

All this was done WITHOUT a jury. This was a JURY cause!

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Order

Order

percent (10%) was awarded by the Judgment as well. A true and correct copy of the Judgment is attached hereto as Exhibit "1" to the Westfall Affidavit and attached hereto as Exhibit "1" to the Podvin Affidavit.

Order

Order

Order

3. Based upon the date of the signing of the Judgment, the Judgment became dormant on August 8, 2012. This Application seeks to revive the Judgment as to the judgment debtor Udo Birnbaum ("Judgment Debtor") pursuant to TEX. CIV. PRAC. & REM. CODE § 31.006.

Order

4. As of June 1, 2014, there remains due and owing on the Judgment by the Judgment Debtor, damages in the amount of \$62,885.00. Post-judgment interest has and continues to accrue from the original date of judgment at the rate of ten percent (10%) and remains unpaid as well.

Order

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5. All payments made, credits, and offsets have been credited to the Judgment.

Order

6. The Judgment has not been paid or otherwise settled or compromised.

Order

7. Christina Westfall and Stefani Podvin bring this proceeding to revive the Judgment and to extend the enforcement of same.

Order

8. Christina Westfall and Stefani Podvin ask the Court to take Judicial Notice of the Judgment.

WHEREFORE, PREMISES CONSIDERED, Christina Westfall and Stefani Podvin request from this Court the following:

1. A Scire facias writ be issued as to defendant, Udo Birnbaum, in the manner and form prescribed by law, requiring defendant, Udo Birnbaum, to appear and show cause why the

Order

Judgment should not be revived;

Order

2. The Judgment be revived in all respects and extended for the full period provided by law;

3. The Court direct the issuance of execution on the Judgment;

Order

4. The Court award Christina Westfall and Stefani Podvin all costs; and

5. The Court grant Christina Westfall and Stefani Podvin such other and further relief to which they may show themselves to be justly entitled.

Respectfully submitted,


FRANK C. FLEMING
State Bar No. 00784057

Law Office of Frank C. Fleming
3326 Rosedale Ave,
Dallas, Texas 75205-1462
(214) 373-1234
(fax) 1-469-327-2930

**ATTORNEY FOR CHRISTINA
WESTFALL and STEFANI PODVIN**

Even the Appeals Court "found" that this Order on Motion for Sanctions does NOT comply with the Rules - for it does give even a HINT for the reason for the SANCTION.

(the reason of course was for being "well-intentioned" and making a counter-claim - A FIRST AMENDMENT RIGHT! (was caught by the court reporter!)

*

And done in a JURY cause - without the JURY!

And Mr. Birnbaum was asking Judge Paul Banner for "FINDINGS OF FACT AND CONCLUSIONS OF LAW" upon this.

"Houston, we have a problem"! (Apollo 13)

*

That is how the "FINDINGS" came about - over a YEAR later - while this mess was in the APPEALS COURT - and lawyer FLEMING made up all this CRAP in the "Findings".

*

The KEY to EVERYTHING is in the "FINDINGS" - annotated later.

The "Findings" is nothing more than a CYA for the unlawful "Order on Motion for Sanctions"!

the supposed "judgment" is in fact titled "ORDER ON MOTION FOR SANCTIONS!"

sum of \$62,885.00. Post-judgment interest at the rate of ten percent (10%) was also awarded by the Judgment. A true and correct copy of the Judgment is attached hereto as Exhibit "1" to this affidavit and incorporated by reference herein for all purposes.

- 3. "There is no outstanding and unreturned execution on the Judgment.
- 4. "All payments made, credits, and offsets have been credited to the Judgment.
- 5. "The Judgment has not been paid or otherwise settled or compromised.
- 6. "There are no counterclaims or set-offs in favor of Judgment Debtor.
- 7. "As of June 1, 2014, there remains due and owing on the Judgment by the Judgment

Debtor, damages in the amount of \$62,885.00. Post-judgment interest at the rate of ten percent (10%) was also awarded by the Judgment and remains due and owing.

