

*“On the lighter side – if it were not so sad”*

## "Pleadings"

**I am not allowed to tell the jury what I was hauled into court for!**

Note: pleadings are the "pieces of paper" lawyers file to start a suit  
[Beaver] Trial Transcript, page numbered 177, **page 491 of the 596 page PDF**

Note: This was the "BEAVER DAM" scheme case. Neighbor had gotten unhappy about beavers and blown up their dam and flushed the whole mess down on my land. But the lawyer sued me for me supposedly having built a dam ("The Dam") that violated the Texas Water Code, and washing sand and stuff onto my neighbor, who was entirely upstream. Bunch of huey.

Then at trial the lawyer kept flapping about beavers, with me trying to tell the jury that the lawyer had made up "**The Dam**" dam.

In essence I was trying to describe to the jury which specific dam, which did not exist, that I was supposed to have built. And that I did not build any "The Dam" dam.

THE COURT: "All right. I'm going to make an explanation, ladies and gentlemen, I don't usually do this, and it has to be done **with considerable care**. There are four exhibits that Mr. Birnbaum has. During the last recess, I asked him to have those exhibits marked, which he did. They're Defendant's Exhibit 79, 80, 81 and 82. I conducted a brief hearing, while you were retired, to determine the admissibility of those exhibits. I determined, under the law, that they're not admissible. They are not evidence and they –

NOTE: Exhibits 79-82 were the lawyer's various versions of his suit "pleadings" – as I had marked up – to highlight his fraud.

(WHEREUPON, another interruption from the alarm system in the courtroom sounded.)

NOTE: The continuous numerous interruption from the alarm system – were from all the smoke coming all the way from the fires in MEXICO – in the worst drought – and me accused of NOW flooding my neighbor.

**THE COURT:** "They can't be -- **The documents can't be given to you. They can't be read to you, and they can't be told to you.** Now, Mr. Birnbaum has persisted in talking about those documents, and talking about my rulings, and talking about what he refers to as -- I guess, procedures or rules of procedure. Mr. Ray has now raised a concern, which I frankly share, that because of the way -- because of the last few things that Mr. Birnbaum has said, **that you may get the idea that either the Plaintiff or the Court is trying to hide something from you.**

Now, I don't know how really to go much further, except to say that what these documents are, are what are called pleadings. **To make a pleading, you put a piece of paper in a typewriter and you type on it anything you want to** -- And you come down to the courthouse. You give it to this lady right over here, the District Clerk. She puts a file stamp on it. **It's a pleading.** The law says that pleadings are not evidence. They are the very allegations that **you've been summoned down here to address.**

NOTE: The “marked up pleadings” documents – were of course no longer “his” pleadings – but me pointing out the fraud – of the lawyer – NOW – presenting NO evidence – of me having violated the TEXAS WATER CODE.

I was **not allowed to tell the jury** what I was hauled into court for, to let the jury know that the lawyer was flapping on everything but what he had said in his suit (his "pleading")!

### **AND IF THAT WERE NOT ENOUGH**

Judge James Zimmermann keeps on going – and going – and going - till page 180 as numbered on the pages, page 494 of the 596 page PDF, where he firmly ORDERS me:

**But it's not something that you're going to hear another word out of Mr. Birnbaum from this moment on.**

**Mr. Birnbaum?**