IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

FAIRHOLME FUNDS, INC., et al.,	)	
	)	
Plaintiffs-Appellees,	)	
	)	
v.	)	
	)	
THE UNITED STATES,	)	17-1015
	)	
Defendant-Appellee,	)	
	)	
v.	)	
	)	
MICHAEL SAMMONS,	)	
	)	
Movant-Appellant.	)	

DEFENDANT-APPELLEE'S INFORMAL RESPONSE BRIEF

Pursuant to Rule 28(g) of the Federal Circuit Rules, defendant-appellee, the United States, respectfully submits the following informal brief in response to the informal brief filed by the movant-appellant, Michael Sammons.

STATEMENT OF THE CASE

This suit arises from the Government's 2008 rescue of the Federal National Mortgage Association ("Fannie Mae") and the Federal Home Loan Mortgage Corporation ("Freddie Mac") (collectively, the "Government sponsored enterprises" or "GSEs") and, specifically, the 2012 amendments to the agreements between the Treasury Department and the GSEs that govern the terms of the

ongoing Government support for the enterprises. Pursuant to these amended agreements, the GSEs were required to pay Treasury, as a dividend, the amount, if any, by which their net worth exceeds a steadily diminishing capital buffer (the so-called "net worth sweep"). Plaintiffs, shareholders in the GSEs, filed this lawsuit in July 2013, alleging, among other things, that the net worth sweep violated the Constitution's Fifth Amendment by taking the plaintiffs' property without just compensation.

Since February 2014, the plaintiffs have been conducting discovery related to jurisdictional issues and the merits of the plaintiffs' claims.

On September 30, 2016, more than three years after this case began, Mr. Sammons, acting *pro se*, filed a motion to intervene as of right pursuant to Rule 24(a) of the Rules of the United States Court of Federal Claims (RCFC).[1] Mr. Sammons stated that the purpose of his intervention would be to challenge the Court of Federal Claims' jurisdiction to entertain the plaintiffs' claims. Specifically, Mr. Sammons claimed that, because the Court of Federal Claims was founded through Article I of the Constitution, it may not entertain constitutional claims of any sort. Mr. Sammons claimed he was the beneficial owner of GSE

[1] Mr. Sammons based his motion on the Federal Rules of Civil Procedure, rather than the RCFC, but the trial court noted that it was a "distinction without a difference" in this case and analyzed his claim pursuant to RCFC 24(a). *See* Opinion at 5 n.4.

stock worth more than one million dollars in par value, and that he was member of the plaintiff-class. Plaintiffs in this case, however, have not styled their complaint as a class action, and no class certification motion is pending. It appears from his filings on appeal to this Court that Mr. Sammons meant that he is a putative class member in one or more of the other related cases currently stayed before the Court of Federal Claims, *e.g.*, Compl. at ¶ 192, *Washington Federal v. United States*, No. 13-385 (Ct. Fed. Cl. 2013), ECF No. 1. *See* Applnt. Corrected Informal Br. at 5 n.3.

The Court of Federal Claims denied Mr. Sammons's motion without briefing from the existing parties. The court first provided an overview of the court's jurisdiction pursuant to the Tucker Act, 28 U.S.C. § 1491, and explained that, contrary to Mr. Sammons's assertion otherwise, the Court of Federal Claims possesses exclusive jurisdiction to entertain Fifth Amendment takings claims in excess of $10,000. Order at 3, *Fairholme Funds, Inc. v. United States*, No. 13-45 (Ct. Fed. Cl. Sept. 30, 2016), ECF No. 338 ("Opinion").

The court next held that Mr. Sammons did not possess a right to intervene pursuant to RCFC 24(a), and that his motion was untimely. RCFC 24(a) states:

> On timely motion, the court must permit anyone to intervene who . . . (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to

> protect its interest, unless existing parties adequately represent that interest.

The rule mandates that a movant must meet four requirements: "'(1) they have an interest relating to the property or transaction that is the subject of the action; (2) without intervention the disposition of the action may, as a practical matter, impair or impede the applicants' ability to protect that interest; . . . (3) their interest is inadequately represented by the existing parties,' and (4) their motion is timely filed." Opinion at 6 (quoting *Freeman v. United States*, 50 Fed. Cl. 305, 308-09 (2001)) (alteration in original).

