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Court of Appeals
JAN 29 2019
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Clerk, 5th District

5th Court of Appeals
FILED: 02/06/2019
14:03:40
Lisa Matz, Clerk

IN THE

COURT OF APPEALS

FIFTH DISTRICT OF TEXAS AT DALLAS

CAUSE NO. 05-18-00567-CV

DARLENE C. BALISTRERI-AMRHEIN, APPELLANT

VS.

ATTORNEY LENNIE BOLLINGER, ET AL, APPELLEES

Appeal County Court at Law # 6, # 5, # 2, # 366, # 380, Justice Court Precinct 1, Cause No. CC 006-02654-2017, Cause No. 005-02654-2017, Cause No. 002-02654-2017, Cause No. 002-02663-2017, Justice Court Precinct 1 No. 01-SC-16-00165. Court # 380 (unassigned)

Collin County, Texas Lower Courts

APPELLANT'S AMENDED BRIEF & AMENDED APPENDIX (# 7)

Darlene C. Balistreri-Amrhein, Appellant, Pro Se,

112 Winsley Circle

McKinney, Texas 75071

Telephone – None

ORAL ARGUMENT REQUESTED WITH ACCOMMODATIONS

#7

COURT RECORD REFERENCES ARGUMENT IN 8 PACKETS

(Packet # 1 Court Record References) –CR, pgs. 1 – 19 itemized, costs & events;

2) Plaintiff's Original petition & Request for Discovery- CR pgs. 20 – 35;

3) Plaintiff's Motion to proceed in forma pauperis - CR pgs. 36 – 41;

4) Approved "indigent status" - CR pgs. 42;

5) Service of process by constable – CR pgs. 43-50;

6) Defendants Lennie Bollinger, et al Answers suit – CR pgs, 51 – 64;

7) Plaintiff's Motion For Leave To File Supplement Petition CR pgs. 65 – 69;

8) Plaintiff's Supplement Pleadings -CR pgs, 70 – 133 Exhibits A, B;

9) Plaintiff's Motion t. Recuse Judge Walker – CR, pgs, 134 – 139 Order transfer;

10) Defendants Motion to Dismiss & Rule 91a – CR, pgs. 140 – 158;

11) Plaintiff's Specific Facts Dismiss Rule 91 – CR. pgs. 159- 268 Exhibits, etc.; c

(Packet # 2 Court Record References.) Legal Ethics Safekeeping Property, etc.;

2) CR. pgs. 269- 383; Notice of hearing & Hospitalized, CR pgs. 384 – 385;

3) Plaintiff's Motion for Continuance CR. pgs. 386 -390;

4) Defendants' Attorneys First Amended Answer & Response, CR. pgs. 391- 408;

5) Plaintiff's Notice To Court & Attorney Stay Lawsuit- CR pgs, 409=422;

6) Defendants Response Objections to Stay & Continue Lawsuit-CR pgs. 423-428;

7) Judge Wilson denies ADA, Stay, Hearing Rule 91a "Orders" –CR pgs. 429-429;

8) Affidavit Attorney / Judge Wilson – CR pgs. 430- 433 Exhibits, Costs to 442;

9) New Supplements-CR. pgs. 452 –484 (Dad, Schroeder mug photo, arrest, etc.;

(Packet # 3 Court Record References.) Plaintiff Waiving Client – Attorney . Privilege, Photo Damages, etc.– CR. pgs. 485 – 660;

2) Defendants' Attorneys response to Motion To Dismiss – CR pgs, 661- 678;

3) Plaintiff Second Motion To Stay & Continue Lawsuit- CR pgs. 679 – 687;

4) Plaintiff Response to Jan. 30, 2018 Order CR. pgs. 688 – 739;

5) Defendant Motion To Determine To Be " Vexatious Litigant & Security With Security – CR pgs. 740-784 – No Attached 5 Adverse Orders in 7 years, etc.;

(Packet # 4 Court Record Reference.) Exhibits A-2 -E-1 - CR pgs. 785- 1000;

(Packet # 5 Court Record Reference.) Exhibits E-2, G-2 – Tampered With Deposition, Witness, Court Reporter, Records, Costs to CR pgs. 1001- 1127;

2) Motion to Recuse Judge Wilson & Threats To Settle -CR. pgs. 1128 – 1156;

3) Threat Offer To Settle Lawsuit – CR. pg. 1134- 1134;

4) Order to Deny Recusal- CR. pg, 1157;

5) Plaintiff Notice , Objections & Illegal Activities – CR pgs 1158 -1184;

6) Plaintiff's First Amended Pleadings & 15 Notices (Crimes) - CR pgs 1185 – (1235 & 1236 blurred unreadable) & crimes to 1260;

(Packet # 6 Court Record Reference.) Order granting Rule 91a & Motion to Dismiss With Prejudice CR pgs. 1261 – 1262 Hearing / Hospitalized, Exhibits & Some Exhibit F (blurred & missing from Court Record to 1284;

2) Judge Wilson recuses self, report to U.S. Department of Justice CR pgs, 1285;

3) First Amend Motion Order "Vexatious Litigant" Hearing – CR. pg. 1286- 1287;

4) Judge Murphy transfer lawsuit to Judge Bender disqualified =- CR pg. 1288;

5) Plaintiff Important Information – CR. pgs. 1289 – 1427, & Exhibits;

6) Judge Mary Murphy Conditions of Assignment & Stay – CR pgs. 1428- 1429;

7) Plaintiff's Notice & Objections of Judge Bender Transfer, Response by Bollinger's Attorneys – CR, pgs. 1430-1466;

8) Plaintiff's Updated Medical Information – CR. pgs 1467-1481;

(Packet # 7 Court Record Reference.) Defendant Response for hearing & Exhibits Comingle lawsuits with Prosperity Bank, et al - CR. pgs. 1482 – 1520;

2) Defendants to Plaintiff Response on Vexatious litigant & Security & use of Prosperity Bank, et al Federal Lawsuit in "conspiracy" & tampered with Deposition Court Records as invalid & past 7 years as 2009 to prejudice & discredit & still pending & active conspiracy between federal & Texas Courts – to rigged, Plaintiff, silence lawsuit & prevent no redress for any suits & denied

freedom of speech & redress for all damages, loss of property & no due process - CR, pgs. 1521- 1600 - 1899;

(Packet # 8 Court Record Reference.) Certificate of Service falsified claims filed in lawsuit, CR pg, 1900 signed by Carrie Johnson Phaneuf as many times;

2) Threats to settle lawsuit as refused, CR, pgs. 1901- 1902;

3) Plaintiff's Objections & Responses to Plaintiff Tertiary (Third Motion To Recuse in this case an incorrect Assigned disqualified trespasser with no jurisdiction & Exhibits - CR pgs. 1903 – 1932;

4) Judge Wheless Order denied Recusal of Judge Bender for his misconduct – CR pgs 1933;

5) Judge Bender Order declaring Darlene C. Amrhein "vexatious litigant," requiring Security & issuing a prefiling Order – CR. pgs. 1934 – 1935;

6) Letter from CME on Order Judge Bender Order declaring Darlene C. Amrhein "vexatious litigant," requiring Security & issuing a prefiling Order-CR 1936-1938;

7) "Conspiracy" with Federal Court & Texas Court, Orders – CR pgs. 1939-1959 found in Judge Bender Court file for their retaliations against Amrhein lawsuits;

8) Plaintiff Objections to Judge Bender for "good cause" – CR pgs. 1960 -2019;

9) Amended Order On Motion To Recuse Judge Bender- CR. pgs. 2020;

