NO. 12-20164

In the United States Court of Appeals for the Fifth Circuit

CANDACE LOUISE CURTIS

Plaintiff-Appellant,

V.

ANITA KAY BRUNSTING AND AMY RUTH BRUNSTING

Defendants-Appellees.

On Appeal From the United States District Court for the

Southern District of Texas, Houston Division

BRIEF OF DEFENDANTS-APPELLEES

ANITA KAY BRUNSTING AND AMY RUTH BRUNSTING

GEORGE W. VIE III
MILLS SHIRLEY L.L.P.
1021 Main Street, Suite 1950
Houston, Texas 77002
(713) 225-0547
Fax (713) 225-0844
gvie@millsshirley.com

ATTORNEYS FOR DEFENDANTS-APPELLEES

CERTIFICATE OF INTERESTED PERSONS

Required By Local Rule 28.2.1

The undersigned counsel of record certifies the following listed persons have an interest in the outcome of this case. Judges of this Court may consider possible disqualification or recusal from this certification.

Candace Louis Curtis 1215 Ulfinian Way Martinez, California 94553	Pro Se Plaintiff-Appellant
Anita Kay Brunsting Amy Ruth Brunsting	Defendants-Appellees
George W. Vie III Mills Shirley L.L.P. 1021 Main Street, Suite 1950 Houston, Texas 77002	Attorneys for Defendants-Appellees

By: */s/ George W. Vie III*
George W. Vie III

ATTORNEYS FOR DEFENDANTS-APPELLEES

RECOMMENDATION ON ORAL ARGUMENT

The issues presented in this appeal are sufficiently discussed in the briefing. Additionally, the record is not complicated. For these reasons, Appellees suggest oral argument is not necessary for the Court's decisional process.

TABLE OF CONTENTS

LIST OF AUTHORITIES

Cases

Rules

TO THE HONORABLE FIFTH CIRCUIT COURT OF APPEALS:

Appellees Anita and Amy Brunsting file this opening brief and request the Court affirm the Order of Dismissal entered by the district court.

STATEMENT OF THE CASE

Anita and Amy Brunsting object to the "Notice of Correlative Action and Newly Disclosed Evidence" section of Appellant Curtis's Brief.[1] Although this Court liberally construes briefs filed by *pro se* litigants, it still requires them to comply with the Federal Rules of Appellate Procedure and the Court's local rules.[2] The Court "will not ordinarily enlarge the record on appeal to include material not before the district court."[3] To the extent that Curtis references documents she has received after judgment as "newly discovered evidence," these are not before the Court and should not have any bearing on the issues presented.

---

[1] Appellant's Brief at ii-iii.

[2] *Jones v. Sch. Bd. of Bossier Parish*, 51 F.3d 1045 (5th Cir.1995).

[3] *Id.*, citing *United States v. Flores*, 887 F.2d 543, 546 (5th Cir. 1989).

1. STATEMENT OF FACTS.

Curtis filed a complaint based on diversity of jurisdiction against Anita and Amy Brunsting.[4] She alleged that the Brunstings were acting as co-trustees of a family trust and, acting as co-trustees or successor trustees, they had failed to provide accurate and timely accounting to the beneficiaries; had not provided documents relating to the administration of the trust; may have improperly accepted "gifts"; and otherwise breached their fiduciary obligations.[5] Curtis included claims of extrinsic fraud, intrinsic fraud, and intentional infliction of emotional distress all arising out of the trust administration.[6] She also sought a temporary restraining order against "wasting the estate,"[7] and an accounting of trust property and assets.[8] She attached a variety of documents and emails, including a written demand for

---

[4] USCA5 5.

[5] USCA5 7-8.

[6] USCA5 8, 9, 11.

[7] USCA5 15.

[8] USCA5 16-17.

wills, trusts, and death certificates.[9] Her proposed injunctive order referenced an "asset freeze" of any property belonging to the Brunsting Family Living Trust, and surrender of the property to a receiver appointed by the district court.[10] She later filed a lis pendens related to property in Texas and Iowa.[11] The Brunstings filed an emergency motion to remove the lis pendens,[12] and noted it was subject to a motion under Rule 12 that would be filed as to the probate exception to jurisdiction.[13]

2. COURSE OF PROCEEDINGS AND DISPOSITION IN THE COURT BELOW.

The district court took notice of the request for a temporary restraining order and injunction and denied the relief, noting that "it appears the Court lacks subject matter jurisdiction over the claim(s) asserted."[14]

---

[9] USCA5 67.