The trial court held that Mr. Sammons satisfied the first requirement — possession of an interest relating to the property or transaction that is the subject of this action — by claiming to be a beneficial owner of GSE stock. Opinion at 7. The court, however, held that Mr. Sammons failed to satisfy the second requirement because he could protect his interest by filing a separate suit in a district court or the Court of Federal Claims. Thus, denying intervention would not impair or impede Mr. Sammons's ability to protect his interest. Opinion at 7-8.

With respect to the third requirement, the court noted that "a movant need only show that the representation of his interests 'may be' inadequate." Opinion at 8 (quoting *Fifth Third Bank of W. Ohio v. United States,* 52 Fed. Cl., 202, 205 (2002) (quoting *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 (1972))). Mr. Sammons claimed that no party was willing to raise his argument

that the Court of Federal Claims lacks jurisdiction to entertain Fifth Amendment takings claims, but did not otherwise identify any inadequacy in plaintiffs' representation of his interests. The court also noted that, in any event, Mr. Sammons's argument was contrary to settled law. The court thus held that Mr. Sammons failed to meet the third requirement. Opinion at 5.

Last, the trial court held that Mr. Sammons's motion was untimely. The court identified three factors to consider in evaluating the timeliness of the motion: "(1) how long the movant knew or reasonably should have known of his rights, (2) whether existing parties would be more prejudiced by the court's granting the motion than the movant would be prejudiced by the court's denying the motion, and (3) whether there exist any unusual circumstances that tip the balance in favor of either granting or denying the motion." Opinion at 8-9 (citing *Chippewa Cree Tribe of Rocky Boy's Reservation v. United States*, 85 Fed. Cl. 646, 658 (2009)). The trial court determined that Mr. Sammons was aware or should have known of his rights at least since the filing of this case and similar cases in 2013. Referencing the hundreds of docket entries in the case and the parties' extensive discovery efforts, the court also concluded that the parties would be more prejudiced by permitting Mr. Sammons to intervene and obliging the parties to spend time and resources on "a vacuous motion" than Mr. Sammons would be if his motion were denied. Opinion at 9. Finding no unusual circumstances that

would affect its timeliness analysis, the court held that Mr. Sammons's motion was untimely. The trial court therefore denied Mr. Sammons's motion to intervene. Opinion at 10.

Mr. Sammons appealed to this Court.

ARGUMENT

I. Standard Of Review

This Court "review[s] a denial of a motion to intervene for untimeliness under an abuse of discretion standard." *Doe v. United States*, 44 F. App'x 499, 501 (Fed. Cir. 2002) (citing *NAACP v. New York*, 413 U.S. 345, 365 (1973) and *Belton Indus., Inc. v. United States*, 6 F.3d 756, 760 (Fed. Cir. 1993)). For both intervention as of right and permissive intervention, timeliness "is to be determined by the court in the exercise of its sound discretion; unless that discretion is abused, the court's ruling will not be disturbed on review." *NAACP*, 413 U.S. at 366.

When reviewing the denial of a motion to intervene based upon the remainder of RCFC 24(a)(2)'s requirements, this Court has not resolved what standard of review it should apply. *See Wolfsen Land & Cattle Co. v. Pac. Coast Fed'n of Fishermen's Assocs.*, 695 F.3d 1310, 1314 (Fed. Cir. 2012) (declining to resolve the issue because it was not dispositive). Nor is there consensus among the circuit courts that have decided the question; the courts are split between applying *de novo* review and review for abuse of discretion. *Id.* (collecting cases). This

Court does not need to resolve which standard of review is appropriate because the trial court's decision should be affirmed under either standard.

II. Responses To Informal Brief Form Questions

1. Has the appellant ever had another case in this court?

No, we are not aware of any other cases brought by Mr. Sammons in this Court.

2. Did the trial court incorrectly decide or fail to take into account any facts?

No, and Mr. Sammons does not assert that the Court of Federal Claims incorrectly decided or failed to take into account any facts.

