

**Reversed and Remanded and Opinion filed December 21, 2018.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-17-00223-CV**

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**REBECCA WILSON, ET AL., Appellants<sup>1</sup>**

**V.**

**GEORGE FLEMING AND FLEMING & ASSOCIATES, L.L.P., Appellees**

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**On Appeal from the 189th District Court  
Harris County, Texas  
Trial Court Cause No. 2010-25097**

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**O P I N I O N**

Appellants, approximately 4,000 former clients of George Fleming and Fleming & Associates (collectively, “the Fleming Firm”), appeal a summary judgment granted in favor of the Fleming Firm. Appellants claimed that the law firm breached contractual and fiduciary duties. Based on a jury verdict favorable to

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<sup>1</sup> See attached Appendix A for a list of all appellants in this appeal.

the Fleming Firm in a related case,<sup>2</sup> the Fleming Firm moved for traditional summary judgment in this case, asserting affirmative defenses of collateral estoppel, waiver, and release. The trial court granted the Fleming Firm’s summary judgment motion without stating reasons.

Concluding that the Fleming Firm failed to establish conclusively its right to judgment as a matter of law on each affirmative defense, we reverse and remand for further proceedings.

### **Background**

The present appeal arises from the same facts as those detailed in *Harpst v. Fleming*, which we also issue today. *See Harpst v. Fleming*, No. 14-17-00209-CV, ---S.W.3d--- (Tex. App.—Houston [14th Dist.] Dec. 21, 2018, no pet. h.). We summarize the pertinent background here.<sup>3</sup>

The Fleming Firm represented appellants (and others) in a mass-tort settlement against a drug manufacturer, Wyeth. Together with approximately 4,000 additional claimants, appellants agreed to settle their claims against Wyeth for \$339 million. The Fleming Firm prepared, and each appellant signed, a settlement “packet,” which included, among other things, information regarding the global settlement and each client’s settlement amount. Each appellant signed a release and accepted their respective settlement payment.

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<sup>2</sup> *Harpst v. Fleming*, No. 14-17-00209-CV, ---S.W.3d--- (Tex. App.—Houston [14th Dist.] Dec. 21, 2018, no pet. h.).

<sup>3</sup> The interested reader may also refer to this court’s many opinions addressing earlier iterations of this dispute. *See Fleming v. Kinney*, 395 S.W.3d 917 (Tex. App.—Houston [14th Dist.] 2013, pet. denied); *Fleming v. Curry*, 412 S.W.3d 723 (Tex. App.—Houston [14th Dist.] 2013, pet. denied); *Fleming & Assocs., L.L.P. v. Barton*, 425 S.W.3d 560 (Tex. App.—Houston [14th Dist.] 2014, pet. denied); *Fleming v. Kirklin Law Firm, P.C.*, No. 14-14-00202-CV, 2015 WL 7258700 (Tex. App.—Houston [14th Dist.] Nov. 17, 2015, no pet.) (mem. op.).

Appellants later sued the Fleming Firm, alleging that the firm wrongfully deducted certain expenses from appellants' settlements and misrepresented or concealed a number of material facts during the settlement process. Specifically, appellants claim that the Fleming Firm deducted from their respective settlement amounts the cost of a large-scale echocardiogram program, which the firm utilized to qualify a small percentage of claimants (including appellants) to bring individual suits against Wyeth.<sup>4</sup> Although the Fleming Firm tested more than 40,000 potential claimants, most individuals' echocardiograms did not reveal heart damage (and the parties refer to those results as "negative" or "rejected" echocardiograms). Fen-phen users with negative echocardiograms could not assert individual claims against Wyeth. The Fleming Firm deducted the cost of the entire program from the settlement payments due to their clients who did assert individual claims, including appellants. Thus, each of the Fleming Firm's clients bore a proportionate share of the expense of the entire echocardiogram program, including the negative echocardiograms, in addition to the cost of their own echocardiogram tests. According to appellants, this deduction was impermissible under the terms of their fee agreements and, further, the firm did not fairly and fully disclose to them the nature and extent of the deduction.

Appellants sued the Fleming Firm and asserted claims for (a) breach of fiduciary duty/constructive fraud/suit for accounting, (b) breach of contract, (c) statutory theft, (d) conversion, (e) common-law and constructive fraud, and (f) unjust enrichment/money had and received. At the request of both sides, the trial court severed the claims of a small group of plaintiffs into a separate cause number. The six plaintiffs in the severed cause (the "Harpst plaintiffs") proceeded to jury trial

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<sup>4</sup> See *Harpst*, No. 14-17-00209-CV, slip op. at 4-5.

on their claims, which resulted in a verdict and judgment favorable to the Fleming Firm.<sup>5</sup> See *Harpst*, No. 14-17-00209-CV, slip op. at 5.

Following the judgment in *Harpst*, the Fleming Firm moved for traditional summary judgment against appellants (the approximately 4,000 non-severed plaintiffs), arguing that the *Harpst* judgment collaterally estopped appellants' claims or, alternatively, that the settlement documents appellants signed and accepted, which included waiver and release language, foreclosed their claims. In support of the motion, the Fleming Firm attached uncertified copies of the jury verdict and final judgment from the *Harpst* case (to establish collateral estoppel) and Kathy Harpst's settlement packet (to establish waiver and release). Appellants responded to the merits and also objected to all three exhibits on lack of authentication and hearsay grounds. The trial court overruled appellants' objections, granted the Fleming Firm's motion without specifying reasons, and dismissed all of appellants' claims.

### **Issues on Appeal**

Appellants raise four issues. In their first issue, appellants argue that the Fleming Firm submitted no competent summary judgment evidence, and that the trial court's consideration of objectionable evidence was an abuse of discretion. In their second, third, and fourth issues, appellants contend that the Fleming Firm failed to prove conclusively its entitlement to judgment on the merits of each asserted affirmative defense: collateral estoppel, waiver, and release.

### **Standard of Review**

A movant for traditional summary judgment must prove that no genuine issue of material fact exists and it is entitled to judgment as a matter of law. Tex. R. Civ.

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<sup>5</sup> As discussed in *Harpst*, the jury found that the Fleming Firm complied with its fiduciary duties to the *Harpst* plaintiffs and did not breach its fee agreements with those plaintiffs. See *Harpst*, No. 14-17-00209-CV, slip op. at 5.

P. 166a(c). As the Fleming Firm sought summary judgment on three affirmative defenses, it bore the burden to present evidence establishing conclusively all essential elements of each defense. *See Chau v. Riddle*, 254 S.W.3d 453, 455 (Tex. 2008) (per curiam).

If the movant establishes its entitlement to judgment as a matter of law, the burden shifts to the non-movant to respond with evidence raising a genuine issue of material fact. If the non-movant fails to show that a genuine issue of material fact exists, the moving party is entitled to judgment as a matter of law and the summary judgment should be granted. *See Tex. R. Civ. P. 166a(c); Chau*, 254 S.W.3d at 455.

We review the grant of summary judgment de novo. *Katy Venture, Ltd. v. Cremona Bistro Corp.*, 469 S.W.3d 160, 163 (Tex. 2015) (per curiam). We review the evidence presented by the motion and response in the light most favorable to the non-movant, crediting evidence favorable to the non-movant if reasonable jurors could, and disregarding contrary evidence unless reasonable jurors could not. *See Painter v. Amerimex Drilling I, Ltd.*, --- S.W.3d ---, 2018 WL 2749862, at \*3 (Tex. Apr. 13, 2018). We must affirm the judgment if any one of the Fleming Firm's affirmative defenses is meritorious. *See Sheller v. Corral Tran Singh, LLP*, 551 S.W.3d 357, 362 (Tex. App.—Houston [14th Dist.] 2018, pet. denied).

## **Analysis**

### **A. Collateral estoppel**

The Fleming Firm attached three exhibits to its summary judgment motion: (1) an unofficial and uncertified copy of the *Harpst* jury verdict; (2) an unofficial and uncertified copy of the *Harpst* final judgment; and (3) Kathy Harpst's settlement packet. Appellants contend that the summary judgment cannot stand because none of the exhibits was authenticated. We conclude that the uncertified jury verdict and

uncertified judgment in *Harpst* are not authenticated and cannot support summary judgment in the firm's favor on its collateral estoppel defense. Our conclusion is dispositive of appellants' challenge to collateral estoppel. We address the authenticity of Kathy Harpst's settlement packet below in connection with the waiver and release defenses.

“Under the summary judgment standard, copies of documents must be authenticated in order to constitute competent summary judgment evidence.” *In Estate of Guerrero*, 465 S.W.3d 693, 703 (Tex. App.—Houston [14th Dist.] 2015, pet. denied) (en banc); *see also* Tex. R. Civ. P. 166a(c) (authenticated or certified public records are proper summary judgment evidence). To properly authenticate a document, the proponent must “produce evidence sufficient to support a finding that the item is what the proponent claims it is.” Tex. R. Evid. 901(a). Some documents are self-authenticating, such as certified copies of public records or public documents that are sealed and signed. Tex. R. Evid. 902(2), (4).

Neither the jury verdict nor the judgment from the *Harpst* case (Exhibits 1 and 2) were sealed and signed or otherwise certified in accordance with rule 902. Both exhibits bear watermarks stating each document is an “Unofficial Copy” from the district clerk's office. The Fleming Firm did not offer any other evidence to support a finding that either document was “what the proponent claims it is.” Tex. R. Evid. 901. Accordingly, we agree with appellants that the documents were not authenticated. We have held, as has our sister court, that uncertified copies of court documents are not sufficient to support summary judgment. *See Albert Lee Giddens, APLC v. Cuevas*, No. 14-16-00772-CV, 2017 WL 4159263, at \*4 (Tex. App.—Houston [14th Dist.] Sept. 19, 2017, no pet.) (mem. op.) (exhibit purporting to be final judgment from prior suit but bearing the text “UNOFFICIAL COPY” not authenticated and thus not competent summary judgment evidence to support

limitations defense); *see also Anders v. Mallard & Mallard, Inc.*, 817 S.W.2d 90, 94 (Tex. App.—Houston [1st Dist.] 1991, no writ) (requiring certified copies of prior petition and prior judgment to establish res judicata defense on summary judgment; “care must be taken to attach certified copies of both the prior petition and prior judgment to the motion for summary judgment.”) (emphasis omitted).

The Fleming Firm argues that we may presume the trial court took judicial notice of the *Harpst* jury verdict and judgment. On this record, we disagree. A trial court may take judicial notice of records in its own court “filed in the same case.” *In re K.F.*, 402 S.W.3d 497, 505 (Tex. App.—Houston [14th Dist.] 2013, pet. denied) (“A trial court may take judicial notice of the records in its own court filed in the same case, with or without the request of a party.”). Here, however, the *Harpst* verdict and judgment were not filed in the same case as the present appeal. The *Harpst* case and the present case originated as the same suit, but the trial court severed the six *Harpst* plaintiffs’ claims into a separate cause number. The *Harpst* case then became a different action. *See In re E.I. duPont de Nemours & Co.*, 92 S.W.3d 517, 523 (Tex. 2002) (“A severed action becomes a different action”). Therefore, we may not presume the trial judge took judicial notice in this case of the *Harpst* verdict and judgment. Additionally, no party requested the trial court to take judicial notice of the documents and the trial court did not indicate verbally or in writing that it did so.

Moreover, though a trial court may judicially notice its own records filed in the same case, the proponent must still provide them to the court “*in a form acceptable for summary judgment proceedings*, i.e. either sworn to or certified,” which did not occur here. *Albert Lee Giddens*, 2017 WL 4159263, at \*4 (internal quotation omitted, emphasis original); *see also GE Capital Corp. v. Hunt Cty. Appraisal Dist.*, No. 05-97-02192-CV, 2000 WL 348562, at \*3 (Tex. App.—Dallas

Apr. 5, 2000, no pet.) (not designated for publication) (“[R]ule 166a does not allow for judicial notice of the pleadings and judgment in a prior case, even in the same court.”) (citing *Gardner v. Martin*, 345 S.W.2d 274, 276 (Tex. 1961); *Chandler v. Carnes Co.*, 604 S.W.2d 485, 486-87 (Tex. Civ. App.—El Paso 1980, writ ref’d n.r.e.); *Gist v. Stamford Hosp. Dist.*, 541 S.W.2d 510, 511 (Tex. Civ. App.—Eastland 1976, writ ref’d n.r.e.) (op. on reh’g)).

The Fleming Firm alternatively contends Exhibits 1 and 2 are authentic under rules 901(b)(4) and (7). Under rule 901, a proponent may authenticate an item of evidence by “produc[ing] evidence sufficient to support a finding that the item is what the proponent claims it to be.” Tex. R. Evid. 901(a). The rule provides examples of evidence satisfying this requirement, two of which the firm cites:

**(4) Distinctive Characteristics and the Like.** The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.

...

**(7) Evidence About Public Records.** Evidence that:

**(A)** a document was recorded or filed in a public office as authorized by law; or

**(B)** a purported public record or statement is from the office where items of this kind are kept.

Tex. R. Evid. 901(b)(4), (7).

The Fleming Firm argues that the verdict and judgment are “exceptionally distinctive” and “authentic on their face as public records,” rendering them authenticated under either rule 901(b)(4) (“Distinctive Characteristics and the Like”) or rule 901(b)(7) (“Evidence About Public Records”). We are unpersuaded by the firm’s argument.



Rule 901 requires the proponent to “produce evidence” of authentication or identification of the item at issue; generally the proponent cannot simply rely on the contents of the item itself. Tex. R. Evid. 901(a). In contrast, rule 902 provides that certain documents are self-authenticating, without need for “extrinsic evidence” of authenticity. Tex. R. Evid. 902. For instance, a copy of an official record is self-authenticating if the copy is certified as correct by the records custodian or by a certificate complying with rule 902(1), (2), or (3), a statute, or other rule. Tex. R. Evid. 902(4). To allow authentication of a purported judgment under rule 901 without any direct or circumstantial extrinsic evidence that the item “is what the proponent claims it is” would evade rule 902(4)’s requirements as to public records and render that rule immaterial. Uncertified copies of jury verdicts or court judgments are not self-authenticating. Absent agreement of the parties, or extrinsic evidence that the item is what it purports to be in compliance with rule 901, an uncertified copy of a jury verdict or court judgment is not authentic for summary judgment purposes. *See, e.g., Klein Indep. Sch. Dist. v. Noack*, 830 S.W.2d 796, 798 (Tex. App.—Houston [14th Dist.] 1992, writ denied) (uncertified copy of Texas Employment Commission decision was not properly authenticated because proponent “did not offer extrinsic evidence of authenticity and the document was not properly certified, which would make it self-authenticating”) (citing Tex. R. Evid. 901(a), 902(4)). We conclude that neither the jury verdict nor the judgment from the *Harpst* case (Exhibits 1 and 2) was authenticated. Thus, the evidence was incompetent and cannot support summary judgment. *See Albert Lee Giddens*, 2017 WL 4159263, at \*4-5. Because these exhibits were the only evidence the Fleming Firm offered to establish its collateral estoppel defense, the summary judgment cannot rest on that ground. *Guerrero*, 465 S.W.3d at 703, 705; *see also* Tex. R. Civ. P. 166a(c).

We sustain appellants' first issue in part regarding the Fleming Firm's Exhibits 1 and 2.<sup>6</sup>

## **B. Waiver and release**

### 1. *Authenticity of Exhibit 3, the settlement packet*

Appellants challenge the authenticity of the Fleming Firm's third exhibit, a copy of Kathy Harpst's settlement packet.<sup>7</sup> Like Exhibits 1 and 2, Exhibit 3 was not supported by any authenticating affidavit or testimony. Nonetheless, the Fleming Firm argues that the trial court did not err in considering the packet because all the plaintiffs' settlement packets are materially identical in substance (differing only in regards to each client's individual settlement amount), and an authenticated copy of another claimant's settlement packet was on file before the trial court granted summary judgment.

The Fleming Firm states that it attached Rebecca Wilson's settlement packet and George Fleming's affidavit authenticating the packet to an earlier summary judgment motion on waiver, and that the trial court could have considered this earlier evidence to support the present motion. We agree. The Supreme Court of Texas recently held that the rules of civil procedure "require a trial court to grant a summary-judgment motion if the evidence '*on file at the time of the hearing, or filed thereafter and before judgment with permission of the court,*' establishes that the movant is 'entitled to judgment as a matter of law.'" *Lance v. Robinson*, 543 S.W.3d 723, 732 (Tex. 2018) (quoting Tex. R. Civ. P. 166a(c), emphasis original). It is

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<sup>6</sup> We do not reach appellants' second issue, which challenges the collateral estoppel defense on the merits.

<sup>7</sup> Because Kathy Harpst's claims were severed into a separate action, she is not an appellant in this appeal. Appellants argue that this fact renders Exhibit 3 irrelevant, but we need not address this argument given our ultimate conclusion that the trial court could have relied on other evidence in the record when ruling on the Fleming Firm's waiver or release defense.

undisputed that Rebecca Wilson’s authenticated settlement packet was on file in the present case at the time of the summary judgment hearing. The packet thus qualified as proper summary judgment evidence, and the trial court did not err by considering its provisions. *See, e.g., Evans v. First Nat’l Bank*, 946 S.W.2d 367, 376 (Tex. App.—Houston [14th Dist.] 1997, writ denied) (trial court’s consideration of proper summary judgment evidence attached to previous motion is not reversible error). The parties do not dispute that the relevant contract provisions in each settlement packet are identical.

We overrule appellants’ first issue in part regarding the Fleming Firm’s Exhibit 3.

The Fleming Firm raised two affirmative defenses based on provisions in the settlement packets: waiver and release. We address the firm’s arguments that appellants waived their claims (expressly and impliedly) or otherwise released their claims.

## 2. *Express waiver*

Waiver may be asserted as an affirmative defense against a party who intentionally relinquishes a known right or engages in intentional conduct inconsistent with claiming that right. *Trelltex, Inc. v. Intecx, L.L.C.*, 494 S.W.3d 781, 790 (Tex. App.—Houston [14th Dist.] 2016, no pet.); Tex. R. Civ. P. 94. The elements of waiver are: (1) an existing right, benefit, or advantage held by a party; (2) the party’s actual knowledge of its existence; and (3) the party’s actual intent to relinquish the right, or intentional conduct inconsistent with the right. *Ulico Cas. Co. v. Allied Pilots Ass’n*, 262 S.W.3d 773, 778 (Tex. 2008). Intent to waive must be clear, decisive, and unequivocal. *Shannon v. Mem’l Drive Presbyterian Church U.S.*, 476 S.W.3d 612, 627 (Tex. App.—Houston [14th Dist.] 2015, pet. denied); *Thompson v. Kerr*, No. 14-08-00978-CV, 2010 WL 2361636, at \*4 (Tex. App.—

Houston [14th Dist.] June 15, 2010, no pet.) (mem. op.). A court should conclude a waiver occurred only when a party unequivocally manifested the intent not to assert its rights. *Shannon*, 476 S.W.3d at 627. Waiver of a contractual right may be express or implied from conduct. *G.T. Leach Builders, Inc. v. Sapphire V.P., LP*, 458 S.W.3d 502, 511 (Tex. 2015); *Pounds v. Liberty Lloyds of Tex. Ins. Co.*, 528 S.W.3d 222, 226 (Tex. App.—Houston [14th Dist.] 2017, no pet.).

Whether appellants expressly waived their claims against the Fleming Firm by signing the settlement packets requires us to review the agreements' language. When interpreting a contract, our primary concern is to ascertain and give effect to the written expression of the parties' intent. *Plains Expl. & Prod. Co. v. Torch Energy Advisors Inc.*, 473 S.W.3d 296, 305 (Tex. 2015); *Italian Cowboy Partners, Ltd. v. Prudential Ins. Co. of Am.*, 341 S.W.3d 323, 333 (Tex. 2011). We strive to honor the parties' agreement as expressed in the instrument, and we will not remake their contract by reading additional or different provisions into it. *See Gilbert Tex. Constr., L.P. v. Underwriters at Lloyd's London*, 327 S.W.3d 118, 126 (Tex. 2010). The parties' intent is governed by the language they chose, not by what one side contends they intended but failed to say. *See id.* at 127. We afford terms their plain and ordinary meaning unless the contract indicates that the parties intended a different meaning. *Dynegy Midstream Servs., Ltd. P'ship. v. Apache Corp.*, 294 S.W.3d 164, 168 (Tex. 2009). We consider the entire contract, respecting all provisions so that none are rendered meaningless. *Plains Expl. & Prod.*, 473 S.W.3d at 305. We also bear in mind the particular business activity to be served, and when possible and proper to do so, we avoid a construction that is unreasonable, inequitable, and oppressive. *Nat'l City Bank v. Ortiz*, 401 S.W.3d 867, 878 (Tex. App.—Houston [14th Dist.] 2013, pet. denied) (op. on reh'g) (citing *Frost Nat'l Bank v. L&F Distribs., Ltd.*, 165 S.W.3d 310, 312 (Tex. 2005) (per curiam)).

