

The Honorable Judge Tommy Wallace
294th District Court
Van Zandt County Courthouse

Re: Cause No. 95-63

FILED FOR RECORD

February 9, 1995

95 FEB -9 PM 2:10

NANCY YOUNG
DIST. CLERK VAN ZANDT CO. TX.

BY _____ DEP.

COPY

Sir:

I waive the right to a hearing. I demand a speedy trial by twelve of my peers.

I am ready.

I will be self-representing myself.

I am self-representing myself now.

I demand that these proceedings initiated against me be resolved with nothing less than a jury trial by twelve of my peers.

I have been wrongly charged, harassed, and legally assaulted with no other recourse than a speedy trial by twelve of my peers.

I request the court to subpoena the bulldozer operator who cleared the area in question for the date of the trial.

Sincerely,

Udo H. Birnbaum

Udo H. Birnbaum
Rt. 1 Box 295
Eustace, Tex. 75124

TO:

February 15, 1995

BETTY DAVIS
Court Administrator
121 East Dallas Street
Room 301
Canton, Texas 75103-1465

Re: Cause No. 95-63

Attached is a fully completed and signed REQUEST FOR SETTING FORM.

Also attached is a copy of my reply to the Clerk, District Court`
dated February 9, 1995 and so stamped.

I have attempted good faith negotiations.

I plead not guilty to all allegations.

I waive the right to a hearing. I demand a SPEEDY trial by twelve (12)
of my peers.

I am self-representing myself now and will be self-representing at
the trial.

I DEMAND that these proceedings INITIATED against me be resolved with
NOTHING LESS THAN A JURY TRIAL by twelve (12) of my peers.

I am ready now.

I HAVE BEEN VICTIMIZED, HARASSED, WRONGLY ACCUSED, AND LEGALLY ASSAULTED
AND HAVE NO OTHER RECOURSE TO DEFEND MYSELF. I DEMAND A SPEEDY TRIAL..

Sincerely,

Udo Birnbaum

Udo Birnbaum
Route 1, Box 295
Eustace, TX 75124

enc:

Reply to Clerk of Court
dated Feb. 9, 1995

REQUEST FOR SETTING FORM
submitted Feb. 15, 1995

UB:ub



TOMMY W. WALLACE

District Judge
294th Judicial District

Betty Davis
Court Administrator

121 East Dallas Street
Room 301
Canton, Texas 75103-1465
903/567-4422
FAX 903/567-4700

REQUEST FOR SETTING FORM PLEASE TYPE

MAIL TO: BETTY DAVIS
Court Administrator
121 East Dallas St.
Room 301
Canton, Texas 75103-1465

Form must be fully
completed with self-
addressed stamped
envelope attached.

JURY OR NON JURY (circle one) CAUSE NO: 95-63

FULL STYLE OF CASE: William B. Jones vs. Udo Birnbaum

NATURE/TYPE OF HEARING: twelve (12) man Jury Trial

MONTH REQUESTED SET: February 1995 . I request a SPEEDY TRIAL

COURT TIME REQUIRED: one (1) day

PLTF'S ATTORNEY & Address: Richard L. Ray
300 S. Trade Days Blvd. , Canton TX 75103
TEL: (903) 567-2051

DEFT'S ~~ATTORNEY~~ Address: Udo Birnbaum
Route 1, box 295, Eustace, TX 75124
TEL: (903) 4793929

The undersigned hereby certifies that his pleadings are in order, good faith negotiations have been made to attempt settlement, and that he expects to be ready for trial. A copy of this request has been furnished all counsel in the case as listed below.

Udo Birnbaum
~~ATTORNEY~~ REQUESTING SETTING

List all parties with their addresses requiring notice:

Udo Birnbaum
Route 1, box 295
Eustace, TX 75124

Richard L. Ray
300 S. Trade Days Blvd.
Canton, TX 75103

T O M M Y W. W A L L A C E
District Judge
294th Judicial District

FILE

Betty Davis
Court Administrator
121 E. Dallas, Room 301 Courthouse
Canton, TX 75103

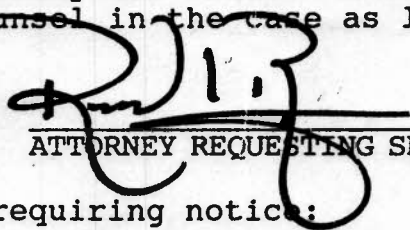
Date: March 16, 1995

(903) 567-4422

"Request For Setting Form"

CAUSE NO: 95-63
STYLE OF CASE: William B. Jones vs. Udo Birnbaum
JURY/NON-JURY (circle one) Non-jury
NATURE/TYPE OF HEARING: Default Judgment
MONTH REQUESTED SET: First Available Docket
COURT TIME REQUIRED: 15 Minutes
PLTF'S ATTORNEY & ADDRESS: Richard L. Ray
300 S. Trade Days Blvd.
Canton, TX 75103
903/567-2051
DEFT'S ATTORNEY & ADDRESS: Unanswered

The undersigned hereby certifies that his pleadings are in order, good faith negotiations have been made to attempt settlement, and that he expects to be ready for trial. A copy of this request has been furnished all counsel in the case as listed below.