10) Letter on failed bond to dismiss lawsuit by Bollinger Attorney with prejudice – CR pgs. 2021- 2024;

11) Plaintiff Darlene C. Balistreri-Amrhein Sworn Affidavit – CR pgs. 2025-2052;

12) Plaintiff's Motion to Charge Sanctions , Reverse false Vexatious Litigant Refuse Dismissal of lawsuit, Service of Process to All Defendants For "Good Cause' Reasons & Medical Stay Objections- CR pgs. 2053 -2081;

13) Judge Bender Order Dismissal With Prejudice Prohibiting New Litigation by Plaintiff Without Judicial Approval – CR pg. 2082 (back dated);

14) Filed for Service of Process to all Defendants mailed May 11, 2018, File stamped May 15, 2018 & called clerk to not do this work,-CR pgs. 2083- 2089;

15) Plaintiff's Notice of Appeal & Docket Statement – CR. pgs. 2090- 2109;

16) Plaintiff's Request Finding of Fact & Conclusion of Law May 14, 2018 My 14,

2018, required.- CR. 2110 –2142 (Void Judgments & CPRC Chapter 11);

17) Danyelle Turner filed Notice of Appeal May 14, 2018 wrong date – CR pgs. 2143 – 2144;

18) Response by Defendants' Attorneys to Finding of fact & Conclusion of law – CR pgs. 2145 – 2147;

19) Communications with Court of Appeals – CR pgs. 2148=2151;

20) Collin County Court letter shows date of Court of Appeal to grant more time for Court Record By Danyelle Turner extension on Court Record for manipulation with no answers for finding of fact & Conclusion of Law – CR pgs. 2152;

21) Court Record Submitted – CR. pg. 2153;

22) Court Record Payment by In forma Pauperis approved by Collin County Court- CR 2154; (See Collin County Court Approval Pg. 42 in same lawsuit when filed & then refused by trespasser Judge Bender after filed Appeal to keep out of Court Record with no notice to Plaintiff / Appellant as not turned over to Court of Appeals into this Court Record in retaliation by criminal, corrupt, trespasser Judge Bender with no authority, treason against U.S. Constitution & Texas Constitution

23) Sensitive Data Court Records sealed, were not done – CR pgs. 2155 -2157; Known no payment as approved In Forma Pauperis in case, so false statement to Court of Appeals Court- CR pg. 2158 by Court Record Keeper, Danyelle Turner to mislead Court to blame Plaintiff for delays to tamper with Court Record in Appeal & known by Stacy Kemp;

24) Plaintiff files Response & Objections to Defendants Objection to finding of fact & Conclusion of Law - CR pgs. 2159 – 2191;

25) Court of Appeals communications – CR pgs. 2192-2195; Writ of Mandamus Memorandum Opinion - CR pgs. 2196 – 2197 – 2200;

26) Court of Appeals list & proof of some conspiracy parties. Judge Mazzant (federal) Courts & Cases missing in Judge Paul Raleeh Court, Judge Barnett Walker, First Regional Administrative Judge Mary Murphy, Prosperity Bank, et al are missing from list by Ms. Matz – CR pgs. 2198- 2199- 2201 – 2202;

27) Jennifer K. Corley Contest of Court Reporter – CR pg. 2203; Missing Court Order – CR. pg. 2204; Clerks Certificate for Appeal by Danyelle Turner & Stacy Kemp missing Court Records in all Courts- CR pg. 2205;

#7

Date	Event Type	Description	Document
No briefs.			

CASE EVENTS

Date	Event Type	Disposition	Document
07/06/2011	Order entered	Consolidated/Voids	
07/06/2011	Memorandum opinion issued	Motion or Writ Denied	
10/21/2010	Notice of appeal filed in court of appeals		

CALENDARS

Set Date	Calendar Type	Reason Set
07/06/2011	Case Stored	Case stored

PARTIES

Party	PartyType	Representative
No Party.		

TRIAL COURT INFORMATION

Court

296th Judicial District Court

County

Collin

Court Judge

Court Case

296-01145-2008

Reporter

Punishment

To view or print PDF files you must have the Adobe Acrobat® reader. This software may be obtained without charge from Adobe. Download the reader from the Adobe Web site

EXHIBIT K-6

Order issued July 6, 2011

In The

Court of Appeals
Fifth District of Texas at Dallas

No. 05-09-01377-CV
No. 05-10-01347-CV

DARLENE BALISTRERI-AMRHEIN AND ANTHONY J. BALISTRERI, Appellants

V.

AHI AND INSPECTOR AARON D. MILLER, Appellees

and

DARLENE BALISTRERI-AMRHEIN AND ANTHONY J. BALISTRERI, Appellants

V.

SALLY DARNELL, KELLY CALKINS, BILL J. WILLIAMS, JERRY M. REICHERT, LORI K. REICHERT, REMAX REALTY, LAUREN PALMER, REPUBLIC TITLE OF TEXAS, FIRST AMERICAN TITLE INSURANCE COMPANY, STONEBRIDGE RANCH HOMEOWNER'S ASSOCIATION, NEWLAND COMMUNITIES, THOMAS MURPHY, MURPHY HOMES GROUP, AND RIT MANAGEMENT COMPANY, Appellees

On Appeal from the 296th Judicial District Court
Collin County, Texas
Trial Court Cause No. 296-01145-2008

ORDER

In various motions before the Court, appellants seek leave to proceed in forma pauperis and move to consolidate two appeals stemming from the same underlying lawsuit: (1) appeal number 05-09-01377-CV, styled *Darlene Balistreri-Amrhein and Anthony J. Balistreri v. AHI and Inspector Aaron D. Miller* ("the AHI appeal"); and (2) appeal number 05-10-01347-CV, styled *Darlene*

FILED
2011 JUL -7 PM 3:16
PATRICIA GONZALEZ
DISTRICT CLERK
DALLAS COUNTY
DEPUTY

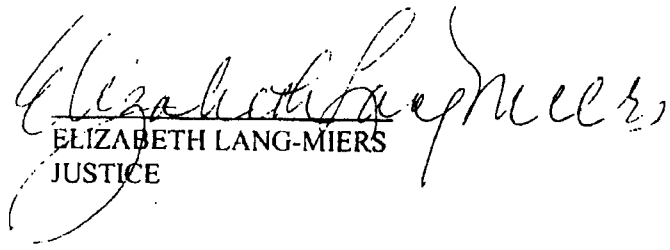
Balistreri-Amrhein and Anthony J. Balistreri v. Sally Darnell, Kelly Calkins, Bill J. Williams, Jerry M. Reichert, Lori K. Reichert, Remax Realty, Lauren Palmer, Republic Title of Texas, First American Title Insurance Company, Stonebridge Ranch Homeowner's Association, Newland Communities, Thomas Murphy, Murphy Homes Group, and RIT Management Company ("the Remax appeal").[1] Appellants urge they be allowed to proceed without advance payment of costs, *see* TEX. R. APP. P. 20.1, and that the appeals be consolidated for purposes of judicial economy and efficiency. Appellees Republic Title of Texas, First American Title Insurance Company, and Newland Communities have responded to appellants' requests concerning costs and oppose the requests. Republic Title and First American Title have also responded to appellants' request concerning consolidation and are unopposed. No other appellees have responded.

Because the two appeals stem from the same underlying lawsuit and no party opposes consolidation, we **GRANT** appellants' motion to consolidate the appeals. We **CONSOLIDATE** the appeal of cause number 05-10-01347-CV into the appeal of cause number 05-09-01377-CV. The parties shall now use only cause number 05-09-01377-CV when referencing the appeal.