The parties advance competing interpretations of the relevant contract language. For example, the parties dispute whether the waiver language in the settlement packets waived appellants' claims against Wyeth only or, alternatively, waived all of their claims and potential claims against Wyeth and the firm. Whether a contract is ambiguous is a question of law for the court. *J.M. Davidson, Inc. v. Webster*, 128 S.W.3d 223, 229 (Tex. 2003). A contract is not ambiguous if it can be given a definite or certain legal meaning. *El Paso Field Servs., L.P. v. MasTec N. Am., Inc.*, 389 S.W.3d 802, 806 (Tex. 2012); *Universal Health Servs., Inc. v. Renaissance Women's Grp., P.A.*, 121 S.W.3d 742, 746 (Tex. 2003); *Columbia Gas Transmission Corp. v. New Ulm Gas, Ltd.*, 940 S.W.2d 587, 589 (Tex. 1996). If a contract is unambiguous, we enforce it as written without considering parol evidence for the purpose of creating an ambiguity or giving the contract "a meaning different from that which its language imports." *David J. Sacks, P.C. v. Haden*, 266 S.W.3d 447, 450 (Tex. 2008) (per curiam).

A contract is ambiguous, however, when its meaning is uncertain and doubtful or when it is reasonably susceptible to more than one meaning. *Coker v. Coker*, 650 S.W.2d 391, 393 (Tex. 1983). When contract provisions appear to conflict, we will attempt to harmonize the two provisions and assume the parties intended every provision to have some effect. See *Reliance Ins. Co. v. Hibdon*, 333 S.W.3d 364, 369 (Tex. App.—Houston [14th Dist.] 2011, pet. denied); *United Protective Servs., Inc. v. W. Vill. Ltd. P'ship*, 180 S.W.3d 430, 432 (Tex. App.—Dallas 2005, no pet.). If we are unable to harmonize the provisions and give effect to all clauses, and the contract is susceptible to more than one reasonable interpretation, we will hold the contract is ambiguous. *Columbia Gas*, 940 S.W.2d at 589. Extrinsic evidence of the parties' intent is not admissible to create an ambiguity, but the contract may be read in light of the circumstances surrounding its execution to determine whether an

ambiguity exists. *El Paso Field Servs.*, 389 S.W.3d at 806; *David J. Sacks*, 266 S.W.3d at 451. When a contract contains an ambiguity, the granting of a motion for summary judgment is improper because the interpretation of the instrument becomes a fact issue. *El Paso Field Servs.*, 389 S.W.3d at 806; *J.M. Davidson*, 128 S.W.3d at 229; *Coker*, 650 S.W.2d at 394 (concluding an agreement was ambiguous on its own motion and reversing the trial court’s grant of summary judgment). A contract is not ambiguous simply because the parties advance conflicting interpretations. *Columbia Gas*, 940 S.W.2d at 589.

The Fleming Firm argued below that appellants expressly waived any claim relating to the firm’s settlement allocation because the settlement packets they signed include language waiving appellants’ right to contest “the settlement in any particular.” In their third issue, appellants argue that the trial court erred to the extent it granted summary judgment on the Fleming Firm’s waiver defense.

The settlement packets disclosed to each client: (a) the gross settlement amount to be paid by Wyeth; (b) deductions for miscellaneous costs associated with the settlement; (c) an amount reserved for claimants who suffered worsening symptoms in the future; (d) attorney’s fees; (e) “Client expenses”; and (f) the net amount each client would receive. “Client expenses,” as explained in the packets, purported to represent each client’s “proportionate share of expenses that [the Fleming Firm] incurred in developing the liability and damage issues against [Wyeth], and the expenses associated with settling [the] litigation.” The expenses included filing fees, service fees, court fees, postage, courier costs, medical records fees, deposition expenses, travel expenses, investigative fees, expert witness fees, and costs associated with epidemiology and cardiology studies. The “Client expenses” were listed as a lump sum number (without detail or explanation as to

what specific expenses comprised the aggregate sum) and deducted from the gross settlement amount.

Directly underneath the calculation of the gross settlement amount, deductions, and net settlement amount, the settlement packets stated that each client agreed to the following:

I hereby approve and authorize the above settlement and distribution of settlement proceeds. It is my wish to compromise and settle this claim now as set out in this settlement statement and the release contained in Packet 1.

I have been informed that the defendants have agreed to settle 8,050 other Fleming & Associates clients' claims as part of their agreement to settle my claim. I have consented to my settlement and all the other Fleming settlements after disclosure of the existence and nature of all the claims involved and of the nature and extent of the participation of each person in the settlement. I expressly agree to accept the settlement and to settle my case according to the terms stated above, and **I hereby waive any right whatsoever to contest the settlement in any particular**, including but not limited to, the aggregate nature of the settlement. (Capitalization normalized) (emphasis added).

The Fleming Firm argues that by agreeing to the statement, "I hereby waive any right whatsoever to contest the settlement in any particular," appellants unequivocally and intentionally waived any claims they had or might ever have against the Fleming Firm based on its role and actions in connection with the settlement of appellants' claims against Wyeth. In response, appellants argue that they merely agreed to waive any right to contest the settlement with Wyeth; they did not settle any claims against the Fleming Firm and did not know about (and hence did not intend to waive) any claims they may have had against the Fleming Firm. The document's reference to waiving a right "to contest the settlement," appellants say, means a waiver of claims against Wyeth only, and it does not include a waiver of any claims against the Fleming Firm.

Appellants’ interpretation of the waiver clause is reasonable considering the settlement packet as a whole and reading its provisions together. References to appellants’ desire to “settle *this claim*” and the acknowledgment that the Fleming Firm “settle[d] 8,050 other Fleming & Associates clients’ claims as part of their agreement to settle *my claim*” suggest that the parties intended “the settlement” to mean the termination of the claims asserted by appellants against Wyeth—the only claims pleaded. As appellants note, other parts of the settlement packets stated that the agreement was “a settlement *with Wyeth*.” Further, the settlement packets state that “[t]he total gross settlement is the amount upon which *your settlement* is based.”

The documents’ definitions of the terms “settlement agreement” and “settlement amount” support appellants’ interpretation of the waiver language.<sup>8</sup> For instance, the release stated: “Wyeth and Claimant’s Counsel have entered into a settlement agreement (the ‘Settlement Agreement’), under which Wyeth and Claimant’s Counsel have agreed on a single, total amount to be paid by Wyeth, subject to certain conditions, in settlement of the Diet Drug claims of all clients of Claimant’s Counsel who agree to participate in such settlement (the ‘Settlement Amount’).” These definitions explicitly refer to the claims being settled as the “diet drug claims” asserted by appellants against Wyeth. The underlying dispute was between appellants and Wyeth. Appellants asserted no claims against the Fleming Firm during the pendency of the underlying case. Appellants agreed to abandon their claims against Wyeth in exchange for the settlement payout funded by Wyeth. The Fleming Firm then prepared the settlement packets, which showed, *inter alia*, how much the firm deducted for client expenses from the gross settlement amount

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<sup>8</sup> We consider the contract as a whole, giving its terms their ordinary meaning and keeping in mind the circumstances that existed when the parties executed the agreement. *Plains Expl. & Prod.*, 473 S.W.3d at 305.



and the “net” settlement amount. By signing the settlement packets, appellants agreed to waive the right “to contest the settlement.”

Because appellants’ interpretation of the waiver language is reasonable, the Fleming Firm has not established conclusively an unambiguous “certain or definite legal meaning” in its favor. *See El Paso Field Servs.*, 389 S.W.3d at 806; *Clark v. Cotten Schmidt, L.L.P.*, 327 S.W.3d 765, 774-75 & n.11 (Tex. App.—Fort Worth 2010, no pet.) (non-movant’s interpretation of agreement was reasonable and thus precluded summary judgment in movant’s favor). The settlement packet does not, as the Fleming Firm contends, unambiguously and conclusively prove elements 2 and 3 of the Fleming Firm’s waiver defense as to whether (1) appellants had actual knowledge that their claims against the Fleming Firm existed, and (2) appellants intended to waive their claims against the Fleming Firm. Therefore, the Fleming Firm is not entitled to summary judgment on its waiver defense to the extent it relies upon the waiver language in the settlement packets. *See N. Nat. Gas Co. v. Oneok Bushton Processing, Inc.*, No. 14-11-00539-CV, 2012 WL 4364652, at \*7 (Tex. App.—Houston [14th Dist.] Sept. 25, 2012, no pet.) (mem. op.) (to be entitled to summary judgment, movant must conclusively prove that agreement does not support contrary reasonable interpretation); *Kaye/Bassman Int’l Corp. v. Help Desk Now, Inc.*, 321 S.W.3d 806, 813 (Tex. App.—Dallas 2010, pet. denied) (same).

We need not and do not decide whether the Fleming Firm’s interpretation of the waiver language is also reasonable (thus creating ambiguity), or whether appellants’ interpretation is the only reasonable one.<sup>9</sup> *See, e.g., S. Austin Mkt. Place, Inc. v. James F. Parker Interests, Inc.*, No. 03-99-00144-CV, 2000 WL 374064, at

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<sup>9</sup> The waiver language is ambiguous if it is susceptible to more than one reasonable interpretation favoring each party. *See Columbia Gas*, 940 S.W.2d at 589; *Coker*, 650 S.W.2d at 393.

\*4 (Tex. App.—Austin Apr. 13, 2000, no pet.) (not designated for publication) (“Without deciding whether an ambiguity exists in the contract, we hold that South Austin has not conclusively proven that its interpretation of the agreement is the only reasonable interpretation.”); *Clark*, 327 S.W.3d at 775 n.11. Appellants have not moved for summary judgment in their favor on the issue. We hold merely that the Fleming Firm is not entitled to summary judgment on its waiver defense based on the argument that appellants expressly waived their claims against the firm under the settlement packets’ terms. Whether appellants are entitled to summary judgment on the question, or whether a jury must determine whether appellants expressly waived their claims, are matters the trial court may consider on remand.

### 3. *Implied waiver*

The Fleming Firm also argued that appellants impliedly waived their claims by accepting the benefits of the settlement.

Waiver is largely a matter of intent, and for implied waiver to be found through a party’s conduct, intent must be clearly demonstrated by the surrounding facts and circumstances. *Crosstex Energy Servs., L.P. v. Pro Plus, Inc.*, 430 S.W.3d 384, 393 (Tex. 2014); *In re Gen. Elec. Capital Corp.*, 203 S.W.3d 314, 316 (Tex. 2006) (per curiam); *Jernigan v. Langley*, 111 S.W.3d 153, 156-57 (Tex. 2003) (per curiam). “Silence or inaction, for so long a period as to show an intention to yield the known right, is also enough to prove waiver.” *Tenneco Inc. v. Enter. Prods. Co.*, 925 S.W.2d 640, 643 (Tex. 1996). Waiver is ordinarily a question of fact, but when the surrounding facts and circumstances are undisputed, the question becomes one of law. *Trelltex*, 494 S.W.3d at 790-91.

Here, the Fleming Firm argues that appellants’ knowledge of and intent to waive any claims against the firm is clearly demonstrated because they accepted the settlement distributions without complaint. Therefore, the firm argues, whatever it

“did or did not do regarding the settlement, or whatever they disclosed or failed to disclose, [is] all legally immaterial to Plaintiffs’ waivers of claims against them.” We disagree.

For waiver to apply, a party must be aware of all pertinent facts. *See id.* at 793. Our court examined this issue in *Clear Lake Center, L.P. v. Garden Ridge, L.P.*, 416 S.W.3d 527, 535 (Tex. App.—Houston [14th Dist.] 2013, no pet.). There, a party to a contract, Garden Ridge, sued the other contracting party, Clear Lake, for charging Garden Ridge a management fee that was miscalculated under the contract’s terms, and Clear Lake unsuccessfully argued on summary judgment that Garden Ridge waived its claim by paying the fee each year. *Id.* We affirmed, noting that Garden Ridge paid the entire fee without actually knowing that part of the fee was not authorized under the contract: “Garden Ridge’s lack of knowledge is crucial.” *Id.* at 543. Thus, we held Garden Ridge was not conclusively shown to have waived its claims. The Fourth Court of Appeals has held similarly in a comparable setting. *See Enterprise-Laredo Assocs. v. Hachar’s, Inc.*, 839 S.W.2d 822, 836 (Tex. App.—San Antonio 1992, writ denied) (settlement agreement whereby parties agreed to “waive any other violations of the Lease” occurring before a particular date did not establish affirmative defense of waiver when the plaintiff “was not aware of the CAM overcharges at the time it signed the agreement”; thus, the plaintiff did not waive the right to sue for CAM overcharges).

Although appellants unquestionably agreed to a settlement with Wyeth from which the Fleming Firm deducted some client expenses, the firm presented no summary judgment evidence demonstrating appellants’ actual knowledge of their claims against the firm, such as evidence appellants were aware that the Fleming Firm included the cost of the full echocardiogram program in the deductions. The firm relies only upon the following language in the settlement packets:

The expenses identified on this Settlement Statement reflect your proportionate share of the expenses that Fleming & Associates, L.L.P. incurred in developing the liability and damage issues against [Wyeth], and the expenses associated with settling this litigation. Expenses include . . . experts retained to do epidemiology and cardiology studies to assist the plaintiffs in the fen-phen litigation, including costs associated with those studies (for example, echocardiograms).

This language does not clearly and unequivocally inform appellants that the deductions included the cost for the entire echocardiogram program, as opposed to the cost for each individual's echocardiogram. Thus, the Fleming Firm has not conclusively proven that appellants were aware of all pertinent facts. Additionally, appellants' acceptance of the settlement from Wyeth does not clearly indicate a knowledge of and desire to waive any claims against the firm. The Fleming Firm cites appellants' generic conduct toward Wyeth, which might evince acceptance of the settlement and waiver of claims against Wyeth. But accepting Wyeth's settlement of appellants' claims against Wyeth does not clearly demonstrate for summary judgment purposes an intent to waive any claims appellants may have had against the firm. We conclude that the Fleming Firm did not establish its waiver defense as a matter of law based on an argument of implied waiver. *See Clear Lake Ctr.*, 416 S.W.3d at 543.

The Fleming Firm relies heavily on a case from our sister court in Corpus Christi. *See Flores v. Skaro*, No. 13-03-00358-CV, 2005 WL 2885841 (Tex. App.—Corpus Christi Nov. 3, 2005, no pet.) (mem. op.). In *Skaro*, an attorney negotiated a settlement between her client and a pharmacist. *Id.* at \*1. The client agreed to the itemized settlement, which set forth the gross settlement amount, the amount of expenses deducted, the net settlement amount, and the amount of attorney's fees deducted from the net amount. *Id.* at \*1-2 & n.3. Approximately three years later, the client sued the attorney for breach of contract, arguing that the attorney deducted

a fee in excess of the percentage distribution provided for by the parties' fee agreement. *Id.* at \*1. The attorney moved for summary judgment on the defense of waiver, which the trial court granted. *Id.* at \*2.

The court of appeals affirmed, noting that the client signed an itemized settlement statement approving distribution of the settlement proceeds and initialed each page of the court's final judgment approving the settlement. *Id.* at \*6. The client also "voiced no objection and remained silent with respect to the propriety of the settlement." *Id.* Based on those circumstances, the court concluded that the client's conduct established his intent to relinquish his right to challenge the distribution of the settlement proceeds. *Id.*

*Skaro* certainly supports the legal tenet that a party's silence or inaction may establish waiver, *see Tenneco*, 925 S.W.2d at 643, but *Skaro* is factually distinguishable. In *Skaro*, it was clear from the face of the settlement statement that the appellant's attorney deducted a fee in an amount allegedly greater than permitted under the fee agreement. *See Skaro*, 2005 WL 2885841, at \*1 & n.3 (fee agreement allowed fee of 50% of settlement; attorney deducted fees totaling nearly 90% of settlement). Here, in contrast, while the settlement packets disclose the total client expense deductions in aggregate dollar amount, the packets do not make clear that the amount included each clients' proportionate share of the entire echocardiogram program cost for all potential claimants tested. Accordingly, *Skaro* does not control our analysis.

We sustain appellants' third issue.

#### 4. *Release*

In their fourth issue, appellants argue that the trial court erred to the extent it granted summary judgment on the basis of the firm's release defense.

To effectively release a claim in Texas, the releasing instrument must “mention” the claim to be released. *Victoria Bank & Trust Co. v. Brady*, 811 S.W.2d 931, 938 (Tex. 1991). Even if the claims exist when the release is executed, any claims not clearly within the subject matter of the release are not discharged. *Id.*; *Vela v. Pennzoil Producing Co.*, 723 S.W.2d 199, 204 (Tex. App.—San Antonio 1986, writ ref’d n.r.e.); see *Baker v. City of Fort Worth*, 146 Tex. 600, 210 S.W.2d 564, 567-68 (1948). General categorical release clauses are narrowly construed. *Victoria Bank & Trust Co.*, 811 S.W.2d at 938; *Duncan v. Cessna Aircraft Co.*, 665 S.W.2d 414, 422 (Tex. 1984).

The settlement packets provided that each client “release[d] and forever discharge[d], and agree[d] . . . not to sue, Wyeth and the other Released Parties of and from all Diet Drug Claims.” As defined in the agreement, “Released Parties” includes any person “against whom Claimant has asserted or could attempt to assert any claim, liability, or right to payment . . . arising out of or related in any way to the alleged ingestion of Diet Drugs by Claimant.” The Fleming Firm contends that it is included within this definition of “Released Parties,” and that by agreeing to the release clause, appellants released the Fleming Firm from all liability stemming from its role in allocating the settlement funds.

We think it an untenable reading to include the Fleming Firm within the definition of “Released Parties.” Appellants could not “attempt to assert any claim” against the firm “related in any way to the alleged ingestion of Diet Drugs.” No doubt, “[t]he phrase ‘relates to’ . . . is recognized as a very broad term.” *RSR Corp. v. Siegmund*, 309 S.W.3d 686, 701 (Tex. App.—Dallas 2010, no pet.) (internal quotation omitted). But the matter in controversy—i.e., appellants’ potential claims against the Fleming Firm at the time they signed the release—must still share a logical or causal connection to appellants’ ingestion of fen-phen. See *Columbia Cas.*

*Co. v. CP Nat'l, Inc.*, 175 S.W.3d 339, 348 (Tex. App.—Houston [1st Dist.] 2004, no pet.) (“‘related’ means having a logical or causal connection”). Here, the Fleming Firm’s alleged breaches of duty in its role as appellants’ settlement counsel are not sufficiently interrelated, enmeshed, or intertwined with the underlying tort claims against Wyeth as to bring the firm within the scope of “Released Parties.” Whether the Fleming Firm breached any duties in charging appellants for other people’s echocardiograms (or only for their own) at the time of the settlement and release is not conduct causally or logically related to whether appellants ingested fen-phen. The Fleming Firm has not shown that appellants’ claims against it fall clearly within the scope of the release. *See Victoria Bank & Trust Co.*, 811 S.W.2d at 938.

But even if the parties unequivocally intended to include the Fleming Firm within the scope of the “Released Parties,” the firm has not shown that the releases are valid as a matter of law, which was the firm’s burden to prove. *See Keck, Mahin & Cate v. Nat’l Union Fire Ins. Co.*, 20 S.W.3d 692, 699 (Tex. 2000).

The relationship between the Fleming Firm and appellants is fiduciary in nature. *Id.* Contracts negotiated during the existence of an attorney-client relationship are closely scrutinized and presumed invalid or unfair. *Id.* The Fleming Firm had the burden to prove on summary judgment that the release was fair and reasonable, and that appellants were informed of all material facts relating to the release. *Id.* In establishing the fairness of a transaction involving a fiduciary, some of the most important factors are whether there was full disclosure regarding the transaction, whether the consideration (if any) was adequate, and whether the beneficiary had the benefit of independent advice. *Estate of Townes v. Townes*, 867 S.W.2d 414, 417 (Tex. App.—Houston [14th Dist.] 1993, writ denied); *see also Lee v. Hasson*, 286 S.W.3d 1, 21 (Tex. App.—Houston [14th Dist.] 2007, pet. denied).

