

**CAUSE NO. DC-2025-CV-1817**

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|                                      |                                       |
|--------------------------------------|---------------------------------------|
| KEVIN N. BASS,                       | § IN THE DISTRICT COURT               |
|                                      | § OF LUBBOCK COUNTY, TEXAS            |
| Plaintiff,                           | §                                     |
|                                      | § 237 <sup>th</sup> JUDICIAL DISTRICT |
| v.                                   | §                                     |
|                                      | §                                     |
| 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.                          | §                                     |

**ORDER SETTING EVIDENTIARY HEARING ON PLAINTIFF'S SWORN MOTION  
UNDER RULE 306a(5) AND MOTION FOR NEW TRIAL UNDER RULE 329b**

On this day the Court considered Plaintiff's Motion to Set Evidentiary Hearing on Sworn Motion Under Rule 306a(5) and Motion for New Trial Under Rule 329b, filed herewith, together with the underlying Sworn Motion Under Rule 306a(5) and Motion for New Trial Under Rule 329b filed April 3, 2026, Plaintiff's Erratum filed April 6, 2026, Defendants' Response in Opposition filed April 14, 2026, and Plaintiff's Reply in Support filed April 23, 2026. After considering the Motion and applicable law, the Court is of the opinion that the Motion should be and is hereby GRANTED.

IT IS THEREFORE ORDERED that an evidentiary hearing on Plaintiff's Sworn Motion Under Rule 306a(5) and Motion for New Trial Under Rule 329b is set for Thursday, ~~May 14, 2026~~ <sup>May 21, 2026</sup>, at 9:00 a.m. Central Time, to be conducted by Zoom videoconference. The Zoom meeting link and access credentials shall be provided to the parties by the Court's coordinator in advance of the hearing. All parties and counsel shall appear by Zoom at the appointed date and time.

~~—IT IS FURTHER ORDERED that the Clerk of this Court and the district's case management system administrator shall transmit notice of this hearing setting to Plaintiff both through the eFile-Texas electronic filing system and by direct email to kbassphiladelphia@gmail.com, in parallel, and shall continue to do so for all subsequent notices in this cause until the Automated Certificate of eService reports Plaintiff's service status as "SENT" to the correct email address.~~

SIGNED on 4/28/2026, 2026.

HONORABLE LES HATCH

Presiding Judge, 237th District Court

Lubbock County, Texas

APPROVED AS TO FORM AND SUBSTANCE  
AND REQUESTED BY:

/s/ Kevin N. Bass  
KEVIN N. BASS, PhD, MS  
Pro Se Plaintiff

[REDACTED]  
[REDACTED]

Telephone: (512) 333-4092  
Email: kbassphiladelphia@gmail.com

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Proposed Order Setting Evidentiary Hearing, accompanying Plaintiff's Motion to Set Evidentiary Hearing on Sworn Motion Under Rule 306a(5) and Motion for New Trial Under Rule 329b, was served on the following counsel of record via the eFileTexas electronic filing system and via direct email on this 28th day of April, 2026:

Scott D. Smith  
Assistant Attorney General  
Office of the Attorney General of Texas  
General Litigation Division  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
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Karla Gutierrez  
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Tristan Garza  
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/s/ Kevin N. Bass  
KEVIN N. BASS, PhD, MS

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Filing Description: on May 21, 2026 at 9:00am

Status as of 4/29/2026 8:10 AM CST

#### Case Contacts

| Name            | BarNumber | Email                         | TimestampSubmitted   | Status |
|-----------------|-----------|-------------------------------|----------------------|--------|
| Tristan A Garza |           | tristan.garza@oag.texas.gov   | 4/28/2026 7:15:35 AM | SENT   |
| Karla Gutierrez |           | karla.gutierrez@oag.texas.gov | 4/28/2026 7:15:35 AM | SENT   |
| Scott D. Smith  |           | scott.smith@oag.texas.gov     | 4/28/2026 7:15:35 AM | SENT   |
| Kevin N. Bass   |           | kbassphiladelphi@gmail.com    | 4/28/2026 7:15:35 AM | ERROR  |