[10] USCA5 413-15.

[11] USCA5 242-25.

[12] USCA5 434.

[13] USCA5 434.

[14] USCA5 431.

The court thereafter ordered that a telephone scheduling conference be conducted in connection with the lis pendens issue.[15] Curtis appeared pro se and the Brunstings were represented by counsel. Following the telephone scheduling conference, the district court entered an order indicating that the court would dismiss Curtis's suit for lack of jurisdiction.[16] The court then entered a sua sponte order of dismissal, noting it followed "a phone conference and discussion with the plaintiff and counsel for defendants."[17]

Specifically, the district court determined that it lacked jurisdiction over the parties and the subject matter of the litigation. The court noted that the facts before it indicated that Curtis, the Brunstings, and other siblings were beneficiaries of the Brunsting Family Trust and that according to the pleadings and the discussions during a telephone conference, Curtis's mother and father had establish the trust and thereafter died. The court added that the disputes between the parties arose on the administration of the family

---

[15] USCA5 479.

[16] USCA5 480.

[17] USCA5 481.

trust.[18] The court noted that Curtis's pleadings indicated that she was suing the Brunstings individually and as co-trustees for the trust because they had allegedly failed to meet their obligations under the trust powers.

The court added that Curtis, in response to the Brunstings' lis pendens motion, had stated that the *res* of the lawsuit was the trust; but the controversy was not a dispute about the trust but a personal one against the co-trustees. The court also noted that Curtis had admitted that the probate exception to federal jurisdiction applied (but only to avoid the court removing her lis pendens filing). In conclusion, the district court held that Curtis's suit was a dispute over the distribution of the family trust and therefore the court lacked jurisdiction.[19] Curtis then filed her notice of appeal.[20]

---

[18] USCA5 481.

[19] USCA5 482.

[20] USCA5 493.

SUMMARY OF THE ARGUMENT

The district court correctly concluded that even with complete diversity present in this case, the probate exception to federal jurisdiction prohibited it from granting Curtis the relief that she sought. This included her request for injunctive relief, declaratory relief, for a receiver appointed over the assets of the trust, an accounting, and damages.

To the extent Curtis sought injunctive relief and assumption of jurisdiction over all of the assets of the trust through appointment of a receiver, any order entered by the district court would have amounted to an attempt by it to administer the trusts at issue. Although Curtis suggests that the probate exception should only apply to wills and not trust assets or trust instruments, federal courts have applied the probate exception to trust litigation, especially when the trust instrument serves as a will substitute.

The policy considerations underlying the court-made probate exception include judicial economy and the desire to minimize interference with state court proceedings. Remanding or dismissing some claims under the probate exception, but retaining others, would not promote judicial

efficiency or minimize interference. Rather it would increase the risk of piecemeal resolution of the matters at issue.

On appeal, Curtis advises the Court that the wills of both of her parents, which are related to the trust or pour over into the trusts,[21] have since been probated in Texas state court. This is a further reason for the Court to conclude that the probate exception applies as a jurisdictional limitation. The presence of the Texas probate proceedings increase the likelihood that federal court relief would interfere with the administration of one or more estates or involve the federal court in an assumption of jurisdiction over property that is now in the custody of the probate court.

Finally, the district court's sua sponte determination that it lacked subject matter jurisdiction was consistent with its duty to raise the issue. The district court could determine that it lacked subject matter jurisdiction whether or not it had been raised by any party. The court first entered an order denying injunctive relief in which it expressed its jurisdictional concerns. It then scheduled a telephone conference in which the jurisdictional

---

[21] USCA5 28; 281; 283; 294.

issue was further discussed, and in which Curtis participated. Finally, Curtis also filed a responsive document considered by the district court before it ruled, in which Curtis addressed at length her position on whether the probate exception was applicable to her case. Therefore no due process concerns are implicated by the court's dismissal order, and it should be affirmed.

ARGUMENT AND AUTHORITIES

1. THE APPLICABLE STANDARD OF REVIEW.

This Court reviews de novo the district court's dismissal for lack of subject matter jurisdiction.[22] "A case is properly dismissed for lack of subject matter jurisdiction when the court lacks the statutory or constitutional power to adjudicate the case. In considering a challenge to subject matter jurisdiction, the district court is 'free to weigh the evidence and resolve factual disputes in order to satisfy itself that it has the power to hear the case.'"[23] This Court reviews any jurisdictional findings of fact for clear error.