“Another crucial inquiry is whether the fiduciary has benefited at the expense of the beneficiary.” *Townes*, 867 S.W.2d at 417.

The Fleming Firm made no attempt in its motion for summary judgment to rebut the presumption of invalidity or unfairness by demonstrating that the releases were fair and reasonable. Though the firm raises several arguments on appeal in an attempt to buttress its release defense, it did not do so in the trial court, and a motion for traditional summary judgment must stand or fall on its own merit. *See Tex. Windstorm Ins. Ass’n v. Dickinson Indep. Sch. Dist.*, ---S.W.3d---, 2018 WL 4781526, at \*5 (Tex. App.—Houston [14th Dist.] 2018, no pet. h.).

The Fleming Firm therefore failed to conclusively prove that the releases were fair and reasonable to the extent they purport to release the Fleming Firm. *See Keck*, 20 S.W.3d at 699 (holding that movant did not maintain its burden of proof to show release agreement was fair and reasonable when it did not rebut presumption of unfairness attaching to contracts between attorneys and their clients). Accordingly, we need not analyze other factors, such as whether the firm disclosed all material facts before the claimants agreed to the releases. Because the firm did not establish its right to summary judgment as a matter of law on its affirmative defense of release, the trial court erred to the extent it granted judgment on this ground. *See Ulrickson v. Hibbs*, No. 02-02-00161-CV, 2003 WL 22514689, at \*8 (Tex. App.—Fort Worth Nov. 6, 2003, no pet.) (mem. op.) (holding that trial court erred in granting law firm’s motion for summary judgment on release defense when firm offered no summary judgment evidence that release was fair and reasonable); *see also Patton v. Harris Cty. Cmty. Supervision & Corrs. Dep’t*, No. 14-04-00683-CV, 2005 WL 3116405, at \*5 (Tex. App.—Houston [14th Dist.] Nov. 23, 2005, pet. denied) (mem. op.) (“In traditional motions, a movant may—and indeed, must—rebut a presumption applicable to the opponent or else fail on the motion.”).



We sustain appellants' fourth issue.

### **Conclusion**

The Fleming Firm failed to prove that it was entitled to summary judgment as a matter of law on the firm's affirmative defenses of collateral estoppel, waiver, and release. Accordingly, we reverse the trial court's summary judgment in cause number 2010-25097, and we remand the case to the trial court for further proceedings.

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Kevin Jewell  
Justice

Panel consists of Justices Busby, Brown, and Jewell.

**Appendix A — Full list of appellants in Cause No. 14-17-00223-CV**

Aaron, Joyce A; Abbott, Glenda D.; Abney, Barbara D.; Abraham, Jacquelyn M. (f/k/a Deleon, Jacquelyn M.); Acree, Connie S.; Adams, Julie A.; Adams, Lynn A.; Adams, Nadine; Addison, Victoria; Adey, Laurie J.; Ahern, Patricia J.; Ai, Lien K.; Aldrete, Vicki A.; Aldrich, Judith A.; Aldridge, Mary A.; Barnes, Pauline o/b/o Alexander, Debra K.; Alexander, Kathy O.; Allen, Karen D.; Allen, Mary G.; Allen, Stephanie P.; Allred, Kayelyn; Alvey, Tammy J.; Andersen, Judy A. (f/k/a Cancila-Andersen, Judy A.); Anderson Carpenter, Delaine A.; Anderson, Barbara; Anderson, Catherine J.; Anderson, Deidra F.; Anderson, Holly J.; Anderson, Melissa; Anderson, Melissa L.; Anderson, Nathaline; Anderson, Patsy B.; Anderson, Ruth E.; Anderson, Sharon L.; Anderson, Terri L.; Andre, Moira F.; Andres, Sarah; Anfield, Anna; Angius, Sandra; Anthony, Olivia M.; Appleton, Janet L.; Aragon, Dolores Y.; Arah, Joy A.; Arango, Ricardo; Arensberg, Caron R.; Armstrong, Lolita S.; Arnim, Lisa D.; Asbery, Kathleen M.; Ashton, Gary L.; Atkins, Brenda J.; Atkins, Edith E.; Atkinson, Julia D.; Atwell-Vasko, Shelley E.; Ausley, Maurice S.; Avoledo, Verna J.; Ayala, Mary K.; Ayler, Deborah L.; Ayler, Mary E.; Bailey, Edra V. (f/k/a Moore-Bailey, Edra V.); Bailey, Mary A.; Bailey, Patti L.; Baker, Arlene; Baker, Claudia; Baker, Daina; Baker, Janice H.; Baker, Joy L.; Baker, KellyAnn K.; Baker, Kimberly K.; Bale, Connie D.; Banks, Randy J.; Banta, Shirley H.; Barfield, Connie; Barker, Richard L.; Barnard, Kristy L; Barnes, Mona L.; Barnes, Paul; Barnes-Hoggard, Deborah A; Barnett, Sharon K.; Barney, Barbara A.; Barns, Teresa o/b/o Barns, Elva M.; Barrett, Sandra; Barrios, Donna L.; Barry, Georgia; Bashaw, Hayley L. (f/k/a Markham, Hayley L.); Baskerville, Jodi A.; Bass, Shirley; Bassett, Denise M.; Bates, LaRay S.; Battaglia, Edie M.; Batte, Betty; Bauer, Kimberly; Baxter, Cecile A.; Beaudette, Linda G.; Bedgood, Martha; Beever, Connie K.; Behn, Lorene S.; Bejarano, Nancy J.; Belcher, Loretta C.; Belew, Debbi K.; Bell, Frances J.; Bell, Joy

o/b/o Sakowski, Julianna C.; Benavidez, Jose A.; Benham, Sandra E.; Bennett, Darlene J.; Bennett, Linda; Bennett, Rita Y.; Bennion, Claudia R.; Benson, Debrah; Benson, Susan A.; Benson, Vicky J.; Bergeron, Colleen; Berry, Sherry A.; Bersebach, Kelly; Bertsch, Traci A.; Bess, Sherry; Bethea, Carolyn; Betteridge, Brenda (f/k/a Jorgensen, Brenda); Beveridge, Dolores J.; Biagioli, Lori A.; Bice, Mary A. (f/k/a Pittman, Mary A.); Birdsong, Tiffany D. (f/k/a Owen, Tiffany D.); Bishop, Donna R.; Bishop, Linda; Bishop, Vivian M.; Blackburn, Deborah L.; Blake, Patricia M.; Blankenship, Gloria J.; Blanks, Doris; Block, Lori; Boehle, William C.; Boettcher, Karen F.; Bogdan, Joan C.; Bolden, Ida D.; Bomsta, Vicki E.; Bonell, Doreen M.; Bonilla, Doreen; Booth, Leona L.; Boudreaux, Roberta F.; Bowlin, Kathie M.; Boyd, Betty A.; Boyer, Jacqueline E.; Boyle, Diane S.; Braaten, Peggy A.; Bradford, Susan L.; Bradley, Jacqueline L. (f/k/a Jones-Bradley, Jacqueline L.); Braegger, Shirley; Brannan, Shirley; Branscum, Susan; Branson, Deborah A.; Brantley, Linda F.; Brashears, Margaret H.; Braun, Cynthia C.; Braunberger, Sheila; Brayer, Lori C.; Brewer, Margaret; Brewington, Mygra M.; Bright, Raymond M.; Brindle, George W.; Briscoe, Nancy E.; Briscoe, Patricia; Brisson, Betsy A.; Broaderway, Cheryl; Brook, Patricia J.; Brooks, Cathy; Brooks, Mary A.; Brooks, Trevor J.; Brooks, Wilma J.; Brooks-Howze, Willie B.; Brott, Stephanie A. (f/k/a Bernardi, Stephanie A.); Ellis, Kaye o/b/o Brown, Charlene E.; Brown, Darlene L.; Brown, Kimberly L.; Brown, Lisa M.; Brown, Mary Jo; Brown, Miriam; Brown, Nancy E.; Brumley, Charlotte; Bryan, Linda S.; Bryant, Jeanie; Bryant, Patsy A.; Bryant, Sheila A.; Bryant, Tonya; Buchanan, Veronica; Bullard, VeraLee; Burdick, David o/b/o Burdick, Carolyn A.; Burgess, Sybil A.; Burnett, Alice M.; Burns, Carla S.; Burns, Irene; Byrd, Jacqueline J.; Caddell, Deanna K.; Cain, Deborah A.; Cain, Marcia R.; Callender, Carl M.; Camp, Janet E.; Campbell, Launa L.; Campbell, Linda J.; Campbell, Nancy L.; Campbell, Paula K.; Campbell, Sandra L.; Cantrell, Donna B.; Capek, Brenda J.; Cardona, Jeannie M.; Carey,

Rebecca L.; Carlsen, Virginia; Carlson, Beverly J.; Carroll, Mattie M.; Carr-Showalter, Elaine C.; Carter, Barbara M.; Carter, Betty L.; Carter, Robin M.; Carter, Shawna F.; Carter, Sherilyn; Carter, Wesley H.; Caruthers, Carolyn J.; Case, Deborah A.; Casper, John K.; Castaneda, Juana B.; Castillo, Cynthia A.; Castleman, Pearl I.; Castles, Debbie A.; Castro, Angela; Castro, John A.; Caswell, Jeanie; Cate, Lori L.; Caton, Vassie Mable; Caudle, Betsy L.; Chandler, Martina M.; Chase, Vickie; Chastain, Patricia A.; Chatman, Angelia S.; Chavez, Evelyn B.; Cheves, Pamela D.; Chiaravallotti, Rose Mary E.; Childs, Minnie C.; Chisholm, Karen; Chonko, John C.; Chrimes, Sara M.; Christensen, Teresa B.; Christian, Donna; Christian, Sandra J.; Cimperman, Jeanette B.; Clark, Clara R.; Clark, Laurie D.; Clark, Mary J.; Clark, Sallie L.; Clarke, Angela E.; Clarke, Myrna J.; Clay, Gracie J.; Clay, Regina; Clement, Jany; Cler, Carolyn; Cline, Deborah L.; Cline, Elaine J.; Cline, Lisa L.; Closs, Joy G.; Sanders, Kathy o/b/o Cloud, Susie M.; Cluett, Cynthia A.; Coder, Sandra S.; Cody, Sandra G.; Coffman, Cynthia A.; Cohen Feris, Susanna; Coit, Sandra K.; Cole, Cynthia E.; Cole, Daisy L.; Cole, Kathleen R.; Colletti, Lisa S.; Collier, Connie R.; Collins, Hallit E.; Collins, Melanie S.; Colter, Marie D.; Compagno, Vickie L.; Conder, Linda N.; Condra, Nelda S.; Connors, Staci; Conover, Connie H.; Conyer, Imogene; Cook, Bill E.; Cook, Lou Ann; Cook, Minnie L.; Cook, Tami L.; Cook-Smith, Connie S.; Coonrod, Melissa A.; Coontz, Cheryl L.; Cooper, Allyson & Maull, Rhonda (o/b/o Cooper, Sarah A.); Coots, Tina D.; Copeland, Lorene E.; Corbitt, Vicki L.; Corn, Angela D.; Cornelison, Marilyn; Cornine, Phyllis Raylene; Cosby, Tim o/b/o Cosby, Jack E.; Cospers, Mary P.; Cottrell, Geraldine; Couch, Helen; Coutz, Irma G.; Covert, Judith A.; Covington, Audrey G.; Cowan, Sharon (f/k/a Jones, Sharon); Cox, Diana L.; Crabtree, Janice G.; Crabtree, Lorraine A.; Crabtree, Rita F.; Crafton, Gail; Crain, Sandra R.; Cramer, Timothy M. (o/b/o Cramer, Florence M.); Crater, Ronald; Crawford, Cynthia L.; Crawford, Diane; Creech, Melissa S.; Crider, Jacquelyn R. (f/k/a Crispens,

Jacquelyn R.); Criff, LouAnn; Crockett, Lonny M. (o/b/o Crockett, Helena M.); Crosby, David A.; Crow, Earlene I.; Crowe, J. P. (o/b/o Crowe, Loran L.); Currier, Kim S.; Curry, Doris P.; Curry, LaJuana G.; Curtis, Linda; Curtis, Norma J.; Curtis, Tamara D. (f/k/a Barclay, Tamara D.); Custer, Pamela G.; Cyr, Nancy L.; Dale, Judith L.; Daniels, Sharon; Danley, Pam; Dantz, Dawn R.; Darneal, Jonnie R.; Dasher, Pamela S.; Dates, Becky; Daugherty, Ivy J.; Davenport, Natalie L.; Davis, Billy J. (o/b/o Davis, Lena D.); Davis, Dannet; Davis, Earl W.; Davis, Ethel L.; Davis, Kathy L.; Davis, Patricia A.; Davis, Rocky E.; Davis, Sharon D.; Davis, Sheryl W.; Davis, Susanne M.; Day, Judith D.; De Santiago, Anna M.; DeAlicante, Elizabeth; Dean, Kay; Dean, Nakecia M.; Dearing, Jacque R.; Deckelman, Lillie M.; Decker, Shirley M.; Delashmett, Traci; Demille, Billie J., Depew, Patricia A.; Derieg, Ruth E.; Derting, Cleo Ellen; DeVries, Jeanetta L.; DeWolfe, Peggy L.; Diaz, Maria A.; DiCapua, Bernadette; Dick, Debra J.; Dickens, Elizabeth; Dill, Sonja K.; Dillon, Bette Jo; Dinwiddie, Natalie; Dionne, Wendy; DiValerio, Shannon D.; Dobbs, Ruth A.; Dodson, Azure R.; Domerese, Donna F.; Domme, Judy E.; Donathan, Melody S.; Dore, Vicky; Doss, Kathy L.; Douglas, Mary; Douglas, Teresa Jean; Douglass, Margaret H.; Dovenmuehler, Anna M.; Downey, Lisa; Doyle, Arlene K.; Driscoll, Sandra L.; Dschaak, Linda R.; Dueker, Nancy R.; Duhamel, Agnes E.; Dunkin, Bonnie J. (f/k/a Erickson, Bonnie J.); Dunson, Patricia K.; Dupuy, Richard o/b/o Dupuy, Joyce E.; Durden, Marvin (o/b/o Durden, Ira Ann); Duspiwa, Deanna M.; Dustin, Tamara; Eakins, Betty J.; Eastland, Herb (o/b/o Eastland, Sue); Eby, Frances L.; Edrington, Dorothy J.; Edwards, Sabrina R.; Edwards, Tina M.; Edwards, Wanda E.; Eichhorn, Karen K.; Elam, Glenda M.; Elias, Marilyn K.; Eliason, Cathy; Elliott, Anita; Embree, Susan E.; Emery, Tina E.; Enderle, Terrye J.; Epley, Esther A.; Epstein, Barry R.; Epstein, Joanne; Ernst, Mary J.; Eskridge, Sandra P.; Esposito, Genelle J.; Etheredge, Gina N.; Evans, Catherine J.; Evans, Ella M.; Everett, Laura L.; Everson, Wayne K.; Ewart, Sherry; Ewing,

Gene; Fahrenkrug, Teresa L.; Fair, Tracy R.; Faison, Eddie F.; Faraoni-Bross, Glaucia; Farley, Kathy L.; Farnsworth, Janet W.; Faulkner, Joy W.; Faulks, Judith L.; Fazio, Susan W.; Feagans, Ana M.; Feneide, Sally A.; Fenske, Randall; Ferris, Joan N.; Ferris, Linda D.; Fick, Jennifer; Fielding, Deborah L.; Fields- Kent, Capri A.; Fillerup, Marilyn B.; Finch, Lee Ann; Finkley, Margaret A.; Finley, Jackie A. (f/k/a Funck, Jackie A.); Fitzgerald, Robyn S.; Fitzhugh, Paul; Fletcher, Harry J.; Flint, Betty M. (f/k/a Cuevas, Betty M.); Flores, Lucinda (f/k/a Cortez, Lucinda); Flores, Mary B.; Flowers, Vicki E.; Fogler, Diana F.; Fondaco, Kelly S.; Fontenot, Sherrie L.; Ford, Alyn I.; Ford, Mary J.; Ford, Ruthie (f/k/a Gentry, Ruthie); Ford, Suzette M. (f/k/a Gwynne, Suzette M.); Foreman, Alisha K.; Forrest, Carrie E.; Foster, Beverly S.; Foster, Karen S.; Fox, Carolyn Y.; Frahm, Marilyn M.; Fraser, Mary E.; Frazier, Marilyn J.; Frazier, Pamela D.; Fred, Fredrickson, Leslie A.; Freeman, Deborah D.; Freerksen, Shirley M.; Freiburger, Diane L.; Freund, Lori A.; Friedman, Arthur E.; Fries, Kymberlee K. (f/k/a Einsel, Kymberlee K.); Friese, Holly L.; Frisbie, Karen M.; Froio, Phyllis J.; Fuentes, Irma; Fugit, Phyllis L.; Fuller, Sharon; Fultz, Wendy ; Gach, Kathleen A.; Gadon, Daniel S.; Gallegos, Kathy J.; Gallegos, Terrie; Gamblin, Veleta V.; Gandy, Joi M.; Gann, Rebecca L.; Gaona, Mary F.; Garcia, Beatriz M.; Garcia, Ines M.; Garcia, Mickie G.; Garcia, Moya I.; Garrison, Jane L.; Garrity, Cynthia J.; Garvin, George L.; Garza, Alicia C.; Garza, Lucidio; Gastineau, Dorothy S. (f/k/a Alexander, Dorothy S.); Gee, James R.; Gelormine, Regina D.; Gennings, Welda J.; Genre, Lucille J.; Gentry, Ellen; Gentry, Jennifer M.; Gibson, Bill L.; Giefer, Jeri L.; Gifford, Roann B.; Gillespie, Phyllis D.; Gillispie, Becky; Gillman, Lynda L.; Gintowt, Sarah M.; Gipson, Mary H.; Girardot, Linda K. (f/k/a Kline, Linda K.); Gizzard, Lori A. (f/k/a Bingham, Lori A.); Glasmann, Patricia A.; Gleason, Dinah K.; Glover, Geraldine; Goclan, Edward J.; Goldenberg, Diane M.; Gongora, Lynda M.; Gonzales, Lupe D.; Goodrich, Darlene M.; Goossen-Sivilay, Colleen M.; Gordon, Danita J.; Gordon, Everly;

Gould, Todd E.; Graham, Charlene; Graham, Myra D.; Graham, Verla J.; Gray, Catherine L.; Gray, Connie; Gray, Melanie A.; Gray, Melissa A.; Green, Barbara A. (f/k/a Holden, Barbara A.); Green, Eva P.; Green, Janet (f/k/a Conforti, Janet); Green, Mary E.; Green, Patricia; Green, Tammy A.; Green, Terrie L.; Greer, Frances G.; Greer, Margie N.; Gregory, Darrell D.; Gresham, Arnetha; Greywater, Delemma; Grigg, Dorothy R.; Grim, Mary L.; Grimmitt, Christine D.; Griswold, Bruce A.; Groneman, Kathy D.; Grooms, Melanee S.; Grooms, Summer L. (f/k/a Johnson, Summer L.); Gross, Carolyn; Grosskrueger, Tina; Guerrero, Yolanda L.; Gurnee, Diana L.; Gurney, Pearl; Guthrie, Billie; Gutshall, Carrie; Guttmacher, Pamela S.; Guy, Shelia F.; Guyton, Suzanne M.; Guzman, Adam G.; Gwartney, Brenda J.; Haddad, Joseph N.; Hajek, Elaine J.; Halcombe, Caroline; Hale, Betty J.; Hale, Janet F.; Hale, Mary C.; Hale, Nancy L.; Haley, Cristina; Haley, Sherry A.; Hall, Alice E.; Hall, Cheree D.; Hall, Deborah; Hall, Jennifer D.; Hall, Judy A.; Hall, Katherine K.; Hall, Kristi; Hall, Mary; Hall, Romelia H.; Hall, Tanya L.; Hall, Vickie L.; Halm, Susan; Hambrick, Stacy L.; Hamilton, Cynthia S.; Hamilton, Lynda; Hamilton, Veta M.; Hamm, Doris W.; Hammer, Lorraine I.; Hammond, Marguerite; Hampton, Debbie J.; Hancock, Johnnie E.; Hancock, Teresa F.; Hanna, Rita G. (f/k/a Penner, Rita G.); Hannick, Thomas E.; Hansbrough, Molly B.; Hansen, Denise C. (f/k/a Jacoby-Hansen, Denise C.); Hanson-Meyer, Janet L.; Hardin, Kathleen; Harding, Donna L.; Harding, LaVerne T.; Hardy, Sandra S.; Hardy, Zerina L. (f/k/a Bercier, Zerina L.); Hargrove, Linda D.; Harkins, Ruth C.; Harman, Carolyn L.; Haro, Delores L.; Harper, Paul M.; Harrell-McCloud, Susan; Harris, Delores; Harris, Janet S.; Harris, Marilyn M.; Harrison, Dawn M.; Harrison, Guadalupe S.; Harrison, Marsha A.; Harrison, Raymond L.; Harrison-Foins, Glinda J.; Harry, Billie R.; Hart, Patricia L.; Hartman, Karen M.; Hartmann, Christine D.; Hatton, Deborah l.; Hawkes, Blanche P.; Hawkins, Malinda (f/k/a Ferguson, Malinda); Hawkins, Tanda R.; Hayes, Bettie J.; Hayes, Dolores D.; Hays, Melissa K.; Healand, Tina M.;