In accordance with our opinion of this date, we **DENY** appellants' requests to proceed on appeal without advance payment of costs. Since the appeals have been consolidated, we **ORDER** appellants to pay, within ten (10) days of the date of this order, a single $175 filing fee. We further **ORDER** appellants to pay, or make arrangements to pay, for the clerk's and court reporter's records within twenty (20) days of the date of this order. We caution appellants that failure to pay for the

[1]Although the style in the Remax appeal includes Balistreri as a party, Balistreri's claims were severed into a separate cause of action in December 2009, and the court's order on those claims separately appealed. *See Balistreri v. Remax Realty*, 05-10-00611-CV, 2011 WL 149984 (Tex. App.–Dallas Jan. 19, 2011, no pet.) (not designated for publication).

reporter's record will result in this appeal being submitted without that record; failure to pay the filing fee or for the clerk's record will result in dismissal of this appeal without further warning. *See* TEX. R. APP. P. 37.3(b), (c), 42.3 (b),(c).



ELIZABETH LANG-MIERS
JUSTICE

EXHIBIT L-1

11/2/2010 10:21 AM SCANNED

original

CAUSE NO. 296-01145-2008

APPEAL NO._____

DARLENE BALISTRERI-AMRHEIN, Individually & GUARDIAN FOR ANTHONY J. BALISTRERI & ANTHONY BALISTRERI , Individually Appellants,	IN THE DISTRICT COURT
VS.	296TH DISTRICT COURT
JERRY RIECHERT, LORI RIECHERT RE MAX REALTY ET AL, SALLY DARNALL, KELLY CALKINS, LAUREN PALMER, BILL J. WILLIAMS, REPUBLIC TITLE OF TEXAS, FIRST AMERICAN TITLE INSURANCE CO., AHI, AARON MILLER, STONEBRIDGE RANCH HOA, NEWLAND COMMUNITIES, RTI / CMA MANAGEMENT COMPANY ET AL THOMAS MURPHY ET AL & MURPHY HOMES GROUP ET AL Defendants,	COLLIN COUNTY, TEXAS

PLAINTIFFS / APPELLANTS' NOTICE OF APPEAL ON INDIGENT STATUS, APPELLATE FORM AND DOCKET STATEMENTS

COMES NOW, Plaintiffs / Appellants Darlene Balistreri-Amrhein and Anthony J. Balistreri to file Plaintiffs / Appellants Notice of Appeal On "Indigent Status," Appellate Form & Docket Statements as follows within. Attached is required paperwork for Court of Appeals form. Fifth District Court of Appeals has jurisdiction to decide this Appeal On Indigent Status. Plaintiffs / Appellants are asking this Appellate Court to decide the separate Indigent Status for this Appeal on Court Costs before reviewing October 20, 2010 Notice of Appeal & Docketing Statements on all errors. Cause of Action In Trial Court is Cause No. 296-01145-2008 and severed No. 296-04897-2009 in the 296th District Court, Judge John Roach presiding. Plaintiffs Amrhein & Balistreri are joint parties to this lawsuit No. 296-01145-2008 and interwoven No. 296-04897-2009. Final judgment was signed Sept. 22, 2010 & motion for new trial was denied on October 4, 2010. Notice of Appeal & Docketing on all issues was filed on October 20, 2010 along with request for records & transcripts & both affidavits of indigence, which was denied on October 21, 2010 with no contest, no hearing & no valid written orders by Judge Roach & or Judge Oldner. Attached also you will find a copy of the Oct. 29, filing by Republic Title & First American giving notice that there has been no hearing, invalid prior written order with no final judgment denying Oct. 20, 2010 affidavit for this Appeal for additional errors.(Exhibit A) Revised timely affidavits on TRAP 20 are filed with additional newly discovered information included to date before plenary power expiration.

FILED
2010 NOV -2 AM 10: 14

1607

Plaintiffs / Appellants are filing this Notice of Appeal timely from this September 22, 2010 Final Judgment Order with Plaintiffs / Appellants attached verifications.

The Final Judgment Order is attached as **Exhibit A** and all parties to this lawsuit have been served with Notice of Appeal which include the following individual parties:

1. **Jerry Riechert** through Attorney Barry Fanning at 4849 Greenville Ave. # 1300, Dallas,Texas 75206;

2. **Lori Riechert** through Attorney Barry Fanning at 4849 Greenville Ave. # 1300, Dallas,Texas 75206;

3. **Re Max North Central Agency** through Attorney J. Kent Newsom, 6465 E. Mockingbird Lane, # 450, Dallas, Texas 75214;

4. **Sally Darnall,** through Attorney J. Kent Newsom, 6465 E. Mockingbird Lane, # 450, Dallas, Texas 75214;

5. **Kelly Calkins,** through Attorney J. Kent Newsom, 6465 E. Mockingbird Lane, # 450, Dallas, Texas 75214;

6. **Lauren Palmer,** through Attorney J. Kent Newsom, 6465 E. Mockingbird Lane, # 450, Dallas, Texas 75214;

7. **Bill J. Williams** through Attorney J. Kent Newsom, 6465 E. Mockingbird Lane, # 450, Dallas, Texas 75214;

8. **Republic Title of Texas, Inc**. through Attorney Rick Hightower at 1700 Pacific Ave. # 4450, Dallas, Texas 75201;

9. **First American Title Insurance Company**, through Attorney Hightower, 1700 Pacific Ave. # 4450, Dallas, Texas 75201;

10. **AHI & Aaron Miller** through Attorney Carl Adams, 6060 N. Central Expressway, # 660, Dallas, Texas 75206;

11. **Stonebridge Ranch Association** through Attorney Pamela Montgomery, 2800 Post Oak Blvd., 57th Floor, Houston, Texas 77056;

12. **RTI / CMA Management Company** through Attorney Pamela Montgomery, 2800 Post Oak Blvd., 57th Floor, Houston, Texas 77056;

13. **Newland Communities** through Attorney Richard Abernathy, 1700 Redbud Blvd. # 300, McKinney, Texas 75069;

14. **Murphy Homes Group** no representation, Registered Agent Thomas Murphy 6700 Magnum Plano, Texas 75024;

15. **Thomas Murphy et al** no representation, Registered Agent Thomas Murphy 6700 Magnum,

DOCKET STATEMENTS ON INDIGENT STATUS

I. FILED NOTICE OF APPEAL

Plaintiffs/ Appellants Notice of Appeal on the above lawsuit was filed on or about Oct. 20, 2010 after the trial court (Judge Roach) denied the Motion For New Trial on October 4, 2010. The final judgment in this lawsuit was signed on September 22, 2010 & the trial courts plenary power extends to November 2, 2010. Plaintiffs/ Appellants cannot afford to pay court costs of approximately $13,000 to $15,000.00;

II. SEPARATE ISSUES ON INDIGENT STATUS

On October 30, 2010, Plaintiffs / Appellants received a contest from Republic Title and First American, who are Defendants to this original lawsuit. They complain about the TRAP 20.1 not used or complied with, so Plaintiff / Appellants timely revised their affidavits of indigence within the trial court's plenary power as filed timely on November 1, 2010 prior to November 2, 2010 trial court plenary power expiration;