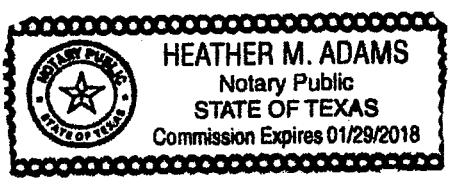
- 8. "This Affidavit is made and filed for the purpose of reviving the Judgment in the manner and for the period prescribed by law."

FURTHER AFFIANT SAYEHT NOT.

SIGNED this 20th day of June, 2014.

Christina Westfall
CHRISTINA WESTFALL

SUBSCRIBED AND SWORN TO BEFORE ME on this 20th day of June, 2014.



Heather M. Adams
Notary Public, State of Texas

No. 00-00619

THE LAW OFFICES OF
G. DAVID WESTFALL, P.C.

Plaintiff

v.

UDO BIRNBAUM

Defendant/Counter-Plaintiff

v.

G. David Westfall, Christina Westfall, and
Stefani Podvin,

Counter-Defendants

IN THE DISTRICT COURT

294th JUDICIAL DISTRICT

VAN ZANDT COUNTY, TEXAS

nowhere does it mention - that the
supposed "judgment" they are
trying to REVIVE - is titled "ORDER
ON MOTION FOR SANCTIONS"!

AFFIDAVIT OF STEFANI PODVIN
IN SUPPORT OF

APPLICATION FOR WRIT OF SCIRE FACIAS TO REVIVE JUDGMENT

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority on this day personally appeared Stefani Podvin, known by me to be a credible person and competent in all respects to make this Affidavit, and, who, being duly sworn, upon her oath stated:

1. "My name is Stefani Podvin. I am over twenty-one (21) years of age, and have never been convicted of a crime and am fully competent to execute this Affidavit. I have personal knowledge of the facts set forth herein and each averment is, to the best of my knowledge, true and correct.

FALSE!

2. "On July 30, 2002, a judgment on a Motion for Sanctions was rendered in favor of Christina Westfall and me in the above-entitled and numbered cause against Udo Birnbaum in the

Exhibit "R"

the supposed "judgment" is in fact titled "ORDER ON MOTION FOR SANCTIONS"!

Order

total sum of \$62,885.00. Post-judgment interest at the rate of ten percent (10%) was also awarded by the Judgment. A true and correct copy of the Judgment is attached hereto as Exhibit "1" to this affidavit and incorporated by reference herein for all purposes.

Order

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3. "There is no outstanding and unreturned execution on the Judgment.

4. "All payments made, credits, and offsets have been credited to the Judgment.

5. "The Judgment has not been paid or otherwise settled or compromised.

Order

6. "There are no counterclaims or set-offs in favor of Judgment Debtor.

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7. "As of June 1, 2014, there remains due and owing on the Judgment by the Judgment

Debtor, damages in the amount of \$62,885.00. Post-judgment interest at the rate of ten percent (10%) was also awarded by the Judgment and remains due and owing.

Order

8. "This Affidavit is made and filed for the purpose of reviving the Judgment in the manner and for the period prescribed by law."

FURTHER AFFIANT SAYEHT NOT.

SIGNED this 20th day of June, 2014.

Stefani Podvin
STEFANI PODVIN

SUBSCRIBED AND SWORN TO BEFORE ME on this 20th day of June, 2014.



Heather M. Adams
Notary Public, State of Texas



I certify this to be a true and exact copy of the original on file in the District Clerk's Office, Van Zandt County, Texas. *Candi Scott*

No. 00-00619

IN THE DISTRICT COURT

THE LAW OFFICES OF
G. DAVID WESTFALL, P.C.

Plaintiff

v.

294th JUDICIAL DISTRICT

UDO BIRNBAUM

Defendant/Counter-Plaintiff

G. David Westfall, Christina Westfall, and
Stefani Podvin,

Counter-Defendants

Violates the Rule,
that it HAS to state,
"with particularity" -
just WHAT the
punishment is for!