3. Did the trial court apply the wrong law?

No. The trial court correctly applied the law concerning motions to intervene as of right pursuant to RCFC 24(a). Before this Court, Mr. Sammons does not address the trial court's analysis of the intervention requirements at all. Applnt. Corrected Informal Br. (Question 3). Instead, he simply references *Stern v. Marshall*, 564 U.S. 462 (2011), apparently in support of the argument he wishes to advance if his motion to intervene were granted — that, contrary to long-established precedent, the Court of Federal Claims lacks jurisdiction to entertain constitutional claims, and the plaintiffs' takings claims must be transferred to a Federal district court. Although we demonstrate in answer to question 5 that

Mr. Sammons's legal theory is incorrect, the merits (or lack thereof) of the theory are irrelevant to why Mr. Sammons is not entitled to intervene in this case.

As the trial court observed, RCFC 24(a)(2) sets forth a four-part test that must be met by individuals seeking to intervene as of right in a pending action. Although courts construe motions to intervene in favor of the movant, *Am. Mar. Transp., Inc. v. United States*, 870 F.2d 1559, 1561 (Fed. Cir. 1989), a movant must satisfy all four requirements. First, the motion must be timely. *Wolfsen Land & Cattle*, 695 F.3d at 1315. Even if a movant would otherwise succeed on a motion to intervene as of right, and regardless of the merits of the underlying arguments the movant wishes to make, if the motion is untimely, the court may deny the motion. *See Freeman*, 50 Fed. Cl. at 308 ("The threshold question in this analysis [of a motion to intervene] is whether the applicants' request to intervene is timely.").

Second, "the movant must claim some interest in the property affected by the case." *Wolfsen Land & Cattle*, 695 F.3d at 1315. Third, the movant must be "so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest." RCFC 24(a)(2). This means that the "interest's relationship to the litigation must be 'of such a *direct* and *immediate* character that the intervenor will either gain or lose by the *direct* legal operation and effect of the judgment.'" *Wolfsen Land & Cattle*, 695 F.3d at 1315 (quoting

Am. Mar. Transp., 870 F.2d at 1561) (emphasis in original). Last, "the movant must demonstrate that said interest is not adequately addressed by the [existing parties'] participation." *Id.*

The trial court appropriately applied its sound discretion to determine that Mr. Sammons's motion, filed more than three years after this case was commenced, was untimely. That alone is reason for this Court to affirm the denial. The trial court also properly held that Mr. Sammons failed to satisfy two of the remaining three requirements. Although we do not concede that Mr. Sammons possesses an interest in this case based on his asserted beneficial ownership interest in GSE stock, the court properly held that Mr. Sammons's interests would not be impaired or inadequately addressed by denying the motion to intervene.

A. Mr. Sammons's Motion Was Untimely

Even if Mr. Sammons were otherwise entitled to intervene as of right, the Court of Federal Claims acted within its discretion in concluding that Mr. Sammons's motion was untimely. Although the trial court addressed timeliness at the end of its opinion, timeliness is a threshold factor that must be met by individuals seeking to intervene. *Freeman*, 50 Fed. Cl. at 308 (2001). This Court should thus affirm the trial court's decision, and may do so without addressing the rest of the trial court's reasoning. *See, e.g.*, *John R. Sand & Gravel Co. v. Brunswick Corp.*, 143 F. App'x 317, 319 (Fed. Cir. 2005) (unpublished)

("While we recognize the substantial interest of the Metamora Group in this litigation, we conclude that the trial court's denial of intervention [for untimeliness] . . . was within the permissible scope of the court's discretion.").

The trial court properly examined: (1) the time that had elapsed since Mr. Sammons knew or should have known of his rights; (2) whether the existing parties would be more prejudiced by granting the motion than Mr. Sammons would be by its denial; and (3) any unusual circumstances. Opinion at 8-9. *See, e.g.*, *Belton Indus.*, 6 F.3d at 762 (analyzing Court of International Trade Rule 24, which is comparable to RCFC 24); *Aeroplate Corp. v. United States*, 112 Fed. Cl. 88, 91 (2013) (applying *Belton*'s framework to RCFC 24). The events underlying Mr. Sammons's potential takings claim occurred in 2012. This case and more than a half dozen others alleging Fifth Amendment takings claims were filed in the Court of Federal Claims in the summer of 2013. Therefore, Mr. Sammons knew or should have known of his rights related to this case years ago. Opinion at 9. The plaintiffs have been engaged in extensive discovery and other disputes, as evidenced by the hundreds of docket entries in the case. The trial court determined that interrupting these "massive discovery efforts" to respond to Mr. Sammons's jurisdictional theories would prejudice the existing parties more than denying the motion to intervene would prejudice Mr. Sammons. *Id.* Consequently, the trial

court was well within its discretion to deny Mr. Sammons's motion as untimely. This Court need go no further in its analysis to affirm the trial court's decision.