ATTORNEY REQUESTING SETTING

List all parties with their addresses requiring notice:
Richard L. Ray
300 S. Trade Days Blvd.
Canton, TX 75103

FILED FOR COURTWARD

95 APR 17 1995

CLERK OF DISTRICT COURT CO. IX.

DY. DEF.



TOMMY W. WALLACE

**District Judge
294th Judicial District**

**Betty Davis
Court Administrator**

**121 East Dallas Street
Room 301
Canton, Texas 75103-1465
903/567-4422
FAX 903/567-5652**

March 16, 1995

NOTICE OF SETTING

RE: No: 95-63
William B. Jones
VS.
Udo Birnbaum

The above referenced cause has been set for hearing on
April 4, 1995, at 9:00 A.M.

Action as indicated: pre-trial hearing.

By copy of this notice, I am notifying all the parties
listed below.

Very truly yours,

Betty Davis

Betty Davis
Court Administrator

cc: Richard L. Ray
Attorney at Law
300 S. Hwy. 19
Canton, Texas 75103

Udo Birnbaum
Route 1, Box 295
Eustace, Texas 75124

3-16-95

March 22, 1995

The Honorable Judge Tommy Wallace
294th District Court
Van Zandt County Courthouse

Re: Cause No. 95-63
William B. Jones
VS.
Udo Birnbaum

FILE

FILED FOR RECORD
95 MAR 28 AM 6:20
DIST. CLERK VAN ZANDT CO. TX

Sir:

I acknowledge receipt of the NOTICE OF SETTING dated March 16, 1995 notifying me of the hearing on April 4, 1995, at 9:00 A.M.

On February 9, 1995 in my initial reply to the charges in Cause No. 95-63 I informed the Court that I was waiving my right to a hearing and was ready for trial.

In my REQUEST FOR SETTING to the Court Administrator dated February 15, 1995 I again informed the Court that I was waiving a hearing, was ready for trial, and was requesting the Court to set the date for the trial.

Because of the unusual nature in which the charges for Cause 95-63 were brought and in light of the disruptions of my life already caused by both Mr. William B. Jones and by Mr. Richard L. Ray, I REQUEST THAT THE COURT INSTRUCT MR. WILLIAM B. JONES TO BE PRESENT AT HIS HEARING FOR HIS SUIT.

Sincerely,

Udo Birnbaum

Udo Birnbaum

Udo Birnbaum
Route 1, Box 295
Eustace, TX 75124

The attorney slipped a request for a "default" hearing into the docket. No such request was proper at this time because Defendant had replied to the Court over one month ago. The attorney's document itself was a fraud because the attorney stated that the Plaintiff's Original Petition had been "unanswered". Defendant had previously informed attorney that he would be selfrepresenting.

A clerk caught the error, modified the request to "pre-trial", and properly notified Defendant and Plaintiff's attorney of "pre-trial". Defendant showed up for hearing, expecting a "pre-trial" hearing. The judge and attorney were expecting a "default" hearing.

The Cause was called within two minutes of the start of Court. Defendant had requested the presence of the Plaintiff, and was still looking for him. Before Defendant could come to bench, the judge and attorney were already proceeding. The Defendant stood up and "objected" to the Court.

The attorney was not aware that the request for "default" had been changed to "pre-trial". The judge had been fed the attorney's "default" petition. The judge must have been proceeding with "default" because:
1) the cause was called so early in the session, and 2) no attempt was made to get the Bailiff to call for the Plaintiff or Defendant.

The judge must have had a default judgment document in front of him and awaiting his signature. The attorney placed no such document in the files and neither did he file his request for a "default" hearing. A copy of the request for a "default" judgment did not appear until two weeks after the above hearing. Where the default judgment document went to is anybody's guess.

Upon Defendant's "Objection" the attorney suddenly proceeded to tell the Court that the Plaintiff could not be there because he was having surgery. Plaintiff appears to have undergone elective knee surgery, which surely had been scheduled. Plaintiff's attorney had called for a "hearing" within the last two weeks and must have been aware Plaintiff would be absent. This again supports the argument that the attorney was planning on a "default" hearing.

