

IN THE  
TWELFTH COURT OF APPEALS

*In re* UDO BIRNBAUM

Relator

v.

THE HONORABLE PAUL BANNER, JUDGE

Respondent

THE LAW OFFICES OF G. DAVID WESTFALL, P.C.  
G. DAVID WESTFALL  
CHRISTINA WESTFALL  
STEFANI PODVIN

Real parties in interest

**APPENDIX**  
**TO PETITION FOR WRIT OF MANDAMUS**  
**AND MOTION FOR TEMPORARY RELIEF**

**PART A**

**PART B**

(underlying proceeding is in 294<sup>th</sup> District Court  
of Van Zandt County, No. 00-619)

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**IDENTITY OF PARTIES AND COUNSEL**

The Honorable Paul Banner  
Senior Texas District Judge,  
Sitting by assignment

c/o Betty Davis, Court Admin.  
294<sup>th</sup> Judicial District Court  
121 East Dallas St., Room 301  
Canton, Texas  
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G. David Westfall  
Cross and third party defendant

G. David Westfall  
(as above)

Christina Westfall  
Cross and third party defendant

Frank C. Fleming  
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Stefani Podvin  
Cross and third party defendant

Frank C. Fleming  
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Udo Birnbaum  
Defendant, cross and third party plaintiff

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**STATEMENT OF AUTHENTICITY**

I, Udo Birnbaum, attest that all of the documents in this *Appendix* are true copies of the documents that were filed in the underlying proceedings (No. 00-619, 294<sup>th</sup> District Court).

\_\_\_\_\_  
UDO BIRNBAUM

STATE OF TEXAS  
COUNTY OF HENDERSON

Before me, a notary public, on this day personally appeared Udo Birnbaum, known to me to be the person whose name is subscribed to the foregoing *Appendix to Petition for Writ of Mandamus*, and being by me first duly sworn, declared that the statements therein contained are true and correct, and that the Exhibits are true copies of the originals.

Given under my hand and seal of office this \_\_\_\_ day of November, 2001

\_\_\_\_\_  
Notary in and for The State of Texas

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of this document has been served via \_\_\_\_\_ on this the \_\_\_\_ day of November, 2001 upon G. David Westfall, 5646 Milton, Suite 520, Dallas, Texas 75206 and Frank C. Fleming, Law Office of Frank C. Fleming, 6611 Hillcrest, Suite 305, Dallas, Texas 75205-1301.

\_\_\_\_\_  
UDO BIRNBAUM