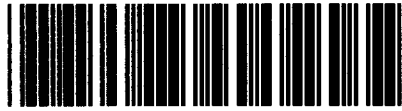


Control Number: 44211



Item Number: 25

Addendum StartPage: 0



RECEIVED  
Filed 10 November 18 A 10:01  
Amalla Rodriguez-Mendoza  
District Clerk  
Travis District  
D-1-GV-10-001692

CAUSE NO. D-1-GV-10-001692

2015 JAN 12 AM 9:50

PUBLIC UTILITY COMMISSION  
FILING CLERK

STATE OF TEXAS,

Plaintiff,

V.

MICHAEL L. O'NEILL, d/b/a  
FRONTIER PARK RESORT and  
MARINA,

Defendant.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

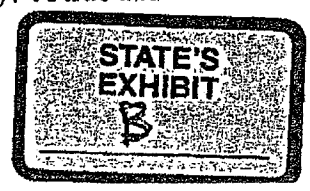
353<sup>RD</sup> JUDICIAL DISTRICT

PLAINTIFF'S SOLDIERS' & SAILORS' AFFIDAVIT

Before me, the undersigned notary, on this day personally appeared Wanda Pittman, a person whose identity is known to me. After I administered an oath to her, upon her oath she said:

1. I hereby certify that I am personally acquainted with the facts stated herein and that the foregoing is true and correct. My name is Wanda Pittman, and I am a legal assistant working under the direction of David Green, the Assistant Attorney General representing the State in this matter, *State of Texas v. Michael L. O'Neill, d/b/a Frontier Park Resort and Marina*, Cause No. D-1-GV-10-001692, in the 353<sup>rd</sup> District Court of Travis County, Texas, and am over the age of eighteen and competent to make this affidavit.

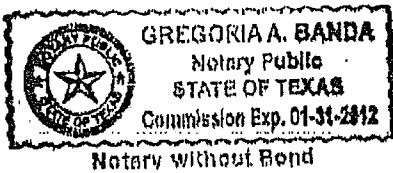
2. On November 17, 2010, I contacted the United States Department of Defense Manpower Data Center and requested a search of its information data banks. I provided the Department of Defense Manpower Data Center with the Social Security Number for Defendant Michael L. O'Neill. The results of that search indicate that Defendant Michael L. O'Neill is currently not on active military duty as to all branches of the United States military. A true and

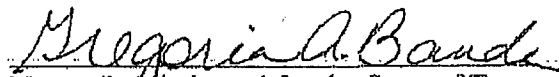


correct copy of the search results is attached hereto as Exhibit "A".

  
WANDA PITTMAN  
Legal Assistant

17<sup>th</sup>, 2010. SWORN TO and SUBSCRIBED before me by Wanda Pittman on November



  
Notary Public in and for the State of Texas

Department of Defense Manpower Data Center

Nov-17-2010 13:05:57



Military Status Report  
Pursuant to the Service Members Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
ONEILL	MICHAEL L	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*Mary M. Snavely-Dixon*

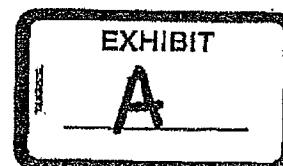
Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects active duty status including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.



***More Information on "Active Duty Status"***

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

***Coverage Under the SCRA is Broader in Some Cases***

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

**WARNING:** This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.  
Report ID:U80KGEG&C2




4. I spent 115.25 hours working on this case. These hours comprised file review, legal research, drafting of pleadings, and conferring with agency personnel.

5. The amount of time for legal assistant services performed Wanda Pittman, a legal assistant employed by the Environmental Protection and Administrative Law Division of the Office of the Attorney General, working on the case totals 12.25 hours.

6. I consequently request that the court award attorney's fees in the amount of \$26,972.50, which I believe to be a modest and reasonable fee. These fees were reasonable and necessary for the services performed.

7. In the event that proceedings to collect judgment in this case become necessary, I believe that additional attorney's fees in the amount of \$2,000.00 would be a reasonable amount. In the event of an appeal of this judgment to the Court of Appeals, I believe that additional attorney's fees in the amount of \$5,000.00 would be a reasonable amount. In the event of a petition for review before the Texas Supreme Court by the Defendant of this judgment, I believe that additional attorney's fees in the amount of \$8,000.00 would be a reasonable amount. And, in the event that the Texas Supreme Court should grant review of the petition by the Defendant of this judgment, I believe that additional attorney's fees in the amount of \$15,000.00 would be a reasonable amount. I therefore request that the Court award attorney's fees in these amounts, which I believe to be modest and reasonable.

