

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
Austin Division
Public Report

Sam Sparks
United States District Judge

Courtroom 2

Friday, November 20, 2009

09:00 AM FINAL REVOCATION HEARING

AU:06-CR-00272

United States of America

AUSA: Matthew B. Devlin

VS

(1) Cesar Frank Ortiz

ATTY: Horatio R. Aldredge (FPD)

Probation: James Golden

09:00 AM MOTION FOR RELEASE FROM FEDERAL DETENTION

AU:09-CR-00550

United States of America

AUSA: Douglas W. Gardner

VS

(2) Jesse Lara Salas

ATTY: Jodi Callaway Cole (CJA)

09:00 AM REARRAIGNMENT AND PLEA

AU:09-CR-00546

United States of America

AUSA: Mark P. Lane

(1) Tommy T. Fox

ATTY: William H. Ibbotson (FPD)

09:00 AM SENTENCING

AU:09-CR-00301

United States of America

AUSA: Jennifer Sheffield Freel

VS

(1) Charles Eugene Ferrell

ATTY: Rip L. Collins Jr. (RET)

Probation: Lonnie Hellums

10:45 AM STATUS CONFERENCE/DOCKET CALL VIA TELEPHONE

AU:07-CV-00643

28:1441 PETITION FOR REMOVAL- PERSONAL INJURY

Jacob A. Brochtrup

Plaintiff

ATTY: Robert C. Alden

ATTY: Don L. Davis

ATTY: Kevin Warren Liles

VS

Versus

Mercury Marine

Defendant

ATTY: Sandra J. Densham

11:00 AM DOCKET CALL

AU:08-CV-00668

17:501 COPYRIGHT INFRINGEMENT

Harold F. Eggers

Plaintiff

ATTY: Robert Buckner McKinney

ATTY: Stephen Wayne Sather

VS

Versus

TVZ Records, LLC

Defendant

ATTY: Kevin W. Brown

ATTY: Bruce P. Perkins

Jeanene Van Zandt

Defendant

ATTY: Kevin W. Brown

ATTY: Bruce P. Perkins

Fat Possum Records

Defendant

ATTY: Kevin W. Brown

ATTY: James J. Scheske

Remarks: Non-jury

Square D Company

Plaintiff

ATTY: J. Iris Gibson
ATTY: Brian W. Lewis
ATTY: Edward Timothy Walker
ATTY: James B. Vogts
ATTY: Elizabeth M. Keiley
ATTY: Nicole Nocera
ATTY: Hal L. Sanders Jr.

VS

Versus

Pioneer Breaker & Control Supply, Co.

Defendant

ATTY: Thomas H. Watkins
ATTY: Nicholas S. Kuhlmann
ATTY: Albert A. Carrion Jr.
ATTY: Jonathan D. Jay

Tamas Toldy

Defendant

ATTY: Thomas H. Watkins
ATTY: Albert A. Carrion Jr.
ATTY: Nicholas S. Kuhlmann
ATTY: Jonathan D. Jay

Christina Toldy Duncan

Defendant

ATTY: Jonathan D. Jay
ATTY: Nicholas S. Kuhlmann
ATTY: Thomas H. Watkins
ATTY: Albert A. Carrion Jr.

Gordon E. Vaught

Defendant

ATTY: Gordon E. Vaught (PSE)

Surtidora Electrica Del Norte SA DE C.V.

Defendant

ATTY: Paul Aiello
ATTY: Michelle Cohen

Humberto Gonzalez

Defendant

ATTY: Paul Aiello
ATTY: Michelle Cohen

Trans-Discovery Forwarding, Inc.

Defendant

ATTY: Ronald Rodriguez

HESCO

Defendant

ATTY: Michelle Cohen
ATTY: Paul Aiello

Humberto Gonzalez

Counter-claimant

ATTY: Paul Aiello
ATTY: Michelle Cohen

Friday, November 20, 2009

02:00 PM ALL PENDING MATTERS

Square D Company

Counter-defendant

ATTY: Hal L. Sanders Jr.