The Defendant requested that a recording be made of the ongoing procedure. The judge pointed his finger at the Court reporter and stated to the effect of "what do you think she is for?". The Defendant then stated that he had replied to the Court and filed his reply. The Court chastised him for not having informed the attorney according to some RCP rule.

The Defendant gave the attorney a copy of his reply to the Court. The judge then said something to the effect of "proceed with discovery". The Defendant was out of Court no more that five minutes after start of Court.

No transcript of the hearing has ever be released despite three written request. No default judgment document has ever shown up.

The Court had been tricked into an obviously improper "default" hearing. The Court then switched to an improper "pre-trial" hearing and has continued to protect the attorney and obstruct my defense based on assault by the attorney.

I request your investigation, revue, and protection.

TO:

April 10, 1995

BETTY DAVIS
Court Administrator
121 East Dallas Street
Room 301
Canton, Texas 75103-1465

Re: Cause No. 95-63

I request a copy of the Court recording of the April 4, 1995
pre-trial hearing for the above named cause.

Sincerely,



Udo Birnbaum

Udo Birnbaum
Route 1, Box 295
Eustace, TX 75124

UB:ub

April 18, 1995

Mr. Richard L. Ray
300 S HWY 19
Canton, Texas 75103

Re: Cause 95-63
WILLIAM B. JONES
VS.
UDO BIRNBAUM

Dear Mr. Ray:

In your charges(Section VII, page 3), you documented:

" . . . caused a large portion of Jones' land to be flooded continually, ditches to be formed thereon,".

I request substantiation from Jones regarding the following matters:

1. Acknowledgment from Jones that this is indeed his complaint.
2. Location and extent of "large portion".
3. Location and dimensions of "ditches".

In light of my previous encounters with both you and Jones, I respectfully request both your and Jones' signature on the reply.

Sincerely

Udo Birnbaum

Udo Birnbaum
Pro Se

Udo Birnbaum
Rt. 1, Box 295
Eustace, TX 75124

FILED FOR RECORD
95 APR 17 11:12 AM
MARGOT YOUNG
DIST. CLERK VAN ZANDT
BY _____

Nancy Young District Clerk
294th District Court
Van Zandt County Courthouse

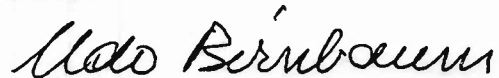
April 18, 1995

Re: Cause No. 95-63
WILLIAM B. JONES
VS.
UDO BIRNBAUM

Please file this document together with the four (4) attachments.

Other than my short encounter with Jones last fall, these four letters represent the totality of the correspondence with both Jones and Richard Ray relating to Cause 95-63 previous to the filing of suit with this Court on February 6, 1995.

Sincerely,



Udo Birnbaum
Pro Se

Udo H. Birnbaum
Rt. 1 Box 295
Eustace, Tex. 75124

Att:

Letter Ray to Birnbaum	December 7, 1994
Letter Birnbaum to Ray	December 26, 1994
Letter Ray to Birnbaum	December 29, 1994
Letter Birnbaum to Ray	January 11, 1995

FILED FOR RECORD
95 APR 17 PM 12:37
JST. CLERK VAN ZANDT CO. TX.
BY _____ DEP.

RICHARD L. RAY, P.C.

A Professional Corporation
Attorney at Law

300 S. HWY. 19
CANTON, TEXAS 75103

FILED
95 APR 17 PM 12:37
DR RECORD
(903)567-2051
(903)567-6101
TELECOPIER: (903)567-6998
JUST CLERK... WARD CO. TX.
DEP.

December 7, 1994

Mr. Udo Birnbaum
Route 1
Eustace, TX 75124

Re: Trespass by Water Invasion

Dear Mr. Birnbaum:

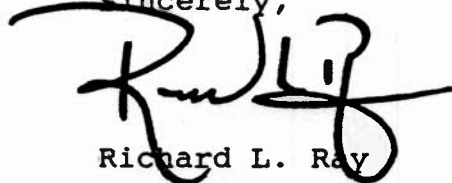
I have been retained to represent Mr. William B. Jones relative to water problems which you are allowing to be created on your land. Apparently beavers have dammed up a stream flowing onto your property. The trapped water now floods as much as 10-12 acres of Mr. Jones' property.

It is my further understanding that Mr. Jones has discussed the problem with you and you have refused to remedy the situation or allow him to do so.

Your nonfeasance in allowing the water build-up to invade Mr. Jones' property constitutes an indirect trespass. Mr. Jones prefers to avoid litigation to resolve this matter. However, he will have no choice unless you remove the beaver dam or allow someone else to remove it.