VAN ZANDT COUNTY, TEXAS

ORDER ON MOTIONS FOR SANCTIONS

On July 30, 2002, came on to be heard, Motions for Sanctions filed by G. David Westfall, Christina Westfall, and Stefani Podvin, as well as to be heard Motions for Sanctions filed by Udo Birnbaum. The plaintiff, The Law Office of G. David Westfall, P.C. (the "Plaintiff"), appeared in person by representative and by attorney of record. The defendant, Udo Birnbaum, appeared in person, pro se. The counter-defendant, G. David Westfall, appeared by representative and by attorney of record. The counter-defendants, Christina Westfall and Stefani Podvin appeared in person and by attorney of record. All parties announced ready for a hearing on all the pending motions for sanctions currently on file in this matter at the time of the hearing.

Based upon the pleadings of the parties, the evidence presented at trial and the evidence presented at the sanctions hearing, and the arguments of counsel and by the pro se defendant, the Court is of the opinion that the Movants, Christina Westfall and Stefani Westfall are entitled to prevail on their claim for sanctions against the Defendant, Udo Birnbaum.

Exhibit 156/834

It is therefore, **ORDERED, ADJUDGED and DECREED** that the Counter-Defendants, Christina Westfall and Stefani Podvin are awarded damages as a sanction against and to be paid by defendant, Udo Birnbaum, to Christina Westfall and Stefani Podvin as follows:

- A. Christina Westfall and Stefani Podvin are awarded jointly and severally the amount of \$50,085.00 as reimbursement for their joint attorney's fees.
- B. Christina Westfall is awarded actual damages for her personal inconvenience in the amount of \$1,000.00, and she is further awarded punitive damages for the harassment caused to her in the amount of \$5,000.00.
- C. Stefani Podvin is awarded actual damages for her personal inconvenience in the amount of \$1,800.00, and she is further awarded punitive damages for the harassment caused to her in the amount of \$5,000.00.
- D. The Court denies the request for a finding of any sanctions to be awarded in favor of G. David Westfall, individually.
- E. The Court denies the request for a finding of any sanctions to be awarded in favor of Udo Birnbaum.

IT IS FURTHER ORDERED THAT the judgment here rendered shall bear interest at the rate of ten percent (10%) from July 30, 2002, until paid.

All other relief regarding any motions for sanctions on file in this matter not expressly granted in this order is hereby denied.

Here is the FRAUD: cannot "award" judgment to someone who is NOT a PLAINTIFF!!!

THIS **JUDGMENT** RENDERED ON JULY 30, 2002, AND SIGNED THIS 9 day of August, 2002.

Other FRAUD: this was a JURY cause. This was all done WITHOUT a JURY!

Paul Fleming
JUDGE PRESIDING

clearly all written up by lawyer Fleming

FILED FOR FILING
02 AUG 21 11 59 AM
CLERK OF COURT

156/835

Application should be granted and that the Sanctions Judgment revived for the period of time proscribed by law.

IT IS HEREBY, ORDERED, ADJUDGED, AND DECREED, that the Sanctions Judgment (a true and exact copy of which is attached hereto as Exhibit 1 and made a part of this Order as if fully set forth at length) rendered in the above-entitled and numbered cause on July 30, 2002 and signed on August 9, 2002, is hereby revived in all respects against defendant/counter-plaintiff Udo Birnbaum;

IT IS FURTHERED ORDERED that execution on the revived Sanctions Judgment may immediately issue; and

IT IS FURTHER ORDERED that all costs are taxed against the Defendant, Udo Birnbaum.

All relief requested, not granted herein, is expressly denied.

SIGNED this 14 day of November, 2014

Paul B.
JUDGE PAUL BANNER, PRESIDING

ALL FRAUD!
In a JURY case - "judgment" was done WITHOUT A JURY!
And "awarded" to someone who had been "out" by summary judgment long ago - and NEVER WAS A PLAINTIFF!
Also plum UNLAWFUL punishment for exercising a First Amendment Right to make a COUNTER-CLAIM! (see "Findings")
Official Oppression per se!

PAUL BANNER
Senior Judge Presiding by
Assignment

NOTE: This page is part of the Nov. 14, 2014 ORDER REVIVING JUDGMENT (above).