ATTY: James B. Vogts

ATTY: Nicole Nocera

ATTY: Brian W. Lewis

ATTY: Edward Timothy Walker

ATTY: J. Iris Gibson

ATTY: Elizabeth M. Keiley

Christina Toldy Duncan

Cross Claimant

Pioneer Breaker & Control Supply, Co.

Cross Claimant

Tamas Toldy

Cross Claimant

Surtidora Electrica Del Norte SA DE C.V.

Cross Defendant

ATTY: Paul Aiello

ATTY: Michelle Cohen

Humberto Gonzalez

Cross Defendant

Trans-Discovery Forwarding, Inc.

Cross Defendant

ATTY: Ronald Rodriguez

HESCO

Cross Defendant

ATTY: Paul Aiello

ATTY: Michelle Cohen

Humberto Gonzalez Betancourt

Cross Defendant

ATTY: Paul Aiello

[AU:09-CV-00493](#)

28:1332 DIVERSITY-PERSONAL INJURY

Dennis Thompson

Plaintiff

ATTY: Michael Patrick Doyle

ATTY: Patrick M Dennis

VS

Versus

Zurich American Insurance Company

Defendant

ATTY: David L. Brenner

Specialty Risk Services, LLC

Defendant

ATTY: David L. Brenner

Janet Watson

Defendant

ATTY: David L. Brenner

Monday, November 23, 2009

NO COURT SET

Tuesday, November 24, 2009

NO COURT SET

Wednesday, November 25, 2009

NO COURT SET

Thursday, November 26, 2009

08:00 AM HOLIDAY

Friday, November 27, 2009

NO COURT SET

Remarks: Court Closed

Monday, November 30, 2009

08:30 AM JURY SELECTION AND TRIAL

AU:07-CV-00643

28:1441 PETITION FOR REMOVAL- PERSONAL INJURY

Jacob A. Brochtrup

Plaintiff

ATTY: Don L. Davis

ATTY: Robert C. Alden

ATTY: Kevin Warren Liles

VS

Versus

Sea Ray

Defendant

ATTY: Sandra J. Densham

Remarks: 10 hours per side

Tuesday, December 01, 2009

09:00 AM JURY SELECTION AND TRIAL

AU:07-CV-00643

28:1441 PETITION FOR REMOVAL- PERSONAL INJURY

Jacob A. Brochtrup

Plaintiff

ATTY: Don L. Davis

ATTY: Kevin Warren Liles

ATTY: Robert C. Alden

VS

Versus

Remarks: Pretrial Maters at 8:30 a.m.

Wednesday, December 02, 2009

09:00 AM JURY TRIAL

AU:07-CV-00643

28:1441 PETITION FOR REMOVAL- PERSONAL INJURY

Jacob A. Brochtrup

Plaintiff

ATTY: Don L. Davis

ATTY: Kevin Warren Liles

ATTY: Robert C. Alden

VS

Versus

09:00 AM JURY TRIAL

[AU:07-CV-00643](#)

28:1441 PETITION FOR REMOVAL- PERSONAL INJURY

Jacob A. Brochtrup

Plaintiff

ATTY: Don L. Davis

ATTY: Robert C. Alden

ATTY: Kevin Warren Liles

Mercury Marine

Defendant

ATTY: Sandra J. Densham

01:30 PM TELEPHONE CONFERENCE

AU:07-CV-00372

35:271 PATENT INFRINGEMENT

Karl Bayer

Special Master

ATTY: Karl O. Bayer Jr.

The Western Union Company

Plaintiff

ATTY: David E. Sipiora

ATTY: Mark A. Mayfield

ATTY: Amanda L. Swaim

ATTY: Ryan Daniel Phillips

ATTY: Ian L. Saffer

ATTY: Mark T. Mitchell

VS

Versus

MoneyGram Payment Systems, Inc.

Defendant

ATTY: Chris A. Blackerby

ATTY: Emmett J. McMahon

ATTY: Sang Young Brodie

ATTY: Glenna L. Gilbert

ATTY: Martin R. Lueck

Moneygram International, Inc.

