

Section 74.056 allows assignment to  
1. TRY cases, AND  
2. Dispose of "accumulated business"  
\*  
Nothing else. This "case" was OVER in  
2002. Nothing more to TRY.  
\*  
And this assignment was NOT to do  
"accumulated business".



NO. 00-00619

FILED FOR RECORD  
14 NOV -4 AM 10:31  
DIST CLERK VAN ZANDT CO. TX  
BY

LAW OFFICE OF DAVID WESTFALL  
v.  
UDO BIRNBAUM

§  
§  
§  
§  
§

IN THE DISTRICT COURT  
VAN ZANDT COUNTY, TEXAS  
294<sup>TH</sup> JUDICIAL DISTRICT

"IN" the District Court???

ORDER OF ASSIGNMENT BY PRESIDING JUDGE

Pursuant to Section 74.056, Texas Government Code, I assign the Honorable Paul Banner, Senior Judge of the 196<sup>th</sup> District Court, to preside in the above-numbered and entitled cause regardless of whether the proceedings involve matters that arise after the original judgment or final order.

This assignment continues until such time as the Presiding Judge of the First Administrative Judicial Region terminates this assignment.

IT IS ORDERED that the Clerk of the Court to which this assignment is made, if it is reasonable and practicable, and if time permits, give notice of this assignment to each attorney representing a party, and to each party representing himself or herself pro se, to a case that is to be heard in whole or in part by the assigned judge.

Signed this 30 day of October, 2014.

look at all this SPECIAL language!

Mary Murphy  
MARY MURPHY, Presiding Judge  
First Administrative Judicial Region

"plenary power" (power to act) expired in 2002 when things went "FINAL".  
The court has NO JURISDICTION WHATSOEVER - to do anything "IN" the cause in 2014!

The PREVIOUS "assignment" had the proper concept of "plenary power"- BUT -

I certify this to be a true and exact copy of the original filed in the District Clerk's Office, Van Zandt County, Texas.  
By: [Signature]  
DISTRICT CLERK

note the absence of a heading "in the 294th District Court!"

THE STATE OF TEXAS  
FIRST ADMINISTRATIVE JUDICIAL REGION  
ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE

Pursuant to Section 74.056, Texas Government Code, I assign the:

Honorable Paul Banner

Senior Judge of The 196th District Court

to the

"until plenary etc" - but it HAD expired - in 2002!

294th District Court of Van Zandt County, Texas

This assignment is for ~~the~~ cause(s) and style(s) as stated in the conditions of assignment from this date **until plenary power has expired** or the undersigned Presiding Judge has terminated this assignment in writing, whichever occurs first.

CONDITION(S) OF ASSIGNMENT

Cause No. 00-000619: Law Office of David Westfall vs. UDO Birnbaum.

In addition, whenever the assigned Judge is present in the county of assignment for a hearing in the above cause(s), the Judge is also assigned and empowered to hear, at that time, any other matters presented for hearing.

It is ordered that the Clerk of the court to which this assignment is made, if it is reasonable and practicable and if time permits, give notice of this assignment to each attorney representing a party to a case that is to be heard in whole or in part by the assigned Judge.

It is further ordered that the Clerk, upon receipt hereof, shall post a copy of this order in a public area of the Clerk's office or courthouse in order that attorneys and parties may be advised of this assignment.

SIGNED: May 21, 20 14  
Date

Mary Murphy  
Mary Murphy, Presiding Judge  
First Administrative Judicial Region of Texas

They got CAUGHT - and they KNEW it. The proof is in the conscious removal of all reference to the concept of "plenary" - as they did for the Oct. 30, 2014 "assignment", FIRST document.

Assign# 24611

Their real problem is that a hearing to "revive" a judgment - is a purely MAGISTERIAL act. There is NOTHING to "adjudicate" between parties. They can assign "visiting judges" to "TRY CASES" - but there AIN'T no such thing as a "VISITING MAGISTRATE"!

"TRY cases" -  
not try CAUSES!

AND "dispose of  
accumulated business" -  
NOTHING ELSE

TEXAS GOVERNMENT CODE

§ 74.056. ASSIGNMENT BY PRESIDING JUDGE. (a) A presiding judge from time to time shall assign the judges of the administrative region to hold special or regular terms of court in any county of the administrative region to try cases and dispose of accumulated business.

(b) The presiding judge of one administrative region may request the presiding judge of another administrative region to furnish judges to aid in the disposition of litigation pending in a county in the administrative region of the presiding judge who makes the request.

(c) The presiding judge of an administrative region may appoint a judge in the region to serve as acting presiding judge in the absence of the presiding judge. An acting presiding judge has all the rights, duties, and powers of the presiding judge.

(d) In addition to an assignment under Sections 74.003, 75.002, and 75.003, the chief justice of the supreme court may assign a retiree or a former judge whose last judicial office before retirement was justice or judge of the supreme court, the court of criminal appeals, or a court of appeals to the administrative judicial region in which the retiree or former judge resides for reassignment by the presiding judge of that region to a district or statutory county court in the region. The reassignment by a presiding judge is subject to the requirements of Section 74.055.

The assignment of a retiree or former judge by the chief justice to the administrative region continues only during the period for which the retiree or former judge has certified a willingness to serve under Section 74.0551.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

Renumbered from V.T.C.A., Government Code § 74.033 and amended

by Acts 1987, 70th Leg., ch. 674, § 2.06, eff. Sept. 1, 1987.

Amended by Acts 1989, 71st Leg., ch. 646, § 10, eff. Aug. 28,

1989.

Section: [Previous](#) [74.050](#) [74.051](#) [74.052](#) [74.053](#) [74.054](#) [74.055](#) [74.0551](#) [74.056](#)  
[74.057](#) [74.058](#) [74.059](#) [74.060](#) [74.061](#) [74.062](#) [74.091](#)

THE STATE OF TEXAS

SECOND ADMINISTRATIVE JUDICIAL REGION

ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE

accumulated business

Pursuant to Section 74.056, Texas Government Code, I hereby assign the Honorable Robert J. Kern, Senior Judge, 387th Judicial District Court, to the 387th Judicial District Court of Fort Bend County, Texas.

This assignment begins the 15th day of February, 2013 and is for the primary purpose of hearing cases and disposing of any accumulated business requested by the court.

This assignment shall continue as may be necessary for the assigned Judge to dispose of any accumulated business and to complete trial of any case or cases begun during this assignment, and to pass on motions for new trial and all other matters growing out of accumulated business or cases heard before the Judge herein assigned, or until terminated by the Presiding Judge.

It is ordered that the Clerk of the Court to which this assignment is made, if it is reasonable and practicable, and if time permits, give notice of this assignment to each attorney representing a party to a case that is to be heard in whole or in part by the assigned Judge.

It is further ordered that the Clerk, upon receipt hereof, shall post a copy of this order in a prominent place in the public area of the Clerk's office. This posting shall constitute "Notice of Assignment" as required by Section 74.053, Texas Government Code.

Ordered this 15th of February, 2013.

Olen Underwood
Olen Underwood, Presiding Judge
Second Administrative Judicial Region

Attest:

Nathan Jensen
Nathan Jensen
Administrative Assistant

Assignment # 23673

FILED
2013 FEB 15 PM 12:48
CLERK DISTRICT COURT
FORT BEND COUNTY