---

[22] *Dresser v. Meba Med. & Benefits Plan*, 628 F.3d 705, 708 (5th Cir. 2010).

[23] *Krim v. pcOrder.com, Inc.*, 402 F.3d 489, 494 (5th Cir. 2005).

2. THE DISTRICT COURT CORRECTLY DETERMINED THAT THE PROBATE EXCEPTION TO JURISDICTION APPLIED IN THIS CASE.

A federal court has an independent duty, at any level of the proceedings, to determine whether it properly has subject matter jurisdiction over a suit.[24] Ordinarily, federal jurisdiction exists over lawsuits based on complete diversity of citizenship; but for historical reasons, a federal court "has no jurisdiction to probate a will or administer an estate."[25] This probate exception is a judicially created doctrine.[26]

In three issues, Curtis suggests the probate exception does not apply to civil tort claims, or does not apply when there is no probate, or should not apply to trust related controversies.[27] These issues are discussed together.

---

[24] *See Ruhgras AG v. Marathon Oil Co.,* 526 U.S. 574, 583, 119 S.Ct. 1563, 143 L.Ed.2d 760 (1999); *McDonal v. Abbott Labs*., 408 F.3d 177, 182 n. 5 (5th Cir. 2005).

[25] *Markham v. Allen*, 326 U.S. 490, 494, 66 S.Ct. 296, 90 L.Ed. 256 (1946).

[26] *Marshall v. Marshall*, 547 U.S. 293, 298, 126 S.Ct. 1735, 164 L.Ed.2d 480 (2006).

[27] See Appellant's Brief at 2.

A. The nature of the relief sought is persuasive as to the applicability of the probate exception.

In her brief, Curtis cites *Breaux v. Dilsaver* [28] as holding that civil tort claims against administrators in their individual capacity do not fall within the probate exception.[29] However she explains that the *Breaux v. Dilsaver* court had reasoned that the plaintiff's claims there did not seek to recover property from the estate and did not require that a federal court assume control over state property or interfere with state probate proceedings. The *Breaux v. Dilsaver* court noted a number of other controlling factors: the claims were against the defendant, not against the estate; the estate was closed and would not be reopened; and no judgment would be satisfied with property from the closed estate.

Here, however, Curtis had actually requested that the district court appoint a receiver and assume control over the assets of the living trust. She claimed that trust assets has been misappropriated.[30] She requested a freezing

---

[28] 254 F.3d 533, 536-37 (5th Cir. 2001).

[29] See Appellant's Brief at 13.

[30] USCA5 16-17.

of the trust assets and an injunction preventing distribution.[31] Federal courts in equity may have jurisdiction over certain matters, "so long as the federal court does not interfere with the probate proceedings or assume general jurisdiction of the probate or control of the property in custody of the state court."[32] Curtis did request the court assume control over the trust property. Thus, the district court correctly concluded that the legal and equitable relief sought triggered the probate exception.

B. If the wills have since been probated, that is further reason to apply the probate exception.

Further, Curtis advises this Court in her brief that the wills of her parents have been filed for probate in Texas state court.[33] Thus a second question is now presented: Whether Curtis's claims would pose additional threats to interference with property in possession of a state court.

---

[31] USCA5 414.

[32] *Breaux v. Dilsaver*, 254 F.3d 533, 536 (5th Cir. 2001).

[33] See Appellant's Brief at ii. In her brief, Curtis states that "[a]t the time Curtis filed her complaint in the federal court, neither Decedent's will had been filed, and no probate or other proceeding had been commenced in any court." Appellant's Brief at 4.

Under the probate exception, a federal court is precluded from endeavoring to dispose of property that is in the custody of a probate court. The probate exception also discourages a federal court from interfering with state probate proceedings. To decide if a federal court would interfere with state court probate proceedings, the court must determine whether the plaintiff's claim "implicates the validity of the probate proceedings or whether the plaintiff is merely seeking adjudication of a claim between the parties."[34]

Suits against personal representatives in their individual capacities are beyond federal jurisdiction "if it requires a premature accounting of an estate still in probate."[35] Thus, the probate exception applies if there are wills now admitted to probate. And as the court noted in *Storm v. Storm*,[36] after holding the probate exception applied to litigation concerning an inter vivo trust,

---

[34] *LRC Technologies, LLC v. McKee*, CIV.A. 11-1011, 2011 WL 4007389 (E.D. La. Sept. 8, 2011) citing *Blakeney v. Blakeney*, 664 F.2d 433, 434 (5th Cir. 1981).