Hearn, Lee Ann R.; Heaslip, Candace R.; Heckman, Barbara; Heckman, Judy K.; Heeter, Betty L.; Heidlage, Kathy; Hejl, Judy L.; Held, Linda L.; Hemphill, Irene M.; Hemphill, Kaye S.; Henderson, Deanna L.; Henderson, Tammy (o/b/o Sledge-Higgs, Betty L.); Hensley, Marilyn S.; Herman, Joseph o/b/o Herman, Mary K.; Hernandez, Flora T.; Hernandez, Velvet A.; Herr, Vickie G.; Herrin, Carol (o/b/o Herrin, James W.); Herron, Sheryl S.; Hersberger, Linda L. (f/k/a Finley, Linda L.); Hess, Nancy R.; Hibner, Judy A.; Hiebert, Brian L.; Hightshoe, Misti L. (f/k/a Brown, Misti L.); Hill, Betty L.; Hill, Edena D.; Hill, Harley H.; Hill, Judy C.; Hill, Judy L.; Hill, Mary A.; Hill, King, Annette M. o/b/o Mary J.; Hill, William E.; Hindman, Janice; Hinds-Scarimbolo, Donna A.; Hines, Judith E.; Hinton, Tammy F.; Hixon, Joyce A.; Hobbs, Thomas M. o/b/o Hobbs, Billie S.; Hockstedler, Joan; Hodges, Kathy E. (Sallas, Kathy E.); Hodges, Lena K.; Hoenshell, Tracy; Hoffner, Julie A.; Hogue, Teresia D.; Hokrein, Sharon A.; Holbrook, Marilyn J. (f/k/a Anthony, Marilyn J.); Holden, Bernice A.; Holden, Lenny K.; Holley, Grafton E.; Hollins, Christine S.; Hollinshead, Joyce L.; Holloway, Dorothy A.; Holloway, Tami L.; Holman, Catherine A.; Holmes, Schlanda L.; Holsclaw, Beverley A.; Holthouse, Rita J.; Honaker, Debbie A.; Hoogendoorn, Sarah J.; Hook, Lois A.; Hoosier, Tammy R.; Hoppe, Janice; Horn, Patricia A.; Horne, Janice D.; Horrocks, Brenda G.; Horton, Annice; Horton, Teia; Hoselton, Rebecca K.; Hoskin, Pamela G.; Hostetler, Brenda E.; Houchin, Brenda G.; Houghton, Denise M.; House, Peggy B. (o/b/o House, Charles F.); Houseal, Cynthia G.; Howard, Jack C.; Howard, Marilyn; Howell, Judy G. (f/k/a Hadaway, Judy G.); Howell, Lisa A. (f/k/a Cervantes, Lisa A.); Howell, Pat; Hubbard, Melody M.; Huckabee, Dorothy; Huckabee, Patricia K. (f/k/a Austin, Patricia K.); Huff, Patricia D.; Huffman, Bonnie E.; Hughes, Mary E.; Hughes, Pamela V.M.; Hunnicutt, Terry Lynn; Hunter, Carolyn A.; Hunter, Elizabeth S.; Hunter, Glenda S.; Hurley, Barbara J.; Hussey, Gayle M.; Hutchinson, Sherry M.; Hutchison, Linda; Hutt, Deborah A.; Huttash, Phil E. o/b/o Huttash,



Kayron E.; Hutto, Doris Jean; Hyde, Robert A. o/b/o Hyde, Wilma J.; Hyman, Freyda; Iacaboni, Marla I.; Ikemeier, Frank H.; Imholt, Tina M.; Iott, Amy L.; Ireson, Bette I.; Irwin, Meri; Isabell, Gwendolyn; Iverson, Denice; Ivey, Bobbie J.; Jack, Carolyn D.; Jackson, Chandra R.; Jackson, Clarissa M.; Jackson, Janet M.; Jackson, Karen K.; Jackson, Kathy; Jackson, Linda; Jackson, Odilia H.; Jackson, Donald o/b/o Jackson, Susan L.; Jacobi, Audrey; Jadin, Esther R.; Jalowy, Gregory W.; James, Christina A.; James, Laura J.; James, Ruth L.; James, Sandra L.; Jamison, Antoinette M.; Janzen, Carolyn L.; Armstrong, Angela o/b/o Jenkins, Marilyn I.; Jenkins, Maxine; Jensen, Colette J.; Jensen, Terry K.; Jentzen, Donna M.; Jephson, Billie D. (f/k/a Rich, Billie D.); Jessop, Nancy K.; Johnson, Alberta J.; Johnson, Allison D.; Johnson, Billie P.; Johnson, Carla E.; Johnson, Gregory o/b/o Johnson, Charlotte D.; Johnson, Cleavin; Johnson, Connie S.; Johnson, Crystal L.; Johnson, Daniel I.; Johnson, Deborah G.; Johnson, Dorothy; Johnson, Gayle M.; Johnson, Ivar W. (o/b/o Johnson, Helene P.); Johnson, Jackie F.; Johnson, Judy; Johnson, Judy A.; Johnson, Mary Inez; Johnson, Pamela D.; Johnson, Patty R.; Johnson, Rebecca S.; Johnson, Rosa L.; Johnson, Sandra D., Johnson, Sandra E., Johnson, Sandra K., Johnson, Sharon R., Johnson, Virginia A. (a/k/a Stafford-Johnson, Virginia A.); Johnson-Daniels, Linda M.; Johnston, Erle E.; Johnston, Judy J. (f/k/a Johnston, Edna J.); Jones, Cynthia D.; Jones, Jacqueline B.; Jones, Jeanna; Jones, Melody L.; Jones, Sharon Y. (f/k/a Wooten, Sharon Y.); Jones, Temperance B.; Jones, Terry K. (f/k/a Carnell, Terry K.); Joramo, Frances; Jordan, Janice; Jordan, Rhonda R. (f/k/a Whitaker, Rhonda R.); Josephs, Kathleen S.; Joy, Harlyne H.; Joyner, Geri B.; Jucas, John J. (o/b/o Jucas, Roberta F.); Judd, Duane O.; Kadey, Christine; Kaiser, Linda C.; Kaminski, Verna B.; Kapp, Audrey J.; Karlin, Richard L.; Karnes, Robert F.; Kartchner, Betty R.; Kaulfurst, Judith A.; Keeling, Jack R.; Keeling, Nancy S.; Kees, Norma N.; Kehl, Renee E.; Keifer, Linda L.; Keller, Julie; Keller, Phyllis R.; Kelley, Kathleen; Kelley, Linda; Kelly, Brandy F.; Kelly, Pilar

V.; Kelly, Sue A.; Kendrick, Linda D.; Kennedy, Arleen H.; Kent, Florence D.; Kerbaugh, Michelle A. (f/k/a Jacobson, Michelle A.); Kessel, Shelbie A.; Kiel, Sabrena; Kimble, Francine; Kimbley, Linda D.; Kinchelow, Rita; Kindt Check, Maureen J. (f/k/a Check, Maureen J.); Kinman, Earlene C.; Kinne, Sharon L.; Kirk, JoAnne; Kiser, Patricia F.; Kitchen, LaJuana J.; Klaus, Theresa L.; Klein, Penny J.; Klein, William M.; Knapp, Ramona K.; Knight, Teresa M.; Knoepflein, Emily M.; Knutson, Barbara J.; Koenig, Cindy M. (f/k/a Kelly, Cindy M.); Kohler, Kay; Koldewyn, Carolyn; Kozam, Velma; Krause, Jacqueline; Krebs, Floyd (o/b/o Krebs, Rita S.); Kremer, Wanda J.; Kroh, Erv; Krumm, Dennine R.; Kudlacek, Patricia A.; Kuhns, Suzann; LaBoo, Jackie; Lacey, Patti A.; LaCroce, Tandy V.; Ladeau, Gloria Jean; Lamb, Tina J.; Lambert, Vonnie L.; Laminack, Jan L.; Landgrebe, Edward (o/b/o Landgrebe, Helen); Lane, Connie; Lane-Smith, Rosa L.; Lang, Martha M.; Langdon, Helen J.; Langston, Michael V.; Lansdell, Janet R.; Lanxon, Debbie; Larkin, Gloria Butterfield; Larkins, Wilma; Larmon, Freddie D.; Larrick, Vickie L.; Larson, Audrey A.; Larson, Maria F.; Laughlin, David L.; Lawless, Robin L.; Lawson, Arlene; Lawson, Geneva A.; Lawson, Jill M.; Lawyer, Gloria Jean; Lay, Carolyn S.; Leach, Nicole M.; Ledgerwood, Margaret J.; LeDuke, Celeste A.; Lee, Theresa; Lee, Tracy L.; Leftwich, James C.; Legrand, Margaret M.; LeGrand, Pearl J.; Leiataua, Melissa C. R.; Lemaster, Ursula M.; Lemery, Janice; Leslie, Myra C.; Lewis, Juanita; Lewis, Margie M.; Lewis, Matilda S.; Lewis, Sherrel J.; Lewis, Tamara G.; Lindsey, Margaret A.; Lindsey, Ruth A.; Little, Billy R.; Lloyd, Larry G.; Locken, Terri A.; Loftin, Mary F.; Logsdon, Wanda Lorene; Logue, Marilyn J.; Long, Linda; Long, Sandra E.; Loper, Thomas J.; Lopez, Carolyne D.; Lopshire, Lorna E.; Lorenz, Elizabeth A.; Losasso, Linda A.; Lott, Patricia L.; Love, Harvey L.; Loveland, Patricia A.; Loveless, Patricia; Lozano, Gloria G.; Lucas, Darlene G. (f/k/a Spicer, Darlene G.); Lukancic, Dorothy; Lunow-Whitaker, Shirley D.; Lyle, Richard L.; Lyman, Rhonda J.; Lynch, David G.; Lyon, Teresa K.; Lyons, Kim (f/k/a

Bumsted, Kim); MacDonald, Sherrie M.; Mace, Gladys J.; Mach, Darla R.; Mack, Betty J.; Mackey, Billie O.; Madzelan, Annette F.; Maes, Jessica H.; Magallon-Gomez, Gloria; Mager, Karolynn J.; Mahaffey, George E.; Maher, Cindi K.; Mainor, Etheleen; Majors, Mary A.; Malchose, Crystol J.; Maldonado, Laura M.; Mallott, Jill; Malone, Cathy (individually and o/b/o Malone, Henry); Malone, Susan K.; Maloney, Claudia M.; Mandrell, Sandra J.; Mansfield, Lisa; Marbough, Barbara; Marcum, Charlotte R.; Marinich, Dagmar K.; Marketic, Dennis D.; Marrott, Lorraine R.; Marrs, Cheryl L.; Mars, Corinne E.; Marschall, Denice K.; Marsh, Stephanie; Marshall, Jean M.; Martin, Amanda V.; Martin, Brenda; Martin, Charles E. o/b/o Martin, Glenda M.; Martin, Laurie A.; Martin, Lois J.; Martin, Nancy; Martin, Paige; Martin, Paula; Martin, Tamara(f/k/a Lederle, Tamara); Martinez, Angelina; Martinez, Denise R.; Martinson, James M.; Marvin, Maxine R.; Mashburn, Deborah R.; Mason, Donna L.; Masoner, Patricia Ann; Matheny, Jacqueline A.; Matherne, Terri D.; Matlock, Vickie L.; Matthews, Carolyn; Maulden, Beatrice B.; Mauldin, Lois A.; Maxwell, Lynn J.; Mayabb, Sharon G.; Mayhew, Lynellen; Maynard-Baker, Maurica J.; McCarty, Thomas L. (o/b/o McCarty, Joan E); McClain, Sherry B.; McClure, Sandra A.; McClusky, Leila S.; McComas, Brenda; McConnell, Carol M.; McConnell, Kathleen; McCord, Mary E.; McCorkle, Vickie L.; McCormick, Joan M.; McCoy, Ronald A.; McCrackin, Myra; McCrary, Richard; McCray, Bernice E.; McDaniel-Stewart, Angela E.; McDearman, Sharlene; McDonald, Debra D. (f/k/a Amador, Debra D.); McDonald, Ellen J.; McGarrity, Charley (o/b/o McGarrity, Bobbie D.); McGee, Catherine T.; McGee, Veles D.; McGough, Bonnie L.; McGregor, Pamela J.; McHugh, Denise; McInnis, Faith C.; McKay, Ruth Faye; McKee, Darlene M. (f/k/a Stagner, Darlene M.); McKeown, Deborrah A.; McKeown, William G.; McKinney, Margaret M.; McKown, Delores D.; McKuin, Diane; McLaughlin, Kathleen A.; McManus, Marjorie o/b/o McManus, James W.; McMaster, Tammy R. (f/k/a Royer, Tammy

R.); McMinn, Robin R.; McNabb, Dorothy J.; McQueen, Sandra L.; McRoberts, Charlene; McWilliams, Joan F.; Meek, Becky; Mendenhall, Michelle C.; Menz, Acleda S.; Merkle, Sharon; Merman, Luise P.; Messer, Candace J.; Messina, Mitzie; Mewbourn, Glenda G.; Meyer, Norma B. (f/k/a Hall, Norma B.); Meyers, Johanna J.; Mickey, Sara; Migués, Theresa Ann; Mikolasy, Demetra K.; Millage, Susan L.; Miller, Charline J.; Miller, Claudie O.; Miller, Karen L.; Miller, Kathryn S.; Miller, Kathy M.; Miller, Leah K.; Miller, Michael J.; Miller, Vanessa G.; Miltimore, Vannie H.; Minnella, Thomas; Mireles, Carolyn G.; Mitchell, Edith G.; Mitchell, Kristine; Mitchell, Laura A.; Mitchell, Shirley L.; Mitchell, Virginia L.; Mitchem, Anna Maria; Mitts, Paula; Mixon, Crystal L.; Moersch, Roseanne; Moldenhauer, Vonnie L.; Molett, Cherry D.; Monical, Irene L.; Montange, Debbie; Montgomery, Elfrieda; Moody, Debbie S.; Moody, Patricia; Moon, Yvonne E.; Moore, Barbara A.; Moore, Bobby R.; Moore, Carolyn N. (f/k/a Hicks-Moore, Carolyn N.); Moore, Hester L.; Moore, Rhonda L.; Moore, Ruby J.; Moore, Susan M.; Moran, Myra G.; Morell, Stephen (o/b/o Morell, Patricia A.); Morgan, Shari L.; Morrell, Judy E.; Morris, Gina L.; Morrison, Deborah G.; Morrison, Marilyn J.; Morrow, Cathy L.; Morrow, Lynn; Morrow, Wyneta J.; Morse, Margaret M.; Morton, Betty S.; Morton, Linda D. (individually & o/b/o Morton, Donald C.); Moss, Patricia L.; Mothershead, Kathleen F.; Motley, Queen E.; Moynahan, RoseAnna; Mullins Warren, Pamela D.; Mullins, Doremus Dean o/b/o Mullins, Thelma J.; Mulroe, Beverly; Mumm, Bonnie R.; Mundt, Lawrence J. (o/b/o Mundt, Holly S.); Murphey, Roberta G.; Murray, Jennifer L.; Murray, Mary Ann; Mustafó, Phyllis R.; Myers, Annabelle; Myers, Lana J.; Myers, Marlena; Nabbefeldt, Kathy A.; Nanni, Jodie M.; Napier, Danny B.; Napper, Deborah D.; Napper, Lydia; Nash, Ollie J.; Nassida, Joe Ann; Naughton, Leslie J.; Nava, Madeline C.; Naylor, Rebecca C.; Neal, Opal C.; Nealy, Samuel E.; Nebeker, Michelle; Neff, Carolyn H.; Nelms, Glenda M.; Nelson, Carolyn Joy; Nelson, Jude A.; Nelson, Sandra F.; Nelson, Shirley (o/b/o Nelson, William H.);

Nettle, Katherine A.; Neuharth, Lori A.; Newberry, Sharon L.; Newell, Deanna D.; Newman, Tana L.; Nichols, Rosemary; Nichols, Theresa; Nicholson, Wanda L.; Nickens, Gwendolyn R.; Nieland, Sue E.; Nielsen, Jaynee P.; Nielsen, Patty J.; Niemeier, Nancy L.; Niles, Peggy M.; Noonan, Ola T.; Norman, Claudine A.; Norris, Joe (o/b/o Norris, Brenda N.); Norton, Linda D.; Norton, Marilyn E.; Nunez, Connie L.; Nygard, Brenda L.; Nziramasanga, Rutendo T.; O'Brien, Maureen A.; Ochoa, Lorraine R.; Ochoa, Rosa; Odegaard, Melanie D.; Oden, Phyllis E.; Oldham, Jack o/b/o Oldham, Gloria M.; Oliver, Polly; Olp, Dennis A.; Olsen, Camille; Olsen, Katherine J.; Olson, Janet; O'Neil, Patricia C.; On-The-Hill, Elsie; Opdyke, Alma J.; Orr, Elene C. (f/k/a Campbell, Elene C.); Ortiz, Vicky; Orton, Nanette; Ortregger, Sara; Ortwein, Holly A.; O'Sullivan, Patrick o/b/o O'Sullivan, Vivian; Overturf, Nancy; Ovington, Judy F.; Owen, Karen D.; Owens, Ramona o/b/o Owens, Stanley D.; Ozbirn, Sandra L.; Pachol, Daryl J. (f/k/a Hidle, Daryl J.); Paddack, Barbara A.; Palagyi, Joann; Pappan, W. Martise; Pare, Mark C.; Parish, Ray-Nan; Parker, Brenda; Parker, Carolyn K.; Parker, Dianne; Parker, Lynda; Parker, Paula G.; Parnell, Betty G.; Parnell, Lily A.; Parr, Pamella K.; Parrish, Linda L.; Pastore, Kim A.; Patron, Sarah F.; Patterson, Betty L.; Patterson, Genevieve P.; Patterson, Jacqueline; Patterson, Sherrye; Patton Robertson, Jeri L.; Paul, Debra A.; Paul, Marguerite; Pauley, Sandra R.; Paulson, Kellie J.; Payne, Lynda R.; Payne, Naomi R.; Payne, Patsy E.; Pedraza, Roseanna; Peery, Johnetta; Peluso, Joan F.; Penman, Minnette A.; Pennick, Sharon A.; Perell, Joan E.; Perez, Reynalda; Perica, Patricia L. (f/k/a Lambert, Patricia L.); Perkins, Helen F.; Perkins, Kathryn A.; Perkins, Maida F.; Perrero, Glenys (o/b/o Naylor, Ella); Perry, Deborah J.; Perry, James B.; Persach, Victoria C.; Peters, Rebekah S.; Peterson, Marilyn; Peterson, Melody L.; Petillo, Lillie J.; Petre, Poochie E.; Pewdo, Donna M.; Pharr, Charles E.; Phelps, Felisa M.; Philipp, Joan P.; Philpot, Tracy; Pickett, Theresa M.; Pierce, Melissa; Pilato, Vincent; Pimpleton, Sadie E.; Pina, Enedelia; Pipes, Michele Lynn (f/k/a

