

MS

CAUSE NO. DC-2025-CV-1817

KEVIN N. BASS,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	OF LUBBOCK COUNTY, TEXAS
	§	
v.	§	237th JUDICIAL DISTRICT
	§	
DARRIN D'AGOSTINO, D.O.,	§	
M.P.H., M.B.A., in his official	§	
capacity as Provost and Executive	§	
Vice President of Academics of Texas	§	
Tech University Health Sciences	§	
Center; and	§	
AMANDA McSWEEN, in her official	§	
capacity as Managing Director of	§	
Enrollment Services and University	§	
Registrar of Texas Tech University	§	
Health Sciences Center,	§	
	§	
Defendants.	§	

PLAINTIFF'S ERRATUM TO SWORN MOTION UNDER RULE 306a(5) AND
MOTION FOR NEW TRIAL UNDER RULE 329b

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Kevin N. Bass files this Erratum to correct two citation errors in Paragraph 34 of his Sworn Motion Under Rule 306a(5) and Motion for New Trial filed April 3, 2026.

The citations to *Gonzales v. Surplus Ins. Servs.*, 863 S.W.2d 96 (Tex. App.—Beaumont 1993, writ denied) and *McDaniel v. Hale*, 893 S.W.2d 652 (Tex. App.—Amarillo 1994, writ denied) are withdrawn. In their place, Plaintiff substitutes the following authorities:

Lopez v. Lopez, 757 S.W.2d 721, 723 (Tex. 1988) (per curiam) (reversing court of appeals and holding that "requiring [a defendant] to show that he had a meritorious defense as a condition to granting his motion for new trial" violates due process when the defendant had no notice of the trial setting; expressly adopting *Peralta v. Heights Med. Ctr.*, 485 U.S. 80

(1988)).

Mathis v. Lockwood, 166 S.W.3d 743 (Tex. 2005) (per curiam) (reversing court of appeals and granting new trial to pro se party who did not receive notice; holding that "the court has dispensed with the [meritorious defense] element for constitutional reasons" when the defaulted party was not given notice, and that "due process requires some lesser sanction than trial without notice or an opportunity to be heard" when noncompliance with address requirements was a mistake rather than intentional).

Cruz v. Sanchez, 528 S.W.3d 104 (Tex. App.—El Paso 2017, no pet.) (reversing and granting bill of review where electronic service was attempted at an incorrect email address and pro se parties never received the filings; holding service at a wrong email address ineffective).

The controlling authority — Peralta v. Heights Med. Ctr., 485 U.S. 80, 84-87 (1988) — is unchanged. All other statements in the Motion are unchanged.

Respectfully submitted,

/s/ Kevin N. Bass
KEVIN N. BASS
Pro Se Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Erratum was served on the following counsel of record via the eFileTexas electronic filing system on this 6th day of April, 2026:

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/s/ Kevin N. Bass
KEVIN N. BASS

Automated Certificate of eService

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