III. PLAINTIFFS / APPELLANTS REVISED AFFIDAVITS OF INDIGENT STATUS

a) Plaintiffs / Appellants referenced TRCP 145 because Judge Roach is not an appellate judge to decide "indigent status" and this rule was used in the previously filed affidavits, when there was not valid final judgment in this case, which created an invalid contest by the court reporter, Janet Duggar, on April 22, 2010 and May 7, 2010, invalid Order by Judge Roach on Oct. 21, 2010 & now invalid contest by counsel;

b) It appears under the TRCP 145 Ms. Duggar had no legal standing to contest Plaintiffs' affidavits and any Orders signed from these invalid hearings & orders was abuse of discretion & are invalid without any valid final judgment, which Defendants counsel & Judge Roach are trying to use in Oct. 21, 2010 Order;

c) Furthermore at the April 22, 2010 and May 7, 2010 hearings Judge Oldner did not examine any of Plaintiff Amrhein's and Plaintiff Balistreri's financial records to consider and determine any "indigent status" making these hearings and Orders invalid under TRCP 145, a favor for Judge Roach, who was under a recusal motion & this was twice abuse of discretion, arbitrary, which needs to be considered in these filed Appeals, so Appellants ask for consideration directly from the Court of Appeals on these errors;

IV. AFFIDAVITS OF APRIL 22, 2010 AND MAY 7, 2010 HEARINGS

d) The affidavits for the April 22, 2010 and May 7, 2010 hearings contained no reference to Texas Rules of Appellate Procedure 20.1, yet contained the required information of TRCP 145 and TRAP 20.1; (Amrhein Affidavit filed April 6, 2010 & Balistreri Affidavit April 23, 2010) The court had no standing

to proceed with any "indigent status" hearings without any final judgments & no jurisdiction as known by the judges, courts, defendants, plaintiffs and all attorneys. Attorney continue to claim falsity of April, May 2010 final judgment existing, when the court record shows it does not;

e) Plaintiff Amrhein objected & complained there was **no valid final judgment in this lawsuit**, but she was ignored as Republic Title and First American along with all Defendants claimed there was, but then turned out to be incorrect based on this court record, so these were false statements made by their individual attorneys to continue this falsity & lack of jurisdiction into the October 20, 2010 Affidavits & Notice of Appeal;

f) During May 7, 2010 hearing, Plaintiff Amrhein offered financial records as custodian, guardian and caregiver for Plaintiff Balistreri to Judge Oldner, as presiding judge, because Plaintiff Balistreri needed emergency hospitalized & oxygen, so he could not attend this hearing, but Judge Oldner refused these financial records & based his "denied indigent status" on Plaintiff Balistreri not being present at this hearing, as to claim illness & emergency hospitalization is not "good cause" is abuse of his discretion under all these circumstances & now being appealed;

V. CONTEST ON OCTOBER 29, 2010 BY MAIL

g) The filed contest of Republic Title and First American does not contain a file stamp copy & it appears on the face to be late following an Oct. 21, 2010 Order not received, improper and or inappropriate filing with false or invalid statements & information to continue errors, obstruct justice and to prevent all Appeals

h) Under paragraph 3. of Contest filing Procedural History counsel claims the Court came to consider the Amrhein's affidavit of Oct. 20, 2010, which the court considered as a "rehearing" of April 6, 2010 affidavit and denied security of costs, when Judge Oldner was doing Judge Roach a favor in violating the rules of law as face book friends, without any jurisdiction, without any final order, knowing the April 22, 2010 hearing & Order was invalid; (There was no hearing on Oct. 20, 2010 affidavit & contest Oct. 29, 2010.)

i) It cannot be a "rehearing" without a valid "indigent status" hearing without any final judgment, without jurisdiction, so this is abuse of discretion, bias, prejudice, favors and creating error upon error by ignoring & denying the Oct. 20, 2010 Amrhein's affidavit following the final judgment on Sept. 22, 2010; (April comes before Sept 2010, so nothing was valid at the April 22, 2010 contest hearing or Oct. 21, 2010 Order;

j) Court Orders does not specify which of Plaintiff's Affidavit was considered and denied and out of an

abundance of caution to all the errors made by the judges, Republic & First American file their contest, when Plaintiffs were never given any Order from October 21, 2010 as claimed in this letter & filing. Again Plaintiffs are denied any valid hearing on indigent status & **NO TIMELY CONTEST TO SUPPORT ANY ORDER ON OCT. 21, 2010**, which is an arbitrary Order & abuse of discretion; (Plaintiffs get their information from surprise claims by attorneys made after the fact as they are treated differently from Defendants and their counsel, which demonstrates more bias & prejudice.)

k) When Plaintiffs paid the $431.00 in court costs that should include responses & communication from the court on all orders timely for all litigants. Plaintiffs don't read minds & no previous notice of contest, hearings & Orders were given per TRCP 21 & TRCP 21a as was to only Defendants attorneys;

l) Anthony Balistreri severance, no jurisdiction, refused representation, dismissal of his claim is all being Appealed because he is still a party to the original lawsuit under Texas Laws for Cause No. 296-01145-2008, so his affidavit is valid, when the court erred in severing him from the case;

m) Plaintiffs have filed "revised Affidavits of indigent status" based on "new updated additional relevant information" & according to Texas Rule of Appellate Procedure 20 & TRAP 20.1 along with TRCP 145 prior to the Nov. 2, 2010 expiration of the trial courts plenary power with copies to all parties & all courts;

n) There is no valid contest, there is no valid contest Order, no jurisdiction, these affidavits were filed correctly & timely because Plaintiff Balistreri can't pay court costs, Plaintiff Amrhein has made a limited payment arrangement of court cost, arrangement for the court records & court reporter transcripts;

o) These affidavits were filed with the trial court, with the Appellate Court, with each party and is done in the same way with updated new information as just learned before the trial court's plenary power expires, and within the 15 days from the Oct. 20, 2010 filed Notice of Appeal per TRCP 145 & TRAP 20(a)(2)(A)-(B)-(C) & TRCP 20.1, so it is timely according to the Texas rules of procedure;

p) Republic Title & First American claim TRCP 145 is only for state action & not for appellate procedure, well then they need to clear that with Judge Oldner & Judge Roach, who both based their "indigent status" Orders on TRCP 145 making their Orders additional errors. This was never raised by any attorneys at any hearings & is now waived on Appeal.

q) Paragraph 8 Republic & First American depend on invalid written "indigent status" Orders ;

r) Paragraph 9 Republic Title & First American fails to give the complete statements of Orders without

jurisdiction, invalid severance, arbitrary orders, violations of federal laws, demonstrated bias & prejudice with retaliation for 2 filed recusal motions, refused representation, false statements & 2 other existing Appeals at the Fifth District Court of Appeals, which they have personal knowledge of without any rulings, so as to mislead on Plaintiff Amrhein an d Plaintiff Balistreri's indigent status affidavits by these experienced attorneys as officers of the court. This is omissions & false statements for improper rulings;

s) Attorneys use TRCP 145 for April 22, 2010 Order & May 7, 2010 Order, then claim it is not valid, but use it for Oct. 21, 2010 Order & consideration, then falsely claim affidavits were not filed timely when they were within 15 days from the Notice of Appeal. They appear to be inexperienced and confused;

t) In their pray they ask the Court for relief for filing ½ truths & false statements about Plaintiffs / Appellants Amrhein & Balistreri's indigent status and financial conditions for this Appeal;

u) Plaintiffs Amrhein & Balistreri have complied and filed under both TRCP 145, TRAP 20 & TRAP 20.1 timely with 15 days of filed Appeal and before the expiration of the trial courts plenary power according to the rules with proper service to all courts & parties making this Appeal timely & perfected.

Plaintiffs / Amrhein & Balistreri ask this Court of Appeals to decide their indigent status on court costs for one combined Appeal on all issues associated with Cause No. 296-01145-2008 and Cause No 296-04897-2009 for legal remedy & relief to which Plaintiffs /Appellants may be entitled to without any further errors & delays by the trial court & Defendants / Appellees attorneys, who they can easily pay for this court record, costs & Court reporter transcripts with 7 attorneys & 16 Defendants / Appellees on all errors.

