

NO. 25-00024

UDO BIRNBAUM	\$	IN THE DISTRICT COURT
Plaintiff	\$	
v.	\$	294TH JUDICIAL DISTRICT
CSD VAN ZANDT LLC	\$	
Defendant	\$	VAN ZANDT COUNTY, TX

**UDO BIRNBAUM'S OBJECTIONS TO
DEFENDANT'S MOTION TO ENFORCE PREFILING ORDER AND
MOTION FOR SANCTIONS AND OTHER RELIEF**

EXHIBIT LIST

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- Exhibit 8: Motion for Recusal - - - Judge Chris Martin - - - underlying 22-00105
- Exhibit 9: Motion for Recusal - - - Judge Chris Martin - - - this No. 25-00024
- Exhibit 10: Criminal Complaint - - - Judge Chris Martin, Sheriff Joe Carter, Judge Alfonso Charles - - - with US Justice Dept., Civil Rights Division
- Exhibit 11: “For Dummies” - - - How Judge Chris Martin Stole My Homestead
- ATTACH: Motion for Recusal - - - of Judge Alfonso Charles - - - for First Amendment retaliation - - - by UNLAWFUL FINE
- ATTACH: Served Interrogatory to CSD - - - they defrauded me of my Right to a trial - - - to hide that they have NO CHAIN OF DEEDS

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TO THE HONORABLE COURT:

COMES NOW, UDO BIRNBAUM ("Birnbaum"), responding to the utter falsities in Defendant CSD VAN ZANDT LLC ("CSD") Motions:

[CSD's] I.

BACKGROUND & PREFILING ORDER:

1. On October 8, 2015, in **Birnbaum v. Westfall, et al.**, Cause No. CV05297, in the County Court at Law of Van Zandt County, Texas, the Honorable Joe M. Leonard signed a Prefiling Order, see Exhibit "A", **declaring Plaintiff, Udo Birnbaum, a vexatious litigant.** Under that Order:

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

*The District Clerk and County Clerk are prohibited from filing litigation, original proceedings, appeals, or other claims pro se **made by Udo Birnbaum, vexatious litigant,** unless Udo Birnbaum obtains an order **giving permission entered by the Honorable Administrative Judge for the First Administrative Region.***

2. The Prefiling Order **remains in full force and effect.** Mr. Birnbaum has **neither challenged nor obtained any modification** of the Prefiling Order and is, therefore, **strictly bound by its terms.** (emphasis by bold text)

Plaintiff Udo Birnbaum's thereto:

1. It was NOT **Birnbaum v. Westfall, et al.**, at all, but a suit in equity against **"Three Pieces of Paper"** - - - THREE JUDGMENTS in the SAME case – when there of course can be only ONE. The START of this whole rot.

2. **“declaring Plaintiff, Udo Birnbaum, a vexatious litigant”?**

Neither had Birnbaum been **declared**, nor does this document **declare** Birnbaum into one of those horrible vexatious litigants. (Just read it - - Exhibit 1)

3. **“neither challenged nor obtained any modification”?** Ridiculous.

Exhibit 2 - - was **undone** by Hon. Richard Mays, Exhibit 3 - - **re-done** by Hon. Joe Leonard, Exhibit 4 - - **re-undone** by Hon. Richard Mays, till Exhibit 5 - - **criminal complaint** upon Hon. Joe Leonard, **filed with current judge Hon. Chris Martin** when he was the district attorney, and Exhibit 6 - - **criminal complaint** upon then DA Hon. Chris Martin - - **filed at and upon DA Martin**

4. **“giving permission entered by the Honorable Administrative Judge for the First Administrative Region”?** - - - i.e. the presiding judge of the administrative region - - - cannot give permission - - - only the local administrative judge - - - Exhibit 7 - - - tortured finding by Hon. Mary Murphy. Another error upon error by Judge Hon. Joe Leonard, hence the curious undoing of the whole “vexatious” and “prefiling”, including really wild emails and Orders by First Administrative Region Presiding Judge Mary Murphy, and 294th District Judge Teresa Drum, who had recused herself, ultimately assignment upon me, and me alone, MY OWN LOCAL ADMINISTRATIVE JUDGE, Hon. Richard Mays (Exhibit 7), to hear my requests for filing, of which there were NONE, till the whole mess blew up - - - culminating ultimately in THIS VERY PETITION FOR BILL OF REVIEW, with the conduct of EVERYBODY, including Hon. Judge Chris Martin at issue, for me being defrauded of my RIGHT TO A TRIAL - - - and having to seek extra-ordinary relief by this Cause No. 25-00024 Petition for Bill of Review.

