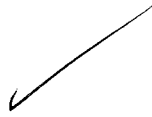


BRANSCOMB | PC
 802 N CARANCAHUA SUITE 1900
 CORPUS CHRISTI, TX 78401-0036
 (361) 886-3800 TAX ID 74-2486791
ATTORNEY CLIENT PRIVILEGED AND CONFIDENTIAL



NUECES COUNTY ATTORNEY

MAR 21 2013

Page: 1
 03/19/2013
 45710-0107
 160418

RECEIVED
 Account No:
 Statement No:

Nueces County & Nueces County Attorney's Office
 Ms. Laura Garza Jimenez
 901 Leopard Street, Room 207
 Corpus Christi TX 78401

Listed 4/3/13
Agenda 4/17/13
DR2

Catherine Cheek, et al *vs NC*
Cause # 2:13CV00026

Fees

| | | Hours |
|------------|---|-------|
| 02/14/2013 | | |
| KBS | Conference with county attorney regarding representation and background facts. | 0.20 |
| 02/15/2013 | | |
| P75 | Research Court's file for documents previously filed. | 1.00 |
| P75 | Review Order for Conference; calculate deadlines and calendar. | 1.40 |
| KBS | Email to Sheriff Kaelin regarding representation. | 0.20 |
| KBS | Review email from Ms. Adkins with attached complaints, summons and other materials; obtain binder of relevant documents and CDs; instructions regarding CDs; begin reviewing documentation for case background and responding to complaint. | 3.70 |
| 02/18/2013 | | |
| KBS | Research authorities regarding issues raised by pleadings involving supervisor liability for policy issuance and denial of medical care, and inappropriate pleading standard. | 1.70 |
| 02/19/2013 | | |
| P75 | Prepare draft Certificate of Interested Parties. | 0.70 |
| KBS | Research regarding pleadings and immunity standards and analysis of claims for motion to dismiss; telephone conference with Ms. Morris and Mr. Miller regarding strategy. | 2.40 |
| KBS | Review email from Ms. Adkins with attached scheduling conference from court. | 0.20 |
| 02/20/2013 | | |
| P75 | Prepare shell draft 12(b) Motion. | 0.80 |
| KBS | Preparation of motion to dismiss including analysis of pleadings, review of applicable authority, and review of 5 inch volume of documents; email to Ms. Adkins regarding compliance with commitment order; review reply. | 7.30 |
| KBS | Review email from Ms. Adkins concerning recent case involving incompetent state inmates being kept in jail too long. | 0.30 |
| KBS | Review waiver of summons from County. | 0.10 |
| KBS | Review certificate of interested parties from Ms. Adkins; instructions to | |

Catherine Cheek, et al

| | | Hours |
|------------|---|-------|
| | Ms. Amaro. | 0.20 |
| KBS | Review immunity information from Ms. Moore; redirect instructions regarding attachments to motions to dismiss. | 0.40 |
| AEM | Research regarding orders from the court not being personally directed to the governmental officer who carried out the order and extrinsic evidence use in Rule 12(b) motion. | 1.90 |
| 02/21/2013 | | |
| KBS | Review email from Ms. Adkins regarding request for information concerning bed availability; respond to same. | 0.20 |
| KBS | Preparation of draft motion to dismiss and associated review of authorities. | 6.30 |
| KBS | Review email from Ms. Adkins with attached previously filed motion to dismiss in another case; review of same for use in preparation of draft motion. | 0.60 |
| KBS | Consideration of order from court to medical facility; review same and binder for copy with a filing stamp; email to Sheriff Kaelin regarding receipt of order and knowledge. | 0.70 |
| KBS | Review email from Sheriff Kaelin. | 0.10 |
| KBS | Review email from Ms. Adkins with attached commitment order documentation and consideration of same; email response and inquiry; review email explanation of commitment order processing. | 0.40 |
| KBS | Email draft motion to dismiss to co-defense counsel. | 0.20 |
| AEM | Review and modify draft of Defendant Kaelin's Rule 12(b) Motion to Dismiss for Failure to State a Claim. | 0.80 |
| 02/22/2013 | | |
| P75 | Review of notebook from Nueces County Sheriff's Office regarding Gregory Cheek; begin review of cds provided by Sheriff's office, i.e. videos and inmate video statements. | 5.00 |
| P75 | Email to Alissa Adkins regarding cds previously forwarded for review. | 0.10 |
| KBS | Continue review of the materials received; instructions to Ms. Amaro regarding verification of documents in notebook and documents on CDs. | 1.00 |
| KBS | Modification to draft of motion to dismiss. | 4.40 |
| 02/25/2013 | | |
| P75 | Telephone call with Sgt. Worthington of the Nueces County Police Department regarding video clips of Gregory Cheek. | 0.20 |
| KBS | Email draft motion to dismiss to Sheriff Kaelin. | 0.20 |
| KBS | Review response from Sheriff Kaelin. | 0.10 |
| KBS | Initial review of comments from Mr. Miller regarding draft motion to dismiss; brief reply to certain points; review response regarding continued use of heightened pleading standard and applicability of <i>Iqbal</i> ; respond to same. | 0.70 |
| KBS | Initial review of arguments and authority regarding theory that <i>Iqbal</i> eliminated supervisory liability. | 0.70 |
| 02/26/2013 | | |
| P75 | Continue reviewing inmate video statements. | 1.20 |
| KBS | Review email from Ms. Atkins regarding potential change to motion to dismiss; reply. | 0.20 |
| KBS | Review and reply to email from Mr. Miller regarding answer and | |