If damage is not removed within thirty (30) days or if an appropriate response is not received, Mr. Jones intends to proceed with suit seeking his damages as well as injunctive relief. If Mr. Jones is forced to pursue litigation, he will seek and be entitled to his attorney's fees.

sincerely,



Richard L. Ray

RLR:cj

December 26, 1994

Mr. Richard L. Ray
300 S HWY 19
Canton, Texas 75103

Dear Mr. Ray:

This is to inform you that I received your letter dated December 7, 1994. I was totally offended by the tone of your letter particularly in light of the misrepresentation of the facts.

I have been the owner of these premises since 1981 and have not heard any such assertions until a few months ago.

I do not want to be forced to spend any more time countering these ridiculous allegations. Before proceeding any further, be sure to inform yourself personally of the validity of your assertions.

I am however willing to negotiate with you.

Sincerely

UB.

Udo Birnbaum

UB:ub

FILED FOR RECORD
95 APR 17 PM 12:37
JAMES YOUNG
DIST. CLERK VAN ZANDT CO. TX.
BY _____ DEP.

RICHARD L. RAY, P.C.

A Professional Corporation
Attorney at Law

300 S. HWY. 19
CANTON, TEXAS 75103

(903)567-2051
(903)567-6101
TELECOPIER: (903)567-6998

December 29, 1994

Mr. Udo Birnbaum
Route 1
Eustace, Texas 75124

Re: William B. Jones
Trespass by Water Invasion

Dear Mr. Birnbaum:

My office acknowledges receipt of your letter dated December 26th, 1994.

In that letter, you state you are willing to negotiate. If so, please state in writing, your proposed terms of settlement to resolve the matter.

If I have not received a response from you within 10 days after your receipt, allowing 3 days for mailing time, I will recommend to Mr. Jones that he proceed with suit.

Sincerely yours,


Richard L. Ray

RLR:kc

cc: Mr. William Jones

BY _____ DEP.

HEAD CLERK
JST. CLERK
CANTON, TEXAS
CO. TX.

95 APR 17 PM 12:37

FILED FOR RECORD

January 11, 1995

Mr. Richard L. Ray
300 S HWY 19
Canton, Texas 75103

Dear Mr. Ray:

I acknowledge receipt of your letter dated December 29th, 1994.

There was no clarification of your previous points or reference to my request that you personally inform yourself of the matters which you raised. I am therefore forced to assume that you have chosen not to do so nor to confer again with my neighbor.

I previously met with my neighbor to discuss the same issues you raised in your first letter. My neighbor was beginning to see our wetlands as a recent problem. The meeting was rapidly becoming counterproductive.

I will persue self representation if you force me into litigation. By again answering your charges I am already cast into the same role that you have chosen to fulfill, namely that of the potential attorney. I am entitled to the same professional courtesy that you would extend to another member of your profession.

I request that you attend to the following matters:

1. Your PERSONAL, PHYSICAL INSPECTION of my neighbor's property.
2. My neighbor's and my property contain the junction of three live creeks. These areas have always been wetlands. Please confer with the Soil Conservation Service or other applicable authorities regarding the status of these lands and any special environmental rules applicable to these wetlands.

I am a consulting electrical engineer, a teacher, and a rancher. I consider my time more valuable then you consider yours.

Your advice to my neighbor constitutes legal counsel. I will hold you personally responsible for deluding my neighbor and thereby further inciting him against me. You are rapidly becoming a major intrusion on into my life.

I am however willing to negotiate with you.

Sincerely

UB

Udo Birnbaum

RECORDED FOR RECORD
APR 17 PM 12:37
COUNTY CLERK
DALLAS COUNTY, TEXAS
DEP.

UB:ub

TO:

May 3 , 1995

BETTY DAVIS
Court Administrator
121 East Dallas Street
Room 301
Canton, Texas 75103-1465

Re: Cause No. 95-63
WILLIAM B. JONES
VS.
UDO BIRNBAUM
Second request for Transcript of April 4, 1995 pre-trial hearing

My first request was dated April 10, 1995.

I requested at the hearing itself that this transcript be made available to me.

I request the transcript in its entirety, and specifically including Richard Ray's opening statement.

Sincerely,

Udo Birnbaum

Udo Birnbaum
pro-se

Udo Birnbaum
Route 1, Box 295
Eustace, TX 75124

Phone: (903) 479-3929

UB:ub

FILED FOR RECORD
95 MAY -3 PM 12:52
STATE CLERK JOHN ZANDBI CO. TX.
DEP.

May 3, 1995

Mr. Richard L. Ray
300 S HWY 19
Canton, Texas 75103

Re: Cause 95-63
WILLIAM B. JONES
VS.
UDO BIRNBAUM

Dear Mr. Ray:

I have been patiently waiting for your response to my request of April 18, 1995.

You are obstructing my defense by refusing to provide substantiation of matters that you raised.