Davis, Michele Lynn); Poe, Daisy D.; Poeschl, Fern S.; Polivick, Carolyn J.; Polries, Stephanie L.; Ponce de Leon, Glenda L.; Popham, Georgina J.; Porcarello, Frances; Porter, Kathleen M.; Pospisil, Alice A.; Potter, Laura J.; Potter, William H.; Potts, Tamara R.; Powell, Dolores A.; Powell, Dreama F.; Powell, Edmond T.; Powell, Ethel M.; Powell, Jim T.; P'Pool, Terry A.; Pratt, Karrie A.; Pratt, Raymond J.; Pratt-Arnold, Betty J. (f/k/a Hammond, Betty J.); Price, Cassie Irene; Price, Gwendolyn N. (f/k/a Jackson, Gwendolyn N.); Prichard, Neal T.; Pulley, Sonya R.; Punches, Marye G.; Purnell, Allyson; Pyatt, Patricia; Quiram, Patricia E.; Rachal, Willie; Radke, Stacy L.; Ragoss, Verna Sue; Ramacher, Pamela J.; Ramirez, Maria S.; Ramsey, Thelma I.; Randall, Carolyn; Rasmussen, Gaye M.; Ratliff, Wanda K.; Ravarino, Carol A.; Ray, Martha D.; Raynes, Lincoln (o/b/o Raynes, Beth M.); Reay, Sharon; Recher, Joe o/b/o Recher, Dorothy N.; Rector, Brenda G.; Redwine, Cynthia L.; Reed, Barbara A.; Reed, Betty S.; Reed, Kathleen A.; Reese, Penny D.; Reeves, Vickie D.; Reichenberger Meyer, Kathleen; Reid, Monnie F.; Reid, Sandra S.; Reisenburg, Kathy R.; Reynolds, Linda S.; Rhodman, E. Ilene; Rice, Phyllis; Richards, Debra D.; Richardson, Beatrice; Richardson, Cecilia E. (f/k/a Perez, Cecilia E.); Richey, Rhonda L.; Riddle, Cynthia A.; Riddlesprigger, Tina M.; Riggs, Lonnie W.; Riley, Gwen; Riley, Pamela D.; Riley, Patricia C.; Rios, Kathie; Rippee, Patricia A.; Rivers, Sharron A.; Robbins, Dora M.; Robbins, Marilu; Robbins, Patricia; Roberson, Bessie; Roberts, Deborah K.; Roberts, Mary Jane; Robertson, Barbara L.; Robertson, Brenda; Robinson Lawrence, Sandra L.; Robinson, Iola J.; Robinson, Mary J.; Robinson, Wanda G.; Robinson, Windy; Robson, Rebecca A.; Rochelle, Thomas J.; Rochester, Monica T.; Rodriguez, Divina; Rodriguez, Iris; Roesler, Carolyn M.; Rohrer, Robert; Roith, Patricia A.; Rollins, Brenda; Rollins, Helen; Rollins, Marita A.; Rollins, Mary G.; Romanoski, Valerie M.; Rose, Deborah; Rose, Dorothy A.; Rose, Rhonda E.; Ross, Albertina A.; Ross, Carolyn; Ross, Patricia; Roth, Judi; Rothschild, Nora J.; Rothwell, Dale A.; Rouch, Cindy A.;

Roundtree, Debra A.; Rowe, Sheila G.; Rowland, Sheri; Rupert, Sherril L.; Rush, Deborah; Russell, Pamela J.; Russell, Paula G.; Russo, Joey (o/b/o Russo, Barbara); Ryan, Susan A.; Sablatura, Judy; Sagegreene, Sherri K.; Sailer, Willard (o/b/o Sailer, Edith); Sailor, Julie L.; Sale, Wanda Sue; Salgado, Ella R. (f/k/a Jones-Scarlett, Ella R.); Salvo, Deborah K.; Samp, Roberta R.; Sanders, Penny; Sanders, Tammy A.; Sandifer, Jerry; Sanroman, Deanna; Santivanez, Victoria; Santos, Phyllis A.; Saros, Patsy B.; Satterlee, Rhonda; Saucedo, Jana L.; Saucier, Karla F.; Savage, Catherine J.; Savage, Donna J.; Saxon, Lynda C. (f/k/a Travis-Saxon, Lynda C.); Schafer, Peggy A.; Schear, LeRoy; Scheibe, Alta Y.; Scherer, Gerald J.; Schirman, Paula; Schlau, Mary A. (f/k/a Guarino, Mary A.); Schneider, Peggy J. (o/b/o Schneider, Dorothy J.); Schnitzler, Wanda; Scholin, Lynda D.; Schottenhamel, Debbie L.; Schroeder, Linda; Schultz, Robert P.; Schultz, Ruthie M.; Schumacher, Donna; Schumann, Deborah A.; Sciullo, Maria S.; Scott, Marcia F.; Scott-Ashmore, Debra A.; Scotti, Yvonne C.; Scripsick, Tammy L.; Scruggs, Edwina N.; Scruggs, Pamela K.; Scruggs, Shirley E.; Sears, Sandra J.; Seay, Lana J.; Seba, Linda K.; Sebek, Michelle; Sebranek, Sharon L.; Sellers, Melinda J.; Selmon, Norma L.; Selvie, Victoria; Sessions Ballard, Barbara J.; Seymour, Robert o/b/o Seymour, Glenda (f/k/a Freeman-Seymour, Glenda); Seymour, Jean C.; Shadowen, Iris J.; Shanell, Judy; Shank, Rebecca; Shankle, Tammie; Shanks, Billy R.; Sharpe, Janie S.; Shaw, Joann; Newlore, Kimberly guardian of Sheets, Arline G.; Sheets, Mary J.; Shepherd, Gloretha; Shepherd, Phyllis J.; Shepler, Joyce V.; Shinault, Kimberly; Shipman, Carolyn S.; Short, Beverly P.; Short, Janet; Shuler-Anderson, Lenora; Sickmeier, Marilyn; Siglin, Rheta A.; Silva, Terri L.; Silvers, Elizabeth; Simmons, Ravenna B.; Simmons, Sharon K.; Simon, Emma R.; Simpson, Kimberly A.; Sims, JoAnn; Singleton, Dorothy; Singleton, Patricia R.; Sistrunk, Judy C.; Skaggs, Mary A.; Skinner, Rosie L.; Skjeret, Denise R.; Slaughter, Thomas W.; Slavens, LaRue C.; Slipp, Betty R.; Slisher, Debbie J. (f/k/a Duncil, Debbie J.); Smith, Anita J.; Smith,

Barbara A.; Smith, Bobby o/b/o Smith, Betty J.; Smith, Cecilia C.; Smith, David R.; Smith, Janice R. (f/k/a Smith-Elias, Janice R.); Smith, Jean; Smith, Kathy L.; Smith, Laura J.; Smith, Linda J.; Smith, Loretta A.; Smith, Lorraine F.; Smith, Marcel A.; Smith, Nancy; Smith, Onika M.; Smith, Pamela S.; Smith, Patsy D.; Smith, Robert (o/b/o Smith, Kathy E); Smith, Roger K.; Smith, Sherry D.; Smith, Terry L.; Smith, Verna Lee; Snow, Janene.; Snuffer, Elizabeth J.; Snyder, Cynthia; Solinger, Georgina; Soliz, Levinda L.; Solle, Robbyne M.; Solo, Susan G.; Somma, Rae A.; Sosebee, Ginny T.; Soto, Linda C.; Sparks, Carolyn V.; Spencer, Sondra R.; Spier, Monica A.; Spillman, Barbara L. (f/k/a Spaniol-Spillman, Barbara L.); Spindler, Thelma R.; Spinelli-Arjes, Valerie A.; Sprague, Jeanie; Spray, William C.; Spriggs, Lucille; Springer, Alejandra R.; Spurgeon, Robert K.; Stacy, Peggie A.; Stafford, Donna F.; Staley, Carol A.; Stamey, Kim M.; Standley, Debbie L.; Stanley, Sandra L.; Steadman, Alice A.; Stegall, Kathryn D.; Stehling, Debbie L.; Stello, Rosemary R.; Stemmer, Lorraine B.; Stenger, Carroll R.; Stephens, Cynthia L. (f/k/a Fletcher, Cynthia L.); Steurer, Judith Y.; Stevens, Linda C.; Stevens, Patricia B.; Steward, Rhonda (f/k/a Spangler-Steward, Rhonda); Stewart, Alie; Stewart, Carolyn A.; Stewart, Melissa A. (f/k/a Etheridge, Melissa A.); Stewart, Mollie E.; Stick, Tammi; Stief, Carol C.; Stiles, Roseanna L.; Stine, Tuesday A.; Stittum, Sandra E.; Stokes, Debra L.; Stokes, Sheila M.; Stoltenberg, Nanette M.; Stoltz, Denise; Stone Wilson, Brenda K.; Stone, Frances; Stone, Sherry L.; Storer, Karla R.; Storm, Caroline K.; Stout, Susan F.; Stout, Timothy P.; Straube, Robert C.; Strother, Freda J.; Stroud, Anna; Studeman, Janet S.; Suggs, Pamela J.; Sumler, Shelia M.; Summerville, Debbie H.; Sutcliffe, Judi; Sutton, Evelyn D.; Swain, Francine M.; Sweazea, Ima J.; Sweeney, Patricia I.; Sweeting, Laurel H. (f/k/a Carroll, Laurel H.); Swerdloff, Mary S.; Swygert, Tomye J.; Syslo, Tammy J.; Taber, Patricia R.; Tanner, Thomas o/b/o Tanner, James H.; Tarrant, Barbara F.; Tate, Lula; Tavarez, Sheryl L.; Taylor, Janice M.; Taylor, Ladonna; Taylor, Penny L.; Taylor, Ruby M.; Tilghman, Misty L. o/b/o



Taylor, Ruth L.; Taylor, Una J.; Teague, Jean C.; Teal, David A.; Templet, Linda A.; Terry, Dee A.; Tervort, Carole D.; Tessena, Sharon L.; Thacker, Debra J.; Tharp, Wanda Ann C.; Theis, Renna R.; Thibault, Rosemarie; Thibodeaux, Crystal D.; Thigpen, Carol L.; Thomas, Adrianetta; Thomas, Debbie L.; Thomas, Frank H.; Thomas, Jeanette; Thomas, Jennifer J.; Thomas, Mary L.; Thomas, Ramona J.; Thompson, Charlesetta C.; Thompson, Cheryl J.; Thompson, Linda D.; Thompson, Sharon E.; Thompson, Sharon W.; Thompson, Sheila A. (f/k/a Romero, Sheila A.); Thompson, Suzanne L.; Thompson-Lester, Fannie M.; Thorn, Sharon K.; Thum, Barbara; Thurmond, Lorraine; Tilghman, Misty L.; Tindel, Sherry E.; Tintes, Mary A.; Tischmak, Judy A.; Martin, Reva (o/b/o Toney, Delilah); Torgramsen, Patty A.; Townsend, Marion D.; Trammel, Danielle L.; Travis, Janet L.; Trevino, David; Trovillion, Deborah D.; Troyan, Caryn D.; Trulson-Hovde, Pennie M.; Truman, Jean R.; Poling, Patricia o/b/o Trusler, Pamela S.; Truxillo, Barbara L. (f/k/a Trauth, Barbara L.); Tubbs, Matilda B.; Tucker, Sandra L.; Turbeville, Carol D.; Turley, Jennifer L.; Turnbow, Rachel A.; Turner, Deborah J.; Turner, Minnie L.; Turner, Shirley T.; Tweedy, Sherl A.; Tyler, Janice M.; Ugles, Stacey R.; Ulibarri, Gloria; Un, Dawn M.; Upton, Noel W.; Urbanek, Michael H.; Utsler, Sandra M.; Vailes, Ginger G.; Valentine, Velda F.; Valiente-Garcia, Ada; Van Keuren, Alice M.; Van Meter, Margaret; Van Volkenburg, Roberta J.; Vanderford, Debbie (f/k/a McCullars, Debbie); Vannoy, Linda J.; Vanskiver, Colleen D.; Vares, Jerome (o/b/o Vares, Joyce); Varnado, Carolyn D.; Vasquez, Noemi; Vaughn, Delories L.; Velez, Lynda; Vernon, Donna L.; Vest, Teri L. (f/k/a Cummings, Teri L.); Vigil, Linda M.; Vish, Sandra L.; Vogel, Janet S.; Wade, Judy D.; Wade, Wanda S.; Wadlington, Shelia D.; Wagner, Kari; Wagoner, Stephanie W.; Walker, Carolyn A.; Walker, Frederick; Walker, James D.; Walker, Marilyn S.; Walker, Ron; Wall, Delois; Wallace, Deborah K.; Wallace, Ouida A.; Walter, Janice; Ward, Linda G.; Warfield, Betty J.; Warman, Christine; Warner, Elizabeth A.; Warren, Verna D.; Warren-Smith,

Patricia A.; Washington, Naomi F.; Washington, Tanya; Washington, Yolanda D.;  
Watts, Barbara A.; Weathers, Marcia L.; Webb, Geraldine; Webber, Patricia A.;  
Webster, Carlo D. (o/b/o Webster, Bruce A.); Weekley, Carol A.; Weger, Pamela  
R.; Weinzapfel, Roberta R.; Wells, Mary F.; Wells, Valerie; Wendlick, Roberta A.;  
Wenger, Tamra E.; Werdehausen, Casper J.; Wescott, Alice M.; West, Elizabeth L.;  
Weston, Carla S.; Wheeler, Donna K.; Wheeler, Elaine G.; Whetro, Patricia L.;  
Whitaker, Nancy B.; White, Dana K.; White, Robert A. o/b/o White, Lillis M.;  
White, Linda K.; White, Lorraine L.; White, Virginia L.; Whitehouse, Jeanette P.;  
Whitfield, Hester H.; Widemon-Warren, Christell; Wiebusch, Patricia; Wilcox,  
Charlotte L.; Wilkens, Sheila M.; Wilkerson, Macy R. (f/k/a Houston, Macy R.);  
Wilkey, Beckey; Wilkey, Charles o/b/o Wilkey, Paula M. (f/k/a Mason, Paula M.);  
Willard, Janie S.; Wille, Bessie; Williams, Cynthia G.; Williams, Maryland o/b/o  
Williams, David A.; Williams, Donna J.; Williams, Esther; Williams, Evelyn M.;  
Williams, Janice J. (f/k/a Compton, Janice J.); Williams, Juliet; Williams, LaQueta;  
Williams, Lesa S.; Williams, Louis J.; Williams, Sharon R.; Williams, Shirley Y.;  
Williams, Wilma; Williamson, Evelyn V.; Williamson, Judy O.; Williamson, Larry  
D.; Wilson, Carol M.; Wilson, Charlene E.; Wilson, Earthsail; Wilson, Kelly;  
Wilson, Mitzi M.; Wilson, Rebecca L.; Wilson, Shirley A.; Witt, Linda; Wohling,  
Cynthia Rae; Wolever, Mary L.; Wolf, Marsha K.; Wolfe, Elizabeth A.; Womac,  
Barbara H.; Womack, Wanda P.; Wood, Cindy A.; Wood, Sandra K.; Woodruff,  
Sharon; Woodrum, Robert P.; Woods, Christy K. (f/k/a Dart, Christy K.); Woods,  
Elizabeth; Woods, Karen D.; Woods, Maxine; Woolums, Sandra K.; Wren, Kim S.;  
Wright, Alexis L.; Wright, Bonnie L.; Wright, Brenda K.; Wright, Ozzlyn F.;  
Wright, Paula M.; Wright, Roseann M.; Wrzesinski, Brooke; Yancy, Andrea M.;  
Yarbrough, Bobi A.; Yates, Pamela J.; Young, Dena K.; Young, Elizabeth A.;  
Young, Marian A.; Younker, Cheryl J.; Zak, Linda; Zebert, Misty; Zeller, Dianne;  
Zielinski, Leonard (o/b/o Zielinski, Annette); Zorrilla, Tina G.; Berry, Sheryl D.;

Cameron, Deborah L.; Hamblin, Terry (o/b/o Hamblin, Shirley G.); Horton, Ramona L. (f/k/a Seymour, Ramona L.); Perez, Magdalena; Robertson, Virginia I.; Schulte, Elaine C.; Smith, Barbara A.; Ward, Frances A.; Warne, Julia D.; Aashiem, Kellee L.; Ackley, LaVonne M.; Adams, Cindy D.; Adams, Diana L.; Adams, Martha R.; Adams, Michele L.; Adams, Yvette; Adams-Hoekstra, Alice M.; Addicott, Isabel; Adkins, Irene O.; Adolph, Penny; Ahern, Susan F.; Albani, David; Albert, Robert V. o/b/o Albert, Barbara E.; Albrecht, Mary A.; Aleksa, Diane L.; Alford, Gloria D.; Allen, Brenda M.; Allen, David A.; Allen, Ilene R.; Allen, Tami D.; Allison, Deloris; Allison, Elizabeth A.; Alvarez, Margaret J.; Aman, Patricia K.; Amori, Nancy A.; Andersen, Miriam; Anderson, Brenda S.; Anderson, Elizabeth J. f/k/o Whirley-Anderson, Elizabeth J.; Anderson, Joyce; Anderson, Laraine S.; Anderson, Melvin W.; Anderson, Patricia A.; Anderson, Peggy J.; Anderson, Wallace G. o/b/o Anderson, Roni G.; Andrews, Elizabeth M.; Andrews, Pearl T.; Andry Stallworth, Janet T.; Ankenman, Nancy J.; Annotti, Frances o/b/b Annotti, Anthony D.; Ansohn, Dianne E.; Anthony, Benita A.; Fone, Lynne M. o/b/o Antonucci, Alysmay; Arenz, Helen J.; Ark, Randall W.; Armentrout, Kelly J.; Arredondo, Cynthia M.; Arrington, Mattie R.; Ashenberner, Neva P.; Atkinson, Peggy S.; Atkinson, Tessa o/b/o Allen, Rhonda L.; Atwood, Ardith M.; Autio, Kay E.; Avalos, Linda L.; Averett, Kathie D.; Avery, Katherine; Avery, Pascal A.; Babb, Edith M.; Babb, Mary L.; Bailes, Georgia; Bailey, Cathy A.; Bailey, Ed A.; Bailey, Janice E.; Bailey, Jannett R.; Bailey, Julie; Bailey, Lizzie M.; Bailey-Stuhr, Patricia E.; Bain, Patricia A.; Baker, Bettye A.; Baker, Martha S.; Baker, Michelle; Baker, Tina o/b/o Baker, Rachel E.; Baker, Wanda D.; Balentine, Linda K.; Ballard, Brenda; Bane, Clara J.; Banks, Carol; Barker, Barbara J.; Barker, Caryl C.; Barker, Margaret A.; Barker, Patti L.; Barnes, Cherry F.; Barnes, Felecia B.; Barnes, Nancy L.; Barnes, Percy C.; Barnes, Shirley J.; Barnett, Melena; Barron, Bernadette; Bartholmey, Edward; Barton, Margaret J.; Basnett, Janice L.; Bass, Lynda B.; Bassett, Linda G.; Bassett, Tina M.;

