADDRESS (Residence or business)	STREET ADDRESS (NO PO BOX PLEASE): APT / SUITE #: CITY: STATE: ZIP CODE
	1009 Montana El Paso, TX 79902

8 CAMPAIGN TREASURER PHONE	AREA CODE PHONE NUMBER EXTENSION
	(915) 532-5562

9 REPORT TYPE	<input checked="" type="checkbox"/> January 15	<input type="checkbox"/> 30th day before election	<input type="checkbox"/> Runoff	<input type="checkbox"/> 15th day after campaign treasurer appointment (officeholder only)
	<input type="checkbox"/> July 15	<input type="checkbox"/> 8th day before election	<input type="checkbox"/> Exceeded \$500 limit	<input type="checkbox"/> Final report (Attach C/OH - FR)

10 PERIOD COVERED	Month Day Year	THROUGH	Month Day Year
	06 / 01 / 06		01 / 15 / 07

11 ELECTION	ELECTION DATE	ELECTION TYPE
	Month Day Year 11 / 03 / 06	<input type="checkbox"/> Primary <input type="checkbox"/> Runoff <input checked="" type="checkbox"/> General <input type="checkbox"/> Special

12 OFFICE	OFFICE HELD (if any)	13 OFFICE SOUGHT (if known)
	County Court at Law No. 3	

same

14 NOTICE OF DIRECT CAMPAIGN EXPENDITURE BY OTHER INDIVIDUALS <input type="checkbox"/> additional pages	.. Direct campaign expenditures are campaign expenditures made by others without the candidate's prior consent or approval. Candidates are required to disclose this information only if they receive notification of the direct campaign expenditure. ..	
	Name None	
	Address / PO Box; Apt / Suite #: City; State; Zip Code	

GO TO PAGE 2

**JUDICIAL CANDIDATE / OFFICEHOLDER REPORT:
SUPPORT & TOTALS**

**FORM JC/OH
COVER SHEET PG 2**

15 C/OH NAME
JAVIER ALVAREZ

16 ACCOUNT # (Ethics Commission Filers)

17 NOTICE FROM POLITICAL COMMITTEE(S)

.. This box is for notice of political expenditures by political committees to support the candidate / officeholder. These expenditures may have been made without the candidate's or officeholder's knowledge or consent. Candidates and officeholders are required to report this information only if they receive notice of such expenditures. ..

COMMITTEE TYPE	COMMITTEE NAME
<input type="checkbox"/> GENERAL	COMMITTEE ADDRESS
<input type="checkbox"/> SPECIFIC	COMMITTEE CAMPAIGN TREASURER NAME
	COMMITTEE CAMPAIGN TREASURER ADDRESS

additional pages

18 CONTRIBUTION TOTALS

1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED \$ **- 0 -**

2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS) \$ **- 0 -**

EXPENDITURE TOTALS

3. TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED \$ **- 0 -**

4. TOTAL POLITICAL EXPENDITURES \$ **3,062.65**

CONTRIBUTION BALANCE

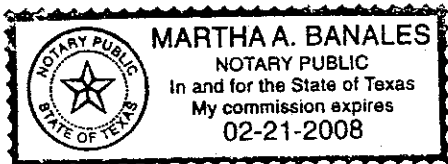
5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF THE REPORTING PERIOD \$ **52,953.65**

OUTSTANDING LOAN TOTALS

6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD \$ **- 0 -**

19 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.



AFFIX NOTARY STAMP / SEAL ABOVE

Javier Alvarez
Signature of Candidate or Officeholder

Sworn to and subscribed before me, by the said JAVIER ALVAREZ, this the 10th day of Jan, 2007, to certify which, witness my hand and seal of office.

Martha A. Banales
Signature of officer administering oath

MARTHA A. BANALES
Print name of officer administering oath

NOTARY PUBLIC
Title of officer administering oath

POLITICAL EXPENDITURES

SCHEDULE F

The Instruction Guide explains how to complete this form.		1 Total pages Schedule F:
2 FILER NAME JAVIER ALVAREZ		3 ACCOUNT # (Ethics Commission filers)
4 Date 6/12/06	5 Payee name Olga Sedano	7 Amount (\$) \$300-
6 Payee address; City; State; Zip Code CK #746 1407 E. San Antonio St. El Paso, Texas 79901	8 Purpose of payment (See instructions regarding type of information required.) Charity - rent (she is cook at penthouse cafeteria)	
9 Candidate / Officeholder name	Office sought	Office held
Date 6/14/06	Payee name St. Patrick's Church Men's ACTS	Amount (\$) \$100-
6 Payee address; City; State; Zip Code CK # 747 1118 N. Mesa El Paso, Texas 79901	8 Purpose of payment (See instructions regarding type of information required.) donation ACTS retreat	
9 Candidate / Officeholder name	Office sought	Office held
Date 6/22/06	Payee name Robert Fernandez	Amount (\$) \$225.00
6 Payee address; City; State; Zip Code CK # 748 3144 Wheeling El Paso, Texas 79930	8 Purpose of payment (See instructions regarding type of information required.) sponsor softball team	
9 Candidate / Officeholder name	Office sought	Office held
Date 6/26/06	Payee name Lewis - Nexis - Matthew Bender	Amount (\$) \$126-
6 Payee address; City; State; Zip Code CK 749	8 Purpose of payment (See instructions regarding type of information required.) Judicial Conduct copy - and Ethics by Jeff Shaman	
9 Candidate / Officeholder name	Office sought	Office held

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

POLITICAL EXPENDITURES

SCHEDULE F

The Instruction Guide explains how to complete this form. 1 Total pages Schedule F:

2 FILER NAME **JAVIER ALVAREZ** 3 ACCOUNT # (Ethics Commission files)

4 Date 11/27/06	5 Payee name Cathedral High Annual Golf Tournament	7 Amount (\$) \$200-
6 Payee address; City: State: Zip Code El Paso, Texas		

8 Purpose of payment (See instructions regarding type of information required.) **sponsor golf hole tournament**
(If travel outside of Texas, complete Schedule T)

9 **-- Complete if direct expenditure to benefit C/OH --**
Candidate / Officeholder name Office sought Office held

Date 11/29/06	Payee name El Paso Assoc. Court Administrators	Amount (\$) \$50-
Payee address; City: State: Zip Code El Paso County Courthouse El Paso, TX 79901		

Purpose of payment (See instructions regarding type of information required.) **Christmas banquet**
(If travel outside of Texas, complete Schedule T)

-- Complete if direct expenditure to benefit C/OH --
Candidate / Officeholder name Office sought Office held

Date 12/5/06	Payee name El Paso County Democratic Party	Amount (\$) \$200-
Payee address; City: State: Zip Code Montana St. El Paso, Tx		

Purpose of payment (See instructions regarding type of information required.) **Christmas Party donation**
(If travel outside of Texas, complete Schedule T)

-- Complete if direct expenditure to benefit C/OH --
Candidate / Officeholder name Office sought Office held

Date 12/7/06	Payee name Arnold Davis	Amount (\$) \$100-
Payee address; City: State: Zip Code Yandell St. El Paso, Tx		

Purpose of payment (See instructions regarding type of information required.) **donation - Dame La Mano**
(If travel outside of Texas, complete Schedule T)

-- Complete if direct expenditure to benefit C/OH --
Candidate / Officeholder name Office sought Office held

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

ORIGINAL

FORM C/OH COVER SHEET PG 1

The C/OH INSTRUCTION GUIDE explains how to complete this form.

1 ACCOUNT #
(Ethics Commission files)

2 Total pages filed

15

3 CANDIDATE / OFFICEHOLDER NAME

MS / MRS MR

FIRST

MI

JAVIER

NICKNAME

LAST

SUFFIX

ALVAREZ

OFFICE USE ONLY 5

4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS

ADDRESS - PO BOX

APT / SUITE #

CITY

STATE

ZIP CODE

1112 Montana

El Paso, Texas 79902

Change of Address

5 CANDIDATE / OFFICEHOLDER PHONE

AREA CODE

PHONE NUMBER

EXTENSION

(915) 546-2183

6 CAMPAIGN TREASURER NAME

MS / MRS MR

FIRST

MI

JOE.

NICKNAME

LAST

SUFFIX

Spencer

7 CAMPAIGN TREASURER ADDRESS (Residence or business)

STREET ADDRESS (NO PO BOX PLEASE)

APT / SUITE #

CITY

STATE

ZIP CODE

1112 Montana El Paso, Texas 79902

8 CAMPAIGN TREASURER PHONE

AREA CODE

PHONE NUMBER

EXTENSION

(915) 532 5562

9 REPORT TYPE



January 15



30th day before election



Runoff



15th day after campaign treasurer appointment (officeholder only)



July 15



8th day before election



Exceeded \$500 limit



Final report (Attach C/OH - FR)

10 PERIOD COVERED

Month

Day

Year

THROUGH

Month

Day

Year

07 / 15 / 05

01 / 15 / 06

11 ELECTION

ELECTION DATE

Month

Day

Year

ELECTION TYPE

Ja ?

03 / 01 / 04



Primary



Runoff



General



Special

12 OFFICE

OFFICE HELD (if any)

County Court

OFFICE SOUGHT (if none)

Judge, at Law #3

Ja ~~At Law~~ (None)

14 NOTICE OF DIRECT CAMPAIGN EXPENDITURE BY OTHER INDIVIDUALS

** Direct campaign expenditures are campaign expenditures made by others without the candidate's prior consent or approval. Candidates are required to disclose this information only if they receive notification of the direct campaign expenditure. **

Name

N/A

Address - PO Box

Apt / Suite #

City

State

Zip Code

DISCLOSED

GO TO PAGE 2

CANDIDATE / OFFICEHOLDER REPORT: SUPPORT & TOTALS

FORM C/OH COVER SHEET PG 2

15 C/OH NAME

16 ACCOUNT #

JAVIER ALVAREZ, Judge

17 NOTICE FROM POLITICAL COMMITTEE(S)

** This box is for notice of political expenditures by political committees to support the candidate / officeholder. These expenditures may have been made without the candidate's or officeholder's knowledge or consent. Candidates and officeholders are required to report this information only if they receive notice of such expenditures. **

COMMITTEE TYPE

COMMITTEE NAME

GENERAL

SPECIFIC

COMMITTEE ADDRESS

COMMITTEE CAMPAIGN TREASURER NAME

COMMITTEE CAMPAIGN TREASURER ADDRESS

N/A

18 CONTRIBUTION TOTALS

1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED

\$ *- 0 -*
itemized

2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)

\$ *3,500.⁰⁰*

EXPENDITURE TOTALS

3. TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED

\$ *- 0 -*
itemized

4. TOTAL POLITICAL EXPENDITURES

\$ *13,917.49*

CONTRIBUTION BALANCE

5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF REPORTING PERIOD

\$ *64,818.⁰⁴_{xx}*

OUTSTANDING LOAN TOTALS

6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD

\$ *- 0 -*

19 AFFIDAVIT



I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.