B. Mr. Sammons's Interest Is Not Impaired Or Impeded By The Court Of Federal Claims' Denial Of His Motion To Intervene

Even if Mr. Sammons had moved to intervene in a timely manner, he has not demonstrated that his interest is so directly intertwined with plaintiffs' interests in this case that the resolution of this case will impair or impede his ability to protect his interest. To prevail on a motion to intervene as of right, the movant must stand to "either gain or lose by the *direct* legal operation and effect of the judgment." *Am. Mar. Transp.*, 870 F.2d at 1561 (emphasis in original). Mr. Sammons has not shown that the result of this litigation will *directly* affect his ability to pursue his own claims on his theory that the district courts, not the Court of Federal Claims, must entertain takings claims.

As the trial court noted, nothing prevents Mr. Sammons from filing a suit in the district court to pursue a takings claim based upon his alleged ownership interest. Opinion at 8 (citing *TRW Envt'l Safety Sys., Inc. v. United States*, 16 Cl. Ct. 516, 519 (1989) and *Ackley v. United States*, 12 Cl. Ct. 306, 309 (1987)). That is, he can assert his claims now — in the forum he believes is appropriate — without waiting for either this case or any other coordinated case before the Court of Federal Claims to proceed. Indeed, Mr. Sammons has done just that. On October 21, 2016, Mr. Sammons filed a takings claim seeking $900,000 in the

United States District Court for the Western District of Texas. *Sammons v. United States*, W. D. Tex. Case No. SA16-CA1054. As part of his case, he can attempt to persuade the district court that it possesses jurisdiction, notwithstanding 28 U.S.C. § 1491, because (as he asserts) the Court of Federal Claims lacks jurisdiction to entertain constitutional claims.

Similarly, although Mr. Sammons asserts that the outcome of this case can "materially affect" the litigation in which he is a putative class member, Applnt. Corrected Informal Br. at 5 n.3, Mr. Sammons is not bound to the Court of Federal Claims litigation in which he may be a member. Class actions before the Court of Federal Claims require plaintiffs to "opt in" to the class. *See* RCFC 23(c)(2)(B)(v) ("the court will include in the class any member who requests inclusion"). That is, Mr. Sammons can simply choose not to be part of that litigation so that he may pursue his own remedies based on his preferred legal theories. Denial of Mr. Sammons's motion to intervene, therefore, does not "as a practical matter impair or impede" his interests. RCFC 24(a)(2).

C. Mr. Sammons's Interests Are Adequately Addressed Absent His Intervention

Mr. Sammons also failed to show that his interests are inadequately represented by the existing parties. The Federal Circuit has adopted the framework employed by the Ninth Circuit and other circuits in evaluating the adequacy of representation. *Wolfsen Land & Cattle*, 695 F.3d. at 1316. Under that standard,

although the trial court will evaluate whether the existing party is likely to make or is capable and willing to make a proposed intervenor's argument, "[t]he most important factor in assessing the adequacy of representation is how the interest compares with the interests of existing parties. If an applicant for intervention and an existing party share the same ultimate objective, a presumption of adequacy of representation arises. To rebut the presumption, an applicant must make a compelling showing of inadequacy of representation." *Id.* (quoting *Citizens for Balanced Use v. Mont. Wilderness Ass'n*, 647 F.3d 893, 898 (9th Cir. 2011)) (internal quotation marks and citations omitted).