Bates, Lyle W.; Bates, Sharon S.; Batts, Sandra R.; Bauer, Wayne H. o/b/o Bauer, Annette L.; Bauer, Carol; Baugous, Dovie; Baum, Royann H.; Baumann, Sharon; Baumbach, Pamela D.; Baumler, Lisa; Baxley-Gibbons, Margaret E.; Baxter, Margie A.; Beale, Christine K. o/b/o Schoonmaker, Joan; Bean, Patricia A.; Beasley, MaryAnn.; Beck, Jennifer M.; Beckworth, Debra; Bell, Crimea B.; Bell, Shirley K.; Benavides, Andrew; Benitez, Jenifer M.; Benjamin, Donna L.; Bennight, Marilyn A.; Bentley, Roxy K.; Berger, Darlene E.; Bermes, Theresa M.; Bernal, Melisa M. f/k/a Crawford, Melisa M.; Berntson, Evelyn; Berry, Ivory C.; Berry, Kimberly; Berry, Theresa D. f/k/a Brown, Kimberly; Bickford, Darlene B.; Biddle, Jo E.; Bieber, Patricia A.; Bielski, Peggy M.; Bilbrey, Carol A.; Bingman, Dorothy M.; Bishop, Carolyn I.; Bishop, Lea Ann; Black, Barbara A.; Black, Barbara J. f/k/a Mills, Barbara J.; Black, Camisha A.; Blackburn, Evelyn D.; Blakney, Patrice; Blazer, Cindy M.; Blosser, Norma J.; Board, Sharon L.; Bohanan, Viola F.; Bolden, Samuel o/b/o Bolden, LaVerne; Boller, Loretta A.; Bond, Norma Jean; Bonham, Margaret J.; Bonomini, Robert J.; Boody, Kenneth; Booker, Charles R.; Booth, Tracey L.; Boren, Dianne B.; Borgheiinck, Paulette f/k/a Plautz, Paulette; Borland, Dawn M.; Bottoms, Elizabeth M.; Boulware, Onie; Bounassi, SteFanie B.; Bourbon, Betty S.; Bourgeois, Sophronia G.; Bowling, Laverne; Bowman, Leah J.; Boyd, Arthur M.; Boyd, Carolyn A.; Boze, Helen L.; Bozell, Celita A.; Bradley, Jean; Bradshaw, Jane; Bradshaw, Vickie S.; Braley, Brenda F.; Branch, Ann; Brandesky, Lelia A.; Brandon, Melissa Y.; Brandt, Kathy; Branham, Linda R.; Branvold, Sharon L.; Brasch, Vera E.; Bratton, Sandra L.; Bratton, Stacey M.; Bremer, Dorothy M.; Brewer, Joseph o/b/o Brewer, William; Briem-Bevacqua f/k/a Vedder, Mary B., Mary B.; Briggs, Linda F.; Briones, Joni L.; Briones, Wilma J.; Briscoe, Karen A.; Brite, Scharley; Brito, Raul o/b/o Brito, Norma R.; Brock, Geraldine; Brockway, George H.; Bronte, Desta H.; Brooks, Deborah W.; Brooks, Joyce M.; Brooks, Maureen; Brooks, Thelma L.; Brosius, Sharon K.; Broussard, Richard W.; Brown,

Allison J.; Brown, Carol M.; Brown, David E.; Brown, Donna J.; Brown, James o/b/o Brown, Florence A.; Brown, Joann B.; Brown, Kenda L.; Brown, Lois N.; Brown, Mary E.; Brown, Ruthie T.; Brown, Sylvia L.; Prangley, Terry o/b/o Brown, Tracey L.; Brown, Vurlee; Browne, Cheryl A.; Browne, Thomas W.; Browning, Robin L.; Brownlee, Kathy D.; Broyles, Kymberly A.; Bruderer, John D.; Bruner, Nancy C.; Bryan, Mary J.; Bryant, Dell; Buchanan, Mark G.; Buckmaster, Kathy K.; Buerger, Charlene R.; Bull, Donna Lou; Bullard, James B.; Bullen, Debbie E.; Bunch, Annette J.; Buob, Brigid M.; Burbank, Marie B.; Burbidge, Patricia A.; Burgan, Alfred T.; Burger, Loyce; Burk, Carol A.; Burke, William L.; Burkhalter, Tara; Burkhart, Iva; Burkhart, Marsha A.; Burleigh, David E.; Burlison, Karen S.; Burnam, Cynthia A.; Burnett, Pamela J.; Burney, Sharon L.; Burney, Shirley M.; Burnham, Angela; Burns, Paula L.; Burns, Rebecca J.; Burrell, Catherine A.; Burroughs, Betty B.; Burrow, Cassandra; Burton, Bertha; Burton, Leslie R.; Burwell, Shirley H.; Buschnell, Deborah L.; Bushnell, Joan E.; Busing, Sherry A.; Buswell, Linda; Butenschoen, Alice; Butler, Brenda C.; Butler, Ernestine M.; Butler, Janet L.; Byers, Sandra D.; Byrd, Cathy L.; Byrd, Sarah Jean; Byrd, Vicki L.; Byrns-Barnell, Bettye D.; Cabaong, Ronald o/b/o Cabaong, Delvia; Cadle, Annemarie; Cagle, Julie O.; Cahal, Sue L.; Caldwell, Doris J.; Callahan, Mary A.; Callison, Cina M.; Calloway, Sondra A.; Campbell, Lucille F.; Campbell, Patti B.; Campbell, Shirley A.; Campbell, Willie Ruth; Canfield, Rhonda H.; Cannon, Della S.; Cannon, Letitia E.; Cantu, Rosa L.; Capps, Marjorie C.; Capps, Randy E.; Caraway, Susan L.; Carlson, Doreen D.; Carmen, C. Diane; Carpenter, Dianne W.; Carpenter, Jane A.; Carrera, Marina; Carroll, Johnnie S.; Carroll, Rose L.; Carr-Pulido, Janie H.; Carson, Gary J and Carson, Cody o/b/o Carson, Kelly L.; Cartee, Karen J.; Carter, Barbara J.; Carter, Donald R.; Carter, Joann; Carter, Judith E.; Carter, Keitha G.; Carter, Keri W.; Carter, Lena M.; Carter, Nancy C.; Caryl, Jean E.; Casavant, Junemarie; Caserta, Mary S.; Cashatt, Patricia J.; Cashdollar, Shaundra Lee;

Cashman, Gaylen; Caso, Beth B.; Cason, Sandy J.; Cass, Glenda F.; Cassels, Jenny L.; Castaneda Guerra, Rosalinda A.; Castaneda, Eva B.; Castle, Elmo M.; Cathey, J Ruby o/b/o Cathey, Shirley A.; Catt, Angie K.; Caudle, Esperanza; Caudle, Jo A.; Cavalier, Rita o/b/o Cavalier, William E.; Cavin, Betsy; Cavuto, Edward M.; Chambers, Connie L. o/b/o Strong, Charles R.; Chandler, Bettye L.; Chandler, Bobbie J.; Chandler, Georgia A.; Chandler, Joann; Chandler, Sheryl L.; Chaney, Lori A.; Chaney, Ruth A.; Chang, Christina C.; Chapman, Lilian E.; Charette, Julie D.; Charon, Lovina o/b/o Charon, Hugh; Chartier, La Dona J.; Chastun, Gwen; Cheatham, Delana A.; Cheatwood, Joan G.; Checchio, Joseph M.; Cheever, Coleen K.; Cheney, Christine T.; Chervenka, Joseph K.; Childress, Linda; Childs, Nola J.; Chilson, Carolyn; Chin, Edwin J.; Chitwood, Shirley M.; Chowning, Barbara D.; Christman, Leila; Christopher, Antonia J.; Cirilo, Melda; Clark, Diana L. f/k/a Andrews, Diana L.; Clark, Jennifer M.; Clark, Lou U.; Clark, Sharon H.; Clayson, Marilyn; Clem, Edward L.; Clement, Linda C.; Clendenon, Audry M.; Clenney, Martha S.; Cleven, Deborah A.; Clines, Jo Ann; Clock, Marianne; Coalwell, Marla K.; Cobbs, Almetris; Cochran, Anna M.; Cohen, Cindy; Cole, Diana; Cole, Joyce A.; Cole, Patricia C.; Cole, Susan M.; Coleman, Mary A.; Collard, James W.; Colledge, Dixie A.; Colley, Charlene A.; Collier, Brenda K.; Collier, Gloria M.; Collier, Laverne H.; Collier, Nola D.; Colman, Wayne E. o/b/o Colman, Sandra K.; Combs, Clark A.; Combs, Rita A.; Comer, Patricia A.; Compton, Beulah M.; Compton, Marion; Concello, Michelle D.; Congleton, Nancy; Conley, Barbara J.; Conrad, Mamie K.; Cook, Brenda G.; Cook, Mary J.; Cooley, Connie L.; Cooper, Crystal S.; Cooper, Kerri T.; Cope, Sharon K.; Corbett, Joan B.; Corbett, Marlene M.; Cordle, Marilyn K.; Cossentine, Faye E.; Costanza, Jane E.; Courtney, Julia B.; Covili, Kaaren H.; Cowell, Carol; Cox, Kathleen S.; Cox, Marcella f/k/a Eastridge, Marcella; Coyle, Paula; Crabtree, Donna K.; Crabtree, Geraldine; Craft, Tesha A.; Craig, Dale A.; Craig, Sandra K.; Crawford, Sherry L.; Creech, Robert E.; Creer,

Analee S.; Crews, Janet; Criger, Dianna L.; Crisenbery, Mary A.; Crittenden, Marlene; Croft, Susan R.; Crookston, Bonnie L.; Crouch, Diana L.; Crouch, Billy o/b/o Crouch, Ronda M.; Crouse, Jacqueline M.; Crow, Diane P.; Crow, Linda L.; Crowley, Tracy; Cruvey, Majorie R.; Crump, Jacqueline; Crumpton, Kristi f/k/a Flynn, Kristi; Cummings, Cynthia L.; Cumpston, Marjorie C.; Cupp, Lena f/k/a Smith, Lena; Curtis, Anna L.; Curtis, Betty A.; Curtis, Bonnie F.; Curtis, Maxine P.; Cutter, Judy K.; Dahlberg, Janelle o/b/o Dahlberg, David A.; Dahm, Clifford N.; Dale, Daniel; D'Alfonso, Lucy; D'Amico, Robert; Dammaschke, Shanna L.; Daniel, Charlotte J.; Daniel, Etta G.; Daniels, Bertha A.; Darby, Gwen o/b/o Darby, William W.; Davenport, Evelyn M.; David, Deirdra D.; Davidson, Josie M.; Davis, Alfaretta G.; Davis, April; Davis, Carolyn; Davis, Dixie; Davis, Donna A.; Davis, Donna J.; Davis, Fola A.; Davis, Jane C.; Davis, Julia A.; Davis, Karen D.; Davis, Laura A.; Davis, Lavern; Davis, Mary F.; Davis, Mary P.; Davis, Melissa D.; Davis, Muszette; Davis, Nancy F.; Davis, Stephanie; Davison, Debra M.; Davison, Gregory L.; Davison, Judy; Day, Merlene; Dayton, Blanca E.; Dean, Cathy L.; Dean, Karin; Dean, Leanne; Dean, Nancy B.; Dean, Shandra A.; Deanda, Barbara A. f/k/a Pugh, Barbara A.; Deane, Marilyn K.; Deane, Ronald F.; Debnam, Barbara J.; Deigert, Karl o/b/o Deigert, Kae R.; Dekock, Tonia A.; Del Monaco, Karla S.; Delio, Renee A.; Delonais, Judy A.; Demery, Vernetta L.; DeMumbrum, Geri; Demuth, JoAnn S.; Dennison, Harriet; Denwalt, Debra S.; Deppeler, Ramona J.; Derksen, Lana J.; Desch, Richard C.; DeVaney, Zona I.; DeWitt, Peggy J.; Diaz, Henriquetta K.; Dickerson, Jon R. o/b/o Dickerson, Shirley Ann; Dittelberger, Nancy; Divin, Sandra A.; Dixon, Debra A.; Dobbins Foster, Charlene K. f/k/a Stewart, Charlene K.; Dockendorf, Marcia K.; Dodd, Linda L.; Dodd, Petra L.; Dooley, James A.; Dooley, Lavonne W.; Dorado, LaFonda L.; Moore, Roxanne o/b/o Dotlich, Cheri L.; Doty, Sonya M.; Doughty, Verla; Douglas, Dorothy M.; Dowler, Mary Ann H.; Dowless, Marjorie E.; Downing, Jerry F.; Doyle, Claudia P.; Doyle, Kathleen; Doyle, Robert

& Doyle, Terry o/b/o Doyle, Sandra V.; Dozier, Ruhama; Draeger, Susan; Drayton, Marietta D.; Dressel, Sandra R.; Drum, David R.; Dryden, Carol A.; Dubberke, Jane C.; DuBose, Katherine Dianne; Dudley, Christiana M.; Duke, Peggy; Dukes, Robinn C.; Duncan, Donna J.; Duncan, Mary; Duncan-Johnson, Deborah S. o/b/o Duncan, Garry D.; Dunkin, Laura L.; Dunn, Stevie L.; Duplechain, John P.; D'Uva, Bonnie o/b/o Atkinson, Patricia; Dyke, Susan M.; Dykman, Claudia S.; Eagle, Tiffanie; Earle, Rebecca L.; Ebert, Barbara M.; Ebert, Lana; Eckart, Geraldine M.; Ecklund, Shirley A.; Eckrode, Carolyn; Edge, Amy C.; Edmonds, Bethea o/b/o Edmonds, Roy W.; Edwards, Brenda J.; Edwards-Duke, Fannie L.; Eggett-Muir, Reva; Eklund, Delberta S.; Elliott-Ward, Vickie J.; Ellis, Jeanne C.; Ellis, Mae A.; Ellis, Marsha E.; Ellison, John; Ellison, Mindy; Ellmer, Gary R.; Elmore, Annie M.; Elmore, Bennie N.; Elston, Annie C.; Elwell, Teddy L.; Emerson, Kathleen A.; Emery, James L.; Ervin, Mary O.; Eskridge, Nancy I.; Estes, Laura J.; Evans, Anna L.; Evans, Brenda S.; Evans, Sarah Q.; Evarts, Retha; Evetts, Brooke R.; Eyler, Linda S.; Fain, Lisa f/k/a Sexton, Lisa; Fair, Essie Mae; Fair, Miranda M.; Fanning, Bill L.; Fares, Janice S.; Farley, Jon W.; Farmer, Willie M.; Farr, Linda S.; Farris, Angela M.; Faur, Christina O.; Feilner, Patricia A.; Felder, Jo; Femmer, Francis N.; Ferguson, James A.; Ferguson, Pamela R.; Ferguson, Sharon J.; Ferguson, Sondra L.; Ferrell, Paula A.; Fields, Cherice M.; Fields, Kathrine E.; Fields, Nita L.; Fields, Ronda S.; Figlewicz, Pamela Sue; Findley, Angela M.; Finnell, Debra A. f/k/a Olive, Debra A.; Fisher, Betty J.; Fisher, Lori A.; Fisher-Frame, Evelyn S.; Fisher-Scott, Brenda S.; Fitch, Polly A.; Fitch-Holmes, Glenda M.; Fitzhugh, Joyce C.; Flahave, Dennis M.; Flanagan, Leslie M.; Flanders, Jerrie A.; Flint, Lisa A.; Floor, Mary Z.; Flores, Ralph M.; Flores, Rose M.; Flores, Troy A.; Florida, Concetta J.; Flowers, Janet B.; Floyd, Charlene; Flynn, F. Patrick; Folds, Sandra P.; Fontaine, Diane P.; Ford, Diane F.; Ford, Donna M.; Ford, Sharollette F.; Formica, Nancy J.; Fortney, Elizabeth L.; Fortson, Darlene F.; Foster, Christina M.; Foster, Donna C.; Fowers, Sandy, f/k/a



Vaeth, Sandy; Fowler, Rita F.; Fowler, Sherri L.; Fowler, Wanda J.; Fox, Shaunda B.; Fozzard, Joyce M.; Franco, Julie H.; Franklin, Julie A.; Franklin, Lisa R.; Frans, Catherine B.; Fratangelo, Suzanne B.; Frederic, Sandra L.; Freeman, Christine A.; Freeman, Evelyn B.; Freeman-Turner, Shirley M.; Freestone, Connie B.; Freeze, Debbie A.; French, Barbara A.; Freyone-Mechanic, Heather F.; Frost, David J.; Frothinger, Lori K.; Fuglsang, Donna M. f/k/a Tiedt, Donna M.; Fullmer, Catherine M.; Fukui, Patricia A.; Gabor, Nancy K.; Gagnon, David J.; Gaines, Craig K.; Gainsforth, Dennis; Galicia, Rose A.; Gallegos, Dina M.; Gamboa, Theresa A.; Garcia, Michael R.; Gardley, Ethel L.; Gardner, Mark S.; Gardner, Patti A.; Garland, J.D.; Garr-Jackson, Renee; Garner, Sandra E.; Garza, Irma B.; Garza, Roxanna o/b/o Ortega, Velia; Gatewood, Michelle; Gathers, Shirley J.; Gaul, Rhonda L.; Geddis, Deronda; Geiger, Sherry L.; Geithman, Leon E.; Gendreau, Mary J.; Gentle, Tina B o/b/o Gentle, Veda G; Gentry, Sandy; Gerald, Geraldine K.; Gerber, Judy; Germain, Patrick D.; Geske, Becky L.; Gesme, Ashley o/b/o Barnett, Judith A.; Gharis, Ernestine M.; Gheen, Emma R.; Gibbs, Frank R o/b/o Gibbs, Donna J.; Gibson, Adam L.; Gibson, Janice B.; Gibson, Lynda H.; Gienau, Daryl R.; Gildersleeve, Susan K.; Giles, Cindy S.; Gillette, Terrie J.; Gilman, David R.; Gilreath, Bernice A.; Gilstrap, Nancy K.; Ginder, Donna L.; Gipson, Debrah K.; Glass, Ginger S.; Glasson, Barbara A.; Glenn, Judy A.; Glidewell, Betty J.; Glover-Williams, Yolanda; Gobble, Patricia R.; Godbey, Dianna L.; Godley, Herbert E.; Gohman, Mary J.; Goins, Doris L.; Goins, Sheila o/b/o Goins, Harold L.; Gold, Barbara A.; Golden, Michele D.; Golden, Ollie F.; Golden, Phyllis M.; Goldsmith, Cheryl G.; Goldsworthy, George W.; Gomez-Bethke, Irene M.; Gonzalez, Josie R.; Gordon, Jeannie C.; Gordon, Thomas M.; Goshon, Lisa f/k/a Harold, Lisa; Gotch, Penny L.; Gourley, William G.; Gowen, Marilyn B.; Grace, Karen; Gradt, Joanne f/k/a Alexander, Joanne; Graham, Anthony P.; Graham, Deasre M.; Graham, Joanna D.; Graham, Peggy A.; Grant, Christy A.; Gravelding, Joseph W.; Graves, Sherry M.;

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Helget, Carol J.; Hellewell, Katherine S.; Helms, Ella J.; Helton, Charles E.; Henderson, Deborah A. o/b/o Taylor, Dolores A.; Henderson, Inez; Henderson, Oatley C.; Henderson, Obadiah o/b/o Henderson, Odessa; Hendrix, Ruby E.; Henrickson, Richard J.; Herald, Mary; Herndon, Patsy A.; Herrell, Joseph L.; Herrington, Jayne P.; Herrly, Annamarie; Herrly, Don R.; Herrman, Eugene A.; Herron, Idella; Bjornstad, Susan o/b/o Hervey, Muriel; Hess, Clyde A.; Hess, Vickie J.; Heuer, Kathleen D.; Hickman, Patricia A.; Hickman, Rebecca L.; Hickman, Sandra B.; Hicks, Barbara E.; Hicks, Gretta L.; Hicks, Rhonda; Hicks, Robin A.; Hicks, Suzanne; Hiebsch, Shelby Lynn; Higginbotham, Lestie L.; Higgins, Rosemary F.; Hileman-Jacobson, Christy R.; Hill, Annette; Hill, Hedy H.; Hill, Martha J.; Hillius, Marge M.; Hillmann, Marjorie A.; Hindman, Edna K.; Hines, Meredith J.; Hinton, Delores; Hobbs, Jimmie R.; Hobby, Karen H.; Hocker, Donna S.; Hoeppner, Wesley E.; Hoffman, June M.; Hogg, Robert J.; Holden, Norma; Holland, Jenice; Holland-Frazier, Jenny L.; Holliday, Deborah L.; Hollis, Edward E.; Hollis, Lou Ann D.; Holloway, Kittruff K.; Holman, Susan C.; Holmberg, Pamela K.; Holmes, Bonnie J.; Holmes, Laurie L.; Holmes, Mildred L.; Holmes, Patricia T.; Holsonback, Ann L.; Holstrom, Norma; Holt, Alice J.; Holt, Rhonda S.; Honey, Katherine R.; Hook, Barbara L.; Hoover, Cindy A.; Hoover, Clarissa M.; Hope, Karen A.; Hopkins, Christina o/b/o Hopkins, Merry J.; Hopkins, Jacqueline R.; Hopkins, James D. o/b/o Hopkins, Opal; Horgan, Mary E.; Horton, Laurie J.; Horton, Beatrice o/b/o Horton, Thomas R.; Hoskins, Barbara A.; Houchens, Mary E.; House, Betty J.; House, Mary P.; Houston, Michele C.; Houston, Nancy J.; Howard, Barbara N.; Howard, Martha S. f/k/a Frazier, Martha; Howard, Nola S.; Howard, Ruby M.; Howe, Louise M.; Howell, Joy B.; Howell, Norma J.; Howelton, Arlene; Hubbard, Heidi J.; Hubbard, Patricia D.; Huddleston, Shirley; Hudson, Felica M. f/k/a Navarette, Felica M.; Hudson, Michael D.; Hudson, Susan E.; Huff, Toniann; Huffman, Cina M.; Hughes, Johnny o/b/o Hughes, Sandra K.; Hughes,