Javier Alvarez
Signature of Candidate or Officeholder

AFFIX NOTARY STAMP SEAL ABOVE

Sworn to and subscribed before me, by the said *Javier Alvarez* this the *17th* day of *January*, 20 *06*, to certify which, witness my hand and seal of office.

J Sanchez
Signature of officer administering oath

J Sanchez
Printed name of officer administering oath

Notary Public
Title of officer administering oath

POLITICAL EXPENDITURES

SCHEDULE F

The INSTRUCTION GUIDE explains how to complete this form.		1 Total pages Schedule F.	
2 FILER NAME <i>JAVIER AWAREZ</i>		3 ACCOUNT # - Ethics Commission files.	
4 Date	5 Payee name	7 Amount (\$)	
<i>10/13/05</i>	<i>Jesus Yepez</i> Payee address: <i>2807-74th St., suite #12</i> <i>Subrock, Texas</i>	<i>\$725⁰⁰</i>	
6 Purpose of payment (See instructions regarding type of information required.) <i>respond to IRS - file necessary tax forms</i>		9 ** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name: <i>N/A</i> Office sought: Office held:	
Date	Payee name	Amount (\$)	
<i>10/20/05</i>	<i>El Paso High School Alumni</i> Payee address: <i>El Paso High School</i> <i>El Paso, TX</i>	<i>\$100</i>	
Purpose of payment (See instructions regarding type of information required.) <i>donation golf tournament</i>		9 ** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name: Office sought: Office held: <i>\$150</i>	
Date	Payee name	Amount (\$)	
<i>10/24/05</i>	<i>Jay Nye</i> Payee address: <i>El Paso County Courthouse</i> <i>El Paso, TX</i>	<i>\$250</i>	
Purpose of payment (See instructions regarding type of information required.) <i>donation county annual party music</i>		9 ** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name: Office sought: Office held: <i>N/A</i>	
Date	Payee name	Amount (\$)	
<i>10/26/05</i>	<i>St. Patrick ACTS</i> Payee address: <i>St. Patrick's Church</i> <i>El Paso, Texas</i>	<i>500</i>	
Purpose of payment (See instructions regarding type of information required.) <i>donation for music equipment ACTS retreats</i>		9 ** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name: Office sought: Office held: <i>N/A</i>	

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

POLITICAL EXPENDITURES		SCHEDULE F
The INSTRUCTION GUIDE explains how to complete this form.		1 Total pages Schedule F.
2 FILER NAME JAVIER ALVAREZ		3 ACCOUNT # Ethics Commission filers.
4 Date 10/28/05	5 Payee name John M. Thompson	7 Amount (\$) \$300
6 Payee address: City: State: Zip Code 2825 Frankfurt El Paso, TX 79930		
8 Purpose of payment (See instructions regarding type of information required.) labor for campaign - clean signs		9 ** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name: Office sought: Office held: N/A
Date 11/1/05	Payee name Diocese of El Paso	Amount (\$) \$100
Payee address: City: State: Zip Code St. Patrick's Church El Paso, TX		
Purpose of payment (See instructions regarding type of information required.) Red Mass donation		** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name: Office sought: Office held: N/A
Date 11/1/05	Payee name John M. Thompson	Amount (\$) \$250
Payee address: City: State: Zip Code 2825 Frankfurt El Paso, TX 79930		
Purpose of payment (See instructions regarding type of information required.) campaign labor - signs		** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name: Office sought: Office held: N/A
Date 12/1/05	Payee name El Paso Assoc. Court Administrators	Amount (\$) \$125.00
Payee address: City: State: Zip Code El Paso County Courthouse El Paso, TX 79901		
Purpose of payment (See instructions regarding type of information required.) Auncheon banquet tickets		** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name: Office sought: Office held: N/A
+ donation		

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

JUDICIAL CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

FORM JC/OH
COVER SHEET PG 1

The JC/OH INSTRUCTION GUIDE explains how to complete this form.

1. Attach to this report:

2. Two copies of:

16

3 CANDIDATE / OFFICEHOLDER NAME	FIRST: JAVIER LAST: ALVAREZ	OFFICE USE ONLY 5
4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS	1112 Montana El Paso, Texas 79902	Date first received: No Date second received: No
5 CANDIDATE / OFFICEHOLDER PHONE	AREA CODE: (915) PHONE NUMBER: 546-2183	Date received: No
6 CAMPAIGN TREASURER NAME	FIRST: JOE LAST: Spencer SUFFIX: A.	Date received: No
7 CAMPAIGN TREASURER ADDRESS	1112 Montana El Paso, Tx 79902	
8 CAMPAIGN TREASURER PHONE	AREA CODE: (915) PHONE NUMBER: 532 5562	
9 REPORT TYPE	<input type="checkbox"/> January <input checked="" type="checkbox"/> 30th day before election <input type="checkbox"/> 6th day before election <input type="checkbox"/> 15th day after candidate's treasurer appointment (off-duty only) <input type="checkbox"/> Received \$500 limit <input type="checkbox"/> Final report (April 15th after)	
10 PERIOD COVERED	Month: 01 Day: 01 Year: 2006 THROUGH Month: 07 Day: 17 Year: 06	
11 ELECTION	Year: 11 Day: 07 Year: 06 <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Special	
12 OFFICE	OFFICE HELD: County Court at Law No. 3	
14 NOTICE OF DIRECT CAMPAIGN EXPENDITURE BY OTHER INDIVIDUALS	None	

GO TO PAGE 2

JUDICIAL CANDIDATE / OFFICEHOLDER REPORT: SUPPORT & TOTALS

FORM JC/OH
COVER SHEET PG 2

15 C/OH NAME

16 ACCOUNT #

JAVIER ALVAREZ

17 NOTICE

FROM
POLITICAL
COMMITTEE(S)

... This covers for notice of political expenditures by political committees to support the candidate / officeholder. These expenditures may have been made without the candidate's or officeholder's knowledge or consent. Candidates and officeholders are required to report this information only if they receive notice of such expenditures. ...

COMMITTEE TYPE

COMMITTEE NAME

GENERAL

COMMITTEE ADDRESS

SPECIFIC

COMMITTEE CAMPAIGN TREASURER NAME

additional pages

COMMITTEE CAMPAIGN TREASURER ADDRESS

18 CONTRIBUTION TOTALS

1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED

\$ - 0 -

2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)

\$ - 0 -

EXPENDITURE TOTALS

3. TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED

\$ *itemized*

4. TOTAL POLITICAL EXPENDITURES

\$ 8725.00

CONTRIBUTION BALANCE

5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF THE REPORTING PERIOD

\$ 55,038.65 *ja*

OUTSTANDING LOAN TOTALS

6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD

\$ - 0 -

19 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 16, Election Code.



Javier Alvarez
Signature of Candidate or Officeholder

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____ this the _____ day of _____, 20____, to certify which, witness my hand and seal of office.

Gracie G. Herrera *Gracie G. Herrera* *Notary Public*
Signature of officer administering oath Print name of officer administering oath Title of officer administering oath

NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

SCHEDULE I

The Instruction Guide explains how to complete this form.		1. Total pages in this Schedule I
2. FILER NAME JAVIER AWAREZ		3. ACCOUNT # (If not Commissioner)
4. Date	5. Payee name	8. Amount (\$)
	6. Payee address City: State: Zip Code	
	7. Purpose of expenditure (See instructions regarding type of information required.)	
4-4-06	El Paso Bar Assoc. 500 E. San Antonio, El Paso, TX 79907 tickets for dinner	\$100
Date	Payee name	Amount (\$)
	6. Payee address: City: State: Zip Code	
	7. Purpose of expenditure (See instructions regarding type of information required.)	
5-24-06	Olga Sedano 1407 San Antonio St., El Paso, TX charity: oldest dress for daughter	\$125
Date	Payee name	Amount (\$)
	6. Payee address: City: State: Zip Code	
	7. Purpose of expenditure (See instructions regarding type of information required.)	
6-12-06	Olga Sedano 1407 San Antonio St., El Paso charity	\$300
Date	Payee name	Amount (\$)
	6. Payee address: City: State: Zip Code	
	7. Purpose of expenditure (See instructions regarding type of information required.)	
6-14-06	St. Patrick's ACTS St. Patrick's Cathedral Orizaba St., El Paso, TX donation ACTS retreat	\$100
Date	Payee name	Amount (\$)
	6. Payee address: City: State: Zip Code	
	7. Purpose of expenditure (See instructions regarding type of information required.)	
7-5-06	art s. Garcia noviembre, El Paso, TX softball team	\$250

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

**JUDICIAL CANDIDATE / OFFICEHOLDER
CAMPAIGN FINANCE REPORT**

ORIGINAL

**FORM JC/OH
COVER SHEET PG 1**

The JC/OH INSTRUCTION GUIDE explains how to complete this form.

1 ACCOUNT #
(Ethics Commission files)

2 Total pages filed

53

3 CANDIDATE / OFFICEHOLDER NAME

MS / MRS FIRST LAST SUFFIX
JAVIER ALVAREZ

OFFICE USE ONLY

Date Received

JUL 14 '05 4:11:40

4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS

ADDRESS / PO BOX APT / SUITE # CITY STATE ZIP CODE
1112 Montana El Paso, Texas 79902

Change of Address

Date hand-delivered or Date Postmarked

5 CANDIDATE / OFFICEHOLDER PHONE

AREA CODE PHONE NUMBER EXTENSION
(915) 546-2183 WORK

Receipt #

Amount

Date Processed

Date Imaged

6 CAMPAIGN TREASURER NAME

MS / MRS / FIRST LAST SUFFIX
JOE A. SPENCER

7 CAMPAIGN TREASURER ADDRESS (Residence or business)

STREET ADDRESS (NO PO BOX PLEASE) APT / SUITE # CITY STATE ZIP CODE
1112 Montana El Paso, Texas 79902

8 CAMPAIGN TREASURER PHONE

AREA CODE PHONE NUMBER EXTENSION
(915) 532-5562

9 REPORT TYPE

January 15 50th day before election Runoff 15th day after campaign treasurer appointment (officeholder only)
 July 15 8th day before election Exceeded \$500 limit Final report (Attach C/OH - FR)

10 PERIOD COVERED

Month Day Year THROUGH Month Day Year
01 / 01 / 05 THROUGH 07 / 15 / 05

11 ELECTION

ELECTION DATE ELECTION TYPE
 Month Day Year Primary Runoff General Special
N/A / /

12 OFFICE

OFFICE HELD (if any)

13 OFFICE SOUGHT (if known)

Judge, County Court at Law No. 3

14 NOTICE OF DIRECT CAMPAIGN EXPENDITURE BY OTHER INDIVIDUALS

** Direct campaign expenditures are campaign expenditures made by others without the candidate's prior consent or approval. Candidates are required to disclose this information only if they receive notification of the direct campaign expenditure. **

Name

N/A

Address / PO Box Apt / Suite # City State Zip Code

additional pages

GO TO PAGE 2

JUDICIAL CANDIDATE / OFFICEHOLDER REPORT: SUPPORT & TOTALS **FORM JC/OH COVER SHEET PG. 2**

15 C/OH NAME: **JAVIER ALVAREZ** 16 ACCOUNT # _____

17 NOTICE FROM POLITICAL COMMITTEE(S)

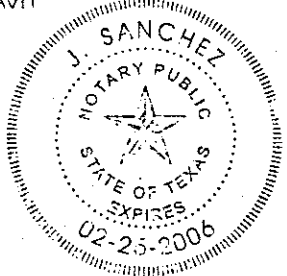
.. This box is for notice of political expenditures by political committees to support the candidate / officeholder. These expenditures may have been made without the candidate's or officeholder's knowledge or consent. Candidates and officeholders are required to report this information only if they receive notice of such expenditures. ..