If I do not receive an appropriate reply, I will be forced to obtain your and Jones' compliance.

Sincerely

Udo Birnbaum

Udo Birnbaum
Pro Se

Udo Birnbaum
Rt. 1 Box 295
Eustace, TX 75124

FILED FOR RECORD
95 MAY -3 PM 12:52
JST. CLERK W. ZANDT CO. TX.
BY _____ DEP.

The Honorable Judge Tommy Wallace
294th District Court
Van Zandt County Courthouse

May 15, 1995

Re: Cause No. 95-63
William B. Jones
VS.
Udo Birnbaum

FILED FOR RECORD
MAY 15 11:19 AM '95
CLERK OF DISTRICT COURT
VAN ZANDT COUNTY, TEXAS
DEP.

Sir:

Richard Ray is misusing his access to your Court to assault me with charges he has fabricated.

I had specifically requested that Jones be present at the pre-trial hearing (copy in file 95-63). The absence of Jones at that hearing deprived both me and this Court of acknowledgment from Jones that he was indeed the author of the complaints. I therefore bring the following to the attention of this Court:

Richard Ray has failed to act in good faith from the beginning. He has refused to inform himself and there is no basis whatsoever in what he has brought before this Court.

Richard Ray has refused to comply with my request of April 18, 1995 to substantiate issues that he raised. (copy in file 95-63)

Richard Ray has refused to answer my communication dated May 3, 1995. (copy in file 95-63)

Richard Ray attempted to run slipshod over me with a Default Judgment. His request for a Default Judgment came MORE THAN ONE MONTH AFTER my reply to this Court. He certified the following FALSE statements in his March 16, 1995 request:

" DEFT'S ATTORNEY & ADDRESS: Unanswered

The undersigned hereby certifies that his pleadings are in order, good faith negotiations have been made to attempt settlement, and that he expects to be ready for trial. A copy of this request has been furnished counsel in the case as listed below.

ATTORNEY REQUESTING SETTING

List ALL parties with their addresses requiring notice:

Richard L. Ray
300 S. Trade Days Blvd.
Canton, TX 75103.

"

I had informed Richard Ray that I would be self-representing. I so informed this Court and filed the reply. Richard Ray's statement of "Unanswered" is FALSE.

Richard Ray's representation to this Court that he was the only party requiring notice is FALSE.

Richard Ray's pleadings are a total mess. HE EVEN HAS WATER FLOWING UPHILL! His statement that his pleadings are in good order is FALSE.

Richard Ray stated that "good faith negotiations have been made to attempt settlement". Richard Ray has made NO attempt at being informed WHATSOEVER! (File 95-63 contains ALL correspondence). Richard Ray's claim of "good faith" is FALSE.

Richard Ray states that "he expects to be ready for trial". This is unbelievable and FALSE.

As for the true facts see Sheriffs Report Dated 2-8-95 indicating ALL damage was done by JONES! (report attached)

Also see the report I filed with the District Attorney dated February 15, 1995. (report attached)

Richard Ray has failed to act in good faith, has given improper legal counsel to Jones regarding the merit of his complaint, and has even falsified documents brought before this Court.

I request a Hearing to resolve these matters. I REQUEST THAT THE COURT INSTRUCT MR. WILLIAM B. JONES TO BE PRESENT AT THIS HEARING TO ACKNOWLEDGE THAT HE IS INDEED THE AUTHOR OF THE COMPLAINTS IN CAUSE 95-63.

I request this Court to instruct Jones to replace my fence which he tore down over 9 months ago and to clean up the mess pushed onto my land by his bulldozer operator.

A fully completed "Request for Setting Form" is attached.

Sincerely,

Udo Birnbaum

Udo Birnbaum
pro-se

encl:

Incident Report 9500070 Van Zandt Sheriffs Office dated 2-8-95
Complaint to District Attorney dated February 15, 1995

RECORDED
FEB 15 11:19:19
CLERK OF DISTRICT COURT
DALLAS COUNTY, TEX.

February 15, 1995

TO:

Leslie P. Dixon
District Attorney Van Zandt

I, Udo H. Birnbaum report the following crimes committed by William B. Jones against Udo H. Birnbaum and request your attention to these matters. Both Birnbaum and Jones reside in Van Zandt county and all matters referred to occurred in Van Zandt county.

A report by the Sheriff's Office styled Incident No. 95000270 dated February 8, 1995 is enclosed as documentation of these crimes.

I report the following crimes:

Jones maliciously and negligently destroyed Birnbaum's existing fence at the property line between Jones and Birnbaum for a total distance of about 350 yards. Birnbaum is a rancher who relies on this fence to control his cattle. Jones failed to give any warning to Birnbaum and the fence has been down for more than five (5) months.