Catherine Cheek, et al

| | | Hours | |
|------------|---|-------|-----------|
| | coordinating same. | 0.10 | |
| 02/27/2013 | | | |
| KBS | Telephone conference with Mr. Barker regarding answer and strategy. | 0.30 | |
| KBS | Additional consideration of comments from other defense counsel regarding strategies and input for motion to dismiss; review recent Fifth Circuit case law concerning heightened pleading standard and recent decision under purportedly similar facts; consideration of insertion of same and modification of pleadings. | 1.50 | |
| KBS | Review draft certificate of interested parties; instructions regarding modification to same. | 0.30 | |
| KBS | Respond to inquiry from Mr. Miller (Counsel for Nueces County) regarding Fifth Circuit authority concerning heightened standard; obtain and forward same with copy to Ms. Adkins. | 0.70 | |
| KBS | Email from co-counsel regarding bed availability and use in motion to dismiss. | 0.40 | |
| KBS | Review and analysis of five motions and briefs relating to immunity defense forwarded by Nueces County defense counsel. | 1.70 | |
| 02/28/2013 | | | |
| P75 | Attention to e-filing Certificate of Interest Parties and forwarding to all counsel. | 0.40 | |
| KBS | Obtain additional case authorities identified by co-counsel for use in brief. | 0.30 | |
| | For Current Services Rendered | 51.30 | 12,609.00 |

Recapitulation

| Timekeeper | Hours | Rate | Total |
|-----------------------|-------|----------|-------------|
| Sieczkowski, Keith B. | 37.80 | \$290.00 | \$10,962.00 |
| Amaro, Margaret (P75) | 10.80 | 110.00 | 1,188.00 |
| Moore, Allison E | 2.70 | 170.00 | 459.00 |

Total Current Work 12,609.00

Balance Due \$12,609.00

Please Remit

| CO ATTORNEY | |
|-------------|-----------|
| # | R138998 |
| PO# | 331073 |
| V# | V29419 |
| DEPT-CODING | 1285-5301 |
| RECEIVING | 4-2-13 |

3-22-2013
 Approved
 By Lauren [Signature]
 Nueces County Atty.

\$12,609.00

ROYSTON RAYZOR

EST. 1892

Myra K. Morris
Board Certified-Labor & Employment Law
Texas Board of Legal Specialization
myra.morris@roystonlaw.com

Royston, Rayzor, Vickery & Williams, LLP
Attorneys at Law

1300 Frost Bank Plaza
802 N. Carancahua
Corpus Christi, TX 78401-0021
Main: 361.884.8808
Fax: 361.884.7261

Internet: www.roystonlaw.com

March 12, 2013

NUECES COUNTY ATTORNEY

MAR 13 2013

RECEIVED

VIA US MAIL

Laura Garza Jimenez
Nueces County Attorney
901 Leopard, Rm. 207
Corpus Christi, TX 78401

Re: Nueces County, et al
Civil Action No. 2:13cv26
Catherine Cheek, et al
Our File No.: 58774

Dear Ms. Jimenez:

Enclosed please find our Interim Invoice Number 105260 dated March 8, 2013, for services and disbursements rendered in the above-captioned matter. We ask that you place it in line for payment at your earliest convenience, if found to be in order.