<input type="checkbox"/> GENERAL	COMMITTEE TYPE	COMMITTEE NAME
<input type="checkbox"/> SPECIFIC		N/A
		COMMITTEE ADDRESS
		COMMITTEE CAMPAIGN TREASURER NAME
		COMMITTEE CAMPAIGN TREASURER ADDRESS

additional pages

18 CONTRIBUTION TOTALS	1.	TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED	\$ - 0 - ITEMIZED
	2.	TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$ 37,345.00
EXPENDITURE TOTALS	3.	TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED	\$ - 0 - ITEMIZED
	4.	TOTAL POLITICAL EXPENDITURES	\$ 7,884.81
CONTRIBUTION BALANCE	5.	TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ 64,818.04
OUTSTANDING LOAN TOTALS	6.	TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ - 0 -

19 AFFIDAVIT



AFFIX NOTARY STAMP / SEAL ABOVE

I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.

Javier Alvarez
Signature of Candidate or Officeholder

Sworn to and subscribed before me, by the said Javier Alvarez, this the 14 day of July, 2005, to certify which, witness my hand and seal of office.

J Sanchez J. Sanchez Notary Public

Signature of officer administering oath Print name of officer administering oath Title of officer administering oath

POLITICAL EXPENDITURES

SCHEDULE F

The INSTRUCTION GUIDE explains how to complete this form.		1 Total pages Schedule F.
2 FILER NAME JAVIER ALVAREZ		3 ACCOUNT # (Ethics Commission files)
4 Date	5 Payee name	7 Amount (\$)
1-26-05	Emma Acosta Campaign 6 Payee address: City: State: Zip Code: P.O. Box 972182 El Paso, Texas 79997-2182	\$100.⁰⁰/_{xx}
8 Purpose of payment (See instructions regarding type of information required.) campaign contribution		9 -- Complete if direct expenditure to benefit C/OH -- Candidate / Officeholder name Office sought Office held N/A
Date	Payee name	Amount (\$)
1-26-05	El Paso Democratic Party Payee address: City: State: Zip Code: 1401 Montana El Paso, Texas 79902	\$200.⁰⁰
Purpose of payment (See instructions regarding type of information required.) contribution to Democratic Party Headquarters to pay rent		-- Complete if direct expenditure to benefit C/OH -- Candidate / Officeholder name Office sought Office held N/A
Date	Payee name	Amount (\$)
2/14/05	St. Patrick's Mass ACTS Retreat Payee address: City: State: Zip Code: 1118 N. Mesa El Paso, Texas 79902	\$500.⁰⁰
Purpose of payment (See instructions regarding type of information required.) donation to purchase Bibles for Men's ACTS retreat - gift to retreatants		-- Complete if direct expenditure to benefit C/OH -- Candidate / Officeholder name Office sought Office held N/A
Date	Payee name	Amount (\$)
	Payee address: City: State: Zip Code	
Purpose of payment (See instructions regarding type of information required.)		-- Complete if direct expenditure to benefit C/OH -- Candidate / Officeholder name Office sought Office held

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

**NON-POLITICAL EXPENDITURES
MADE FROM POLITICAL CONTRIBUTIONS**

SCHEDULE I

The INSTRUCTION GUIDE explains how to complete this form.		1 Total pages this Schedule:
2 FILER NAME JAVIER ALVAREZ		3 ACCOUNT # (Ethics Commission Use)
4 Date	5 Payee name	8 Amount (\$)
*	<i>John M. Thompson</i>	
	6 Payee address: City: State: Zip Code <i>2825 Frankfort El Paso, Texas 79930</i>	
	7 Purpose of expenditure (See instructions regarding type of information required.) <i>6/29/05 Charity for homeless person</i>	<i>\$250-</i>
Date	Payee name	Amount (\$)
*	<i>Mount Cristo Rey Restoration Committee</i>	
	Payee address: City: State: Zip Code <i>El Paso</i>	
<i>7/8/05</i>	Purpose of expenditure (See instructions regarding type of information required.) <i>repair and restore Christ statue on Mount Cristo Rey</i>	<i>\$500-</i>
Date	Payee name	Amount (\$)
*	<i>Angela F. C.</i>	
	Payee address: City: State: Zip Code <i>525 Trails End El Paso, Texas 79932</i>	
<i>5/18/05</i>	Purpose of expenditure (See instructions regarding type of information required.) <i>teen girls soccer league uniform donation</i>	<i>\$100-</i>
Date	Payee name	Amount (\$)
	<i>St. Patrick's Men's ACTS Retreat</i>	
	Payee address: City: State: Zip Code <i>1118 N. Mesa El Paso, Texas 79902</i>	
<i>2/14/05</i>	Purpose of expenditure (See instructions regarding type of information required.) <i>donation to purchase Bibles for Men's ACTS retreat - gift to retreatants</i>	<i>\$500-</i>
Date	Payee name	Amount (\$)
	Payee address: City: State: Zip Code	
	Purpose of expenditure (See instructions regarding type of information required.)	

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

** also listed as political expenditure*

ORIGINAL

JUDICIAL CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

FORM JC/OH
COVER SHEET PG 1

The JC/OH INSTRUCTION GUIDE explains how to complete this form.

1 ACCOUNT #
(Ethics Commission filers)

2 Total pages filed

14

3 CANDIDATE / OFFICEHOLDER NAME

MS. MRS. MR. FIRST MI
JAVIER
NICKNAME LAST SUFFIX
ALVAREZ

OFFICE USE ONLY

Date Received
JAN 18 '05 PM 1:58

4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS

ADDRESS / PO BOX APT. / SUITE # CITY STATE ZIP CODE
1112 Montana Ave
El Paso, Texas 79902
 Change of Address

Date Hand-delivered or Date Postmarked

5 CANDIDATE / OFFICEHOLDER PHONE

AREA CODE PHONE NUMBER EXTENSION
(915) 532-5562

Receipt # Amount

6 CAMPAIGN TREASURER NAME

MS. MRS. MR. FIRST MI
JOE A.
NICKNAME LAST SUFFIX
SPENCER

Date Processed

Date Imaged

7 CAMPAIGN TREASURER ADDRESS (Residence or business)

STREET ADDRESS (NO PO BOX PLEASE) APT. / SUITE # CITY STATE ZIP CODE
1112 Montana Ave
EL PASO, TX 79902

8 CAMPAIGN TREASURER PHONE

AREA CODE PHONE NUMBER EXTENSION
(915) 532-5562

9 REPORT TYPE

January 15 30th day before election Runoff 15th day after campaign treasurer appointment (officeholder only)
 July 15 8th day before election Exceeded \$500 limit Final report (Attach C/OH - FR)

10 PERIOD COVERED

Month Day Year THROUGH Month Day Year
06 / 01 / 05 THROUGH 01 / 15 / 05

11 ELECTION

ELECTION DATE ELECTION TYPE
Month Day Year Primary Runoff General Special

12 OFFICE

OFFICE HELD (if any)

13 OFFICE SOUGHT (if known)

County Court at Law No. 3

N/A

14 NOTICE OF DIRECT CAMPAIGN EXPENDITURE BY OTHER INDIVIDUALS

** Direct campaign expenditures are campaign expenditures made by others without the candidate's prior consent or approval. Candidates are required to disclose this information only if they receive notification of the direct campaign expenditure. **

Name

N/A

Address / PO Box APT. / SUITE # CITY STATE ZIP CODE

additional pages

GO TO PAGE 2

JUDICIAL CANDIDATE / OFFICEHOLDER REPORT: SUPPORT & TOTALS

FORM JC/OH COVER SHEET PG 2

15 C/OH NAME

JAVIER ALVAREZ

16 ACCOUNT # (Ethics Commission file):

17 NOTICE FROM POLITICAL COMMITTEE(S)

.. This box is for notice of political expenditures by political committees to support the candidate / officeholder. These expenditures may have been made without the candidate's or officeholder's knowledge or consent. Candidates and officeholders are required to report this information only if they receive notice of such expenditures. ..

COMMITTEE TYPE

GENERAL

SPECIFIC

additional pages

COMMITTEE NAME

N/A

COMMITTEE ADDRESS

COMMITTEE CAMPAIGN TREASURER NAME

COMMITTEE CAMPAIGN TREASURER ADDRESS

18 CONTRIBUTION TOTALS

1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED

\$ **- 0 -**

2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)

\$ **- 0 -**

EXPENDITURE TOTALS

3. TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED

\$ **- 0 -**

4. TOTAL POLITICAL EXPENDITURES

\$ **1850.00**

CONTRIBUTION BALANCE

5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF THE REPORTING PERIOD

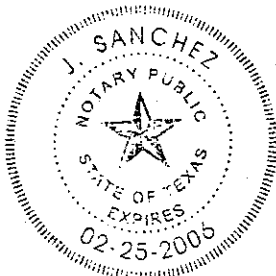
\$ **35,723.85**

OUTSTANDING LOAN TOTALS

6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD

\$ **- 0 -**

19 AFFIDAVIT



AFFIX NOTARY STAMP / SEAL ABOVE

I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.

Javier Alvarez
Signature of Candidate or Officeholder

Sworn to and subscribed before me, by the said Javier Alvarez, this the 18 day of January 2005, to certify which, witness my hand and seal of office.