Counter-claimant

ATTY: Sang Young Brodie

ATTY: Stacey P. Slaughter

ATTY: Chris A. Blackerby

ATTY: Emmett J. McMahon

ATTY: Martin R. Lueck

MoneyGram Payment Systems, Inc.

Counter-claimant

ATTY: Martin R. Lueck

ATTY: Chris A. Blackerby

ATTY: Emmett J. McMahon

ATTY: Sang Young Brodie

ATTY: Glenna L. Gilbert

The Western Union Company

Counter-defendant

ATTY: David E. Sipiora

ATTY: Amanda L. Swaim

ATTY: Mark T. Mitchell

ATTY: Ryan Daniel Phillips

ATTY: Mark A. Mayfield

ATTY: Ian L. Saffer

02:00 PM RECEIVER'S APPLICATION TO ALLOW AND PAY

AU:09-CV-00324

15:77 SECURITIES FRAUD

Securities and Exchange Commission

Plaintiff

ATTY: J. Kevin Edmundson

ATTY: D. Dee Raibourn III

ATTY: Toby Michael Galloway

ATTY: Michael David King

VS

Versus

Ponta Negra Fund I, LLC

Defendant

ATTY: Jessica L. Margolis

ATTY: Jose Carlos Villarreal

ATTY: Michael S. Sommer

Ponta Negra Offshore Fund I, Ltd.

Defendant

ATTY: Michael S. Sommer

ATTY: Jessica L. Margolis

ATTY: Jose Carlos Villarreal

Ponta Negra Group, LLC

Defendant

ATTY: Michael S. Sommer

ATTY: Jose Carlos Villarreal

ATTY: Jessica L. Margolis

Francesco Rusciano

Defendant

ATTY: Jessica L. Margolis

ATTY: Jose Carlos Villarreal

ATTY: Michael S. Sommer

03:00 PM ANSWER TO ORDER OF CONTEMPT

AU:08-CV-00006

42:1983 PRISONER CIVIL RIGHTS

Ray Curtis Graham	<i>Plaintiff</i>	ATTY: Scott Pawgan ATTY: William T. Habern ATTY: David P. O'Neil ATTY: Richard Gladden
VS	<i>Versus</i>	
Rissie Owens	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Stuart Jenkins	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Carol M.V. Garcia ATTY: Karen D. Matlock ATTY: Kim Coogan
Jose Aliseda Jr.	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Charles Aycock	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Conrith Davis	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Jackie DeNoyelles	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Linda Garcia	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Juanita M. Gonzalez	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Thomas G. Fordyce	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Pamela D. Freeman	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Tony Garcia	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Elvis Hightower	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
James Paul Kiel Jr.	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Edgar Morales	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia

Friday, December 04, 2009

03:00 PM ANSWER TO ORDER OF CONTEMPT

James C. Poland	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Lynn Ruzicka	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Charles Shipman	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Charles C. Speier	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Howard A. Thrasher Sr.	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Bruce R. Garcia
Frank Beckem	<i>Defendant</i>	
Frank Becker	<i>Defendant</i>	
David Horn	<i>Defendant</i>	ATTY: Carol M.V. Garcia ATTY: Karen D. Matlock ATTY: Celamaine Cunniff ATTY: Kim Coogan
Ivy Anderson-York	<i>Defendant</i>	ATTY: Celamaine Cunniff ATTY: Carol M.V. Garcia ATTY: Karen D. Matlock ATTY: Kim Coogan

03:00 PM FINAL REVOCATION HEARING

[AU:02-CR-00203](#)

United States of America	AUSA: Mark H. Marshall
VS	
(1)William Montana Locklear	ATTY: William H. Ibbotson (FPD) Probation: Stephanie A. Colburn

Friday, December 11, 2009

09:00 AM ALL PENDING MOTIONS AND/OR STATUS CONFERENCE

[AU:09-CR-00480](#)

United States of America	AUSA: Mark P. Lane
I (1)Jose Arias-Hernandez	ATTY: Horatio R. Aldredge (FPD) Probation: Victor Calderon

09:00 AM SENTENCING

[AU:06-CR-00127](#)

United States of America
(1)Santos Jaimes Jr.