Juliette; Hughes, Kathy D.; Hughes, Millie M.; Hughes, Vida R.; Humphrey, Janine M.; Humphries, Mary S.; Hunt, Dolores C.; Hunt, Susan; Hunter, Cynthia f/k/a Coleman, Cynthia; Contreras, Robbin o/b/o Hunter, Patsy L.; Hurd, Debra Ann; Hurd, Julie o/b/o Hurd, Barbara; Hurley, Joan D.; Hyde, Ann; Hymon, Ella C.; Ingberg, Deborah C.; Ingram, Nancy J.; Inman, Karen C. o/b/o Inman, Roger; Inzunza, Perla; Ioimo, Cynthia L.; Irizzary, Elda; Isbell, Mary F.; Iversen, Jean S.; Jabara, Delores M.; Jackson, Arti-Mease; Jackson, LaJoyce; Jackson, Leola W.; Jacob, Tina V.; Jacobs, Jacquelyn L.; Jandt, Elizabeth T.; Jarrett, Mary S.; Jazbec, Cherylene K.; Jefferson, Aleta P.; Jefferson- Jackson, Barbara; Jendro, Carol J.; Jennings, Robin R.; Jensen, Donna K.; Jensen, John L.; Jentink, Linda L.; Jervis, Margaret B.; Jessop, Ellen B.; Jetters, Rick E.; Jody, Rosalyn; Johnson, Annie B.; Johnson, Carol W.; Johnson, Gail E.; Johnson, Linda K.; Johnson, Linda M.; Johnson, Marilyn D.; Johnson, Norma; Johnson, Patricia A.; Johnson, Sandra C.; Johnson, Sharon K.; Johnson, Shirlee P.; Johnson, Wanda R.; Johnson-Barnes, Evelyn; Johnson-Fuhrman, Connie L.; Jones, Claire E.; Jones, Denise L.; Jones, Dian; Jones, Dianne; Jones, Essie L.; Jones, Linda G.; Jones, Lula B.; Jones, Maritta S.; Jones, Marla; Jones, Martha A.; Jones, Marvin E.; Jones, Maxine R.; Jones, Sally A.; Jones, Sheryl D.; Jones, Stephanie L.; Jones, Willie M.; Jordan, Carol A.; Jordan, Helen L.; Jordan, Lester L.; Jordan, Linda S.; Jordan, Virginia R.; Jorgenson, Patricia; Joseph, Corey T.; Jowett, Gayle E.; Juda, Cynthia P.; Junkman, Jane D.; Jurkovich, Bernadine C.; Justice, Lloyd A.; Justiss, Sherry K. f/k/a Rice, Sherry K.; Kabak, Deborah B.; Kacere, Carlene; Kaderli, Linda S.; Kaelber-Krantz, Roberta; Kahn, Robert A.; Kargol, Dolores A o/b/o Kargol, Alphonse A.; Karnes, Joyce A.; Kautz, Shirley; Kay, Renee H.; Keeler, Susan M.; Keesee, James E.; Kelley, Joyce A.; Kelley, Margrett o/b/o Kelley, Emmett C. ; Kelley, Opal V.; Kelley, Robin o/b/o Kelley, Terry L.; Kelley, Susan G.; Kelly, Bonita B.; Kelly, Caroline D.; Kelly, Monica C.; Kelsey, Rita D.; Kemker, Nita R.; Kemp, Edesse L.; Kemp, Mona B.;

Kennedy, Juana B.; Kennedy, Robert A.; Kersting, Lois D.; Kervitsky, Robin E.; Keys, Jody L.; Khaleq, Tory R.; Kidwell, Phoebe I.; Killebrew, Mary H.; Kilna, Cathy L.; Kilpatrick, Irene; Kinard, Alden M.; Kincaid, Patricia A. f/k/a McBrayer, Patricia A.; Kinder, Beverly J.; King, Doris J.; King, Nancy M.; King, Tammy J.; Kingery, Mona L. f/k/a Rucker, Mona L.; Kingsley, Truman; Kinser, Carolyn A.; Kirby, Barbara J.; Kirkland, Kay V.; Kirkpatrick, Juanita A.; Kirsch, Melody L.; Kiser, Alma M.; Kittinger, Jerry K.; Klein, Katherine L.; Klein, Nancie M. f/k/a Bliss, Nancie M.; Klimaj, Sue H.; Klimko-Cousins, Patricia A.; Kliner, Victoria L.; Klopfenstein, Linda D.; Knabe, Debbie J.; Knack, Patricia; Knapp, Renee L.; Knepper, Stephanie; Knight, Norma; Knight- Osborne, Paula; Koch, Patricia S.; Koch, Virginia D.; Kohler, Laurie V.; Kooyman, Susan L.; Kovalcik, Candace S.; Kraeger, Mary N.; Kreutzer, Laurie K.; Kroupa, Pam M.; Krueger, Jill K.; Krulic, Ann; Krusmark, Rita K.; Kuder, Anna L.; Kunkel, Wendy o/b/o James, Barbara L.; Kushmaul, Mary P.; Kuykendall, Norma J.; Lacey, Jerry D.; LaChance, Eileen B.; Lading, Carol A.; Lail, Polly; Laing, Kenneth C.; Laird, Ruth; Laird, Sandra L.; LaMar, Christina; Lamberson, Susan; Lamberth, Connie M.; Lancaster, Angela; Lanclos, Cheryl A.; Landon, Robbie; Lane, Cindy D.; Lane, Joyce M.; Lang, Linda; Ausburn, Glennetta o/b/o Langford, Retha L.; Langston, Patricia A.; Lanigan, Mary; Larsen, Deniece R.; Larson, LuAnn; Latham, Susan M.; Lathers, Sherry J.; Latone, Peggy A.; Laub, Margie A.; Laude, John R.; Laws, Robin H. f/k/a Wright, Robin H.; Lawson, Debra L.; Lawson, Ethel L.; Lawson, MaryAnn; Lea, Margaret K.; Leach, Mona; Leal, Irma L.; Leavitt, Dixie I.; Leckie, Debra J.; Ledbetter, Betty L.; Ledbetter, Cynthia A.; Ledlow, Barbara G.; Lee, Deborah M.; Lee, Patricia B.; LeFevre, Bonnie B.; Legaspi, Shantell R. f/k/a Thieleman, Shantell R.; Legerski, Maureen H.; Leichtle, Christy; Leitz, Pamela S.; Leppert, Florence B.; Lester, Patrice M. f/k/a Brownlee, Patrice M.; Lester, Sueann; Letzring, Sandra; Lewis, Cheryl E.; Lewis, Janette R.; Lewis, Joyce E.; Lewis, Karen L.; Lewis, Mary F.;

Lewis, Sue; Ligons, Deidra P.; Lile, Allyson o/b/o Lile, Terry L.; Lilly, Nancy J.; Limberakis, Katina; Lindamood, Kristine L.; Lindberg, Gaye Lynn M.; Lindemoen, Susan; Lindner, Petra M.; Lindsey, Willer D.; Linford, Judi L.; Linton, Kim E.; Linzer Rogers, Marguerite F.; Lively, Deborah L.; Livesay, Michele; Lockhart, Shirley S.; Loera, Cynthia A.; Logan, Monina N.; Lombard, Rosemary; Long, Anissa L.; Long, Deborah; Long, Rhonda L.; Longo, Pamela L.; Lopez, Susan K.; Lopp, Susan; Lorenzen, Joan M.; Lorton, Marcie A.; Lounder, Cheryl E. f/k/a Bozeman, Cheryl; Louviere, Deborah J.; Lovell, Linda; Low, Jeanne C.; Lowe, Linda R.; Lowe, Robin E.; Lowman, Kevin L.; Lowry, Donna L.; Lucas, Colleen; Lucchesi, Bobbi J.; Lueders, Sue A.; Luedke, Connie D.; Luksza, Brenda K.; Lundquist, Suzanne M.; Luquette, Joan C.; Luther, Donnetta R.; Lyles, Jacklynn R.; Lyles-Ross, Cheryl L.; Lynch, Susan M.; Lyon, Lynnette T.; Lytle, Lorraine L.; MacCoy, Linda; MacGonegal, Margaret f/k/a Croka, Margaret; Mack, Bonnie L.; Mack, Janice M.; Mack, Tammy S.; Maclin, Carolyn Y.; Madison, Joyce J.; Magee, Barbara A.; Mahone, Mary L.; Maldonado, Ray M.; Mallett, Willie E.; Mallory, Diana; Malone, Dianna L.; Malson, Marietta; Malson, Sue f/k/a Jett, Sue; Maltese, Virginia; Manchester, Regina K.; Mancinelli, Yolanda A.; Mangrum, Janine L.; Manix, Dakota L.; Manley, Judith; Mann, Kathy D.; Mansfield, Debra I.; Manwarren, Ramona; Marble, Sammie D.; March, Kimberlie A.; Marcum, Sherri G.; Marion, Laredo; Marizza, Connie L.; Mark, Cindy o/b/o Mark, Ute; Mark, Patricia A.; Marks, Dennis R.; Maroste, Kathleen H.; Marsh, Michele K.; Marshall, Sandra K.; Marsing, Joyce M.; Martell, Sandra C.; Martin, Betty M.; Martin, Cathy V.; Martin, Cindy; Martin, Denise F.; Martin, John M.; Martin, Tamara E.; Martinez, Carol; Martinez, Guadalupe; Martinson, Leah; Mason, Elesa M.; Massa, Hilda A.; Massei, Vincent K.; Massey, Margaret W.; Massingill, Ellen Regina; Masters, Bonnie J.; Matelski, Sandy; Mathews, Kathryn A. o/b/o Mathews, Delia O.; Mathon, Tamela; Matl, Carol A.; Matthews, Joanne; Mattucci, Lauri L.; Matuszczak, Wilfred

o/b/o Matuszczak, Phyllis A.; Mauney, Teresa; Max, Bill; Maxwell, Sandra L. f/k/a Davis, Sandra L.; Mayeaux, Alice M.; Mayer, Daniel G.; Mayes, Lauren C.; Mayle, Margaret; Mays, Cecilia; Mazich, Michael A.; McAdams, Belinda P.; McAfee, Audra; McAfee, Marleen; McAlexander, Joann E.; McBay, Renia; McBride, Esther E.; McBride, Stephanie M.; McCann, Deborah A.; McCarley, Claudia o/b/o McCarley, Harry; McCarty, Rebecca L.; McCarty, Sandy K.; McCarty, Susan; McClain, Angela K.; McCleery, Roberta D.; McConnell, Debbie M.; McCoslin, Vivienne Louise; McCree, Vivian L.; McCrimmon Raintree, Carla L.; McCrory, Janice A.; McCulloch, Lori L.; McCullough Donald, Cantana; McCurdy, Cheryl A.; McCurdy, Rox Anna J.; McDaniel, Mary E.; McDonnell, Ronald o/b/o McDonnell, Helen V.; McDaniel, William P. o/b/o McDaniel, Gerry; McDonald, Dena M.; McDonald, Marcia G.; D.McDow, LaCretia D.; McDowell, Henry M.; McEver-Ludwig, Sharon L.; McEwen, Michelle R.; McFarlane, Janice; McGalliard, Karen & McGalliard, Allan & McGalliard Jones, Lisa o/b/o McGalliard, Lillian; McGatlin, Emma J.; McGaugh, Renee S.; McGee, Donna L.; McGhee, Sonya F.; McGlohon, Nancy M.; McIntire, Terry A.; McIntosh, Kellie; McIntosh, Kim S.; McKee, Carol; McKeever, Carol S.; McKenzie, Elizabeth; McKisson, Karin L.; McKnight, Patricia C.; McLaughlin, Caroline E.; McLendon, Janelle; McLeod, Ermel L.; McLeod, Randolph A.; McMillan, Terri L.; McNair, Sylvia A.; McNew, Edward o/b/o Humphrey, Dorothy M.; McNish, Sharon; McNish, Vernia P.; McPhail, Lisa M.; McVane, Terri L.; Meacham, Betty Jean; Meade, Terry D.; Mecham, Carma N.; Medina, Eileen M.; Mehaffey, Beverlyn B.; Meier, Laura H.; Meier, Lupe; Melchor, Linda K.; Mercer, Shirley J.; Merkle, Karen J.; Merlowicz, Kriste L.; Merritt, Donna M.; Merritt, Juanita H.; Merritt, Pamela M.; Mesker, JoAnn; Messenger, Ann L.; Metsers, Meyer, Kaye L. f/k/a Fite, Kaye L.; Karina J.; Meyers, Cathy A.; Michael, Charles L.; Michael, Colleen D.; Michaelis, Sheri; Mick, JoAnn; Mikes, Tina M.; Miles, Cecelia A.; Miles, Dorothy J.; Miles, Sharon J.; Miller, Barbara A. o/b/o

Moore, Yvette; Miller, Dianna L.; Miller, Eleanor F.; Miller, Janice S.; Miller, Jessica R.; Miller, Lea K.; Miller, Lisa L.; Milligan, Darlene; Milligan-Carpenter, Charlotte E.; Millora, Lydia E.; Mills, Betty R.; Mills, Cynthia D.; Mills, Linda S.; Mills, Sandra F.; Milot, Maxine I.; Minette, Natalie M. f/k/a Sanders, Natalie M.; Mingis, LaMia L.; Mink, Shaunda; Minor, Betty R.; Minor, Venessa R.; Mireles, Jose G.; Mish, Gary D.; Mish, Hester M.; Mitchell, Brenda D.; Mitchell, Geneva; Mitchell, Karen O.; Mock, George E.; Modester, Angela M.; Moen, Gloria J.; Mofield, Edith L.; Mojica, Mandy; Molina, Joyce J.; Montes, Diana D.; Montoya, Maryann; Mooney, Michael F.; Moore, Aubrey o/b/o Moore, Alma; Moore, Cheryl G.; Moore, Denise L.; Moore, Ginger L.; Moore, Gregory G. o/b/o Moore, William G.; Moore, Nancy A.; Moore, Rosia D.; Moore-Halley, Lytha S.; Moorman, Melissa E. f/k/a Harrison, Melissa; Morales, James o/b/o Morales, Sheila A.; Morfin, Roxie A.; Morgan, Linda C.; Morgan, Rebecca M. f/k/a Norris, Rebecca M.; Morgerson, Robert J.; Morin, Linda E.; Morningstar, Gloria; Moro, Julia S. o/b/o Moro, Marilyn; Morrell, Priscilla P.; Morris, Carmen A.; Morris, Gloria J.; Morrison, Carol S.; Morse, Phyllis H.; Morton, Lisa C.; Moseley, Carolyn S.; Mosher, Joan A.; Most, Diana M.; Mounteer, Christine S.; Mounts, Emma; Mountz, Mary K.; Moyer, Tishie L.; Moyer, Elizabeth L. f/k/a Levy, Elizabeth L.; Moyer, Roger o/b/o Moyer, Carolyn S.; Mullins, Dalena P.; Mullins, Justin M.; Mund, Vicky L.; Munsell, Brenda K.; Murchison, Evelyn G.; Murphy, Brenda J.; Murray, Melba J.; Musick, Mary E.; Muzzuco, Elaine J.; Myers, Gayla; Myers, Harry T.; Nadler, Yolanda M.; Nagy, Deborah L.; Nall, Rose Mary P.; Nance, George L.; Napier, Ruby B.; Naramore, Annette; Narducci-Shaffer, Judy C.; Navarette, Alicia N. f/k/a Rodriguez, Alicia N.; Naylor, Dawn W.; Neace, Deborah R.; Neal, Wilma J.; Neely, Della G.; Nelms, Billy L.; Nelson, Christy A.; Nelson, Donna J.; Nelson, Jody L.; Nelson, Marilyn B.; Nelson, Martha A.; Nelson, Peggy L.; Nelson, Richard G.; Nelson, Rose M.; Nelson, Teresa J.; Nepstad, Debra J.; Neva, Paulette D.; Newberry,



Cathy A.; Newhouse, Benjamin E.; Newman, Peggy J.; Nguyen, Loan L.; Nichols, Mary Ann D.; Nicholzen, Terrie L.; Nickles, Deborah L.; Nicklos, Richard J.; Nielsen, Kimberly B.; Nielsen, Lynn D. o/b/o Nielsen, LuAnn; Nielsen, Phyllis B.; Nielsen, Tracy L.; Noeding, Florence; Noel, Diane L.; Noffsinger, Norma Jean; Nolan, Marcia A.; Noles, Cindy L.; Norfleet, Tina A.; Norman, Willie K.; Norris, Gregory A o/b/o Norris, Sandra J.; Northcott, Virginia G.; Norton, Madalyn L.; Novak, Ellen C.; Nunley, Cindy L.; Obergfell, Wanda; O'Brien, Kathy J.; Ochoa, Wanda J.; O'Dell, John L. o/b/o O'Dell, Shirley; Odom, Monty H.; Ogden, Julaine P.; Olinger, Carolyn B.; Oliver, Susan M.; Olmstead, Merle E.; Olsen, Clydie M.; Olson, Brenda S.; Onley, Sandra K.; Ormsbee, Rae; Ortiz, Julia S.; Osborn, Michelle H.; Osburn, Rose L. f/k/a Brancecum-Osburn, Rose L.; Overton, Eleanor; Owens, Marilyn Y.; Owens, Paula L.; Owens-Brown, Beverly P.; Pacheco, Margaret; Padden, Pamela K.; Padilla, Carmen A.; Page, Julie E.; Paige, Yvette R.; Painter, Lori R.; Pajarej, Connie f/k/a Heinrich, Connie; Palmer, Revaleann E.; Panek, Mary Ann; Pannel, Sally A.; Pardue, Sissy G.; Parish, Tammy M.; Park, Teresa A.; Parker, Donna M.; Parker, Elizabeth A.; Parker, John Henry o/b/o Parker, Cecil O.; Parker, Maralyn J.; Parrish, Cheryl A.; Parrish, Jequita K.; Parslow, Teri L.; Parson, Roseanna; Watkins, Kendra o/b/o Parton, Danny J.; Pate, Laurie M.; Patrick, Cathy M.; Patrick, Linda M.; Patterson Davis, Valeria J.; Patterson, Carrie E.; Patterson, Cherry L.; Patterson, Shirley J.; Patton, Viviane R.; Pavelka, Rhonda K.; Pawlak, Evelyn K.; Payer, Patricia; Payne, Erika; Payne, Jody o/b/o Payne, Lois; Peacock, Margie W.; Peeler, Donna; Pellicciotto, Elisa D.; Pemberton, Brenda K.; Pena, Adam; Pennewell, Ida N.; Penny, Linda K.; Peoples, Diane f/k/a Redger, Diane; Pepper, Glenda; Pereira, Konny J.; Perez, Leveda J.; Perez, Norma; Perkins, Annabelle L.; Perkins, Judy C.; Perkins, Royce M.; Perkinson, Dolores A.; Perry, Carolyn E.; Perry, Janet R.; Perry, Yvette F.; Peters, Karin S.; Peters, Linda S.; Peterson, Jean W.; Peterson, Patricia P.; Peterson, Rebecca A.; Peterson, Shanna L.;

