

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

RICHARD LOWERY,

*Plaintiff,*

v.

LILLIAN MILLS, in her official capacity as Dean of the McCombs School of Business at the University of Texas at Austin; ETHAN BURRIS, in his official capacity as Senior Associate Dean for Academic Affairs of the McCombs School of Business at the University of Texas-Austin; and SHERIDAN TITMAN, in his official capacity as Finance Department Chair for the McCombs School of Business at the University of Texas-Austin,

*Defendants.*

Case No. 1:23-cv-00129-DAE

**CERTIFICATE OF SERVICE**

I certify that on February 2, 2024, a true and correct copy of Dkt. 95 – Plaintiff’s Brief in Opposition to Defendants’ Motion for Protective Order to Block Discovery About Nepotism Allegations and Plaintiff’s proposed order were served via CM/ECF upon the counsel of record of all parties. This Certificate is filed to comply with Dkt. 96, a Deficiency Notice.

Per Federal of Civil Procedure 5(d)(1)(B): “No certificate of required when a paper is served by filing it with the court’s electronic filing system.” Per Section 14(c) of the Administrative Policies and Procedures for Electronic Filing: “All filed documents that must be served on one or more parties *by means other than the Court’s Electronic Notice Facilities must include a certificate of service* that indicates the manner of service. For sample language to use in the certificate of service, see Exhibit 1.” (emphasis added). All parties are signed up for electronic filing in this case and no party was served via any means other than electronic filing, therefore this filing was compliant with both the Fed. R. Civ. P. and the Admin. Policies and Proc., and Deficiency Notice was issued in error.

Moreover, as the Admin. Policies and Proc. themselves acknowledge: “These Electronic Filing Procedures do not supersede the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, or Federal Rules of Appellate Procedure.” Thus, Fed. R. Civ. P. 5(d)(1)(B) overrides any contrary procedure. No Certificate of Service was required for Dkt. 95.

DATED: February 6, 2024

s/ Endel Kolde  
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