

CAUSE NO. CV07404

UDO BIRNBAUM
Plaintiff,

v.

ROBERT O. DOW
Defendant.

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IN THE COUNTY COURT AT LAW

NO. 1

VAN ZANDT COUNTY, TEXAS

DEFENDANT ROBERT O. DOW'S
GENERAL DENIAL AND AFFIRMATIVE DEFENSES

Defendant, ROBERT O. DOW, through his attorneys, The Law Office of Christopher J. Sullivan, PLLC, respectfully submits this General Denial and Affirmative Defenses.

GENERAL DENIAL

Defendant, ROBERT O. DOW, enters a general denial.

AFFIRMATIVE DEFENSES

1. Res Judicata

Defendant asserts that the claims asserted by Plaintiff have been or could have been finally determined in a prior proceeding, and therefore, are barred by the doctrine of res judicata.

2. Issue Preclusion

Defendant asserts that issues previously litigated and determined in prior proceedings cannot be re-litigated in the present action.

3. Claim Preclusion.

Defendant asserts that Plaintiff's claims are barred as they arise from matters that were or could have been fully litigated in a prior action.

4. Vexatious Litigant.

Defendant asserts that Plaintiff, Udo Birnbaum, is a vexatious litigant and is therefore prohibited from filing pro se any new litigation in the 294th District Court and County Court at Law of Van Zandt County without the permission of the Local Administrative Judge of the First Administrative Region.

SANCTIONS

Defendant alleges that Plaintiff has willfully violated the PreFiling Order issued pursuant to Chapter 11 of the Texas Civil Practice and Remedies Code. In furtherance of such misconduct, Plaintiff has filed a lawsuit that is frivolous and without merit, in violation of Rule 13 of the Texas Rules of Civil Procedure. Plaintiff's actions not only disregard the binding requirements set forth by the Court but also serve to unnecessarily burden the judicial system and impose undue expense on Defendant. Accordingly, Defendant requests that the Court impose appropriate sanctions against Plaintiff, including, but not limited to, an award of reasonable attorney fees and costs incurred as a result of this frivolous litigation, and any other relief that the Court deems just and proper.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that upon hearing or trial:

1. The Petition be dismissed with prejudice;
2. Defendant be awarded a reasonable attorney fee and the costs of court;
3. The Plaintiff be sanctioned and Defendant be awarded judgment against Plaintiff for additional damages, including statutory damages in amounts to be proven upon hearing or trial; and
4. The Court grant such other and further relief, both at law and in equity, as may be just and proper.

Respectfully submitted,

**THE LAW OFFICE OF
CHRISTOHPER J. SULLIVAN, PLLC**

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ATTORNEYS FOR ROBERT O. DOW

CERTIFICATE OF SERVICE

I certify that on March 19th, 2025, a true and correct copy of the foregoing document was electronically served upon all counsel of record and to Udo Birnbaum via email in accordance with the TEXAS RULE CIVIL PROCEDURE.

Udo Birnbaum
brnbm@aol.com

/s/ Corey Kellam
Corey Kellam