5. **“strictly bound by its terms”?** - - - on “vexatious” and “prefiling”, (CSD’s no. I.) - - - “no such Prefiling Order” . CHECKMATE.

[CSD's] II.
VIOLATION OF PREFILING ORDER

3. Despite the clear directives of the October 8, 2015, Prefiling Order, Mr. Birnbaum has violated the Order as follows:

On February 8, 2025, Mr. Birnbaum filed a new pro se lawsuit styled *Udo Birnbaum v. CSD Van Zandt LLC*, Cause No. 25-00024, in the 294th Judicial District Court of Van Zandt County, Texas.

On February 3, 2025, Mr. Birnbaum filed another new pro se lawsuit styled *Udo Birnbaum v. Robert O. Dow*, Cause No. CV07404, in the County Court at Law of Van Zandt County, Texas.

4. Mr. Birnbaum did not obtain permission from or an Order of the Local Administrative Judge of the First Administrative Region before filing either of these two new lawsuits.

Plaintiff Udo Birnbaum's thereto:

6. No prefiling Order is in effect

[CSD's] III.
GROUNDLESS PLEADINGS UNDER
TEXAS RULE OF CIVIL PROCEDURE 13

5. In addition to violating the Prefiling Order, Mr. Birnbaum's new pro se filings are groundless because the claims therein have already been litigated in *CSD Van Zandt LLC v. Birnbaum*, Cause No. 22-00105, in the 294th District Court, Van Zandt County, Texas. In that action, a Final Judgment was rendered in favor of CSD Van Zandt LLC on September 20, 2023, see Exhibit "B".

6. Mr. Birnbaum appealed that Final Judgment to the Twelfth Court of Appeals under Cause No. 12-23-00282-CV, which issued its Memorandum Opinion on May 31, 2024, see Exhibit "C", affirming the trial court's judgment. Mr. Birnbaum's Petition for Review in the Texas Supreme Court (No. 24-0504) was denied on November 22, 2024, see Exhibit "D", and the Twelfth Court of Appeals issued its Mandate on January 8, 2025, see Exhibit "E".

7. Because the controversies Mr. Birnbaum seeks to relitigate were already fully and finally adjudicated, his new lawsuits are barred by res judicata and issue preclusion. Therefore, these latest pro se filings are groundless, warranting the imposition of sanctions and attorney's fees under Texas Rule of Civil Procedure 13.

Plaintiff Udo Birnbaum's thereto:

7. NONE of this is applicable to a Petition for a Bill of Review, where the issue, THE ONLY ISSUE, is whether the complainant had:

(1) a meritorious defense to the cause of action alleged to support the judgment, (2) which he was prevented from making by the fraud, accident or wrongful act of the opposite party, (3) unmixed with any fault or negligence of his own”. *Baker v. Goldsmith*, 582 S.W.2d 404, 406-7 (Tex. 1979), quoting *Alexander v. Hagedorn*, 148 Tex. 565, 568, 226 S.W.2d 996, 998 (1950)

(1) a meritorious defense to the cause of action alleged to support the judgment, (2) which he was prevented from making by the fraud, accident or wrongful act of the opposite party, (3) unmixed with any fault or negligence of his own”. *Baker v. Goldsmith*, 582 S.W.2d 404, 406-7 (Tex. 1979), quoting *Alexander v. Hagedorn*, 148 Tex. 565, 568, 226 S.W.2d 996, 998 (1950)

[CSD’s] IV.