Jones trespassed upon the property of Birnbaum by directing the operator of the bulldozer upon the property of Birnbaum, pushing large quantities of brush, debris, and wire fence beyond Jones' property line and up to 25 feet onto the property of Birnbaum. This is willful criminal trespassing.

Jones maliciously and negligently released large quantities of water onto Birnbaum's property by the use of dynamite to blow up a dam existing on Jones's property. Jones failed to give any warning to Birnbaum. Uncontrolled amounts of water containing sand, driftwood, and debris scoured Birnbaum's land and created ditches, gullies, and uncontrollable erosion. Large quantities of sand, driftwood, and debris remain on Birnbaum's property to this day.

I request the District Attorney of Van Zandt to refer these matters to the County Grand Jury for prosecution.

Sincerely,

enc:

Incident Report 95000270

Van Zandt Sheriff's Office

dated 2-8-95

Udo H. Birnbaum

Udo H. Birnbaum

Rt. 1 Box 295

Eustace, Tex. 75124

UB:ub

02 JUN 15 1995

02 JUN 15 1995

T O M M Y W. W. W A L L A C E
District Judge
294th Judicial District

Betty Davis
Court Administrator
121 E. Dallas, Room 301 Courthouse
Canton, TX 75103

Date: May 15, 1995

"Request For Setting Form"

CAUSE NO: 95-63
STYLE OF CASE: William B. Jones vs. Udo Birnbaum
JURY/NON-JURY (circle one) Non-jury
NATURE/TYPE OF HEARING: Resolution / Pretrial
MONTH REQUESTED SET: First Available Docket
COURT TIME REQUIRED: 20 Minutes
PLTF'S ATTORNEY & ADDRESS: Richard L. Ray
300 S. Trade Days Blvd.
Canton, TX 75103
903/567-2051
DEFENDANT & ADDRESS: Udo Birnbaum
Rt. 1, Box 295
Eustace, TX 75124
903/479-3929

The undersigned hereby certifies that his pleadings are in order, good faith negotiations have been made to attempt settlement, and that he expects to be ready for trial. A copy of this request has been furnished all counsel in the case as listed below.

Udo Birnbaum
PARTY REQUESTING SETTING

List all parties with their addresses requiring notice:

Udo Birnbaum
Rt. 1, Box 295
Eustace, TX 75124

William B. Jones
C/O Richard Ray
300 S. Trade Days Blvd.
Canton, TX 75103

Richard L. Ray
300 S. Trade Days Blvd.
Canton, TX 75103

FILED FOR RECORD
MAY 15 1995
CLERK OF DISTRICT COURT
DALLAS COUNTY, TEXAS



TOMMY W. WALLACE

**District Judge
294th Judicial District**

**Betty Davis
Court Administrator**

**121 East Dallas Street
Room 301
Canton, Texas 75103-1465
903/567-4422
FAX 903/567-5652**

May 25, 1995

NOTICE OF SETTING

RE: No: 95-63
William B. Jones
VS.
Udo Birnbaum

The above referenced cause has been set for hearing on
June 12, 1995, at 9:00 A.M.

Action as indicated: resolution / pre-trial hearing.

By copy of this notice, I am notifying all the parties
listed below.

Very truly yours,

Betty Davis

Betty Davis
Court Administrator

cc: Richard L. Ray
Attorney at Law
300 S. Hwy. 19
Canton, Texas 75103

Udo Birnbaum
Route 1, Box 295
Eustace, Texas 75124



TOMMY W. WALLACE

**District Judge
294th Judicial District**

**Betty Davis
Court Administrator**

**121 East Dallas Street
Room 301
Canton, Texas 75103-1465
903/367-4422
FAX 903/367-6652**

May 25, 1995

NOTICE OF SETTING

**RE: No: 95-63
William B. Jones
VS.
Udo Birnbaum**

The above referenced cause has been set for hearing on
June 12, 1995, at 9:00 A.M.

Action as indicated: resolution / pre-trial hearing.

By copy of this notice, I am notifying all the parties
listed below.

Very truly yours,

Betty Davis

**Betty Davis
Court Administrator**

**cc: Richard L. Ray
Attorney at Law
300 S. Hwy. 19
Canton, Texas 75103**

**Udo Birnbaum
Route 1, Box 295
Eustace, Texas 75124**

May 31, 1995

The Honorable Judge Tommy Wallace
294th District Court
Van Zandt County Courthouse

Re: Cause No. 95-63
William B. Jones
VS.
Udo Birnbaum

Sir:

My request of May 15, 1995 for a resolution hearing is urgent.

I sidestepped Jones because of his age and his condition, but I cannot sidestep his lawyer and this Court. I am being sued for the crimes Jones committed and the damages he created.