[35] *Breaux v. Dilsaver,* 254 F.3d 533, 537 (5th Cir. 2001).

[36] 328 F.3d 941, 946 (7th Cir. 2003).

> We simply note that if this will is admitted to probate at some future time, the claim raised [] in this lawsuit would more appropriately be included as part of those proceedings, thus implicating both the judicial economy and the unnecessary interference policy rationales [of the probate exception].[37]

Further, Curtis's complaint requested an accounting, injunctive, and declaratory relief as appropriate.[38] To the extent that Curtis would seek declaratory relief as to the rights under the trust, or the value of trust assets, or the appropriation or alleged misappropriation of trust assets, that would essentially amount to an attempt to have the federal court administer the trust (and the administration of the estates of her parents).[39]

Any jurisdictional inquiry is not simply limited to the day on which Curtis's complaint was filed. Rule 12(h) requires dismissal if the district court determines "at any time" that it lacks subject-matter jurisdiction.[40] And the United States Supreme Court has held subject-matter jurisdiction

---

[37] *Id*. at 945 n. 2.

[38] USCA5 15, 16.

[39] *See Surgick v. Cirella*, CIV. 09-3807 NLH/KMW, 2012 WL 1495422 at * 3 (D.N.J. Apr. 27, 2012).

[40] FED. R. CIV. P. 12(h)(3).

cannot be forfeited or waived and should be considered at the appellate level when fairly in doubt.[41] Also, this Court always has the power to affirm for reasons other than those relied upon by the district court.[42]

C. Curtis had admitted the probate exception applied, at least in part.

Curtis also argued below that the district court had jurisdiction to hear her civil claims for damages, but did not have jurisdiction to reach the lis pendens "in the custody of the Harris County Recorder," specifically based on the probate exception.[43] Curtis has not relied on the *Lepard v. NBD Bank*[44] decision in her appellate briefing in this Court, as she did in the court below. Nor does she acknowledge that she had admitted the application of the probate exception to part of her suit.

---

[41] *Ashcroft v. Iqbal*, 556 U.S. 662, 671, 129 S. Ct. 1937, 1945, 173 L. Ed. 2d 868 (2009).

[42] *Horn v. Vaughan*, 11-60024, 2012 WL 1192101 (5th Cir. Apr. 9, 2012).

[43] USCA5 489.

[44] 384 F. 3d 232, 237 (6th Cir. 2004).

Curtis had claimed the Houston property was part of the subject of her suit.[45] The property would likely be part of the administration of the estates now filed or the property of the Family Trust. Indeed Amy Brunsting's affidavit in connection with the lis pendens motion asserted the real estate was part of the Brunsting Family Trust, and would be sold under trust powers.[46] The Brunstings' attorney's motion for removal of the lis pendens claimed the property was titled in the name of the Trust and was part of the trust estate being liquidated for distribution to heirs.[47]

Perhaps Curtis had cited *Lepard v. NBD Bank* for the proposition that exclusive jurisdiction of the lis pendens issue rested in Texas state courts. But now she argues in her brief that Texas district courts are granted exclusive jurisdiction of the administration of trusts, citing the Texas Property Code.[48] The *Lepard* court found that fact dispositive in its case, applying Michigan

---

[45] USCA5 425.

[46] USCA5 437-38.

[47] USCA5 434-35.

[48] Appellant's Brief at 9.

law.[49] But the *Lepard* court had also noted that claims for breach of fiduciary duties and abuses of power were "connected inextricably with the probate of the estates and other issues ancillary to probate."[50] The court observed that

> "[t]he [probate] exception applies both to purely probate matters, and to matters ancillary to probate in the practical sense that allowing it [the case] to be maintained in federal court would impair the policies served by the probate exception to diversity jurisdiction."[51]

As courts have explained, "[t]he probate exception is a practical doctrine designed to promote legal certainty and judicial economy by providing a single forum of litigation, and to tap the expertise of probate judges by conferring exclusive jurisdiction on the probate court."[52] Splitting of claims between state court and federal court, meanwhile, would not

---

[49] *See Lepard v. NBD Bank, a Div. of Bank One*, 384 F.3d 232, 237 (6th Cir. 2004) (noting claims regarding the administration of a trust fall squarely within the exclusive jurisdiction of the Michigan probate courts). See also Appellant's Brief at 8-9.