Plaintiffs / Appellants do not want to deal with the unfairness & errors of Judge Roach any longer.

Plaintiffs/ Appellants Pray for due process, access to the Court of Appeals, fairness & JUSTICE!

(Exhibits A to D)

Judge Oldner signs Order, (Exhibit D) Wrong judge, no notice of contest, no Order + more confusion. Objections!

Respectfully submitted,

Darlene Balistreri Amrhein

Darlene Balistreri-Amrhein, Plaintiff / Appellant, Pro Se
Guardian, Caregiver, Custodian of Records, POA, Next Friend for Anthony J. Balistreri

Anthony J Balistreri

Anthony J. Balistreri, Plaintiff, Appellant, Pro Se, Incompetent, Incapacitated, Ward by Court Order & Refused Court Representation by Judge Roach

11/1/2010

Court of Appeals
Fifth District of Texas at Dallas

MANDATE

TO THE 296TH JUDICIAL DISTRICT COURT OF COLLIN COUNTY, GREETINGS:

Before the Court of Appeals for the Fifth District of Texas, on the 31st day of July, 2012, the cause on appeal to revise or reverse the judgment between

DARLENE BALISTRERI-AMRHEIN AND ANTHONY J. BALISTRERI, Appellants

No. 05-09-01377-CV V.

AHI & INSPECTOR AARON D. MILLER, ET AL., Appellees

Appeal from the 296th Judicial District Court of Collin County, Texas. (Tr.Ct.No. 296-01145). Opinion delivered by Justice Richter. Justices O'Neill and Francis participating.

Was determined: and therein this Court made its order in these words:

In accordance with this Court's opinion of this date, the judgment of the trial court is **AFFIRMED**. It is **ORDERED** that appellees AHI & INSPECTOR AARON D. MILLER, ET AL. recover their costs of this appeal from appellanst DARLENE BALISTRERI-AMRHEIN AND ANTHONY J. BALISTRERI.

WHEREFORE, WE COMMAND YOU to observe the order of the Court of Appeals for the Fifth District of Texas, in this behalf, and have it duly obeyed and executed.

WITNESS, the HON. CAROLYN WRIGHT, Chief Justice of the Court of Appeals, with the Seal thereof affixed, at the City of Dallas, this 19th day of June, 2013.

OFFICE OF THE CLERK

By _____
DEPUTY CLERK

FILED

2013 JUN 20 AM 11:48

ANDREA [illegible]
DISTRICT [illegible]
COLLIN COUNTY, TEXAS
BY [illegible]

EXHIBIT M

Darlene C. Balistreri-Amrhein
112 Winsley Circle
McKinney, Texas 75071

March 08, 2018

County Court at Law # 6, # 5 and et al
2100 Bloomdale Road #30354
McKinney, Texas 75071

RE: CEASE AND DESIST DEMAND

County Court at Law # 6, # 5 and all named et al :
This letter is in regards to your following activities:

All Collin County Courts at Law 5 & 6, Attorneys, Cobb, Martinez, Woodland, Phanuef Counsels, 1700 Pacific Ave. #3100, Dallas, TX. 75201, Defendants Attorney Lennie Bollinger & Wormington & Bollinger Law Firm , Maria Wormington, Lennie Bollinger, Ed Krieger, David Benford 212 East Virginia Street, McKinney, TX. 75069, Frank Crowley Courts Building133 N. Riverfront Blvd. , LB#50, 5th Floor (Behind Auxiliary Court #9) Dallas, TX 75202, Attorneys Lennie Bollinger, Maria Wormington, David Benford, Ed Krieger at Wormington & Bollinger Law Firm, 212 East Virginia St. 75069, Collin County ADA Compliance Officer Bill Bliyue & Tim Wyatt 2300 Bloomdale Road, # 4192, McKinney TX 75071 & First Regional Administrator Judge Mary Murphy at Frank Crowley Courts Building 133 N. Riverfront Blvd. , LB#50, 5th Floor (Behind Auxiliary Court #9), Dallas, TX.75202, Collin County Judge Dan Wilson & Judge Jay Bender at 2100 Bloomdale Road, McKinney, TX 75071 For Harassment against Darlene Balistreri_Amrhein in violation of Americans With Disabilities Act ADA to interfere with my medical health & medical treatment plan with repeated harassment in courts & continued false & misleading statements to try to dismiss a lawsuit that is justified for all illegal acts against me. Cease & Desist & Stop it Now Immediately or I will go to media / press about your actions & hire an attorney to sue you for all your actions from December 1. 2017 to the present dates 2018. Your actions have become unbearable, and these activities are in violation of my right to be free of such harassment. This letter serves as your legal notice to CEASE AND DESIST THESE ACTIVITIES IMMEDIATELY as well as any other actions that may constitute harassment or violate my legal rights. If you fail to comply with this notice, legal action will promptly be brought against you, including having law enforcement pursue criminal charges and recovering any damages I have suffered in civil court for physical and mental distress or otherwise. I am not waiving any present or future rights to pursue legal action against you. This matter is not open to any further negotiation or discussion at all, so cease & desist now.

To prevent legal action from being pursued against you, you must sign, date, and return the attached Cease and Desist Agreement to the address listed above within 3 days of receipt of this notice & mail to me certified. Your failure to sign and return this agreement will be used as evidence of your continuing violations of my legal Constitutional Rights.

Sincerely,

Darlene C. Balistreri-Amrhein (Enclosure)

1.

CEASE AND DESIST AGREEMENT

In response to the Cease and Desist Letter I received from Darlene C. Balistreri-Amrhein dated March 08, 2018, I, _____ (Print Name), agree to immediately cease and desist engaging the following activities:

All Collin County Courts at Law 5 & 6, 2100 Bloomdale Road, McKinney, TX. 75071

Attorneys, Cobb, Martinez, Woodland, Phanucf Counsels, 1700 Pacific Ave. # 3100, Dallas, TX. 75201,

Defendants Attorney Lennie Bollinger & Wormington & Bollinger Law Firm , Maria Wormington, Lennie Bollinger, Ed Krieger, David Benford 212 East Virginia Street, McKinney, TX. 75069,

Frank Crowley Courts Building133 N. Riverfront Blvd. , LB#50, 5th Floor (Behind Auxiliary Court #9) Dallas, TX 75202,

Collin County ADA Compliance Officer Bill Bilyue & Tim Wyatt 2300 Bloomdale Road, # 4192, McKinney TX 75071;

First Regional Administrator Judge Mary Murphy at Frank Crowley Courts Building 133 N. Riverfront Blvd. , LB#50, 5th Floor (Behind Auxiliary Court #9), Dallas, TX 75202,

Collin County Judge Dan Wilson & Judge Jay Bender at 2100 Bloomdale Road, McKinney, TX 75071 & all Collin County Court & Cityof McKinney & all Collin Administrators .

For Harassment against Darlene Balistreri_Amrhein in violation of Americans With Disabilities Act ADA to interfere with my medical health & medical treatment plan with repeated harassment in the courts, continued false & misleading statements to try to dismiss a lawsuit that is justified for all illegal acts against me.

Cease & Desist & Stop it Now Immediately or I will go to media & press about your actions against Darlene C. Balistreri-Amrhein to go public with your illegal acts, so a continuance stay must be Ordered immediately in Case No. 006-02654-2017 & Case No. 005-02654-2017

These activities for all parties named within are in violations of Darlene C. Balistreri-Amrhein's legal Constitutional Rights, ADA & HIPPA Law as one surgery has been scheduled & multiple procedures required before this one of two scheduled surgeries.