J. Sanchez
Signature of officer administering oath

J. Sanchez
Print name of officer administering oath

Notary Public
Title of officer administering oath

POLITICAL EXPENDITURES **SCHEDULE F**

The INSTRUCTION GUIDE explains how to complete this form. 1 Total pages Schedule F:

2 FILER NAME **JAVIER ALVAREZ** 3 ACCOUNT # (Ethics Commission File):

4 Date	5 Payee name	7 Amount (\$)
7/14/04	Angels F.C. 6 Payee address: City: State: Zip Code 525 Trails End El Paso, Tx 79932	\$200 ⁰⁰

8 Purpose of payment (See instructions regarding type of information required.) 10 year old girls soccer team donation (previously listed in June 2004 filing)	9 -- Complete if direct expenditure to benefit C/OH -- Candidate / Officeholder name: Office sought: Office held:
--	--

Date	Payee name	Amount (\$)
7/8/04	El Paso Democratic Party 6 Payee address: City: State: Zip Code 40 Carmen Duarte, Chair El Paso, Texas	\$500 ⁰⁰

Purpose of payment (See instructions regarding type of information required.) donation for general election	-- Complete if direct expenditure to benefit C/OH -- Candidate / Officeholder name: Office sought: Office held:
--	--

Date	Payee name	Amount (\$)
7/12/04	Angels F.C. 6 Payee address: City: State: Zip Code 525 Trails End El Paso, Texas 7993	\$200 ⁰⁰

Purpose of payment (See instructions regarding type of information required.) 10 year old girls soccer team donation	-- Complete if direct expenditure to benefit C/OH -- Candidate / Officeholder name: Office sought: Office held:
--	--

Date	Payee name	Amount (\$)
8/9/04	St. Patrick's Church 6 Payee address: City: State: Zip Code 1118 N. Mesa St. El Paso, Texas 79902	\$300 ⁰⁰

Purpose of payment (See instructions regarding type of information required.) Men's ACTS Retreat donation + payment for retreatant	-- Complete if direct expenditure to benefit C/OH -- Candidate / Officeholder name: Office sought: Office held:
--	--

Bob Garcia ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

ORIGINAL

JUDICIAL CANDIDATE / OFFICEHOLDER
CAMPAIGN FINANCE REPORT

FORM JC/OH
COVER SHEET PG 1

The JC/OH INSTRUCTION GUIDE explains how to complete this form.

1 ACCOUNT #
(Ethics Commission files)

2 Total pages filed:

13

3 CANDIDATE / OFFICEHOLDER NAME

MS. MRS. (SP) FIRST MI
JAVIER
NICKNAME LAST SUFFIX
ALVAREZ

OFFICE USE ONLY

Date Received

07-14-04 11:35

Date Hand-Delivered or Date Postmarked

Receipt #

Amount

Date Processed

Date Imaged

4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS

ADDRESS (PO BOX, APT / SUITE #, CITY, STATE, ZIP CODE)
1112 Montana Ave.
El Paso, Texas 79902
 Change of Address

5 CANDIDATE / OFFICEHOLDER PHONE

AREA CODE PHONE NUMBER EXTENSION
(915) 532-5562

6 CAMPAIGN TREASURER NAME

MS. MRS. (SP) FIRST MI
JOE A.
NICKNAME LAST SUFFIX
SPENCER

7 CAMPAIGN TREASURER ADDRESS (Residence or business)

STREET ADDRESS (NO PO BOX PLEASE) APT / SUITE # CITY STATE ZIP CODE
1112 Montana Ave. El Paso, Texas 79902

8 CAMPAIGN TREASURER PHONE

AREA CODE PHONE NUMBER EXTENSION
(915) 532-5562

9 REPORT TYPE

January 15 30th day before election Runoff 15th day after campaign treasurer appointment (officeholder only)
 July 15 8th day before election Exceeded \$500 limit Final report (Attach C/OH - FR)

10 PERIOD COVERED

Month Day Year THROUGH Month Day Year
01 / 15 / 04 THROUGH 07 / 15 / 04

11 ELECTION

ELECTION DATE Month Day Year ELECTION TYPE
 Primary Runoff General Special

12 OFFICE

OFFICE HELD (if any)

County Court at Law No. 3

13 OFFICE SOUGHT (if known)

N/A

14 NOTICE OF DIRECT CAMPAIGN EXPENDITURE BY OTHER INDIVIDUALS

** Direct campaign expenditures are campaign expenditures made by others without the candidate's prior consent or approval. Candidates are required to disclose this information only if they receive notification of the direct campaign expenditure. **

Name

N/A

Address (PO Box, Apt. / Suite #, City, State, Zip Code)

Webbank pages

GO TO PAGE 2

JUDICIAL CANDIDATE / OFFICEHOLDER REPORT: SUPPORT & TOTALS

FORM JC/OH
COVER SHEET PG 2

15 C/OH NAME

JAVIER ALVAREZ

16 ACCOUNT # (Ethics Commission Use)

17 NOTICE

FROM
POLITICAL
COMMITTEE(S)

** This box is for notice of political expenditures by political committees to support the candidate / officeholder. These expenditures may have been made without the candidate's or officeholder's knowledge or consent. Candidates and officeholders are required to report this information only if they receive notice of such expenditures. **

COMMITTEE TYPE

COMMITTEE NAME

GENERAL

COMMITTEE ADDRESS

SPECIFIC

COMMITTEE CAMPAIGN TREASURER NAME

additional page

COMMITTEE CAMPAIGN TREASURER ADDRESS

18 CONTRIBUTION TOTALS

1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED

\$ - 0 -

2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)

\$ - 0 -

EXPENDITURE TOTALS

3. TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED

\$ - 0

4. TOTAL POLITICAL EXPENDITURES

\$ 1600.⁰⁰/_{xx}

CONTRIBUTION BALANCE

5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF THE REPORTING PERIOD

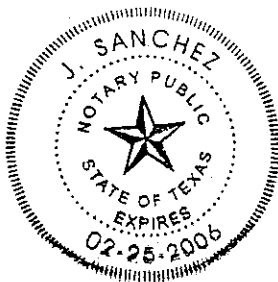
\$ 37,586.20

OUTSTANDING LOAN TOTALS

6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD

\$ 35,986.20

19 AFFIDAVIT



I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.

Javier Alvarez
Signature of Candidate or Officeholder

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Javier Alvarez, this the 14th day of July, 2004, to certify which, witness my hand and seal of office.

J Sanchez
Signature of officer administering oath

J Sanchez
Print name of officer administering oath

Title of officer administering oath

POLITICAL EXPENDITURES

SCHEDULE F

The INSTRUCTION GUIDE explains how to complete this form.		1 Total pages Schedule F: _____
2 FILER NAME JAVIER ALVAREZ		3 ACCOUNT # (Ethics Commission files): _____
4 Date <i>ck date</i> 3/22/04 7/14/04 7/14/04	5 Payee name Jesus Yepes CPA 6 Payee address: City: State: Zip Code 2807 - 74th, Suite 12 Lubbock, Texas 79423	7 Amount (\$) \$200 ⁰⁰
8 Purpose of payment (See instructions regarding type of information required.) <i>Tax forms filed for campaign</i>		9 ** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name: _____ Office sought: _____ Office held: _____
Date <i>check date</i> 3/24/04 7/14/04	Payee name Our Lady of Guadalupe Church Payee address: City: State: Zip Code Alabama St. El Paso, Texas 79930	Amount (\$) \$100 ⁰⁰
Purpose of payment (See instructions regarding type of information required.) <i>Donation for church pews</i>		** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name: _____ Office sought: _____ Office held: _____
Date <i>check date</i> 5/6/04 7/14/04	Payee name Richard Moody Memorial Fund Payee address: City: State: Zip Code 40 Bill Moody, Judge 500 E. San Antonio, Suite 905 El Paso, TX 79901	Amount (\$) \$100 ⁰⁰
Purpose of payment (See instructions regarding type of information required.) <i>donation</i>		** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name: _____ Office sought: _____ Office held: _____
Date <i>ck date</i> 6/9/04 7/14/04	Payee name Angels F.C. Payee address: City: State: Zip Code 525 Trails End El Paso, TX 79932	Amount (\$) \$200 ⁰⁰
Purpose of payment (See instructions regarding type of information required.) <i>10 year old girls soccer team donation</i>		** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name: _____ Office sought: _____ Office held: _____

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

JUDICIAL CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

FORM JC/OH COVER SHEET PG 1

The JC/OH INSTRUCTION GUIDE explains how to complete this form.

1 ACCOUNT #
(Ethics Commission filers)

2 Total pages filed:

193 CANDIDATE /
OFFICEHOLDER
NAMEMS / MRS MR

FIRST

MI

JAVIER

NICKNAME

LAST

SUFFIX

ALVAREZ

OFFICE USE ONLY

Date Received

JAN 9 '04 AM 11:05

Date Rec'd - delivery or Date Postmarked

4 CANDIDATE /
OFFICEHOLDER
MAILING
ADDRESS

ADDRESS / PO BOX, APT / SUITE #, CITY, STATE, ZIP CODE

1112 MONTANA

 Change of Address

EL PASO, TX 79902

5 CANDIDATE /
OFFICEHOLDER
PHONE

AREA CODE PHONE NUMBER EXTENSION

(915) 546-2183

Receipt #

Amount

6 CAMPAIGN
TREASURER
NAMEMS / MRS MR

FIRST

MI

JOE

NICKNAME

LAST

SUFFIX

A.

SPENCER

Date Processed

Date Imaged

7 CAMPAIGN
TREASURER
ADDRESS
(Residence or business)

STREET ADDRESS (NO PO BOX PLEASE); APT / SUITE #, CITY, STATE, ZIP CODE

1112 MONTANA EL PASO TX 79902

8 CAMPAIGN
TREASURER
PHONE

AREA CODE PHONE NUMBER EXTENSION

(915) 532-5562

9 REPORT TYPE:

- January 15 30th day before election Runoff 15th day after campaign treasurer appointment (officeholder only)
- July 15 8th day before election Exceeded \$500 limit Final report (Attach C/OH - FR)

10 PERIOD
COVERED

Month Day Year Month Day Year

07/01/03

THROUGH

01/15/04

11 ELECTION

ELECTION DATE
Month Day Year

N/A /

ELECTION TYPE

- Primary Runoff General Special

12 OFFICE

OFFICE HELD (if any)

Judge, COUNTY COURT AT
LAW #3

13 OFFICE SOUGHT (if known)

14 NOTICE
OF DIRECT
CAMPAIGN
EXPENDITURE
BY OTHER
INDIVIDUALS

** Direct campaign expenditures are campaign expenditures made by others without the candidate's prior consent or approval. Candidates are required to disclose this information only if they receive notification of the direct campaign expenditure. **

Name

Address / PO Box, Apt. / Suite #, City, State, Zip Code

 additional pages

GO TO PAGE 2

JUDICIAL CANDIDATE / OFFICEHOLDER REPORT: SUPPORT & TOTALS

FORM JC/OH COVER SHEET PG 2

15 C/OH NAME JAVIER ALVAREZ	16 ACCOUNT # (Ethics Commission files)
---------------------------------------	--

17 NOTICE FROM POLITICAL COMMITTEE(S) <input type="checkbox"/> additional pages	** This box is for notice of political expenditures by political committees to support the candidate / officeholder. These expenditures may have been made without the candidate's or officeholder's knowledge or consent. Candidates and officeholders are required to report this information only if they receive notice of such expenditures. **	
	COMMITTEE TYPE <input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIFIC	COMMITTEE NAME N/A
		COMMITTEE ADDRESS
		COMMITTEE CAMPAIGN TREASURER NAME
		COMMITTEE CAMPAIGN TREASURER ADDRESS

18 CONTRIBUTION TOTALS	1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED	\$ - 0 -
	2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$ - 0 -
EXPENDITURE TOTALS	3. TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED	\$ - 0 -
	4. TOTAL POLITICAL EXPENDITURES	\$ 1,175.00
CONTRIBUTION BALANCE	5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ 38,732.26
OUTSTANDING LOAN TOTALS	6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ - 0 -

19 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.