Here, Mr. Sammons, as a shareholder with an alleged takings claim against the Government, has the same "ultimate objective" as the current plaintiffs: to persuade the court to hold that the Government effected a taking of his property and to recover compensation. Mr. Sammons's desire to present a legal argument that plaintiffs have not advanced does not demonstrate that his interests in this case are not adequately represented by plaintiffs' counsel. "Where parties share the ultimate objective, differences in litigation strategy do not normally justify intervention." *Arakaki v. Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003).

Although Mr. Sammons has argued that no current party is willing to raise the argument that the Court of Federal Claims lacks jurisdiction to entertain Fifth Amendment takings claims, the trial court has already explained why such an

argument is contrary to established law. Mr. Sammons simply disagrees with the current plaintiffs' strategy to pursue claims within the established contours of the Tucker Act by bringing their claims in the Court of the Federal Claims rather than attempting to persuade a district court to overturn established law concerning Tucker Act jurisdiction.

Thus, because Mr. Sammons has not established inadequacy of representation, the trial court correctly concluded that he is not entitled to intervene as of right.

4. Did the trial court fail to consider important grounds for relief?

No, the trial court did not fail to consider important grounds for relief. The court properly applied the standard for a motion to intervene, as explained above. Mr. Sammons does not articulate any ground for relief that the trial court failed to consider, but simply repeats his citation to *Stern v. Marshall*.

5. Are there other arguments you wish to make?

In denying Mr. Sammons's motion, it was unnecessary for the Court of Federal Claims to address the merits of the argument Mr. Sammons intended to make if he were permitted to intervene. Nevertheless, the trial court explained that Mr. Sammons's proposed argument is frivolous. Opinion at 2-5. This Court need not address the merits of the jurisdictional argument raised by Mr. Sammons to affirm the trial court's decision. If, however, the Court examines the argument that

Mr. Sammons proposes to advance, the Court should conclude, as the trial court did, that Mr. Sammons's theory is contrary to well-established law.

The Tucker Act grants the Court of Federal Claims jurisdiction to entertain claims for money against the United States that are founded upon the United States Constitution. 28 U.S.C. § 1491(a)(1). Therefore, throughout its history, the court has entertained takings claims based upon the Fifth Amendment. *E.g.*, *E-Sys., Inc. v. United States*, 2 Cl. Ct. 271, 284 (1983) (staying rather than dismissing an unripe takings claims because claim accrual date was not yet clear and "the court has jurisdiction of the [takings] claim"); *Turner v. United States*, 23 Cl. Ct. 447, 448 (1991) ("Jurisdiction attaches under the Tucker Act by virtue of the takings clause of the Fifth Amendment to the Constitution."); *Crocker v. United States*, 37 Fed. Cl. 191, 195 ("[I]f Ms. Crocker has stated a valid takings claim under the Fifth Amendment, it may be adjudicated in this court."), *aff'd*, 125 F.3d 1475 (Fed. Cir. 1997); *Qwest Corp. v. United States*, 48 Fed. Cl. 672, 685 (2001) ("The Court of Federal Claims has jurisdiction under the Tucker Act to hear takings claims . . . .").

Mr. Sammons argues that the portion of the Tucker Act that grants the Court of Federal Claims jurisdiction over certain constitutional claims is itself unconstitutional because the Court of Federal Claims is formed under Article I of the Constitution, which governs the Legislative Branch, not Article III, which

governs the Judicial Branch. Mr. Sammons's argument necessarily presumes that the Court of Federal Claims' exercise of jurisdiction over each takings case it has considered has been invalid.

Mr. Sammons appears to assert that the reason why no court has held that the Court of Federal Claims lacks authority to entertain constitutional claims is because the Supreme Court only recently, in *Stern v. Marshall*, 564 U.S. 462 (2011), clarified or narrowed the scope of Article I courts' constitutional authority. Applnt. Corrected Informal Br. at 6-8. The Court in *Stern v. Marshall* held that a bankruptcy court, as an Article I court, lacked the constitutional authority under Article III to exercise jurisdiction over a state common law claim. 564 U.S. at 482. But *Stern v. Marshall* was not the first case to explain that the Constitution requires that certain claims may only be addressed by Article III courts. It is one in a long line of cases, reaching back to 1855, that address the scope of Congress' constitutional authority to provide remedies in executive proceedings or Article I courts. *E.g.*, *Murray's Lessee v. Hoboken Land & Improvement Co.*, 59 U.S. 272, 284-85 (1855); *Crowell v. Benson*, 285 U.S. 22, 50 (1932); *N. Pipeline Constr. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 68 (1982).

