



2. Shortly after filing, counsel for Barton discovered that several errors were inadvertently made in the Memorandum as-filed. Specifically, the errors that Barton's counsel seek to fix include:

- a. The addition of Sections III.C, IV.B., and IV.C. to the Brief that were excluded;
- b. Appending Defendant Timothy Lynch Barton's Proposed Findings of Fact and Conclusions of Law and Proposed Orders ("Proposed Findings") to the Memorandum explaining the bases for them;
- c. Adding citations that were omitted from the originally filed Brief; and
- d. Fixing typographical errors.

3. Because Defendant Timothy Lynch Barton's Proposed Findings were inadvertently omitted from the Brief, they were filed at 12:06 a.m. CST on November 11, 2023.

4. Shortly before filing this Motion, Barton submitted a corrected Brief and Proposed Findings, in one document. ECF 400. The Proposed Findings have not been altered since they were originally filed as ECF 399.

5. Given that this is a Saturday and the desire to advance these corrections to the Court as soon as possible, undersigned counsel has not yet conferred on the relief requested herein with counsel for the Commission. Undersigned counsel will do so at the opening of business Monday and inform the Court of the Commission's position.

6. The undersigned sincerely apologizes to the Court for these errors and respectfully requests that the Court grant this Motion and regard ECF 400 as the Defendant's Findings of Fact and Conclusions of Law and memorandum explaining the bases of them.

Dated: November 11, 2023

Respectfully submitted,

By: /s/ Michael J. Edney  
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**COUNSEL FOR TIMOTHY LYNCH BARTON**

**CERTIFICATE OF SERVICE**

On November 11, 2023, I electronically submitted the foregoing document with the clerk of court for the United States District Court for the Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

*/s/ Michael J. Edney* \_\_\_\_\_  
Michael J. Edney