Javier Alvarez
Signature of Candidate or Officeholder

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Javier Alvarez, this the 9 day of January, 2004, to certify which witness my hand and seal of office.

Manchez
Signature of officer administering oath

J. Sanchez
Print name of officer administering oath

Title of officer administering oath

POLITICAL EXPENDITURES

SCHEDULE F

The INSTRUCTION GUIDE explains how to complete this form.		1 Total pages Schedule F
2 FILER NAME JAVIER ALVAREZ		3 ACCOUNT # (Ethics Commission files)
4 Date 11/26/03	5 Payee name ST. PATRICK'S MEN'S ACT RETREAT 6 Payee address: City: State: Zip Code 1118 N. MESA EL PASO TX 79902	7 Amount (\$) \$200.-
8 Purpose of payment (See instructions regarding type of information required.) donation for mens retreat		9 ** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name Office sought Office held
Date	Payee name Payee address: City: State: Zip Code	Amount (\$)
Purpose of payment (See instructions regarding type of information required.)		** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name Office sought Office held
Date	Payee name Payee address: City: State: Zip Code	Amount (\$)
Purpose of payment (See instructions regarding type of information required.)		** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name Office sought Office held
Date	Payee name Payee address: City: State: Zip Code	Amount (\$)
Purpose of payment (See instructions regarding type of information required.)		** Complete if direct expenditure to benefit C/OH ** Candidate / Officeholder name Office sought Office held

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

POLITICAL EXPENDITURES

SCHEDULE F

The INSTRUCTION GUIDE explains how to complete this form.

1 Total pages Schedule F:

2 FILER NAME

JAVIER ALVAREZ

3 ACCOUNT # (Ethics Commission files)

4 Date

5 Payee name

7 Amount (\$)

DIocese of El Paso

6 Payee address; City: State: Zip Code

1118 N. MEJA ST.

9/26/03

EL PASO TX 79902

\$75.00

8 Purpose of payment (See instructions regarding type of information required.)

9 -- Complete if direct expenditure to benefit C/OH -- Candidate / Officeholder name Office sought Office held

donation costs for Red Mass for Judiciary

Date

Payee name

Amount (\$)

Payee address; City: State: Zip Code

Purpose of payment (See instructions regarding type of information required.)

-- Complete if direct expenditure to benefit C/OH -- Candidate / Officeholder name Office sought Office held

Date

Payee name

Amount (\$)

Payee address; City: State: Zip Code

Purpose of payment (See instructions regarding type of information required.)

-- Complete if direct expenditure to benefit C/OH -- Candidate / Officeholder name Office sought Office held

Date

Payee name

Amount (\$)

Payee address; City: State: Zip Code

Purpose of payment (See instructions regarding type of information required.)

-- Complete if direct expenditure to benefit C/OH -- Candidate / Officeholder name Office sought Office held

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

JUDICIAL CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

FORM JC/OH COVER SHEET PG 1

The JC/OH INSTRUCTION GUIDE explains how to complete this form.

1 ACCOUNT # (Ethics Commission filers)

2 Total pages filed: **25**

3 CANDIDATE / OFFICEHOLDER NAME

TITLE: **Mr.** FIRST: **JAVIER** MI

NICKNAME: LAST: **ALVAREZ** SUFFIX:

OFFICE USE ONLY

Date Received: **JUL 15 '02 AM 9:04**

Date Hand-delivered or Date Postmarked:

Receipt # Amount

Date Processed

Date Imaged

4 CANDIDATE / OFFICEHOLDER ADDRESS

ADDRESS / PO BOX: APT / SUITE #: CITY: STATE: ZIP CODE

500 E. SAN ANTONIO, ROOM 1001

EL PASO, TEXAS 79901

Change of Address

5 CAMPAIGN TREASURER NAME

TITLE: **Mr.** FIRST: **JOE** MI: **A.**

NICKNAME: LAST: **SPENCER** SUFFIX: **JR.**

6 CAMPAIGN TREASURER ADDRESS (Residence or business)

STREET ADDRESS (NO PO BOX PLEASE): APT / SUITE #: CITY: STATE: ZIP CODE

1112 MONTANA EL PASO TEXAS 79902

7 CAMPAIGN TREASURER PHONE

AREA CODE: PHONE NUMBER: EXTENSION:

(915) 532-5562

8 REPORT TYPE

January 15 30th day before election Runoff 15th day after campaign treasurer appointment (officeholder only)

July 15 8th day before election Exceeded \$500 limit Final report (Attach C/OH - FR)

9 PERIOD COVERED

Month Day Year Month Day Year

1 / 16 / 02 THROUGH 07 / 15 / 02

10 ELECTION

ELECTION DATE: Month Day Year: **11 / / 02**

ELECTION TYPE: Primary Runoff General Special

11 OFFICE: OFFICE HELD (if any): **Judge, COUNTY ATTORNEY No. 3**

12 OFFICE SOUGHT (if known): **COUNTY COURT AT LAW No. 3**

13 NOTICE OF DIRECT CAMPAIGN EXPENDITURE BY OTHER INDIVIDUALS

** Direct campaign expenditures are campaign expenditures made by others without the candidate's prior consent or approval. Candidates are required to disclose this information only if they receive notification of the direct campaign expenditure. **

Name: **N/A**

Address / PO Box: Apt. / Suite #: City: State: Zip Code: **N/A**

additional pages.

GO TO PAGE 2

**JUDICIAL CANDIDATE / OFFICEHOLDER REPORT:
SUPPORT & TOTALS**

**FORM JC/OH
COVER SHEET PG 2**

14 C/OH NAME JAVIER ALVAREZ 15 ACCOUNT # (Ethics Commission files)

16 NOTICE FROM POLITICAL COMMITTEE(S)

** This box is for notice of political expenditures by political committees to support the candidate / officeholder. These expenditures may have been made without the candidate's or officeholder's knowledge or consent. Candidates and officeholders are required to report this information only if they receive notice of such expenditures. **

<input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIFIC <input type="checkbox"/> additional pages	COMMITTEE TYPE	COMMITTEE NAME
		<u>NONE</u>
		COMMITTEE ADDRESS
		COMMITTEE CAMPAIGN TREASURER NAME
		COMMITTEE CAMPAIGN TREASURER ADDRESS

17 CONTRIBUTION TOTALS	1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED	\$
	2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS) <u>(not deposited)</u>	\$ <u>100.00</u>
EXPENDITURE TOTALS	3. TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED <u>(itemized)</u>	\$ <u>-0-</u>
	4. TOTAL POLITICAL EXPENDITURES	\$ <u>8,962.50</u>
CONTRIBUTION BALANCE	5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ <u>41,311.26</u>
OUTSTANDING LOAN TOTALS	6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ <u>-0-</u>

18 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.

Javier Alvarez
Signature of Candidate or Officeholder

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Javier Alvarez, this the 15th day of July, 20 02, to certify which, witness my hand and seal of office.

[Signature] J. Sanchez Notary Public
Signature of officer administering oath Print name of officer administering oath Title of officer administering oath

POLITICAL EXPENDITURES

SCHEDULE F

The INSTRUCTION GUIDE explains how to complete this form.

1 Total pages Schedule F:

2 FILER NAME

JAVIER ALVAREZ

3 ACCOUNT # (Ethics Commission filers)

4 Date

2-14-02

5 Payee name

St. Patrick's Cathedral Church

6 Payee address; City; State; Zip Code

7 Amount (\$)

\$5,000⁰⁰ ~~xx~~

8 Purpose of payment (See instructions regarding type of information required.)

Men's Act's church retreat

9 -- Complete if direct expenditure to benefit C/OH --

Candidate / Officeholder name Office sought Office held

Date

Payee name

Amount (\$)

Payee address; City; State; Zip Code

Purpose of payment (See instructions regarding type of information required.)

-- Complete if direct expenditure to benefit C/OH --

Candidate / Officeholder name Office sought Office held

Date

Payee name

Amount (\$)

Payee address; City; State; Zip Code

Purpose of payment (See instructions regarding type of information required.)

-- Complete if direct expenditure to benefit C/OH --

Candidate / Officeholder name Office sought Office held

Date

Payee name

Amount (\$)

Payee address; City; State; Zip Code

Purpose of payment (See instructions regarding type of information required.)

-- Complete if direct expenditure to benefit C/OH --

Candidate / Officeholder name Office sought Office held

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

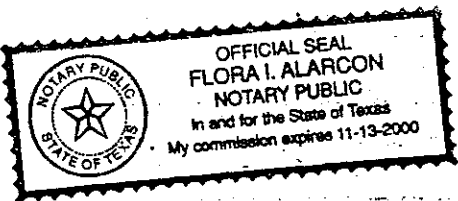
SUPPORT & TOTALS

14 C/OH NAME Javier Alvarez	15 ACCOUNT # (Ethics Commission form)								
16 SUPPORTING POLITICAL COMMITTEE(S) -- This listing includes political expenditures by political committees to support the candidate / officeholder. These expenditures may have been made without the candidate's or officeholder's knowledge or consent. Candidates and officeholders are required to report this information only if they receive notice of such expenditures. --									
<input type="checkbox"/> additional pages	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;"> COMMITTEE TYPE <input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIFIC </td> <td style="padding: 5px;"> COMMITTEE NAME None </td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;"> COMMITTEE ADDRESS </td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;"> COMMITTEE CAMPAIGN TREASURER NAME </td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;"> COMMITTEE CAMPAIGN TREASURER ADDRESS </td> </tr> </table>	COMMITTEE TYPE <input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIFIC	COMMITTEE NAME None		COMMITTEE ADDRESS		COMMITTEE CAMPAIGN TREASURER NAME		COMMITTEE CAMPAIGN TREASURER ADDRESS
COMMITTEE TYPE <input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIFIC	COMMITTEE NAME None								
	COMMITTEE ADDRESS								
	COMMITTEE CAMPAIGN TREASURER NAME								
	COMMITTEE CAMPAIGN TREASURER ADDRESS								

17 CONTRIBUTION TOTALS	1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS OR GUARANTEES OF LOANS), UNLESS ITEMIZED	\$ 000000
	2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$ 000000
EXPENDITURE TOTALS	3. TOTAL POLITICAL EXPENDITURES OF \$50 OR LESS, UNLESS ITEMIZED	\$
	4. TOTAL POLITICAL EXPENDITURES	\$ 1750.00
CONTRIBUTION BALANCE	5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ 00000000
OUTSTANDING LOAN TOTALS	6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$ None

18 AFFIDAVIT

I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.