His lawyer researched a detailed description of my property, while exercising a conscious indifference to the merit of Jones' complaint, the burdens he is imposing on me, and the rules of Law.

I have been harassed and my Civil and Constitutional rights have been and are being violated.

My factual statements and requests have all fallen on deaf ears.

Due to the above I find it impossible to defend myself under such contrived conditions.

I respectfully request and urge the judge to read my file in its entirety.

I request that the resolution hearing be placed on the next docket.

Sincerely,

Udo Birnbaum

Udo Birnbaum
pro se

Udo Birnbaum
Route 1, Box 295
Eustace, TX 75124

received
5-31-95

Betty Davis

May 31, 1995

The Honorable Judge Tommy Wallace
294th District Court
Van Zandt County Courthouse

Re: Cause No. 95-63
William B. Jones
VS.
Udo Birnbaum

Sir:

My request of May 15, 1995 for a resolution hearing is urgent.

I sidestepped Jones because of his age and his condition, but I cannot sidestep his lawyer and this Court. I am being sued for the crimes Jones committed and the damages he created.

His lawyer researched a detailed description of my property, while exercising a conscious indifference to the merit of Jones' complaint, the burdens he is imposing on me, and the rules of Law.

I have been harassed and my Civil and Constitutional rights have been and are being violated.

My factual statements and requests have all fallen on deaf ears.

Due to the above I find it impossible to defend myself under such contrived conditions.

I respectfully request and urge the judge to read my file in its entirety.

I request that the resolution hearing be placed on the next docket.

Sincerely,

Udo Birnbaum

Udo Birnbaum
pro se

Udo Birnbaum
Route 1, Box 295
Eustace, TX 75124

FILED 507 RECORD
95 MAY 31 4:12:32
JST. CLERK, VAN ZANDT CO. TX.
BY _____ DEP.

June 1, 1995

The Honorable Judge Tommy Wallace
294th District Court
Van Zandt County Courthouse

Re: Cause No. 95-63
William B. Jones
VS.
Udo Birnbaum

Sir:

My request for the resolution hearing set for June 12, 1995 has not been properly addressed.

I specifically requested the presence of William B. Jones at the hearing.

I specifically listed Jones as one of the parties requiring notice by this Court.

I petition this Court to do whatever is necessary to get Jones into Court for the scheduled hearing, to initial each and every paragraph of the Plaintiff's Original Petition, in the presence of the Judge.

Sincerely,



Udo Birnbaum
Pro Se

Udo Birnbaum
Route 1, Box 295
Eustace, TX 75124

received
6-1-95
R N

The following is a summary of the hearing on June 12, 1995:

We were the last on the agenda at approximately 12:00 noon.

The Judge had Ray and Birnbaum be seated separately at the two large tables in front of the Judge, Birnbaum on the window side.

Judge Wallace:

What does the plaintiff have to say?

Ray: (holding copy of discovery request of April 18, 1995):
I have been very busy, but I have sent a reply.

I really was not required to respond. It really was not in the proper form. I also could not understand what was meant.

Birnbaum:

I have not received a reply.

My written requests are before your Court and speak for themselves.

I specifically requested the presence of Jones at this Hearing

I specifically listed Jones as one of the parties requiring Notice by this Court.

The presence of Jones is required to resolve these matters.

I request that THIS Hearing be rescheduled in a timely fashion at such time as Jones can be made available.

The continued absence of Jones at the hearings before this Court is imposing an undue burden on me.

I request that all other matters be submitted in writing so that they can be properly addressed at a LATER date.

Judge Wallace: (somewhat my paraphrases)

It is not in my power to have Jones present.

In order to do that you will have to pay the appropriate fees and have Jones subpoenaed.

The request to have this Hearing continued is granted.

ADJOURN

TO:

June 26, 1995

BETTY DAVIS
Court Administrator
121 East Dallas Street
Room 301
Canton, Texas 75103-1465

Re: Cause No. 95-63
William B. Jones
VS.
Udo Birnbaum

I request a copy of the Court Transcript of the June 12, 1995
Resolution Hearing for the above named Cause.

Please forward this request to the appropriate persons if required
so that I may make arrangements to pay for this service.

Also, my two written requests for the transcript of my April 4, 1995
pre-trial Hearing are being ignored. My requests have never been
complied with.

I had spoken to the Court Reporter and she had assured me that I would
receive the transcript, but I have not.

I am the defendant and as such I am entitled to hear all statements made
by the Plaintiff's attorney at my pre-trial hearing.

Will I be forced to schedule a hearing, subpoena the Court Reporter,
and obtain an Order to force her into compliance?

This request is urgent.