The fact that no court has explicitly addressed Mr. Sammons's argument premised upon *Stern v. Marshall* does not mean the Court of Federal Claims' jurisdiction is an unsettled question. Although longstanding doctrine reserves

certain claims to Article III courts alone, this Court and the Supreme Court have consistently recognized the Court of Federal Claims' jurisdiction to entertain takings claims. *See, e.g.*, *Horne v. Dep't of Agric.*, 135 S. Ct. 2419, 2431 (2015) ("the Hornes are free to seek compensation for any taking by bringing a damages action under the Tucker Act in the Court of Federal Claims"); *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 1020 (1984) ("Once a taking has occurred, the proper forum for Monsanto's claim is the Claims Court."); *McGuire v. United States*, 707 F.3d 1351, 1356 (Fed. Cir. 2013) ("Because McGuire's takings claim fell within the scope of the Tucker Act (and was a claim for over $10,000), jurisdiction was proper only in the Claims Court."); *John R. Sand & Gravel Co. v. United States*, 457 F.3d 1345, 1354 (Fed. Cir. 2006) ("The Tucker Act, 28 U.S.C. § 1491(a)(l), provides the Court of Federal Claims with jurisdiction over takings claims brought against the United States."), *aff'd*, 552 U.S. 130 (2008); *Morris v. United States*, 392 F.3d 1372, 1375 (Fed. Cir. 2004) ("Absent an express statutory grant of jurisdiction to the contrary, the Tucker Act provides the Court of Federal Claims exclusive jurisdiction over takings claims for amounts greater than $10,000.").

Mr. Sammons also argues that, as a policy matter, the Court of Federal Claims should not be permitted to hear cases against the Government, particularly constitutional claims for large dollar amounts, because its judges are not "truly independent" from the Government against whom such claims are made. Applnt.

Corrected Informal Br. at 18. In his motion to intervene, Mr. Sammons was more explicit, questioning the trial judge's impartiality and stating that the pace of this litigation is a signal of the judge's capitulation to or fear of the Government. Mot. of Michael Sammons to Intervene at 3 n.3, *Fairholme Funds, Inc. v. United States*, No. 13-465 (Ct. Fed. Cl. Sept. 30, 2016), ECF No. 337. We agree with the trial judge that such accusations are "vexatious" and "unfounded." Opinion at 1 & n.1. No credible source or study has suggested the judge has acted out of any sense of obligation or partiality towards either party in this case.

Last, Mr. Sammons seeks relief from this Court to which he is not entitled at this stage in the proceedings. He asks this Court to rule on the merits of the argument he would make as intervenor and to transfer this case, as well as six other related cases, to an undetermined Federal district court. Applnt. Corrected Informal Br. at 20. But the merits of Mr. Sammons's argument are not properly before this Court because he is not, as yet, a party to this action. The only relief this Court may provide is affirmance or reversal of the trial court's decision to deny Mr. Sammons's motion to intervene.

6. What action do you want the court to take in this case?

The Court should affirm the trial court's decision.

7. Do you believe argument will aid the court?

No.

Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

s/ Robert E. Kirschman, Jr.
ROBERT E. KIRSCHMAN, JR.
Director

s/ Kenneth M. Dintzer
KENNETH M. DINTZER
Deputy Director
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 616-0385
Facsimile: (202) 307-0973
Email: Kenneth.Dintzer@usdoj.gov

Attorneys for Defendant

November 16, 2016

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 16th day of November, 2016, a copy of the foregoing "Defendant-Appellee's Informal Response Brief" was filed electronically.

_X___ This filing was served electronically to all appellees by operation of the Court's electronic filing system.

/s/ Renee Burbank

_X___ A copy of this filing was served via:

____ hand delivery
_X__ mail
____ third-party commercial carrier for delivery within 3 days
____ electronic means, with the written consent of the party being served

To the following address:

Michael Sammons
15706 Seekers St.
San Antonio, TX 78255

/s/ Renee Burbank