AFFIX NOTARY STAMP / SEAL ABOVE

Javier Alvarez

Signature of Candidate or Officeholder

Javier Alvarez

Sworn to and subscribed before me, by the said Javier Alvarez this the 15 day of January 19 99, to certify which, witness my hand and seal of office.

Flora I. Alarcon

Signature of officer administering oath

FLORA I. ALARCON

Print name of officer administering oath

Notary Public

Title of officer administering oath

05/08/98	Thetra Delta Lambda	Political Banquet	\$200.00
08/02/98	Hispanic Law Institution	Ad	\$250.00
08/25/98	El Paso Central Labor Union	Ad	\$100.00
08/28/98	El Paso County Democratic Party	Monthly Dues	\$50.00
08/27/98	Bonnie Rangel	Fundraiser	\$100.00
10/28/98	Carlos Aguilar	Campaign	\$100.00
10/28/98	Dolores Briones	Campaign	\$100.00
10/28/98	Max Nunez	Campaign	\$100.00
10/28/98	Richard Porras	Campaign	\$100.00
11/02/98	Joe Chew 9718 Heartway Lane El Paso, Texas 79925	Ad	\$150.00
11/16/98	El Paso Democratic Party	Ad	\$500.00
11/16/98	Catholic Diocese of El Paso 1013 E. San Antonio El Paso, Texas 79901	Ad "Red Mass"	\$100.00
12/31/98	Knights of Columbus Council 638 1029 Howze St. El Paso, Texas 79903	Ad	\$100.00

**NON-POLITICAL EXPENDITURES
MADE FROM POLITICAL CONTRIBUTIONS**

SCHEDULE I

The instruction Guide explains how to complete this form.		1 Total pages this Schedule I:
2 FILER NAME <i>JAVIER ALVAREZ</i>		3 ACCOUNT # (Ethics Commission file)
4 Date <i>8/6/01</i>	5 Payee name <i>Club de Espana</i>	8 Amount (\$) <i>\$40⁰⁰</i>
	6 Payee address: City, State, Zip Code <i>unknown</i>	
7 Purpose of expenditure (See instructions regarding type of information required.) <i>tickets for annual dinner</i>		
Date <i>8/11/01</i>	Payee name <i>L.K.H. Enterprises</i>	Amount (\$) <i>\$600</i>
	Payee address: City, State, Zip Code <i>unknown</i>	
Purpose of expenditure (See instructions regarding type of information required.) <i>campaign fundraisers supplies + work</i>		
Date <i>Aug 11, 2001</i>	Payee name <i>Ruben Garcia</i>	Amount (\$) <i>\$1547.²⁶</i>
	Payee address: City, State, Zip Code <i>unknown</i>	
Purpose of expenditure (See instructions regarding type of information required.) <i>fundraiser Camino's Real bill (food, drinks etc.)</i>		
Date <i>9/7/01</i>	Payee name <i>Texas Democrats</i>	Amount (\$) <i>\$500</i>
	Payee address: City, State, Zip Code <i>unknown</i>	
Purpose of expenditure (See instructions regarding type of information required.) <i>donation to organization</i>		
Date <i>9/14/01</i>	Payee name <i>Diocese of El Paso</i>	Amount (\$) <i>\$100</i>
	Payee address: City, State, Zip Code <i>unknown</i>	
Purpose of expenditure (See instructions regarding type of information required.) <i>cost donation for Red Mass</i>		

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

EXHIBIT D

REPORTER'S RECORD
TRIAL COURT CAUSE NO. 2006-2747
VOLUME 1 OF 1 VOLUME

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JOHN DOE,)
) IN THE COUNTY COURT
Plaintiff,)
)
vs.)
) AT LAW NUMBER THREE
THE CATHOLIC DIOCESE OF)
EL PASO AND MSGR. THOMAS)
ROWLAND,)
) EL PASO COUNTY, TEXAS
Defendants.)

COPY

MOTION FOR ENTRY OF JUDGMENT
MOTION TO RULE ON OBJECTIONS

On the 27th day of February, 2009, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Javier Alvarez, Judge Presiding, held in El Paso, El Paso County, Texas:

Proceedings reported by machine shorthand utilizing computer-assisted realtime transcription.

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APPEARANCES

S. CLARK HARMONSON
SBOT. 24041055
T.O. Gilstrap, JR., P.C.
5915 Silver Springs, Bldg. 2
El Paso, Texas 79912
(915) 581-0020
ATTORNEY FOR THE PLAINTIFF

ROBERT A. SKIPWORTH
SBOT. 18473000
Attorney at Law
310 N. Mesa, Suite 600
El Paso, Texas 79901
(915) 533-0096
ATTORNEY FOR MSGR. THOMAS
ROWLAND

DAVID M. DRISCOLL
SBOT. 06122700
Ainsa Hutson, LLP
5809 Acacia Circle
El Paso, Texas 79912
(915) 845-5300
ATTORNEY FOR THE CATHOLIC
DIOCESE OF EL PASO

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CHRONOLOGICAL INDEX
VOLUME 1 of 1 VOLUME
(MOTION FOR ENTRY OF JUDGMENT)
(MOTION TO RULE ON OBJECTIONS)

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1 THE COURT: Calling next case, John Doe vs.
2 Catholic Diocese of El Paso, Msgr. Thomas Rowland, Cause
3 Number 2006-2747. We're here on a motion for entry of
4 judgment.

5 Let's have announcements from the parties;
6 first the plaintiff.

7 MR. HARMONSON: Your Honor, Clark Harmonson
8 on behalf of the plaintiff, John Doe.

9 THE COURT: Defendant?

10 MR. DRISCOLL: David Driscoll on behalf of
11 the Diocese of El Paso, Your Honor.

12 MR. SKIPWORTH: And Robert Skipworth on
13 behalf of Msgr. Thomas Rowland.

14 THE COURT: Okay. It's defendant's motion
15 for entry of judgment.

16 MR. DRISCOLL: Judge, may I -- we also have
17 a motion to rule on the objections that we filed.

18 THE COURT: Okay.

19 MR. DRISCOLL: Probably we ought to address
20 that first before we go to the entry of judgment.

21 THE COURT: Okay. I don't know if they
22 brought me the right file.

23 MR. DRISCOLL: I have a copy of the --

24 THE COURT: Okay.

25 MR. DRISCOLL: And that was a copy that was

1 hand-delivered to the Court, too.

2 THE COURT: All right. I've got -- been
3 handed supplemental objections of Catholic Diocese of
4 El Paso to summary judgment. Okay.

5 Go ahead, Counsel.

6 MR. DRISCOLL: Yes, Your Honor. If it
7 please the Court, Mr. Harmonson, Mr. Skipworth.

8 Your Honor, we have filed objections to the
9 part of the plaintiff's summary judgment evidence in this
10 case and we supplemented that with the supplemental
11 objections. We had the opportunity to take the
12 deposition of Father Thomas Doyle and Marianne --
13 Dr. Marianne Benkert and attached to the supplemental
14 objections are the relevant pages from the depositions of
15 both Father Doyle and from Dr. Benkert with regard to
16 each one of the objections that we had, Your Honor.

17 Your Honor, the Court has already sustained
18 the objection of Msgr. Rowland in connection with the
19 evidence of Dr. Foote, and we concur with the objections
20 that have been filed by Msgr. Rowland. In the document
21 that was attached to the summary judgment evidence you
22 have an affidavit of William Foote saying, I'm attaching
23 a copy of Exhibit A which is a copy of my psychological
24 report and opinions.

25 Judge, anything that's in that is hearsay,

1 and clearly the affidavit that is attached here does not
2 meet the test for a business record. And accordingly,
3 any of the --

4 THE COURT: Can I see the affidavit that --
5 that is -- that he has attached, or is there any
6 affidavit at all?

7 MR. DRISCOLL: There is one, Your Honor.
8 Let me just --

9 MR. HARMONSON: May I approach also,
10 Your Honor?

11 THE COURT: Sure. Sure. Do you have it?

12 "The affidavit of William E. Foote, Ph.D.
13 Before me, the undersigned authority, on this day
14 personally appeared William E. Foote, Ph.D., who being by
15 me duly sworn, deposed as follows:

16 "One, my name is William E. Foote, Ph.D. I
17 am at least 18 years of age, of sound mind, capable of
18 making this affidavit and fully competent to testify to
19 the matters stated in this affidavit. I'm personally
20 acquainted with the facts stated therein.

21 "Attached hereto is Exhibit 1 and
22 incorporated herein by reference is a true and correct
23 copy of my psychological evaluation report of John Doe
24 dated April 10, 2007. The report sets forth my opinions
25 in the style -- the case styled --" that's this case.

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That's it?

MR. DRISCOLL: That's it. That's all there is, Your Honor. And under those circumstances, Your Honor, it's hearsay and it doesn't meet the tests for business records.

MR. HARMONSON: Your Honor, with respect to Dr. Foote's report, Rule 166(a)(f) only requires a sworn expert report of your expert. This is the practice that we've done for five years. It's the first time that I've had objections filed to this, Your Honor.

Rule 166(a)(f) says that, Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

It sets forth all that -- all of that information and then it goes on to -- he swears to the opinions that he gives in his report. And that's all that Rule 166(a)(f) requires. This is not a business record. We admit that. This is an expert report from our psychologist expert, and this is how we have traditionally done this.

I've been practicing for five years. I've never had this objection come up before. We believe it is error for the Court to rule that this is hearsay.

1 THE COURT: Let me get the rule. Hold on
2 just a second.

3 MR. HARMONSON: I'll also let the Court know
4 that I did a Lexis Nexis research on this exact issue. I
5 could not find one case where an expert cannot
6 incorporate, by reference into summary judgment evidence,
7 his report. Not one case did I find.

8 THE COURT: Okay. Counsel, let me find my
9 rules.

10 You're required to meet --

11 MR. DRISCOLL: Summary judgment standard,
12 Judge.

13 THE COURT: All the requirements as if you
14 were presenting the evidence at trial, correct?

15 MR. DRISCOLL: That's it, Your Honor.

16 MR. HARMONSON: It's --

17 THE COURT: Wait just a second. When you
18 introduce documents, you have to; one, authenticate,
19 right? And/or they have to be certified. If there's an
20 objection that this is hearsay, these are my documents
21 prepared in the course and scope of my employment, et
22 cetera --

23 MR. HARMONSON: It is authenticated,
24 Your Honor. It says that it's a true and correct copy of
25 the document, and that's all the rule requires.