Thank you for your courtesies and attention to this matter.

Yours faithfully,

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.



Myra K. Morris

NUECES COUNTY ATTORNEY

13 APR -2 PM 1:33

MKM:rs

Enclosure

Listed 4/3/13
Agenda 4/17/13
DJL

CO ATTORNEY

| | |
|-------------|-----------|
| PR# | R138794 |
| PO# | 331072 |
| V# | V11514 |
| DEPT-CODING | 1285-5301 |
| RECEIVING | H-2-13 |

Nueces County
901 Leopard, Room 207
Corpus Christi, TX 78401-3680

03/08/13

Invoice Number: 105260

In Account With

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

ATTORNEYS AT LAW
FROST BANK PLAZA
802 N. CARANCAHUA, SUITE 1300
CORPUS CHRISTI, TEXAS 78401-0021

(TAX I.D. # 74-1196579)

RE: Estate of Gregory L. Cheek
Our File: 3155.58774

Fee for legal services rendered in the captioned matter.

| | |
|-------------------|------------|
| Current Fees: | \$4,617.50 |
| Current Expenses: | \$3.10 |
| Current Total: | \$4,620.60 |

| | |
|------------------|-------------------|
| TOTAL AMOUNT DUE | <u>\$4,620.60</u> |
|------------------|-------------------|

TO INSURE PROPER CREDIT TO YOUR ACCOUNT,
PLEASE REFERENCE OUR INVOICE NUMBER.

Nueces County
901 Leopard, Room 207
Corpus Christi, TX 78401-3680

03/08/13

Invoice Number: 105260

In Account With

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

ATTORNEYS AT LAW
FROST BANK PLAZA
802 N. CARANCAHUA, SUITE 1300
CORPUS CHRISTI, TEXAS 78401-0021

(TAX I.D. # 74-1196579)

ATTORNEY/CLIENT PRIVILEGE

RE: Estate of Gregory L. Cheek
Our File: 3155.58774

Fee for legal services rendered in the captioned matter.

| <u>Date</u> | <u>Attorney</u> | <u>Hours</u> | <u>Description</u> |
|-------------|-----------------|--------------|---|
| 02/13/13 | BCM | 0.00 | examine various e-mails about new case and status of service of defendants; [write off .10] |
| 02/14/13 | HRD | 0.00 | attention to doing criminal and background check on Gregory Cheek for attorney's review; [write off .50] |
| 02/15/13 | MKM | 0.20 | review email from county attorney confirming assignment and detailing other representation; |
| 02/15/13 | BCM | 0.20 | examine e-mails from Alissa Adkins and Ed Barker about service and representation of co-defendant's; |
| 02/15/13 | HRD | 0.00 | draft Contact Information Page listing all parties and contact information; [write off .30] |
| 02/18/13 | BCM | 0.30 | examine news articles on Cheek death and lawsuit; |
| 02/18/13 | BCM | 1.20 | analyze plaintiffs' first amended complaint and prepare memorandum on issues to address in motion to dismiss; |

