



F I L E D

Dec 20 2024

**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF** §  
**LANE M. WEBSTER** § **CAUSE NO. 70375**  
**STATE BAR CARD NO. 24089042** §

**MOTION TO CONSOLIDATE CASES FOR BRIEFING AND HEARING**

TO THE HONORABLE BOARD:

Respondent Lane M. Webster (“Webster”), Respondent in the above-styled matter (the “Webster Case”), files this Motion to Consolidate the Webster Case with the pending reciprocal discipline case against Earl S. Nesbitt (“Nesbitt”), Cause No. 70374 (the “Nesbitt Case”). Nesbitt and Webster will be referred to collectively herein as “Respondents.”

The Commission for Lawyer Discipline filed a Petition for Reciprocal Discipline in both the Nesbitt Case and the Webster Case on December 3, 2024. Both cases involve the same Order entered on or about August 30, 2024 by Judge Jane Boyle, United States District Judge for the Northern District of Texas, Dallas Division, in the matter styled *Vargas v. Panini America, Inc.*, Civil Action No. 3:23-CV-02689-B (the “Vargas Case”). In the Order, the Court reprimanded both Respondents for the same conduct, which the Court determined violated Federal Rule of Civil Procedure 11(b). The Commission for Lawyer Discipline seeks reciprocal discipline in both cases.

Contemporaneously with this Motion, Respondents have each filed Answers asserting the same defenses under Rule 9.04 of the Texas Rules of Disciplinary Procedure. Respondents each assert:

- The misconduct for which Respondents were disciplined in the other jurisdiction does not constitute Professional Misconduct in this state (Rule 9.04(E)).
- The misconduct established in the other jurisdiction warrants substantially different discipline in this state (Rule 9.04(D)).

- The imposition by the Board of Disciplinary Appeals of discipline identical, to the extent practicable, with that imposed by the other jurisdiction would result in grave injustice (Rule 9.04(C)).

Respondents anticipate filing a substantive brief supporting their defenses with multiple exhibits. Respondents also anticipate putting on evidence at the hearing on this matter. Respondents believe it would be more convenient for the parties and the Board, and that it would promote efficiency, to submit a consolidated brief and one set of exhibits in both cases and to conduct the hearing on both cases at the same time.

The undersigned has conferred with counsel for the Commission, Amanda Kates, and Ms. Kates has indicated that the Commission is opposed to Respondents' request.

Respondents therefore respectfully request that the Board grant their respective motions and order that the Nesbitt Case and the Webster Case be consolidated for the purposes of briefing and hearing.

Respectfully submitted,

/s/ Kelli M. Hinson

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*Attorney for Respondent Nesbitt*

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing pleading has been served via email on Amanda M. Kates, Assistant Disciplinary Counsel, Office of the Chief Disciplinary Counsel, on this 20<sup>th</sup> day of December, 2024.

/s/ Kelli M. Hinson

**KELLI M. HINSON**