1 THE COURT: No. No. No. No. There's two
 2 requirements. Authentication or certify, and you have to
 3 meet the hearsay objection. I mean, that's -- that's
 4 been my understanding, Counsel. There's two. He's
 5 making one that it's hearsay.

6 Do you have anything to show me that that's
 7 not one of the requirements?

8 MR. HARMONSON: I have Rule 166(a)(f), which
 9 says, Sworn copies of all papers to the attached therein
 10 are to be provided with the affidavit. He is swearing to
 11 his expert opinions. Rule 166(a)(f) is the applicable
 12 rule, and under these circumstances, we have met the
 13 requirements of this test.

14 THE COURT: Overruled. I disagree with you,
 15 Counsel.

16 MR. DRISCOLL: Your Honor, actually, I
 17 have -- if I could, I have an order that -- we'll go
 18 through each one of these so that you can say,
 19 Sustained/overruled.

20 THE COURT: Hold on. Let me just -- I'll
 21 find it for you, Counsel. Just bear with me.

22 MR. HARMONSON: Your Honor, at the start of
 23 this hearing I forgot to tell you that Mr. Gilstrap is at
 24 a funeral in south Texas, and he couldn't be here. And
 25 he wanted me to express his desire to be here but his

1 inability --

2 THE COURT: I understand. Don't worry about
3 that.

4 All right. And this is from *Summary*
5 *Judgments in Texas* by Timothy Patton, Section 6.037(a).
6 Summary judgment affidavit should not be based on
7 hearsay. It cites many cases. Hearsay is an
8 out-of-court statement offered for the truth of the
9 matter asserted.

10 Okay. So his objection is hearsay, and the
11 only way that you can get around the hearsay objection is
12 to prove one of the -- that it is not hearsay, and
13 Mr. Driscoll is saying that it doesn't meet the five or
14 six elements of 803.6?

15 MR. DRISCOLL: For business records. That's
16 correct.

17 THE COURT: And that's his objection. And I
18 have to agree. That's what we're talking about here. If
19 you had just -- if he had just simply gone through the
20 elements, that would have been it.

21 MR. HARMONSON: It's not a business record,
22 Your Honor. It can never be a business record because
23 it's prepared in conjunction with this litigation. It
24 would have been essentially the same if he would have
25 just taken his report and then sworn to it at the bottom.

1 That's all we're doing, Your Honor. And we swear expert
2 reports all the time and never have I seen an objection
3 raised to it.

4 The rule says that sworn or certified copies
5 of all papers therefore referred to in an affidavit shall
6 be attached thereto. When he says my name is William E.
7 Foote, I swear to these opinions. He swears to it at the
8 bottom. That's all that this Rule 166(a)(f) requires.

9 THE COURT: Maybe you've been doing it
10 wrong. That's all I can tell you.

11 MR. DRISCOLL: Your Honor --

12 THE COURT: The Court sustains the
13 objection.

14 MR. DRISCOLL: Thank you.

15 Your Honor, the second objection -- and
16 this, again, you had already ruled on with Mr. Skipworth.
17 In connection with summary judgment evidence of Father
18 Doyle and the psychological consequences of religious
19 duress, it doesn't meet the test.

20 THE COURT: Yeah.

21 MR. DRISCOLL: He's not a psychologist.
22 He's not a psychiatrist, et cetera.

23 THE COURT: Yeah.

24 MR. DRISCOLL: He's not qualified under the
25 rules of experts to give opinions of psychological

1 duress, and he admits in his deposition, I'm not
2 qualified to give opinions.

3 THE COURT: Your objection is what?

4 MR. DRISCOLL: He's not qualified as an
5 expert. Doesn't meet the test of Rule 703.

6 THE COURT: 702.

7 MR. DRISCOLL: I'm sorry. 702. I'll get
8 the right rule.

9 MR. HARMONSON: Your Honor, I'd just like to
10 go over the time frame of how this occurred.

11 THE COURT: Yeah. I've read it, so give --
12 just give me your reason why the Court should overrule
13 his objection.

14 MR. HARMONSON: Well, what we would ask for
15 right now is for a Daubert on the motion, Your Honor.
16 They just filed the supplemental objections this week.
17 On January 26th, Mr. Skipworth filed objections and the
18 Court ruled on those -- excuse me, on January 29th. The
19 Court ruled on those objections on February 2nd.

20 The Court's scheduling order had anticipated
21 a live Daubert hearing, and that's normally under the
22 rules how it's done, and we believe it's an abuse of
23 discretion to not allow the plaintiff an opportunity to
24 respond to the objections that have been raised.

25 THE COURT: You want a Daubert hearing on

1 this? Are you ready to proceed?

2 MR. HARMONSON: No, I'm not ready to
3 proceed, Your Honor. Supplemental objections were filed
4 on February the 23rd. You've already ruled, Your Honor,
5 on January 29th on Mr. Skipworth's objections.

6 THE COURT: And what was the Court's order
7 with respect to Mr. Skipworth's?

8 MR. HARMONSON: You ruled that the opinions
9 were struck based on Rule 702, which is a
10 Daubert/Robinson issue.

11 THE COURT: And I didn't hear you object. I
12 didn't see anything from you asking the Court to
13 reconsider saying, Judge, we need a Daubert hearing.

14 MR. HARMONSON: Filed one yesterday,
15 Your Honor. We didn't have an opportunity to respond
16 when on January 29th, there's objections filed and when
17 on February 2nd the Court rules in Mr. Skipworth's and
18 Father Rowland's favor.

19 THE COURT: And as soon as I get the
20 objections, I make a ruling. It was your responsibility
21 to come forward and ask the Court for a Daubert hearing.

22 MR. HARMONSON: And that's what we're doing,
23 Your Honor, today.

24 THE COURT: We'll set it for a Daubert
25 hearing, okay? And remember, the Court will want live

1 testimony.

2 MR. DRISCOLL: May I, Your Honor?

3 THE COURT: Yes.

4 With respect to yours, yours is not before
5 the Court, is it?

6 MR. DRISCOLL: You already ruled on
7 Mr. Skipworth's.

8 THE COURT: I know that, but he's entitled
9 to a Daubert hearing on that issue, and I can't deny him
10 that. This is his trial.

11 MR. DRISCOLL: And, Judge, if he wants to
12 have that, that's fine. But in his own -- the supposed
13 expert's deposition, he admits, I'm not qualified to give
14 an opinion on psychological duress.

15 THE COURT: He wants to -- he wants to -- if
16 he wants to spend his money, it's his right.

17 MR. HARMONSON: We want a record,
18 Your Honor.

19 THE COURT: Absolutely, sure.

20 MR. HARMONSON: There's a reason why out of
21 the 56 victims that have come forward the average age of
22 them coming forward is 23 years. There's a reason why
23 only one victim out of the 56 -- and this is in the John
24 Jay Scholarly article that the Diocese has participated
25 in, which Bishop Ochoa confirmed only one victim out of

1 56 has come forward immediately.

2 Duress is not a new concept, Your Honor.
3 And when a priest in a position of authority over a
4 little boy wags his finger at his face and tells him,
5 You're going to get into hot water, implicating, as our
6 psychologist and our psychiatrist expert will testify,
7 that that meant he's going to hell if he doesn't come
8 forward. That has an effect on these boys, and we want
9 to be able to bring these experts in front of you and
10 explain that.

11 And hopefully you'll see that this is a
12 proper expert opinion, Your Honor. And that's why we
13 would request the Daubert/Robinson hearing.

14 THE COURT: Okay.

15 MR. DRISCOLL: Your Honor, if I may, the
16 objections that were filed on behalf of Father Rowland
17 had only to do with the affidavit that the plaintiff had
18 attached to its response. Doesn't have to do with his
19 testimony. The affidavit itself was defective, and
20 that's what the Court ruled on.

21 The affidavit is very clear that it's based
22 on the witness' own personal belief system, and it's
23 based on the teachings and theology of the Catholic
24 church. I mean, the affidavit states that.

25 And then he comes to these conclusions based

1 on psychological opinions that he doesn't have any -- he
2 doesn't purport to have any expertise.

3 THE COURT: If he admits that, it's going to
4 be very difficult for me -- for this Court to change the
5 Court's ruling --

6 MR. DRISCOLL: You have the deposition
7 testimony where he swears, I'm not qualified to give an
8 opinion on this.

9 THE COURT: But he wants a record.

10 MR. DRISCOLL: I understand. He wants a
11 record, and he can get what he needs to have.

12 MR. HARMONSON: Your Honor, there's more
13 than one way that you can be qualified as an expert. And
14 one is experience, and he has countless experience
15 pastoring and counselling these young men. Let me --
16 counselling these young men.

17 And he's going to testify, that based upon
18 his experience and also his experience as a priest, that
19 there is a definite connection between when a priest and
20 an authority figure tells a boy that he better not tell
21 anybody that these boys listen to it. And we're going to
22 make a record of that at the hearing.

23 THE COURT: That's fine.

24 MR. DRISCOLL: But based on the affidavit
25 that I objected to, the affidavit doesn't give that

1 experience. It doesn't give those qualifications.

2 THE COURT: And the Court's already ruled on
3 Father -- Msgr. Rowland, correct?

4 MR. DRISCOLL: Right.

5 THE COURT: All right. So you want a
6 Daubert on --

7 MR. HARMONSON: We would request a Daubert
8 on -- that's the issue in his objections, it's Daubert
9 issues. And so to the extent that it requires a Daubert
10 opinion or testimony and a hearing, we would request a
11 continuous --

12 THE COURT: Remember -- I forget -- and I
13 forget, too, that in a motion for summary judgment, the
14 Court doesn't receive live testimony. So the only way
15 you can do that is by -- I keep forgetting -- the only
16 way you can do that is by affidavit. Okay? So in
17 motions for summary judgment, although I'm not supposed
18 to receive live testimony, what if you request a Daubert?
19 The Court has to give you a Daubert hearing.

20 The Court will give you a Daubert hearing,
21 but understand -- I have to understand -- that in a
22 motion for summary judgment no live testimony. So, I
23 mean, just do it by way of affidavits, okay? That's the
24 easiest way for me. Fair enough? In a motion for
25 summary judgment. Because that's the issue here.

1 MR. HARMONSON: I believe you can continue
2 the motion for summary judgment while we --

3 THE COURT: No. No. No. I just told you
4 that the Court will grant you a Daubert hearing on that
5 issue, but you need to submit your affidavits.

6 MR. HARMONSON: And it's the order of the
7 Court that that shall be by affidavit only?

8 THE COURT: Well, in motions for summary
9 judgment the Court cannot receive any live testimony. I
10 cannot receive any live testimony. Okay? Fair enough?