| <u>Date</u> | <u>Attorney</u> | <u>Hours</u> | <u>Description</u> |
|-------------|-----------------|--------------|--|
| 02/18/13 | BCM | 0.20 | examine articles on application of Americans with Disabilities Act and Rehabilitation Act to local jails, to evaluate facial merit of allegations in complaint; |
| 02/18/13 | BCM | 0.20 | examine articles on medical condition alleged in complaint; |
| 02/18/13 | BCM | 0.20 | examine public disciplinary record of physician identified in complaint as allegedly inadequate to treat deceased; |
| 02/18/13 | BCM | 0.00 | examine blank summons for which plaintiffs have requested service; [write off .10] |
| 02/18/13 | BCM | 0.20 | examine court's order for initial conference and other start-of-case matters; |
| 02/18/13 | BCM | 0.00 | examine plaintiffs' certificate of interested parties; [write off .10] |
| 02/18/13 | BCM | 0.10 | prepare e-mail to Keith Sieczkowski about motion to dismiss; |
| 02/19/13 | BCM | 0.30 | examine e-mail from and conference with Keith Sieczkowski about motions to dismiss; |
| 02/19/13 | HRD | 0.10 | confer with Ed Barker, counsel for NaphCare Care, regarding our proposed Original Answer; |
| 02/20/13 | BCM | 0.20 | examine e-mail from Alissa Adkins and article about problems with state hospital system in handling incompetent criminal accused; |
| 02/20/13 | BCM | 0.00 | examine e-mail and sample certificate of interested parties from Alissa Adkins; [write off .10] |
| 02/20/13 | HRD | 1.00 | attention to downloading all numerous of recorded statements and video footage and documents onto our system for discovery purposes and printing of color photographs; |
| 02/20/13 | HRD | 0.10 | draft email to Alissa Adkins at Nueces County Attorney's office, regarding runner picking up original Waiver of Service on the county; |

| <u>Date</u> | <u>Attorney</u> | <u>Hours</u> | <u>Description</u> |
|-------------|-----------------|--------------|--|
| 02/21/13 | MKM | 0.30 | conference with county attorney regarding background information on deceased; |
| 02/21/13 | BCM | 0.20 | examine e-mails from Alissa Adkins about various information from sheriff's office and input of commitment order into jail management system; |
| 02/22/13 | MKM | 0.30 | review of email from Assistant County Attorney regarding motion to dismiss Sheriff in his official capacity and order granting same; |
| 02/22/13 | BCM | 0.20 | e-mails from/to Alissa Adkins about waiver of service, motion to dismiss; |
| 02/25/13 | BCM | 0.20 | examine federal rule on waiver of summons to determine proper procedure and answer time; |
| 02/25/13 | BCM | 1.70 | analyze, prepare comments on, and suggest revisions to Rule 12(b)(6) motion to dismiss Sheriff Kaelin and related e-mails to/from Keith Sieczkowski about same; |
| 02/25/13 | BCM | 0.20 | examine county's waiver of summons and accompanying e-mail from Alissa Adkins and prepare e-mail about time for answer; |
| 02/25/13 | BCM | 0.60 | examine briefing in other cases involving lead jail and law enforcement officials and forward parts useful in Cheek case with comments by e-mail to Keith Sieczkowski; |
| 02/25/13 | HRD | 0.00 | submission of Waiver of Summons for Defendant Nueces County; [write off .10] |
| 02/25/13 | HRD | 0.50 | draft Certificate of Interested Parties; |
| 02/26/13 | BCM | 1.50 | analyze book chapter on application of Rehabilitation Act and Americans With Disabilities Act to prisoners, for use in preparing motion to dismiss; |
| 02/26/13 | BCM | 0.40 | analyze court opinions on no constitutional right for prisoner to be placed in particular facility, for use in motion to dismiss; |

| <u>Date</u> | <u>Attorney</u> | <u>Hours</u> | <u>Description</u> |
|-------------|-----------------|--------------|---|
| 02/26/13 | BCM | 0.80 | analyze court opinions and articles on application of state-law disability tolling provision to federal civil rights claims, for use in evaluating whether limitations defense may bar some or all claims; |
| 02/26/13 | BCM | 0.60 | analyze court opinions and articles on application of Texas survival statute to certain causes of action not directly involving personal injury, for use in evaluating possible merit of argument that Rehabilitation Act and ADA claims did not survive Cheek's death; |
| 02/26/13 | BCM | 0.20 | e-mails to/from Alissa Adkins about ADA and Rehabilitation Act claims, possibility that Cheek was not moved due to lack of state hospital bed; |
| 02/26/13 | BCM | 0.10 | e-mails to/from Keith Sieczkowski about motions to dismiss; |
| 02/27/13 | MKM | 0.60 | emails with defense counsel regarding filing motion to dismiss; conference call with attorney Barker regarding motion to dismiss; |
| 02/27/13 | BCM | 1.20 | prepare introduction and standard of review sections of motion to dismiss county; |
| 02/27/13 | BCM | 1.40 | analyze court opinions and articles on survival of ADA and Rehabilitation Act claims, for use in preparing motion to dismiss; |
| 02/27/13 | BCM | 0.90 | analyze court opinions and articles on conditions on recovery of damages and types of damages recoverable under ADA and Rehabilitation Act, for use in preparing motion to dismiss; |
| 02/27/13 | BCM | 1.00 | analyze court opinions and articles on vicarious liability under ADA and Rehabilitation Act and whether such liability may allow county to assert qualified immunity defense of individual, for use in preparing motion to dismiss; |
| 02/27/13 | BCM | 0.90 | analyze court opinions on insufficiency of medical malpractice-type allegations to state claim under ADA or Rehabilitation Act, for use in preparing motion to dismiss; |