[50] *Lepard v. NBD Bank, a Div. of Bank One*, 384 F.3d at 237.

[51] *Id*.

[52] *Id*. at 237.

promote efficiencies or judicial economy. Thus, having determined some claims would entangle the federal court in state court trust or probate administration, it would be prudent to dismiss the entire case rather than carve out a single state law tort.[53]

In summary, "[o]nce a suit can be characterized as not involving 'pure probate,' the inquiry . . . becomes whether resolution of the suit by the federal court will result in 'interference' with the state probate proceedings or the assumption of general probate jurisdiction."[54]

D. Trusts, like wills, can implicate the probate exception.

This case now involves "survivor's trusts" and concerns the rights of heirs to the estates of the Brunstings' parents.[55] In her third issue on appeal, Curtis has asked whether the probate exception applies to trust-related controversies. It does.

---

[53] *Compare with Wisecarver v. Moore*, 489 F.3d 747 (6th Cir. 2007), cited by Curtis at Appellant's Brief at 18-21 (holding some claims implicated the probate exception, but retaining others).

[54] *Georges v. Glick*, 856 F.2d 971, 974 (7th Cir. 1988).

[55] USCA5 18.

The Sixth Circuit in *Evans v. Pearson Enterprises, Inc.*,[56] noted that "federal courts have properly applied the probate exception to claims concerning trusts that act as will substitutes . . . ."The court explained that

> [r]efusing to hear cases regarding will substitutes is consistent with *Markham* [*v. Allen*] because adjudication concerning will substitutes would frequently interfere with probate administration.[57]

Federal courts have additionally acknowledged that state court expertise is best with regard "to the transfer of property at death."[58] Therefore, trusts that involve will substitutes, and even inter vivos trusts, may be subject to the probate exception. Courts reach this holding by applying a practical approach that reinforces the policy goals underlying the probate exception.[59]

E. Conclusion.

The district court in this case correctly determined that in light of the complaint Curtis had filed, the probate exception counseled against an

---

[56] 434 F.3d 839, 849 (6th Cir. 2006).

[57] *Id*.

[58] *Georges v. Glick*, 856 F.2d 971, 973-74 (7th Cir. 1988).

[59] *See Storm v. Storm*, 328 F.3d 941, 944 (7th Cir. 2003).

exercise of federal diversity jurisdiction. With the additional knowledge that the wills of the parties' parents have now been filed in state court, the probate exception is made even more appropriate.[60] This Court should overrule Curtis's first three issues and affirm the Order of Dismissal.

3. THE DISTRICT COURT DID NOT DEPRIVE CURTIS OF DUE PROCESS BY DETERMINING IT LACKED JURISDICTION OVER THE SUBJECT AND THE PARTIES.

In her fourth and final issue on appeal, Curtis claims the district court's sua sponte dismissal order deprived of her notice and an opportunity to be heard.[61] But the record shows that Curtis was heard on the issue of subject matter jurisdiction during the telephone conference noticed by the court.[62] This hearing followed the filing of the Brunstings' Emergency Motion for Removal of Lis Pendens, which was made subject to the contention that the court lacked subject matter jurisdiction.[63] And in denying

---

[60] The claims related to unaccounted for assets and gifts to a successor trustee, USCA5 16, would arguably seeks disposal or transfer of property now within the state court's custody.

[61] Appellant's Brief at 7, 22-23.

[62] USCA5 480, 481.

[63] USCA5 434.

the injunctive relief Curtis had requested, the court had already noted its concern that it lacked subject matter jurisdiction over Curtis's claims.

In light of these warnings, Curtis had filed an "Answer to Defendants [sic] Motion for Lis Pendens" [64] which discussed and argued the applicability of the probate exception.[65] The record reflects that the district court had reviewed Curtis's filing (because the court cited it in the dismissal Order) [66] and acknowledged Curtis's admission that the probate exception applied:

> The Court is of the opinion that the Probate Exception to federal jurisdiction applies. *Marshall,* 126 S. Ct. at 1748. The plaintiff admits this fact, yet only to avoid the Court removing her *lis pendens* filing. *See* [Response Doc. No. ___; citing *Lepard v. NBD Bank*, 384 F. 3d 232, 237 (6th Cir. 2004)].