I further agree to not take any other actions that may constitute harassment or violate Darlene C. Balistreri-Amrhein's legal rights.

If I breach this agreement, Darlene C. Balistreri-Amrhein may pursue all claims and legal remedies in existence prior to my signing this agreement, including costs and attorney's fees.

Sign: _____ Date: _____

Title: _____

2.

HP OfficeJet Pro 6968 All-in-One Series

Fax Log for
Darlene Amrhein
972-547-0448
Mar 07 2018 12:40PM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
				Digital Fax		
Mar 7,	12:39PM	Fax Sent	12146532957	1:25 N/A	2	OK

original

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al, Plaintiffs,

V.

ATTORNEY LENNIE F. BOLLINGER, AND WORMINGTON & BOLLINGER LAW FIRM, Defendants, et al

Collin County Court at Law Six (6)
COLLIN COUNTY, TEXAS

PLAINTIFF'S MOTION TO QUASH ALL WRITTEN INTENTIONS OF PRODUCTION OF DOCUMENTS FROM NOTARY PUBLIC & TEXAS BACK INSTITUTE FOR "GOOD CAUSE" REASONS

AND

PLAINTIFF'S MOTION FOR SANCTIONS AGAINST DEFENDANTS, et al & THEIR ATTORNEYS OF RECORD FOR "GOOD CAUSE" REASONS

"Objections"

FILED
COUNTY COURT AT LAW
2018 MAR 26 PM 3:31
STACEY KEMP
COUNTY CLERK
COLLIN COUNTY, TEXAS
BY: DEPUTY

Darlene C. Balistreri-Amrhein, Plaintiff
112 Winsley Circle
McKinney, TX. 75071

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original

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al, Plaintiffs,

V.

ATTORNEY LENNIE F. BOLLINGER, AND WORMINGTON & BOLLINGER LAW FIRM, Defendants, et al

Collin County Court at Law Six (6)
COLLIN COUNTY, TEXAS

PLAINTIFF'S MOTION TO QUASH ALL WRITTEN INTENTIONS OF PRODUCTION OF DOCUMENTS FROM NOTARY PUBLIC & TEXAS BACK INSTITUTE FOR "GOOD CAUSE" REASONS

AND

PLAINTIFF'S MOTION FOR SANCTIONS AGAINST DEFENDANTS, et al & THEIR ATTORNEYS OF RECORD FOR "GOOD CAUSE" REASONS

COMES NOW, Plaintiff, Darlene C. Balistreri-Amrhein to file Plaintiff's Motion To Quash All Written Intentions Of Production of Documents From Notary Public & Texas Back Institute For "Good Cause" Reasons And Plaintiff's Motion For Sanctions Against Defendants' et al and Their Attorneys of Record For "Good Cause" Reasons as follows:

I. MOTION TO QUASH WRITTEN INTEMNTIONS OF PRODUCTION OF DOCUMENTS FROM NOTARY PUBLIC

1) Defendants & their attorneys (Attorney Phanuef) hired Written Deposition Service, LLC 1750 Valley View Lane, Suite 210, Dallas, Texas 75234, to send Notice of Intention For Production of Documents to Witness Malachi Hackett as Notary Public of Texas by April 9, 2018; **(Exhibit A)**

2) Defendants & their Attorneys have served these above documents for the purpose of harassments & breach of Plaintiff privacy on all documents signed in the normal course of business since October 1, 2017 to the present;

3) Defendants & their Attorneys signed by Attorney Phanuef continues to harass Plaintiff & all her contacts, which is obvious by her continued misconduct in this lawsuit;

4) Plaintiff is required by the Texas Rules of Civil Procedure to attach a Verification Affidavit with each Court filing, which Plaintiff has done as required;

5) On each signed Verification Affidavit appears the name, signature, date & expiration of the notary public & their notary id number in the normal course of business;

6) Mr. Malachi Hackett as notary was not the only notary used as evident in each court filing since October 1, 2017, so this exercise is unnecessary as it proves nothing & she is trying to invade his personal record book that renders no additional information other than Plaintiff's driver license to continue to invade Plaintiff's privacy & objected to;

7) This written production is used to harass & try to discredit Plaintiff as if she violated any Texas Civil Rules of Procedure, which is untrue, false & meant to harass Plaintiff;

8) Plaintiff objects to Defendants & their dirty trick tactics as pure harassment & unnecessary, which has nothing to do with the "Legal Malpractice & Corruptions of Defendants Lennie Bollinger, et al, so it is totally irrelevant & duplicate information is obvious harassment in this lawsuit;

II. MOTION TO QUASH WRITTEN INTEMNTIONS OF PRODUCTION OF DOCUMENTS FROM TEXAS BACK INSTIUTE & PHYSICIANS

9) Defendants & their attorneys (Attorney Phanuef) hired Written Deposition Service, LLC 1750 Valley View Lane, Suite 210, Dallas, Texas 75234, to send Notice of Intention For Production of Documents to Witness Texas Back Institute & their Physicians Medical Records by April 9, 2018; **(Exhibit B)**

10) Defendants & their attorneys (Attorney Phanuef) continue to harass Plaintiff Amrhein, invades my privacy against HIPPA Laws & interferes with her ongoing medical care to intimidate, upset, affect & continue work, knowing this is against physicians medical restrictions & orders of no work to prevent clearance for April 26, 2018 first surgery, which is irrevevat to "legal malpractice;"

11) Defendants & Their Attorneys (Attorney Phanuef) is engaging in personal injuries against Plaintiff in retaliation for filing this lawsuit against Defendants, et al;

12) Defendants & Their Attorneys (Attorney Phanuef) have threatened Plaintiff & demanded that she dismiss this lawsuit, which was refused, so now she is trying to pressure to the detriment of my health knowingly making them liable for more injuries;

13) Defendants & Their Attorneys & (Attorney Phanuef) are filing false statements in court filings like in "false vexatious litigant claims," tried to discredit Plaintiff's reputation & character, continued harassments, including mailing to home, threatened Plaintiff to dismiss this lawsuit or else & "dirty tricks," which is also tampering with Plaintiff as a witness in this lawsuit;

14) Plaintiff has a **right to my privacy under HIPP Rights** & Laws as no entitlement by these Defendants, et al & their Attorneys in this lawsuit with no medical rights;

15) Plaintiff's medical information & care is irrelevant to the legal malpractice, wrongs, violations of laws & corruptions, etc. by Defendants, et al in this lawsuit& not a defense;

16) Defendants & Their Attorneys & (Attorney Phanuef) actions amount to intimidation, invasion of privacy, harassments, threats, bullying, abuses, conspiracy with others to detriment of Plaintiff, personal injuries, interference in medical care & treatment, giving false statements & increased unnecessary litigation costs as objected to & charges of required sanctions for additional pain, suffering & upset to this surgery clearance ;

17) I, as Plaintiff, have been personally & financially threatened by Defendants, et al & their court record Attorneys, et al & Attorney Carrie Johnson Phaneuf, et al;

III. LAWS VIOLATED BY DEFENDANTS, et al & THEIR ATTORNEYS:

18) **Committing perjury** is a violation of Texas state law. One commits perjury by making a false statement (either oral or written) while under oath or when swearing to the truth of a previous false statement that was either made under oath or required to be made under oath (such as a written statement). In order to prove a case for perjury, prosecutors must prove that the defendant made the false statement with the intent to deceive and with knowledge of the statement's meaning.