Sincerely,

Udo Birnbaum

Udo Birnbaum
Pro Se

Udo Birnbaum
Route 1, Box 295
Eustace, TX 75124

Phone: (903) 479-3929

UB:ub

July 7, 1995

The Honorable Judge Tommy Wallace
294th District Court
Van Zandt County Courthouse

Re: Cause No. 95-63
A Petition

Sir:

From the beginning I have complained to this Court about Richard Ray's fabrications, and I am still being victimized by his barratry. From the beginning I have sought the protection and involvement of this Court.

I have presented to this Court the Sheriff's report of the date the suit was filed on me, together with my crime report to the District Attorney.

I have been unable to impress on this Court the importance of my requests, petitions, and complaints.

I have documented to this Court numerous cases of misrepresentation and outright falsification.

My defense has been obstructed and my Civil and Constitutional Rights are being violated.

I therefore petition this Court to refer these matters to the U.S. Justice Department to pursue the violations of 18 USCS § 241 AND 18 USCS § 242 that are clearly documented in the files.

A fully completed "Request for Setting Form" is attached.

Sincerely,

Udo Birnbaum

Udo Birnbaum
Pro Se

Udo Birnbaum
Route 1, Box 295
Eustace, TX 75124

FILED FOR RECORD
95 JUL -7 AM 11:21
JST CLERK VAN ZANDT CO. TX

FILED FOR RECORD
95 JUL -7 AM 11:21
JST CLERK VAN ZANDT CO. TX

July 7, 1995

The Honorable Judge Tommy Wallace
294th District Court
Van Zandt County Courthouse

Re: Cause No. 95-63
A Petition

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Sincerely,

Udo Birnbaum

Udo Birnbaum
Pro Se

Udo Birnbaum
Route 1, Box 295
Eustace, TX 75124

received
7-7-95

T O M M Y W. W A L L A C E
District Judge
294th Judicial District

Betty Davis
Court Administrator
121 E. Dallas, Room 301 Courthouse
Canton, TX 75103

Date: July 7, 1995

"Request For Setting Form"

CAUSE NO: 95-63
STYLE OF CASE: William B. Jones vs. Udo Birnbaum
JURY/NON-JURY (circle one) Non-jury
NATURE/TYPE OF HEARING: Petition
MONTH REQUESTED SET: First Available Docket
COURT TIME REQUIRED: 5 Minutes
PLTF'S ATTORNEY & ADDRESS: Richard L. Ray
300 S. Trade Days Blvd.
Canton, TX 75103
DEFENDANT & ADDRESS: Udo Birnbaum
Rt. 1, Box 295
Eustace, TX 75124

The undersigned hereby certifies that his pleadings are in order, good faith negotiations have been made to attempt settlement, and that he expects to be ready for trial. A copy of this request has been furnished all counsel in the case as listed below.

Udo Birnbaum
PARTY REQUESTING SETTING

List all parties with their addresses requiring notice:

Udo Birnbaum
Rt. 1, Box 295
Eustace, TX 75124

Richard L. Ray
300 S. Trade Days Blvd.
Canton, TX 75103

FILED FOR RECORD

25 JUL -7 AM 11:20

CLERK OF COURT
ASST. CLERK VAN ZANDT CO. TX.

BY _____ DEP.



TOMMY W. WALLACE

**District Judge
294th Judicial District**

**Betty Davis
Court Administrator**

**121 East Dallas Street
Room 301
Canton, Texas 75103-1465
903/567-4422
FAX 903/567-5652**

July 21, 1995

NOTICE OF SETTING

RE: No: 95-63
William B. Jones
VS.
Udo Birnbaum

The above referenced cause has been set for hearing on
September 11, 1995, at 9:00 A.M.

Action as indicated: resolution / pre-trial hearing.

By copy of this notice, I am notifying all the parties
listed below.

Very truly yours,

Betty Davis

Betty Davis
Court Administrator

cc: Richard L. Ray
Attorney at Law
300 S. Hwy. 19
Canton, Texas 75103

Udo Birnbaum
Route 1, Box 295
Eustace, Texas 75124



TOMMY W. WALLACE

**District Judge
294th Judicial District**

**Betty Davis
Court Administrator**

**121 East Dallas Street
Room 301
Canton, Texas 75103-1465
903/567-4422
FAX 903/567-5652**

July 21, 1995

NOTICE OF SETTING

RE: No: 95-63
William B. Jones
VS.
Udo Birnbaum

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listed below.

Very truly yours,

Betty Davis

Betty Davis
Court Administrator

cc: Richard L. Ray
Attorney at Law
300 S. Hwy. 19
Canton, Texas 75103

Udo Birnbaum
Route 1, Box 295
Eustace, Texas 75124