AUSA: Douglas W. Gardner
ATTY: Mark Andrew Sampson (RET)

[AU:09-CR-00216](#)

United States of America
I (1)Jose Efrain Cruz-Ramos

AUSA: Garth R. Backe
AUSA: Douglas W. Gardner
ATTY: Horatio R. Aldredge (FPD)
ATTY: Jose I. Gonzalez-Falla (FPD)
Probation: Agustin Marquez

[AU:09-CR-00310](#)

United States of America
(1)Earl Frederick Harris

AUSA: James F. Booher
ATTY: Horatio R. Aldredge (FPD)

[AU:09-CR-00328](#)

United States of America
(1)Rolando Cantu

(2)Angel Silva

(4)Dominic Barrerra

AUSA: Douglas W. Gardner
ATTY: Thomas Pearl (RET)
Probation: Lonnie Hellums

ATTY: Scott C. Smith (RET)
Probation: Lonnie Hellums

ATTY: Stephen M. Orr (RET)
Probation: Lonnie Hellums

[AU:09-CR-00329](#)

United States of America
(1)Jeremy Javon Fulton
(2)Denishia Price

AUSA: Ashley Chapman Hoff
ATTY: R. Scott Magee (CJA)
ATTY: Jeff Senter (RET)

[AU:09-CR-00357](#)

United States of America
I (1)Jose Antonio Maldonado

AUSA: Garth R. Backe
ATTY: Watson M. Howell Jr. (RET)

[AU:09-CR-00365](#)

United States of America
(1)Michael Morris Schuchert

AUSA: Jennifer Sheffield Freel
ATTY: William H. Ibbotson (FPD)

09:00 AM SENTENCING

[AU:09-CR-00371](#)

United States of America
(1)Miguel Torrez-Soto

AUSA: Garth R. Backe
ATTY: Horatio R. Aldredge (FPD)
Probation: Lonnie Hellums

[AU:09-CR-00405](#)

United States of America
I (1)Elias Mojica-Sanchez

AUSA: Garth R. Backe
ATTY: Jose I. Gonzalez-Falla (FPD)
Probation: Cinnamon Ornelas

[AU:09-CR-00408](#)

United States of America
I (1)Jose Espana-Ardon

AUSA: Garth R. Backe
ATTY: Horatio R. Aldredge (FPD)
Probation: Deborah Essenburg

[AU:09-CR-00410](#)

United States of America
I (1)Esquiél Rodríguez-Vasquez

AUSA: Garth R. Backe
ATTY: Jose I. Gonzalez-Falla (FPD)
Probation: Hector Garcia

[AU:09-CR-00422](#)

United States of America
I (1)Lizandro Tinoco-Primitivo

AUSA: Garth R. Backe
ATTY: Horatio R. Aldredge (FPD)
Probation: Hector Garcia

[AU:09-CR-00425](#)

United States of America
I (1)Tomas Sosa-Montinel

AUSA: Garth R. Backe
ATTY: Horatio R. Aldredge (FPD)
Probation: Lonnie Hellums

Monday, December 14, 2009

09:00 AM JURY SELECTION AND TRIAL

AU:09-CR-00480

United States of America

I (1) Jose Arias-Hernandez

AUSA: Mark P. Lane

ATTY: Horatio R. Aldredge (FPD)

Probation: Victor Calderon

Thursday, December 17, 2009

08:45 AM ATTORNEY ADMISSIONS FOR WESTERN DISTRICT OF TEXAS

Friday, December 18, 2009

09:00 AM SENTENCING

AU:09-CR-00309

United States of America

(2) Ismael Alvarez

AUSA: Christopher L. Peele

ATTY: Victor Arturo Arana (CJA)

AU:09-CR-00330

United States of America

(1) Mark Edwin Cairnes

AUSA: Matthew B. Devlin

AUSA: Alecia Riewerts Wolak

ATTY: Leonard R. Morgan (RET)