REMOVAL OF LIS PENDENS:

8. Mr. Birnbaum has filed a Lis Pendens in the Official Public Records of Van Zandt County, Texas, as document 2025-002097. A true and correct copy of this Lis Pendens is attached as Exhibit “F”.

9. **Because Mr. Birnbaum has violated the Prefiling Order**, Mr. Birnbaum had no legal basis to record the Lis Pendens.

10. The Lis Pendens should be declared void by this Court.

11. Plaintiff is entitled to an order that Udo Birnbaum shall not submit any future Lis Pendens or lien arising from or connected with any lawsuit filed pro se by Udo Birnbaum for recording in the Van Zandt County Official Public Records against any real property located in Van Zandt County, Texas, unless the Lis Pendens or lien affirmatively reflects the Local Administrative Judge of the First Administrative Region **granted permission to Udo Birnbaum to file** the pro se lawsuit connected with the Lis Pendens or lien and any recorded Lis Pendens or lien **in violation of this order** shall be facially invalid **and this order** specifically invalidates any purported Lis Pendens or lien Udo Birnbaum may record or attempt to record against any real property owned in whole or in part by CSD VAN ZANDT, LLC, a Texas limited liability company, or Robert O. Dow.

Plaintiff Udo Birnbaum’s thereto:

7. There is NO PREFILING ORDER. PERIOD.

**[CSD's] V.
REQUEST FOR RELIEF:**

WHEREFORE, PREMISES CONSIDERED, Movant respectfully requests that this Court:

1. Dismiss this matter with prejudice **for failure to comply** with the October 8, 2015, Prefiling Order;
2. Order the Clerk of the 294th District Court in Cause No. 25-00024 to close the file and to decline any subsequent filings by Mr. Birnbaum as a pro se litigant unless Mr. Birnbaum shows proof of **compliance with the Prefiling Order**,
3. Render its Order that the Lis Pendens is void,
4. Award Movant reasonable attorney's fees and costs of court,
5. Impose sanctions against Defendant as sanctioned by Texas Rule of Civil Procedure 13,
6. Grant Movant such other and further relief to which Movant may be justly entitled at law or in equity; and
7. Order Udo Birnbaum not to attempt to record or record any Lis Pendens or lien against any real property in Van Zandt County, Texas, without complying with the Prefiling Order, and that any Lis Pendens or lien improperly recorded shall be facially invalid.

Plaintiff Udo Birnbaum's thereto:

9. There is NO PREFILING ORDER against Birnbaum. PERIOD.

**[Birnbaum's]
REQUEST FOR RELIEF**

Birnbaum prays this Court recognize the abuse of the judicial process upon him, and not only deny CSD's Motion for Sanctions upon him, but grant his Petition for Bill of Review, and wipe the slate clean and restore Birnbaum to the position he would have occupied had due process of law been accorded to him in the first place.¹

¹ PERALTA v. HEIGHTS MEDICAL CENTER, INC., 485 U.S. 80 (1988)

Where a person has been deprived of property in a manner contrary to the most basic tenets of due process, "it is no answer to say that in his particular case due process of law would have led to the same result because he had no adequate [485 U.S. 80, 87] defense upon the merits." Coe v. Armour Fertilizer Works, 237 U.S. 413, 424 (1915). As we observed in Armstrong v. Manzo, 380 U.S., at 552, only "wip[ing] the slate clean . . . would have restored the petitioner to the position he would have occupied had due process of law been accorded to him in the first place." The Due Process Clause demands no less in this case.

The Due Process Clause demands no less. Birnbaum demands his Right to a trial, indeed a jury trial.


UDO BIRNBAUM, *Pro Se*
119 AN County Road 2501
Tennessee Colony, TX 75861
903-922-5996
BRNBM@AOL.COM

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Certificate of Service

Today April 17, 2025 by CMRR 9589 0710 5270 0944 2831 39 to:
Karen Wilson, District Clerk, 121 E. Dallas St., Suite 302, Canton, TX 75103

Also today, email attach, THE LAW OFFICE OF CHISTOPHER L.
SULLIVAN PLLC, sullivanlawoffices.com


UDO BIRNBAUM