

00-00619

THE LAW OFFICES OF	\$	IN THE DISTRICT COURT
G. DAVID WESTFALL, P.C.	\$	
Plaintiff	\$	
v.	\$	
	\$	
UDO BIRNBAUM	\$	294 th JUDICIAL DISTRICT
Defendant / Counter-Plaintiff	\$	
	\$	
G. DAVID WESTFALL,	\$	
CHRISTINA WESTFALL	\$	VAN ZANDT COUNTY,
STEFANI PODVIN	\$	TEXAS
Counter-Defendants	\$	

"How the Cow Eats the Cabbage"

Oral Pleading in Writing

Hearing Scire Facias to Revive [\$65,000] **Order on Motion for Sanctions**
(signed by Judge Paul Banner on Sept. 20, 2002)

This Hearing set before Judge Paul Banner for Nov. 14, 2014 10:00 a.m.

My name is UDO BIRNBAUM – and I herewith call on my Right – to be heard. This will not take long. Please do not interrupt my thoughts. I am 78 years old.

Your Honor already knows – that I am not a lawyer – and that you yourself were the trial judge upon this cause way back some time in 2002. A quick scan of your **Findings** supporting this **Order on Motion for Sanctions** – should of course immediately refresh your memory – even after TWELVE years.

Again, I am not a lawyer – but I suppose – that an Order can somehow go dormant – and can indeed be revived – somehow like a judgment – by the magic of Scire Facias, I suppose.

In any case, I have “googled” on Scire Facias – and will briefly address each essential element required for revival - as I understand Scire Facias. Again – I am NOT a lawyer. So – as a NON-LAWYER – AFTER this short initial presentation – INSTRUCT me as to elements that I may have NOT addressed – and other RIGHTS or REMEDIES – that are available to me in this proceeding.

At issue today – as I understand it – re Scire Facias to revive:

1. Whether there today indeed exists an enforceable Judgment or Judgments or Order in this cause.
2. Whether such indeed have NOT been paid off, set aside, or whatsoever.
3. Whether the party wanting to revive – to do Execution I suppose – does indeed have “standing” to do Execution – and by implication – today have “standing” regarding this proceeding to “revive”
4. Implied in this whole matter – is of course – whether these documents are indeed LAWFUL – or just VOID “pieces of paper” – “inconsistent with due process”
5. Also material is whether your very own “assignment” for today’s proceeding – is VALID and LAWFUL – or likewise just another “piece of paper” – and even if “reviving” an Order is legit.
6. And then there is of course another issue – of the remote possibility of – of the possible APPEARANCE OF CONFLICT OF INTEREST - you ruling on the lawfulness – of these documents at issue here – something

close to a MILLION DOLLARS with interest - because of you having been the very author of these documents.

Anyhow - please hold any questions just a little longer - I will finish shortly – and we can then go into an exchange mode upon these concepts..

So – to continue my introduction – regarding documents at issue:

- The First Judgment – was a jury case – but Your Honor did NOT let the jury decide – you did not even put the “elements” at issue to the jury - “inconsistent with due process” – but we can get to that later.
- The Second Judgment – titled “**Order on Motion for Sanctions**”. The Sanction Movants had no “standing” to bring such Motion – besides the sanction is unlawful not only because you did this WITHOUT A JURY – but because it is PATENTLY UNLAWFUL. A court – by CIVIL process – cannot unconditionally PUNISH by civil process. PERIOD. But you did it anyway. And “*relief which the court seeks*”, “*to stop Birnbaum and others like him*”, from “*filing lawsuits*” – a First Amendment Right - that is Abuse of Official Capacity and Official Oppression per se.
- And the Third Judgment – likewise titled “**Order on Motion for Sanctions**” – TWO years later - that one is PLUM INSANE – Judge Ron Chapman, assigned to do a mere recusal hearing – imposing \$125,770 Sanctions for – as he found as a matter of law - “a delusional belief held only inside the mind of Birnbaum”, etc – PLUM INSANE. And you were a WITNESS at that hearing – and did NOTHING to protect me from a judge gone PLUM BONKERS.

So much for the unlawfulness of these pieces of paper.

Let us next reflect on the lawfulness – of Your Honor being here today. And herewith I present my little piece of paper – of assignment of Me, Udo Birnbaum, to sit on your perch – to PASS OUT PUMPKINS.

Forgive me, Your Honor – but sometimes *reductio ad absurdum* (reduction to absurdity) is the ONLY means to get attention, just as a TWO BY FOUR across the head – is the ONLY way to get the attention of a stubborn mule.

Here I have the ORIGINAL from the Presiding Pumpkin – of the First Pumpkin Administrative Region – assigning me to pass out pumpkins from your present perch.

You might want to rule my “assignment” as insane or not relevant or material. NOT SO – Your Honor:

Your assignment for today – is no less ridiculous – than my assignment by the Presiding Pumpkin. Go look VERY carefully at your assignment. Texas Government Code, Section 74.056 does NOT permit Judge Mary Murphy to make such assignment:

74.056(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 [1.] **try** cases and [2.] dispose of accumulated business [as requested by the court]

Just like Section 74.056 does not allow the Presiding Pumpkin to make an assignment to hand out pumpkins.

But I have a huge MORAL difference in MY assignment – I am NOT trying to follow through today in 2014 - on UNLAWFUL PUNISHMENT – as YOU punished me in 2002 – all “inconsistent with due process”

Your Honor – may I strongly urge you to undo the wrong you did upon me in 2002. And cease and desist from doing another wrong on me today.

So, in closing - if Thou wouldst now kindly descend off Thy Throne – so I may peaceably hand out my pumpkins.

Provided with this pleading – for your careful scrutiny regarding conformance with Section 74.056 – are copies of Thy and my assignments, both of October 30, 2014 – as well as one assigning to “*dispose of accumulated business as requested by the court.*”

With this introduction – I turn things back over to you.

UDO BIRNBAUM
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