ATTY: Revis Kanak (RET)

Probation: Jesse Shifflett

AU:09-CR-00386

United States of America

I (1) Armando Simental-Carrillo

AUSA: Garth R. Backe

ATTY: Jose I. Gonzalez-Falla (FPD)

AU:09-CR-00394

United States of America

I (1) Cesario Encarnacion Hernandez-Luna

AUSA: Garth R. Backe

ATTY: Jose I. Gonzalez-Falla (FPD)

AU:09-CR-00427

United States of America

I (1) Antonio De Jesus Coreas-Ayala

AUSA: Garth R. Backe

ATTY: Horatio R. Aldredge (FPD)

Probation: Hector Garcia

09:00 AM SENTENCING

[AU:09-CR-00428](#)

United States of America

I (1) Edwin Geovany Reyes-Rodriguez

AUSA: Garth R. Backe

ATTY: Horatio R. Aldredge (FPD)

Probation: Deborah Essenburg

[AU:09-CR-00432](#)

United States of America

I (1) Cesar Arnoldo Alpizar-Hernandez

AUSA: Garth R. Backe

ATTY: Horatio R. Aldredge (FPD)

Probation: Jesse Shifflett

[AU:09-CR-00433](#)

United States of America

I (1) Eriberto Gonzalez-Martinez

AUSA: Garth R. Backe

ATTY: Horatio R. Aldredge (FPD)

Probation: Linda M Cano

[AU:09-CR-00434](#)

United States of America

I (1) Gabino Hernandez-Escobedo

AUSA: Garth R. Backe

ATTY: Horatio R. Aldredge (FPD)

Probation: Jesse Shifflett

[AU:09-CR-00435](#)

United States of America

I (1) Aristeo Paz-Ramirez

AUSA: Garth R. Backe

ATTY: Horatio R. Aldredge (FPD)

Probation: Linda M Cano

[AU:09-CR-00437](#)

United States of America

I (1) Calvin Rocervindo Grijalva-Mejia

AUSA: Garth R. Backe

ATTY: Horatio R. Aldredge (FPD)

[AU:09-CR-00443](#)

United States of America

I (1) Hector Gonzalez-Juarez

AUSA: Garth R. Backe

ATTY: Horatio R. Aldredge (FPD)

09:00 AM SENTENCING

[AU:09-CR-00447](#)

United States of America

AUSA: Garth R. Backe

I (1) Herminio Paramo-Rosales

ATTY: Jose I. Gonzalez-Falla (FPD)

[AU:09-CR-00448](#)

United States of America

AUSA: Garth R. Backe

I (1) Rafael Prado-Neri

ATTY: Jose I. Gonzalez-Falla (FPD)

[AU:09-CR-00452](#)

United States of America

AUSA: Garth R. Backe

I (1) Jose Lopez-Lopez

ATTY: Horatio R. Aldredge (FPD)

Probation: Cinnamon Ornelas

11:00 AM DOCKET CALL

[AU:08-CV-00535](#)

42:2000E JOB DISCRIMINATION (EMPLOYMENT)

Kimberly Penchion

Plaintiff

ATTY: Dominic C. Audino

VS

Versus

Verizon Wireless

Defendant

ATTY: Dani K. Gleason

ATTY: Ruthie Nelson White

[AU:08-CV-00871](#)

28:1332 DIVERSITY-PERSONAL INJURY

Donna Hahn

Plaintiff

ATTY: James A. Rodman

Bruce Hahn

Plaintiff

ATTY: James A. Rodman

VS

Versus

Kim Larue Lewis

Defendant

ATTY: Ross H. Ehlinger

[AU:09-CV-00708](#)

28:1441 PETITION FOR REMOVAL - CONSTITUTIONAL RIGHTS

Detrell Spellman

Plaintiff

ATTY: Detrell Spellman (PSE)

VS

Versus

Amanda Santeford

Defendant

ATTY: Christine G. Edwards