| <u>Date</u> | <u>Attorney</u> | <u>Hours</u> | <u>Description</u> |
|-------------|-----------------|--------------|--|
| 02/27/13 | BCM | 0.40 | examine docket reports for Cheek's criminal cases and incompetency transfer order, for use in preparing motion to dismiss; |
| 02/27/13 | BCM | 1.30 | analyze Taylor v Lakey trial court opinion on alleged unconstitutionality of state hospital forensic bed clearinghouse list, appellate briefs in case, and court opinions cited in appellate briefs, for use in preparing motion to dismiss; |
| 02/27/13 | BCM | 0.20 | examine article on rights of prisoners with mental disabilities, for use in preparing motion to dismiss; |
| 02/27/13 | BCM | 0.00 | e-mails to/from Alissa Adkins about ADA and Rehabilitation Act claims, [write off .10] |
| 02/27/13 | BCM | 0.30 | e-mails to/from Alissa Adkins and Keith Sieczkowski about failure-to-transfer allegations and Taylor v Lakey case; |
| 02/27/13 | BCM | 0.20 | e-mails to/from Ed Barker about Section 1983 claims and motions to dismiss; |
| 02/27/13 | BCM | 0.30 | conference with Ed Barker about medical care allegations, motions to dismiss; |
| 02/28/13 | BCM | 1.60 | prepare parts of motion to dismiss discussing elements of municipal liability claim and application of Farmer deliberate indifference standard; |
| 02/28/13 | BCM | 0.10 | e-mails to/from Alissa Adkins about arrest reports; |
| 02/28/13 | BCM | 0.00 | examine sheriff's certificate of interested parties; [write off .10] |
| 02/28/13 | HRD | 0.40 | review documents provided by client to determine if we were in possession of police report/incident reports of October 2010; |
| 02/28/13 | HRD | 2.00 | review of documents regarding Cheek's criminal history and jail cases pending for purpose of searching for information requested by Brian Miller for his Motion to Dismiss; |

Fees:

| <u>Name</u> | <u>Classification</u> | <u>Hours</u> | <u>Rate</u> | <u>Total</u> |
|----------------------|-----------------------|--------------|---------------------|--------------|
| Myra K. Morris | Partner | 1.40 at | \$220.00 per hour = | \$308.00 ✓ |
| Brian C Miller | Of Counsel | 19.60 at | \$200.00 per hour = | \$3,920.00 ✓ |
| Henrietta R. DeLeon | Paralegal | 4.10 at | \$95.00 per hour = | \$389.50 ✓ |
| TOTAL ATTORNEYS FEES | | | | \$4,617.50 |

Expenses:

| <u>Description</u> | <u>Amount</u> |
|-------------------------------------|---------------|
| Copies at \$.10 per page (31 units) | \$3.10 |
| TOTAL EXPENSES | <u>\$3.10</u> |

Current Fees: \$4,617.50
Current Expenses: \$3.10
Current Total: \$4,620.60

TOTAL AMOUNT DUE

\$4,620.60

TO INSURE PROPER CREDIT TO YOUR ACCOUNT,
PLEASE REFERENCE OUR INVOICE NUMBER.