  
\_\_\_\_\_  
DAVID GREEN

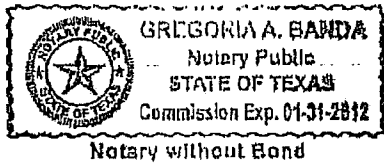


Assistant Attorney General  
State Bar No. 24037776

On this day personally appeared DAVID GREEN, known to me to be the person whose name is subscribed to the foregoing instrument, and after being duly sworn, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on November 30<sup>th</sup>, 2010.

(Seal)



Megoria A. Banda  
Notary Public in and for the State of Texas

My commission expires: 1/31/2012

Filed Date	Category	Description	Additional Info
10/4/2010	PET-PL	ORIGINAL PETITION/APPLICATION	PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR PERMANENT INJUNCTION
10/6/2010	OTHER	LETTER	LETTER FROM WANDA PITTMAN (CITATION REQUEST)
11/18/2010	OTHER	AFFIDAVIT	PLAINTIFF'S SOLDIER'S & SAILOR'S AFFIDAVIT
11/30/2010	OTHER	AFFIDAVIT	AFFIDAVIT FOR ATTORNEY'S FEES
12/7/2010	OTHER	CERT OF LAST KNOWN ADDRESS	CERTIFICATE OF LAST KNOWN ADDRESS
12/7/2010	SRVPRO...	EXE SERVICE OF CITATION	MICHAEL L. O'NEILL

Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 1, 2013

**Via Hand Delivery**  
**Via Certified Mail Return Receipt Requested**  
**Article No. 7002 0860 0004 6476 5485**  
**Via First Class Mail, Postage Pre-Paid**

Mr. Michael Lantz O'Neill  
360 Frontier Drive  
Hemphill, Texas 75948

*Michael Lantz O'Neill*  
*8-6-13*

Re: Michael Lantz O'Neill d/b/a Frontier Park Resort and Marina  
Docket Nos. 2013-1429-UCR-E and 2013-1405-UCR-E  
Notice of Emergency Order and of Hearing to Modify, Affirm, or Set Aside

*10:33 am*

Dear Mr. O'Neill:

On August 1, 2013, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued two Emergency Orders pursuant to TEX. WATER CODE chs. 5 and 13, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 35, 290, 291 and 305. The party made the subject to this order is Michael Lantz O'Neill d/b/a Frontier Park Resort and Marina. The Emergency Orders appointed the Sabine River Authority of Texas ("SRA") as temporary manager of the public water system and wastewater treatment system located off Ranch Road 1, Box 1690, Hemphill, Sabine County, Texas.

Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Orders issued on August 1, 2013. Therefore, the Executive Director has scheduled this matter to be presented at the Commission's regular Agenda meeting on **September 4, 2013**. The Agenda begins at **9:30 a.m.** and will be held at **TCEQ Park 35 Complex, 12118 North IH-35, Building E, Room 201 S, Austin, Texas**. A copy of the record of the materials which have been submitted to the Chief Clerk's Office and will be used in the Texas Commission on Environmental Quality Agenda process will be provided to you at a later time.

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • [tceq.texas.gov](http://tceq.texas.gov)

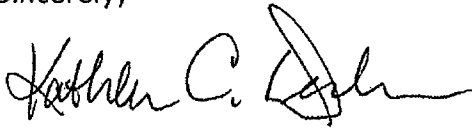
How is our customer service? [tceq.texas.gov/customersurvey](http://tceq.texas.gov/customersurvey)

printed on recycled paper using vegetable-based ink

Mr. Michael Lantz O'Neill  
August 1, 2013  
Page 2

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), **you may request at the time of the Agenda an evidentiary hearing on issuance of the Emergency Orders.** An Administrative Law Judge will be available to conduct a hearing at Agenda on September 4, 2013, should you so request. Should you have any questions, please contact Ms. Stephanie Frazee, Staff Attorney in the TCEQ Litigation Division at (512) 239-0600.

Sincerely,



Kathleen C. Decker, Director  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Enclosure

cc: Mr. Ronald Hebert, Water Section Manager, Beaumont Regional Office  
Mr. Terence Webb, Receivership Coordinator  
Mr. Blas Coy, Office of Public Interest Counsel  
Sabine River Authority of Texas, P. O. Box 579, Orange, TX 77631-0579