Perjury Laws

Both individual states and the federal government have laws making perjury a criminal offense. While the basic de same at both the federal and the state level, the penalties may be different. For instance, the federal law against p Code classifies perjury as a felony. This means that someone who lies under oath in federal court, or who lies unc on behalf of the federal government may be sentenced to up to five years in jail.
Some states classify perjury as a felony as well. Penalties for a felony are always more serious than a misdemear fines, and a year or more of jail or prison time. In other states, however, perjury may be a misdemeanor. In New Y perjury is a felony or a misdemeanor depends upon the lie that was told and the impact of that lie. Under New Yor under oath is a class A misdemeanor, but telling a material lie under oath, or an important lie, is a felony.

Elements of Perjury

In order for a defendant to be found guilty of perjury, the prosecutor must prove all elements of the crime beyond a

Although the elements of perjury vary between individual states and federal law, the elements of perjury are simila charged with perjury, he or she generally must have 1) been sworn in or made a solemn legal promise to tell the t statement or told a lie on purpose. Prosecutors can sometimes prove that a defendant lied by showing inconsister by the defendant. For instance, if a person testifies one way in a deposition and another way in court, and the stat another, this is solid evidence of perjury even if the prosecutor cannot prove which of the statements was untrue.

Most states and the federal government have an additional requirement, that the misstatement was material or im which it was made. If a witness was testifying in case about a robbery of a diner, for example, lying about whether diner would be material since seeing the defendant at the scene of the crime would be relevant to the defendant's about what he ate for breakfast, on the other hand, usually wouldn't be a material misstatement that would result i

Texas Penal Code § 37.01, et seq.

Statutory Definition of Perjury

Classification of the Crime Class A misdemeanor, Third degree felony for aggravated perjury

Perjury is a serious crime in any jurisdiction, since it has the effect of undermining the very integrity of the criminal justice system. But the "materiality" of the perjury is what determines just how serious a charge it warrants. If you have been charged with perjury in Texas, you will want legal representation.

Perjury and Other Falsification

SEC. 37.01. DEFINITIONS. IN THIS CHAPTER:

(1) "Court record" means a decree, judgment, order, subpoena, warrant, minutes, or other document issued by a court of:

(A) this state;
(B) another state;
(C) the United States;
(D) a foreign country recognized by an act of congress or a treaty or other international convention to which the United States is a party;
(E) an Indian tribe recognized by the United States; or
(F) any other jurisdiction, territory, or protectorate entitled to full faith and credit in this state under the United States Constitution.

SEC. 37.02. PERJURY.

(a) A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning:

(1) he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath; or
(2) he makes a false unsworn declaration under Chapter 132, Civil Practice and Remedies. Code. (b) An offense under this section is a Class A

SEC. 37.03. AGGRAVATED PERJURY.

(a) A person commits an offense if he commits perjury as defined in Section 37.02, and the false statement:
(1) is made during or in connection with an official proceeding; and
(2) is material.
(b) An offense under this section is a felony of the third degree.

SEC. 37.04. MATERIALITY.

(a) A statement is material, regardless of the admissibility of the statement under the rules of evidence, if it could have affected the course or outcome of the official proceeding.
(b) It is no defense to prosecution under Section 37.03 (Aggravated Perjury) that the declarant mistakenly believed the statement to be immaterial.
(c) Whether a statement is material in a given factual situation is a question of law.

SEC. 37.05. RETRACTION.

It is a defense to prosecution under Section 37.03 (Aggravated Perjury) that the actor retracted his false statement:

(1) before completion of the testimony at the official proceeding; and
(2) before it became manifest that the falsity of the statement would be expos

SEC. 37.07. IRREGULARITIES NO DEFENSE.

(a) It is no defense to prosecution under Section 37.02 (Perjury) or 37.03 (Aggravated Perjury) that the oath was administered or taken in an irregular manner, or that there was some irregularity in the appointment or qualification of the person who administered the oath.
(b) It is no defense to prosecution under Section 37.02 (Perjury) or 37.03 (Aggravated Perjury) that a document was not sworn to if the document contains a recital that it was made under oath, the declarant was aware of the recital when he signed the document, and the document contains the signed jurat of a public servant authorized to administer oaths.

Texas Penal Code 37.08 – False Report to Peace Officer, Federal Special Investigator, or Law Enforcement Employee:

(a) A person commits an offense if, knowing that an investigation or official proceeding is pending or in progress, he:

(1) alters, destroys, or conceals any record, document, or thing with intent to impair its verity, legibility, or availability as evidence in the investigation or official proceeding; or

(2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent to affect the course or outcome of the investigation or official proceeding.

(b) This section shall not apply if the record, document, or thing concealed is privileged or is the work product of the parties to the investigation or official proceeding.
(c) An offense under Subsection (a) or Subsection (d)(1) is a felony of the third degree, unless the thing altered, destroyed, or concealed is a human corpse, in which case the offense is a felony of the second degree. An offense under Subsection (d)(2) is a Class A misdemeanor.
(c-1) It is a defense to prosecution under Subsection (a) or (d)(1) that the record, document, or thing was visual material prohibited under Section 43.261 that was destroyed as described by Subsection (f)(3)(B) of that section.
(d) A person commits an offense if the person:

(1) knowing that an offense has been committed, alters, destroys, or conceals any record, document, or thing with intent to impair its verity, legibility, or availability as evidence in any subsequent investigation of or official proceeding related to the offense; or
(2) observes a human corpse under circumstances in which a reasonable person would believe that an offense had been committed, knows or reasonably should know that a law enforcement agency is not aware of the existence of or location of the corpse, and fails to report the existence of and location of the corpse to a law enforcement agency.

(e) In this section, "human corpse" has the meaning assigned by Section 42.08.

SEC. 37.10. TAMPERING WITH GOVERNMENTAL RECORD.

(a) A person commits an offense if he:

(1) knowingly makes a false entry in, or false alteration of, a governmental record;
(2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
(3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
(4) possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;
(5) makes, presents, or uses a governmental record with knowledge of its falsity; or
(6) possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

(b) It is an exception to the application of Subsection (a)(3) that the governmental record is destroyed pursuant to legal authorization or transferred under Section 441.204, Government Code. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Subtitle C, Title 6, Local Government Code.
(c) (1) Except as provided by Subdivisions (2), (3), and (4) and by Subsection (d), an offense under this section is a Class A misdemeanor unless the actor's intent is to defraud or harm another, in which event the offense is a state jail felony.

(2) An offense under this section is a felony of the third degree if it is shown on the trial of the offense that the governmental record was:

(A) a public school record, report, or assessment instrument required under Chapter 39, Education Code, data reported for a school district or open-enrollment charter school to the Texas Education Agency through the Public Education Information Management System (PEIMS) described by Section 42.006, Education Code, under a law or rule requiring that reporting, or a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, by another state, or by the United States, unless the actor's intent is to defraud or harm another, in which event the offense is a felony of the second degree;
(B) a written report of a medical, chemical, toxicological, ballistic, or other expert examination or test performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action;
(C) a written report of the certification, inspection, or maintenance record of an instrument, apparatus, implement, machine, or other similar device used in the course of an examination or test performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action; or
(D) a search warrant issued by a magistrate.

(3) An offense under this section is a Class C misdemeanor if it is shown on the trial of the offense that the governmental record is a governmental record that is required for enrollment of a student in a school district and was used by the actor to establish the residency of the student.
(4) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the governmental record is a written appraisal filed with an appraisal review board under Section 41.43(a-1), Tax Code, that was performed by a person who had a contingency interest in the outcome of the appraisal review board hearing.