3-13-2013
Approved
By your friend
Laura County Attorney



**Samuel L. Neal, Jr.
Nueces County Judge**

APPROVED FOR
SUPPORTS COURT REPORTER
13 APR -1 PM 3:32

DATE: April 1, 2013

TO: County Auditor

FROM: Loyd Neal
County Judge

[Handwritten signature]
4-4-13
OK

SUBJECT: **TEXAS A&M NATIONAL YOUTH WELLNESS PROGRAM**

The attached invoice is approved for payment and forwarded for inclusion at the next regular Commissioner's Court Meeting.

"FY12/13 Diabetes Contract"
FY11/12 Report – CCT 2/27/13
FY12/13 Contract Approved 3/13/13

Listed 4/8/13
Agenda 4/17/13
[Handwritten signature]



TEXAS A&M UNIVERSITY
CORPUS CHRISTI

DEPARTMENT OF KINESIOLOGY
COLLEGE OF EDUCATION

6300 OCEAN DRIVE, UNIT 5820
CORPUS CHRISTI, TEXAS 78413-5820
O 361.825.6072 F 361.825.3708
HTTP://KINESIOLOGY.TAMUCC.EDU

March 22, 2013

Honorable Oscar Ortiz
Nueces County Commissioner, Precinct 3
Nueces County Courthouse
901 Leopard Street, Room 303.09
Corpus Christi, TX 78401

Dear Commissioner Ortiz:

On behalf of the National Youth Sports and Wellness Program, I thank you and Nueces County for pledging your support for the 2013 summer program offered at Texas A&M University-Corpus Christi.

Your commitment of \$3,000 will help provide students from low-income households within Nueces county access to fitness activities, nutritional education, and strategies for developing healthier lifestyles to prevent and mitigate the risk of diabetes.

✓ Please accept this letter as a request for the disbursement of the \$3,000 for the 2013 NYSWP, which will take place in June 2013. We are grateful for your generosity and foresight in helping to educate our community on the importance of health and wellness.

Sincerely,

Dr. Randy Bonnette
Kinesiology Department Chair

FY 11-12 Diabetes Report
CCT 2-27-13

FY 12-13 Contract
CCT 3/13/13

| | |
|-----|-----------------------|
| NO | R138489 |
| PO# | 330469 |
| # | V19178 |
| PT | 5110-1410/511003-5443 |
| | Jcm 4/1/13 |

Commissioner Oct 3

RECEIVED

Jcm APR 1 - 2013
Nueces County
Commissioners Court
Administration



**Samuel L. Neal, Jr.
Nueces County Judge**

DATE: April 9, 2013
TO: County Auditor
FROM: Loyd Neal
County Judge

ce for la

SUBJECT: **ERNEST R GARZA & COMPANY PC**

The attached invoice is approved for payment and forwarded for inclusion at the next regular Commissioner's Court Meeting.

"FY 9/30/2012 Audit"
Letter of Engagement – CCT 9/19/12
Final Payment

Final Payment

*Listed 4/9/13
Agenda 4/17/13*

DR

ERNEST R. GARZA & COMPANY, P.C.

CERTIFIED PUBLIC ACCOUNTANTS

10201 LEOPARD #A

CORPUS CHRISTI, TX 78401

FOR PROFESSIONAL SERVICES RENDERED

361-241-2452

Toll Free 1-800-241-1272

FAX NO. 361-242-1525

March 31, 2013

fax 888-0376

REF.: 12-0930-05

Nueces County
c/o Theresa McLemore
901 Leopard St. - Room 302.03
Corpus Christi, Texas 78401

1285-5315

Fiscal Year Audit - September 30, 2012
Balance

Contract Amount
0.00 ✓

\$ 57,000.00 ✓

Billing for audit work.

Prior billing including this billing.
Prior payment. Thank you!

57,000.00 ✓
41,000.00 ✓

This Billing

\$ 16,000.00 ✓

Total due! Thank you!

Sincerely,

Ernest R. Garza, C.P.A.

| | |
|------------|-----------|
| NO. | R137606 |
| PO# | 329762 |
| LN# | V22150 |
| EXT-NO. | 1285-5315 |
| Jcm 4/9/13 | |

RECEIVED

Jcm

APR 2 - 2013
Nueces County
Commissioners Court
Administration