11 MR. HARMONSON: That's fair.

12 MR. SKIPWORTH: But, Your Honor, haven't
13 they already been given that opportunity?

14 MR. DRISCOLL: Yeah, the motion was filed,
15 and they didn't submit affidavits to show that.

16 THE COURT: I understand that, but he wants
17 a Daubert, so I'll give him a Daubert. I can't deny him
18 that right.

19 MR. DRISCOLL: I understand, Your Honor.

20 Your Honor, the next thing I was going to do
21 was go into the testimony of Dr. Benkert on psychological
22 consequences of religious duress, and I attached again
23 the -- but I understand what you're saying.

24 THE COURT: And if you want to respond,
25 Counsel -- let me give you a deadline, okay?

1 Can I give you a week -- week from today
2 would be the 6th? Can you get it to me by the 6th?

3 MR. HARMONSON: Your Honor, Thomas Doyle, he
4 testifies all over the country in these cases.

5 THE COURT: And I can't help that.

6 MR. HARMONSON: And a week is --

7 THE COURT: All I need is an affidavit from
8 him so that you can show me that he meets the
9 requirements of 702. That's all.

10 MR. HARMONSON: Two weeks would be good.

11 THE COURT: Okay. I'll give you until the
12 13th of March, and I'll give you a week for your
13 response. So the 13th of March is your affidavit,
14 Mr. Harmonson.

15 And the 20th for you. Okay?

16 MR. DRISCOLL: Yes, sir.

17 THE COURT: If you'll get me an order on
18 that, please?

19 MR. DRISCOLL: Yes.

20 THE COURT: What else?

21 MR. DRISCOLL: I had ones that had nothing
22 to do with Daubert challenges, Your Honor. At least I
23 don't believe they have anything to do --

24 Testimony of Father Doyle regarding opinions
25 on causation and negligence. He admits he's not an

1 attorney, not qualified to give an opinion. That's what
2 he said in his deposition.

3 THE COURT: Let me read -- I'll read his
4 response, and I'll look to see if he's qualified. If
5 he's not qualified, he can't give that opinion. He needs
6 to meet the requirements of 702, period. He's being
7 offered as an expert under 702.

8 MR. HARMONSON: You're absolutely right,
9 Your Honor. And he has vast experience with the El Paso
10 Diocese, and it's notice and knowledge of abuse. He has
11 reviewed records from all over the nation, and he can
12 testify to the Diocese's negligence.

13 THE COURT: Okay.

14 MR. DRISCOLL: Is that going to be the
15 subject of a Daubert as well, Your Honor?

16 THE COURT: I suspect that that's what he
17 wants to do also. And I'll -- as soon as I get your
18 response and your affidavit on 702, you know, you'll get
19 a ruling from me by the 27th, okay?

20 MR. HARMONSON: Sure.

21 THE COURT: Just give me a week to read
22 everything.

23 MR. HARMONSON: I'm sure we will.

24 MR. DRISCOLL: The next one was the
25 testimony of Father Doyle when Msgr. Rowland was an

1 employee of the Diocese of El Paso.

2 Again, we objected. He admitted, I'm not an
3 employment lawyer. I don't know Texas law, and, again,
4 we objected to it on the basis that he's not qualified to
5 give that type of opinion under Rule 702.

6 THE COURT: Do you want to take up all these
7 issues in your affidavit, Counsel?

8 MR. HARMONSON: That would be great,
9 Your Honor.

10 THE COURT: Okay.

11 MR. DRISCOLL: The next one has nothing to
12 do with expert testimony. He's testifying Bishop Metzger
13 was aware the priest had sexually abused minors. That
14 the Catholic church acknowledged that Father Klister had
15 come into El Paso and had abused children, and the
16 Catholic Diocese had knowledge of prior claims.

17 He admits he has no personal knowledge,
18 never talked to Bishop Metzger, and he said, Anything I
19 got was what somebody else told me, which is clearly
20 hearsay.

21 MR. HARMONSON: Your Honor, an expert can
22 rely on hearsay, and he has spoken with a victim of
23 sexual abuse and he went to the Bishop and the Bishop
24 waved his finger in his face and said, Your mom is going
25 to hell if you come forward. That's the Catholic

1 Diocese, Your Honor. And that's the type of information
2 that experts really rely on. It was used in an affidavit
3 in another case.

4 MR. DRISCOLL: He's not --

5 THE COURT: I don't care about another case.

6 MR. HARMONSON: Well, Your Honor --

7 THE COURT: Don't argue with me. I don't
8 care about any other cases. I don't care about what
9 happens in other litigation. It's what happens in this
10 court. If somebody makes an objection, if it's a good
11 objection, I have to sustain it.

12 MR. DRISCOLL: He's clearly indicated that
13 you have his deposition testimony that, Anything I know
14 is based on what somebody else told me. That's clearly
15 hearsay, Your Honor. He's not an expert on the Catholic
16 church, and clearly has no personal knowledge on what
17 Bishop Metzger knew back in the 1960s or '70s.

18 MR. HARMONSON: Your Honor, an expert can
19 rely on hearsay evidence. And that's what I was telling
20 you about the affidavit, that this affidavit of the
21 victim was submitted in another case. Father Doyle is
22 relying on that affidavit and on his personal
23 conversations with this man.

24 This is the type of information that is
25 reasonably relied upon by experts in the field. And,

1 therefore, hearsay or no hearsay the expert can rely on
2 it, and that's what he's doing in this case. Of course
3 he didn't talk to Metzger. Metzger's dead.

4 MR. DRISCOLL: He's got to qualify himself
5 as an expert on the specific knowledge, and there is no
6 expert on -- it's a fact. He's trying to give facts that
7 are hearsay. And they're trying to get around it by
8 saying he's an expert on knowledge of the Bishop in 1960?
9 That's what they're saying he's an expert on.

10 It just doesn't fly, Judge. You can't just
11 say he's an expert so, therefore it's no longer hearsay.

12 THE COURT: Let me ask you this, if he -- if
13 he were to testify at trial, which is one of the things
14 that the Court has to do, the Court has to predict --
15 this is what this person's going to testify to. And a
16 hearsay objection is based upon -- well, hearsay is an
17 out-of-court statement offered for the truth of the
18 matter asserted, correct?

19 MR. HARMONSON: Yes, sir.

20 THE COURT: The rules say that you can use
21 affidavits. I mean, if you think about it, an affidavit
22 is hearsay, correct?

23 MR. HARMONSON: It is.

24 THE COURT: Is an affidavit an exception to
25 the hearsay rule?

1 MR. HARMONSON: It is not. But experts --

2 THE COURT: Wait. Wait. Is it or is it
3 not?

4 MR. HARMONSON: It is not.

5 THE COURT: Okay. So then, essentially,
6 affidavits can be used, and it's not an exception,
7 correct?

8 MR. HARMONSON: Your Honor, experts --

9 THE COURT: Wait. I'm asking you. It's not
10 an exception, correct?

11 MR. HARMONSON: Your Honor, it is an
12 exception to the extent that Thomas Doyle is an expert
13 who intimately studied the Catholic church and the
14 El Paso Diocese. And he has knowledge based on the
15 documents that he reviewed.

16 The rules specifically allow an expert to
17 rely on evidence -- not evidence, but documents whether
18 they're admissible or inadmissible and that would include
19 the hearsay rule. As long as that's the type of
20 information that an expert reasonably relies upon and
21 that's exactly what Father Doyle has done.

22 THE COURT: Okay. Mr. Driscoll?

23 MR. DRISCOLL: Your Honor, he's not giving
24 an opinion. He's giving a statement that this is fact.
25 He's not saying it's an opinion. He's saying this is

1 what the knowledge of the Catholic church was at that
2 time. That's absolutely hearsay. There is no exception.
3 There's no -- you know, he's not an expert on what they
4 knew at that time. That's a fact.

5 THE COURT: Hold on just a second, Counsel.

6 All right. What else?

7 MR. DRISCOLL: Your Honor, those were the
8 objections that we had. That was the totality of the
9 objections.

10 THE COURT: Okay.

11 MR. HARMONSON: Nothing further, Your Honor.

12 THE COURT: All right. So then this last
13 objection, you'll get a ruling from the Court, but do you
14 need more time with respect to the Daubert?

15 MR. HARMONSON: The only issue that I really
16 have, Your Honor, is with Tom Doyle. I mean, he really
17 is exceptionally busy, and --

18 THE COURT: Can you get that information
19 by --

20 MR. HARMONSON: By March 13th is -- we can
21 get an affidavit by March 13th. We appreciate the
22 opportunity to respond.

23 THE COURT: Sure. Sure.

24 What else?

25 MR. DRISCOLL: Your Honor, the next thing we

1 have pending is the motion for summary judgment which you
2 have already said you would grant.

3 THE COURT: Motion for summary judgment, I
4 granted it, right?

5 MR. DRISCOLL: That's correct. You said,
6 Draw an order. But we drew an order and Mr. Gilstrap
7 wouldn't agree to the order.

8 MR. HARMONSON: For the very reasons that
9 we're here today, Your Honor.

10 THE COURT: Sure. I'll sign the order on
11 the 27th, okay? Give me a week, and then I'll sign the
12 order, okay? What else?

13 MR. DRISCOLL: That's all we have,
14 Your Honor.

15 THE COURT: Mr. Harmonson, anything else?

16 MR. HARMONSON: No, Your Honor.

17 THE COURT: All right.

18 MR. DRISCOLL: Thank you, Your Honor.

19 (Wherein proceedings concluded.)
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1 STATE OF TEXAS)
 2 COUNTY OF EL PASO)

3

4 I, Jo-Anne Hilverding, Official Court Reporter in
 5 and for County Court at Law Number Three of El Paso
 6 County, State of Texas, do hereby certify that the above
 7 and foregoing contains a true and correct transcription
 8 of all portions of evidence and other proceedings
 9 requested in writing by counsel for the parties to be
 10 included in this volume of the Reporter's Record, in the
 11 above-styled and numbered cause, all of which occurred in
 12 open court or in chambers and were reported by me.

13 I further certify that this Reporter's Record of the
 14 proceedings truly and correctly reflects the exhibits, if
 15 any, offered by the respective parties.

16 I further certify that the total cost for the
 17 preparation of this Reporter's Record is \$148.50 and was
 18 paid/will be paid by T.O. Gilstrap/Plaintiff.

19 WITNESS MY OFFICIAL HAND this the 15th day of
 20 April, 2009.

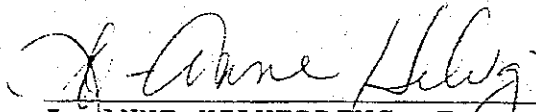
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JO-ANNE HILVERDING, Texas CSR# 7536
 County Court At Law #3
 El Paso, TX 79901 (915) 546-2183
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