Specifically, the court noted Curtis had stated in her Answer to Defendants [sic] Motion for Lis Pendens that the district court

---

[64] USCA5 438-90.

[65] USCA5 485-89.

[66] USCA5 482, citing Curtis's response and its reference to *Lepard v. NBD Bank*, *a Div. of Bank One*, 384 F.3d 232, 237 (6th Cir. 2004). See also USCA5 485-86, citing *Lepard v. NBD Bank*, 384 F.3d 232, 237 (6th Cir. 2004).

> is foreclosed from reaching the lis pendens under the probate exception to diversity jurisdiction as explained below.[67]

Thus, Curtis had not only been heard on the issue of the probate exception, but she had argued that the exception was applicable to part of the relief the Brunstings had requested. She had notice, and was heard, on the probate exception.

"Sua sponte dismissal for lack of subject-matter jurisdiction is, of course, proper at any stage of the proceedings."[68] Jurisdictional matters are to be decided by the court, and can be raised by a party or the court. Whether the Brunstings had filed a motion to dismiss for lack of jurisdiction was no impediment to the district court's ruling.[69] Because Curtis was heard on the issue of the probate exception, there was no due process deprivation triggered by the court's ruling. Accordingly, the fourth issue on appeal should be overruled.

---

[67] USCA5 485.

[68] *Zernial v. United States*, 714 F.2d 431, 433-34 (5th Cir. 1983).

[69] Compare with Appellant's Brief at 23, noting no Rule 12(b) motion had been filed.

Conclusion and Prayer

For the reasons stated in this brief, Appellees Anita and Amy Brunsting request the Court affirm the Order of Dismissal of the district court, and grant all other proper relief.

Respectfully submitted,

MILLS SHIRLEY L.L.P.

By: */s/ George W. Vie III*
George W. Vie III
State Bar No. 20579310
1021 Main Street, Suite 1950
Houston, Texas 77002
gvie@millsshirley.com

ATTORNEYS FOR DEFENDANTS-APPELLEES

Certificate of Service

The undersigned hereby certifies that service on Appellant pro se will be accomplished by regular mail on July 16, 2012 to the following:

Candace Louis Curtis — Pro Se Plaintiff-Appellant
1215 Ulfinian Way
Martinez, California 94553

/s/ George W. Vie III
George W. Vie III

CERTIFICATE OF COMPLIANCE

Pursuant to 5th Cir. R. 32.a.7(C), the undersigned certifies this brief complies with the type-volume limitations of 5th Cir. R. 32.a.7(B).

1. **INCLUSIVE** OF THE EXEMPTED PORTIONS IN 5th Cir. R. 32.a.7(B)(iii), THE BRIEF CONTAINS (select one):

A. 4471 **words**

B. _____ Lines of text in monospaced typeface.

2. THE BRIEF HAS BEEN PREPARED (select one):

A. in justified typeface using:

Word 2007
Sabon Linotype 14 font for text and 13 font for footnote text and references

3. THE UNDERSIGNED UNDERSTANDS A MATERIAL MISREPRESENTATION IN COMPLETING THIS CERTIFICATE, OR CIRCUMVENTION OF THE TYPE- VOLUME LIMITS IN 5th Cir. R. 32.2.7, MAY RESULT IN THE COURT'S STRIKING THE BRIEF AND IMPOSING SANCTIONS AGAINST THE PERSON SIGNING THE BRIEF.

By: */s/ George W. Vie III*
George W. Vie III

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

July 20, 2012

Mr. Bernard Lilse Mathews III
Green & Mathews, L.L.P.
14550 Torrey Chase Boulevard
Suite 245
Houston, TX 77014

Mr. George William Vie III
Mills Shirley, L.L.P.
1021 Main Street
Suite 1950
Houston, TX 77002-0000

No. 12-20164, Candace Curtis v. Anita Brunsting, et al
USDC No. 4:12-CV-592

The following pertains to your brief electronically filed on July 16, 2012.

You must submit the seven paper copies of your brief under red cover as required by 5TH CIR. R. 31.1 within 5 days of the date of this notice pursuant to 5th Cir. ECF Filing Standard E.1.

Sincerely,

LYLE W. CAYCE, Clerk

By: _____
Linda B. Miles, Deputy Clerk
504-310-7709

cc: Ms. Candace Louise Curtis