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I certify this to be a true and exact copy of the original on file in the District Clerk's Office, Van Zandt County, Texas.

Candi Scott

No. 00-00619

IN THE DISTRICT COURT

THE LAW OFFICES OF
G. DAVID WESTFALL, P.C.

Plaintiff

v.

UDO BIRNBAUM

Defendant/Counter-Plaintiff

G. David Westfall, Christina Westfall, and
Stefani Podvin,

Counter-Defendants

294th JUDICIAL DISTRICT

Was a JURY trial - with a VERDICT and judgment "rendered" on April 11, 2002. Yet here we are - three months later - WITHOUT A JURY!

Also note - NOWHERE does Judge Paul Banner state WHY he PUNISHED ME!

VAN ZANDT COUNTY, TEXAS

ORDER ON MOTIONS FOR SANCTIONS

On July 30, 2002, came on to be heard, Motions for Sanctions filed by G. David Westfall, Christina Westfall, and Stefani Podvin, as well as to be heard Motions for Sanctions filed by Udo Birnbaum. The plaintiff, The Law Office of G. David Westfall, P.C. (the "Plaintiff"), appeared in person by representative and by attorney of record. The defendant, Udo Birnbaum, appeared in person, pro se. The counter-defendant, G. David Westfall, appeared by representative and by attorney of record. The counter-defendants, Christina Westfall and Stefani Podvin appeared in person and by attorney of record. All parties announced ready for a hearing on all the pending motions for sanctions currently on file in this matter at the time of the hearing.

Based upon the pleadings of the parties, the evidence presented at trial and the evidence presented at the sanctions hearing, and the arguments of counsel and by the pro se defendant, the Court is of the opinion that the Movants, Christina Westfall and Stefani Westfall are entitled to prevail on their claim for sanctions against the Defendant, Udo Birnbaum.

156/834

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It was a JURY case - and ONLY the jury can award "damages". There was NO JURY making this AWARD!

It is therefore, **ORDERED, ADJUDGED and DECREED** that the Counter-Defendants, Christina Westfall and Stefani Podvin are **awarded damages** as a sanction against and to be paid by defendant, Udo Birnbaum, to Christina Westfall and Stefani Podvin as follows:

A. Christina Westfall and Stefani Podvin are **awarded** jointly and severally the amount of **\$50,085.00** as reimbursement for their joint attorney's fees.

Got to be a PLAINTIFF to get JUDGMENT!

B. Christina Westfall is **awarded** actual damages for her personal inconvenience in the amount of **\$1,000.00**, and she is further **awarded** punitive damages for the harassment caused to her in the amount of **\$5,000.00**.

Got to be a PLAINTIFF to get JUDGMENT!

C. Stefani Podvin is **awarded** actual damages for her personal inconvenience in the amount of **\$1,800.00**, and she is further **awarded** punitive damages for the harassment caused to her in the amount of **\$5,000.00**.

Got to be a PLAINTIFF!

Got to be a PLAINTIFF!

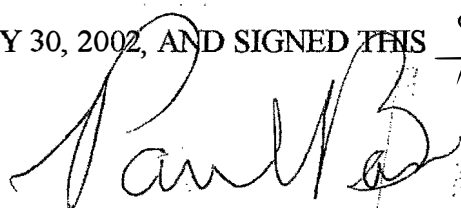
D. The Court denies the request for a finding of any sanctions to be awarded in favor of G. David Westfall, individually.

E. The Court denies the request for a finding of any sanctions to be awarded in favor of Udo Birnbaum.

IT IS FURTHER ORDERED THAT the judgment here rendered shall bear interest at the rate of **ten percent (10%)** from July 30, 2002, until paid.

All other relief regarding any motions for sanctions on file in this matter not expressly granted in this order is hereby denied.

THIS JUDGMENT RENDERED ON JULY 30, 2002, AND SIGNED THIS 9 day of August, 2002.



JUDGE PRESIDING

FILED
02 AUG 21 AM 9:59
WESTFALL/UDO/PLEADINGS/ORDER ON SANCTIONS

156/835