Pettit, Mary Ann o/b/o Pettit, Charles E.; Pettit, Patty S.; Petyak, Rosann M.; Pheasant, Dolores A.; Phelps, Vicki J.; Phillips Cook, Shirlyene M.; Phillips, Judy C.; Phillips, Kathy L.; Phillips, Sandra B.; Pierce, Annie R.; Pierce, Jennie; Pierce, Lillie B.; Pierce, Sue E.; Pierson, Janice M.; Piles, Floyd; Piles, Monica; Pilkington, Barbara; Pinkston, Edna M.; Pirhalla, John J.; Pirhalla, Lynn; Pirtle, Michelle K.; Plank, Bobbie L.; Plotnick, Mildred A.; Plumb, Jennifer L.; Plumlee, Charlene D.; Poertner, Jeannette D.; Pohlman, Christina E. f/k/a Kelso, Christina E.; Poitra, Rhonda A. f/k/a LaFountain, Rhonda A.; Polli, Lillian; Pomilla, Kimberly D.; Pons, Shelly D.; Pope, Anita L.; Pope, Chris W.; Pope, Margaret M.; Porter, Myra L.; Porter, Shelly M.; Pott, John H.; Powell, Joan D.; Powell, Patricia A.; Powers, Yevonne M.; Prebil, Kathleen A.; Pressler, Sharon L.; Prestwich, Colette R.; Prewitt, Patricia A.; Prewitt, Sharon E.; Price, Carole V.; Price, Cynthia T.; Price, Jody S.; Prickett, Sharon A.; Prilo, Alice M.; Prince, Leslie; Prince, Monica L.; Pritchett, Dale Joy; Proa-Lomnasan, Eva M.; Pruitt, Venny L & Dixon, Terri L o/b/o Fitzpatrick, Lorene A.; Pruner, Kathryn A.; Prye, Beverly D.; Pryor, Linda S.; Puckett, Mary K.; Puckett, Raymond; Puckett, Thomas M.; Purdie, Terry; Purvis, Linda P.; Pusatier, Monica A.; Putman, Elizabeth; Quintal, Patricia A.; Quintero, Carmen B.; Rabourn, Nancy A.; Rachel, Mary L.; Raddatz, Mary; Rader, Pat A.; Ragos, Elaine P.; Ramage, Margaret M.; Ramey, Treasa M.; Ramon, Diana; Ramos, Delia; Ramsey, Cecil F.; Randle, Desiree A. f/k/a Kuschel, Desiree A.; Raney, Verna M.; Rankin, Sue A.; Rarick, Jill; Rashid, Sultana; Ratcliffe, Sarah E.; Ray, Amy E.; Ray, Cynthia; Raybon, Alice J.; Rayford, Rosemary; Razey, Ramona L.; Reagan, Judy L.; Redlin, Jeanne M.; Reed, Doris J.; Reed, Freda M.; Reed, Sherrel A.; Reeder, Annette; Reese, Mary J.; Reichert, Robert P.; Reimer, Judy K.; Remis, Janet C.; Renfro, Dortha L.; Reno, Karen Kym; Reyes, Deborah R.; Reyes, Thelma J.; Reynolds, Betty L.; Rhea, Haskell E.; Rhoades, Sharon A.; Rhoads, Dicksy; Rice, Stacey Y.; Rice, Tiffany D.; Richardson, Andrew D.; Richardson, Anita A.;

Richardson, Debra K.; Richardson, Georgeanna; Richardson, Jimmie C.; Richardson, Terry Wayne; Richey, Patricia A.; Ricks, Yvonne; Ridley, Mildred I.; Riemer, Robert T.; Riley, Anita K.; Riley, Carrie A.; Riley, Gina C.; Rindfleisch, Kairle; Ripley-Ware, Sundee G.; Risner, Irene A.; Rittenhouse Salinas, Wanda; Rives, Darlene f/k/a Franklin, Darlene; Roawden, Marie; Robbins, Carole M.; Robbins, Vera; Roberts, Barbara A.; Roberts, Lauren I. f/k/a Owens, Lauren I.; Roberts, Loretta M.; Robertson, John Gary o/b/o Robertson, Mary A.; Robertson, Penny S.; Roberts-White, Pamela J.; Robinett, Gloria; Robinson, Brandy o/b/o Greene, Bessie M.; Robinson, Ivas Y.; Robinson, Jim; Robinson, Larry W.; Robinson-Grant, Beverly J.; Rods, Jody C.; Rogers, Lynda E.; Rogers, Patricia A.; Rohr, Donna; Roldan, Maritza; Mills, Patricia o/b/o Rome, Raymond M.; Roof, Nita C.; Root, Michael D.; Rose, Sherry L.; Roskin, Sheri L.; Ross, Evelyn J.; Ross, Linda S.; Ross, Teddi J.; Rouquette, Dawn; Rowden, Terry L.; Rowh, John o/b/o Rowh, Mary R.; Ruby, Lennie M.; Rucks, Betty S.; Runyon, Terry; Rupert, Melissa S.; Russell, Jean H.; Russell, Joan; Russell, Kimberly A.; Russell, Tiffany J. o/b/o Johnson, Ida M.; Rustad, Sharon R.; Rutherford, Glenda S.; Ryan, Charles W.; Ryan, Patricia L.; Sadlak, Robby o/b/o Sadlak, Peggy; Saicheck, Sharon N.; Saik-Gates, Wendy M.; Salas, Yolanda; Salazar, Martha L.; Salinas, Gail L.; Salisbury, Mary M.; Salkowski, Carol A.; Sample-Neaves, Amber D.; Sample, Betty; Sanborn, Karen R.; Sandall, Susan; Sandeen, Bonnie K.; Sanders, Arland E.; Sanders, Patricia f/k/a Johnson, Patricia; Sanford, Gloria; Sartain, Tommye L.; Sauls, Martha P.; Saulters, Christeen f/k/a Hinton, Christeen; Saunders, Julia W.; Sauter, Clinton A.; Sav, Naomi R.; Saville, Stephen B.; Saxe Balazs, Pearl A.; Sayles, Dorothy J.; Scardino, Anthony J.; Schaefer, Howard R.; Schaeffer, Stacie; Schafman, Frances M.; Schandl, John; Scharf, Ernest; Schergen, Diane J.; Schetat, Ellen O.; Schiebel, Franklin; Schluter, Sandra A.; Schmitt, William; Schollenbarger, Anitta M.; Schroeder, Mona J.; Schwall, Ellen o/b/o Schwall, Ronald R.; Schwartz, Craig;

Schwind, Erna; Schwinn, Laura; Scothern, Chad o/b/o Scothern, Roger D.; Scott, William D o/b/o Scott, Judy M.; Scott, Steven C.; Scritchfield, Patsy A.; Scrivener, Brenda; Sears, Susan W.; Seerup, Patricia f/k/a Ressler, Patricia; Self, Shelly D.; Sellers, Carol C.; Sells, Linda; Sendel, Charlene R.; Senecal, Jacquelyne M.; Serot, Joan M.; Serpan, Terry L.; Sessions, Vickie L.; Sexton, Sheila Lou; Shaffer, Colleena R.; Sharp, Trina G.; Sharrar, Virginia K.; Shaw, Mildred L.; Shaw-Stabbs, Patsy L.; Sheller, Jane A.; Shelton, Mary K.; Shelton, Teresa G.; Shepard, Clarice R. f/k/a Tasby, Clarice R.; Shepherd, Margaret L.; Shepherd, Maxine; Sheppick, Francine L.; Sherman, Margie; Shields, Lillie Mae; Shirley, Nealie; Shockey, Laura J.; Shockley, Judith A.; Shooter, Martha S.; Shores, Elaina R.; Short, Lionel o/b/o Short, Martha R.; Short, Marilyn L.; Shouse, Theresa H.; Shreeves, Jean M.; Shrewsbury, Anita M.; Shroads, Lynda J.; Shurland, Gloria; Sidock, Christine; Siegel, Janis W.; Siemieniewski, Louis F. o/b/o Siemieniewski, Jo Ann R.; Silver, Allen; Simeona, Jeanne L.; Simmons, Bonnie K.; Simon, Gerald D. o/b/o Simon, Laura J.; Simonsen, Mary Ann; Simpson, Kathryn M.; Simpson, Vivian; Singh, Thomasena S.; Sisco, Carl D.; Sisco, Helen A.; Sizemore, Cathy J.; Skaggs, Dena A.; Skardina, Gary P.; Skeel, Charlie G.; Skeel, Janice C.; Skinner, C. David; Skogen, Pamela J.; Slatton, Eugene o/b/o Slatton, Dottie L.; Slinker, Kathy; Small, Alan; Smalts, Rita J.; Smith, Billy G.; Smith, Caroline M.; Smith, Charles L.; Smith, Cheryl A.; Smith, De'Anna R.; Smith, Deborah A.; Smith, Frances; Smith, Joan E.; Smith, JoAnn; Smith, Kelly JoAnn; Smith, Lula L.; Smith, Lynnette G.; Smith, Michael J.; Smith, Nettie E.; Smith, Paula J.; Smith, Phyllis M.; Smith, Billy J. o/b/o Smith, Sharon B.; Smith, Shirley A.; Smith, Theresa M.; Smithart, Dorothy J.; Smith-Thompson, Mary V.; Snedeker, Nancy o/b/o Snedeker, Charles T.; Snively, Anthony o/b/o Snively, Karen K.; Snow, Virginia L.; Snyder, Neva E.; Sojourner, Albert o/b/o Sojourner, Mary H.; Sokoh, Dianne; Soliz, Blanca; Sorenson, Ardis A. f/k/a Bahr, Ardis A.; Sorenson, Kendall E.; Sorenson, Sandra K.; Sowell, Vernell;

Spacek, Beverly J.; Spaeth, Kathleen; Spann, Lillian L.; Sparkman, Sheryl W.; Spears, Laura S.; Spencer, Marianne B.; Spencer, Pamela L.; Spight, Flora; Springsteen, Carol A.; Spurgin, Karen L.; Srozinski, Barbara E.; Stafford, Patricia A.; Stainbrook, Beth J.; Stall, Stanton, Judy K.; Sonja K.; Stallins, Jeanetta A.; Stanley, Diana; Stanley, Jeanette C.; Stansbury, Reva L.; Stark, James; Starnes, Celia F.; Stearman, Carol L.; Steedman, Tracy L.; Steele, Beverly; Stelse, Shauna L.; Stenerson, Wendy S.; Stengel, Lori A.; Stephens, Nancy A.; Sterba, Lana K.; Stern, Gloria D.; Stevens, Linda S.; Stewart, Kimberly D.; Stewart, Linda; Stewart, Portia f/k/a Holley, Portia; Stierley, Thomas J.; Stipe, Helen; Stockero, Donna R.; Stockwell, Judith H.; Stoney, Angela J.; Storey, Judi L.; Stout, Tonda S. f/k/a Edwards, Tonda S.; Strawn, Donna; Strefling, Nancy L.; Stribling, Mary D.; Strojny, Lorna R.; Strom, Cherie A.; Strom, Sandra L.; Stroud, Donald E.; Stroup, John A.; Strube, Denita K. individually and o/b/o Strube, Douglas E.; Stuart, Debra; Stump, Kathleen C.; Stumpf, John T.; Sullivan, Linda; Sullivan, Marilyn J.; Sullivan, Mary J.; Summerfield, Kristy L.; Summers, Susan A. f/k/a Fabos, Susan A.; Summitt, James G.; Sumrall- Markey, Martha O.; Suncin-Chantre, Ayla S.; Surita, Teresa; Surles-Rhodes, Olivia f/k/a Surles- Wagstaff, Olivia; Sutherland, Maggie o/b/o Williams, Doris N.; Suthers, Sanzee G.; Suttles, Dildred; Sutton, Laverne; Sutton, Melanie R.; Swaggart, Wilma J.; Swain, Glen D.; Swalm, Myrna L.; Swarts, Janice G.; Sweat, Visia E.; Sweatt, Willadean; Sweeney, Debra L.; Swick, Rita N.; Swinger, Jean M.; Sydenham, Heidi D.; Taa, Douglas M.; Taffe, Mary Louise; Talamantez, Rebecca R.; Tally, Susan M.; Tanner, Richard A.; Tate, Cassandra; Tate, Jeff; Taylor, Charlene D.; Taylor, Debbie A.; Taylor, Joseph S. o/b/o Taylor, Lorna J.; Taylor, Rhonda J.; Teague, Kathy A.; Teague, Terry L.; Teague, Trina L.; Tedford, Betty J.; Telford, Beverly; Tennison, Virginia S.; Terry, Connie; Terry, Dorothy P.; Thacker, Claire J.; Thomas, Deborah L.; Thomas, Deloris A.; Thomas, Isabel H.; Thomas, Karen B.; Thomas, Kimberly B.; Thomas, Mary E.; Thomas,

Susan I.; Thomason, Sandra K.; Thomas-Tutt, Virginia L.; Thompson, Barbara O.; Thompson, Connie; Thompson, Cynthia L.; Thompson, Frances V.; Thompson, Janice K.; Thompson, Judith M.; Thompson, Landers P.; Thompson, Laura L.; Thompson, Marilyn K.; Thompson, Pamela G.; Thompson, Rick D.; Thompson, Vickie D.; Thornhill, Doris L.; Thornton, Linda F.; Thorp, Dolores; Tice, Deborah S.; Tillman, Michelle E.; Tilton, Sandra; Tindall, Janine; Tittle, Patricia E.; Tomlin, Addie M.; Tomlin, Michael P.; Tomlinson, Amy F.; Tompkins, Gina; Torbert, Ruth E.; Toscano, Judy A.; Tousignant, Linda; Tovar, Loretta L.; Trejo, Joyce B.; Trigos, Ketty f/k/a Juarez, Ketty; Triplett, Anita B.; Trombley, Dinah K.; Troxell, Connie J.; Trussell, Lynda L.; Tucker, David L.; Tucker, Ida; Tuggle, Linda J.; Turk, Vikki L.; Turman, Peggy A.; Turnbough, Lola M.; Turner, Carolyn J.; Turner, Henry R.; Turner, James; Turner, Linda E.; Turner, Pamela; Turner, Susan; Twiggs, Helen; Tyler, Angela D.; Tyler, Yvonne; Tyner, Newt I.; Tyree, Michael G.; Uihlein, Laree F.; Ulrich, Carol J.; Unger, Roslyn; Urbanski, Annette T.; Valentine, Jerrie F.; Valenzuela, Loretta M.; Van Story, Patricia E.; Vanderpool, Sheri; Vandewege, Mitzi A.; Vario, Julie A.; Moreno, Martha o/b/o Varner, Doris J.; Vasquez, Petra B.; Vaughan, Dorothy M.; Vaughn, James R.; Vaughn, Sandra; Dale, M LaDonne guardian of Vaughn, Wilma M.; Veach, Freda L.; Vega, Isabel C.; Velasquez, Frances E.; Vermast, Dolores; Vetter, Vickie R.; Viar, Shirley J.; Vick, Denise F.; Villareal, Thomas R.; Villarreal, O'Linda M.; Villegas, Albert; Vincent, Courtney M.; Vineyard, Aleta F.; Vining, Lucie M.; Vinson-Weaver, Judy K.; Vogel, DANne T.; Volquardsen, Anna M.; Vrana, Edith A.; Vurnovas, Nancy M.; Wagemann, Mark A. o/b/o Wagemann, Kara; Wagers, Peggy; Waggoner, Patricia A.; Waits, Clyde J.; Walker, Daisy L.; Walker, Judith Kaye; Walker, Teresa A.; Waller, Karen M.; Walpole, Davy C.; Ward, Barbara S.; Ward, Frankie Lois; Ward, Marci R.; Warden, Donna Kay; Warner, Earlene; Warnes, Frances M.; Warshell, Rita J.; Washington, Ethel; Waters, Cindi J. f/k/a Evans, Cindi J.; Wates, Wilma J.; Watkins, Myrna;

Watkins-Chilo, Lynette; Watros, Rose J.; Watson, Lanada F.; Watson, Linda D.;  
Watson-McCarthy, Rosa V.; Watt, Karen; Watts, Philip S.; Waugh, Carolyn S.;  
Weatherford, Linda R.; Weaver, Patricia L.; Webb, Carolyn G.; Weber, Dorothea M.;  
Weese, April A.; Wehr, Terri G.; Weidner, Donna E. f/k/a Brieno, Donna E.;  
Weldon, Cynthia K.; Wellman, Regina K. f/l/a Wellman, Virginia K.; Welman,  
Kathleen B.; Weltich, David B.; Wesson, Shelia R.; West, Charlene L.; West, Diane;  
West, Duane H.; Westbrook, Sherry J.; Weston Montgomery, Becky L.; Weston,  
Janice R.; Wharton, Marla M. f/k/a Merrill, Marla M.; Wheeler, Christine; Wheeler,  
John W.; Wheeler, Judy L.; Wheeler, Patricia A.; Whitaker, Ruth L.; White, Donna  
S.; White, George A. o/b/o White, Evelyn J.; White, Jimmie D.; White, Linda K.;  
White, Margaret J.; White, Margaret M.; White, Michael N. o/b/o White, Julia L.;  
White, Pamela J.; Whiteside, Wanda J.; Whitlatch, Carla J.; Whitt, Georgia R.;  
Wicks, Paul E.; Wicks, Vicki L.; Wieting, Shirley A.; Wilcox, Ella; Wilhelm, Cathy;  
Wilkerson, Talinda; Wilkes, Vicky A.; Williams, Alona M.; Williams, Barbara J.;  
Williams, Betty A.; Williams, Cheryl N.; Williams, Cheryle J.; Williams, Connie L.;  
Williams, Darcey R.; Williams, E. Kent; Williams, Elizabeth A.; Williams, Eva N.;  
Williams, Frances M.; Williams, Henrietta H.; Williams, Jane E.; Williams, Julie C.;  
Williams, Leslie K.; Williams, Lisa G.; Williams, Louise C.; Williams, Mary A.;  
Williams, Maxine L.; Williams, Nakia D.; Williams, Norma H.; Williams, Shelia P.;  
Williams, Vanessa V.; Williams, Willie G.; Williams-Hooper, Debra K.;  
Williamson, Rhonda; Willingham, James L.; Wills, Connie R.; Willson, Shawna K.;  
Wilson, Annie F.; Wilson, Becky A.; Wilson, Christine E.; Wilson, Flora M.;  
Wilson, Jayne; Wilson, Kenneth R.; Wilson, Leta I.; Wilson, Lillie R.; Wilson,  
Ronald W.; Wilson, Suzanne; Winandy, Judy; Wincek, Gloria A.; Winder, Tanya  
T.; Windham, Delores A.; Winkle, Billy; Winkle, Jean A.; Winnefeld, Jacqueline;  
Wise, Anne L.; Wise, Delinda O.; Wise, Donna D.; Wise, Phillip L.; Witmer, Nancy;  
Wittman, Carol K.; Wold, Debra R.; Wolfe, Carol K.; Wolfe, Maggie G.; Wood,

Carol S.; Wood, Dawn R.; Wood, Edna E.; Wood, Edna M.; Woodall, Kathleen; Woodard, Lorine G.; Woods, Greta L.; Woods, Sheryl J.; Wortham, Sylvia E.; Wren, Christi D. f/k/a Heinrich, Christi D.; Wright, Candace S.; Wright, Carolyn S.; Wright, John W.; Wright, Mark O.; Wright, Mary P.; Writtenhouse, Margaret E.; Yagar, Barbara Y.; Yanchok, Mary A.; Yankay, Joan; Yates, Billie J.; Yates, Maureen I.; Yochum, Barbara J.; Yocum, Gary L.; Yoder, Juanita B.; Yohey, Carolyn A.; Young, Chris E.; Young, Gwindelyon Diane; Young, Jewel; Young, Sandra K.; Young, Stacey M.; Young, Susan; Young, Whitney C.; Zapata, Ester; Zell, Mary; Zentz, Eugenia M.; Zimmerly, Kari; Zimmerman, Trendera; Zollinger, Darla F.; Zueger, Cyndi L.; Akis, Blanch M.; Armendarez, Hilda T.; Bailey, Shelia W.; Bowman, Phyllis A.; Bradford, Melanie; Bradshaw, Willadean D.; Brawner, Steven; Brown, Julie f/k/a Foehr, Julie; Cheney-Connet, Jill M.; Chrisman, Susan; Clark, Christine Lynn; Clark, Dixie L.; Cooper, Charlene F.; Cott, Marlin L.; Crowder, Lisa M.; Eaves, Betty L.; Flanagan, Katherine A.; Gonzalez, Yolanda V.; Gulley, Robert A.; Hamilton, Charlene; Hanson, Laurie M.; Hickman-Davis, Patricia A.; Hunt, Diana M.; Johnson, Vicki L.; Jordan, Lorraine E.; King, Pamela P.; Lewis, Mildred E.; Moore, Tina R.; Offutt, Glynda K.; Parker, Kim; Patton, Patricia A.; Paxton, Don M.; Peterson, Barbara J.; Phillips, Elizabeth H.; Pinoli, Violet; Ray, Sharon D.; Reynolds, Darlene; Seymour, Morgan o/b/o Seymour, William H.; Simmons Williams, Nannette W.; Skinner, Theresa J. f/k/a Ramage, Theresa J.; Snideman-Lemley, Sheri; Spinks, Dawn; Suchocki, Joyce L.; Tindall, Sharon L.; Wagoner, Debbie A.; Ward, Frances F.