(d) An offense under this section, if it is shown on the trial of the offense that the governmental record is described by Section 37.01(2)(D), is:

(1) a Class B misdemeanor if the offense is committed under Subsection (a)(2) or Subsection (a)(5) and the defendant is convicted of presenting or using the record;
(2) a felony of the third degree if the offense is committed under:

(A) Subsection (a)(1), (3), (4), or (6); or
(B) Subsection (a)(2) or (5) and the defendant is convicted of making the record; and

(3) a felony of the second degree, notwithstanding Subdivisions (1) and (2), if the actor's intent in committing the offense was to defraud or harm another.

(e) It is an affirmative defense to prosecution for possession under Subsection (a)(6) that the possession occurred in the actual discharge of official duties as a public servant.
(f) It is a defense to prosecution under Subsection (a)(1), (a)(2), or (a)(5) that the false entry or false information could have no effect on the government's purpose for requiring the governmental record.
(g) A person is presumed to intend to defraud or harm another if the person acts with respect to two or more of the same type of governmental records or blank governmental record forms and if each governmental record or blank governmental record form is a license, certificate, permit, seal, title, or similar document issued by government.
(h) If conduct that constitutes an offense under this section also constitutes an offense under Section 32.48 or 37.13, the actor may be prosecuted under any of those sections.
(i) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program.
(j) It is not a defense to prosecution under Subsection (a)(2) that the record, document, or thing made, presented, or used displays or contains the statement "NOT A GOVERNMENT DOCUMENT" or another substantially similar statement intended to alert a person to the falsity of the record, document, or thing, unless the record, document, or thing displays the statement diagonally printed clearly and indelibly on both the front and back of the record, document, or thing in solid red capital letters at least one-fourth inch in height.

SEC. 37.13. RECORD OF FRAUDULENT COURT:

(a) A person commits an offense if the person makes, presents, or uses any document or other record with:

(1) knowledge that the document or other record is not a record of a court created under or established by the constitution or laws of this state or of the United States; and
(2) the intent that the document or other record be given the same legal effect as a record

of a court created under or established by the constitution or laws of this state or of the United States.

(b) An offense under this section is a Class A misdemeanor, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted under this section on two or more occasions.
(c) If conduct that constitutes an offense under this section also constitutes an offense under Section 32.48 or 37.10, the actor may be prosecuted under any of those sections.

19) Understanding The HIPPA Law:

HIPAA is an acronym for The Health Insurance Portability and Accountability Act and was first enforced in 1996. This Act was created to provide protection for personal health information. This Act is balanced so that it provides needed information to health care providers for patient care, but also provides patients certain rights to that personal information.
Enforcement for most HIPAA covered entities was enforced beginning on April 14, 2003 while smaller health insurers were given one additional year. Enforcement activities include complaint investigation, compliance reviews, and continued education. The enforcement activities resulted in an improvement of privacy protection for the health care information of individuals.
The Privacy Rule is a federal law which allows you certain rights over your personal health information. You may obtain your health records, correct information on your health record and give permission to those who need to see your health records. This law sets rules and limitations on who can view and receive your personal information whether it is verbal, electronic, or written. The information that is protected includes any information that is put in your medical record by doctors, nurses, or other health care providers, any information in your heath insurerâ€™s computer system, billing information, and any conversations that are discussed between your doctor and nurses in regards to your treatment or care. The Privacy Rule applies to covered entities only; these include health plans, health care clearinghouses, and health care providers who submit health care information electronically.
If you feel as though your health information is not being protected, you may file a complaint with your provider, health insurer, or the U.S. Government. In order to file a complaint, it must be written and submitted via mail, e-mail, or fax within 180 days. If there is â€œgood causeâ€ , the Office for Civil Rights (OCR) may allow an extension beyond the 180-day period. When sending in the complaint, make sure that you are sending it to the correct OCR office or the OCR Headquarters.
The introduction of the HIPAA laws has helped improve the awareness of personal health care information issues. With patients, it has improved the level of comfort and trust that their information is being handled correctly.

- **The *Standards for Privacy of Individually Identifiable Health Information* ("Privacy Rule") establishes**, for the first time, a set of national standards for the protection of certain health information. The U.S. Department of Health and Human Services ("HHS") issued the Privacy Rule to implement the requirement of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").[1] The Privacy Rule standards address the use and disclosure of individuals' health information—called "protected health information" by organizations subject to the Privacy Rule — called "covered entities," as well as standards for individuals' privacy rights to understand and control how their health information is used. Within HHS, the Office for Civil Rights ("OCR") has responsibility for implementing and enforcing the Privacy Rule with respect to voluntary compliance activities and civil money penalties.

  A major goal of the Privacy Rule is to assure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well being. The Rule strikes a balance that permits important uses of information, while protecting the privacy of people who seek care and healing. Given that the health care marketplace is diverse, the Rule is designed to be flexible and comprehensive to cover the variety of uses and disclosures that need to be addressed.

  This is a summary of key elements of the Privacy Rule and not a complete or comprehensive guide to compliance. Entities regulated by the Rule are obligated to comply with all of its applicable requirements and should not rely on this summary as a source of legal information or advice. To make it easier for entities to review the complete requirements of the Rule, provisions of the Rule referenced in this summary are cited in the end notes. Visit our Privacy Rule section to view the entire Rule, and for other additional helpful information about how the Rule applies. In the event of a conflict between this summary and the Rule, the Rule governs.

Statutory and Regulatory Background

- **The Health Insurance Portability and Accountability Act of 1996 (HIPAA),** Public Law 104-191, was enacted on August 21, 1996. Sections 261 through 264 of HIPAA require the Secretary of HHS to publicize standards for the electronic exchange, privacy and security of health information. Collectively these are known as the *Administrative Simplification* provisions.

  HIPAA required the Secretary to issue privacy regulations governing individually identifiable health information, if Congress did not enact privacy legislation within three years of the passage of HIPAA. Because Congress did not enact privacy legislation, HHS developed a proposed rule and released it for public comment on November 3, 1999. The Department received over 52,000 public comments. The final regulation, the Privacy Rule, was published December 28, 2000.[2]

In March 2002, the Department proposed and released for public comment modifications to the Privacy Rule. The Department received over 11,000 comments.The final modifications were published in final form on August 14, 2002.[3] A text combining the final regulation and the modifications can be found at 45 CFR Part 160 and Part 164, Subparts A and E.

Who is Covered by the Privacy Rule:

The Privacy Rule, as well as all the Administrative Simplification rules, apply to health plans, health care clearinghouses, and to any health care provider who transmits health information in electronic form in connection with transactions for which the Secretary of HHS has adopted standards under HIPAA (the "covered entities"). For help in determining whether you are covered, use CMS's decision tool.

Health Plans. Individual and group plans that provide or pay the cost of medical care are covered entities.[4] Health plans include health, dental, vision, and prescription drug insurers, health maintenance organizations ("HMOs"), Medicare, Medicaid, Medicare+Choice and Medicare supplement insurers, and long-term care insurers (excluding nursing home fixed-indemnity policies). Health plans also include employer-sponsored group health plans, government and church-sponsored health plans, and multi-employer health plans. There are exceptions—a group health plan with less than 50 participants that is administered solely by the employer that established and maintains the plan is not a covered entity. Two types of government-funded programs are not health plans: (1) those whose principal purpose is not providing or paying the cost of health care, such as the food stamps program; and (2) those programs whose principal activity is directly providing health care, such as a community health center,[5] or the making of grants to fund the direct provision of health care. Certain types of insurance entities are also not health plans, including entities providing only workers' compensation, automobile insurance, and property and casualty insurance. If an insurance entity has separable lines of business, one of which is a health plan, the HIPAA regulations apply to the entity with respect to the health plan line of business.

Health Care Providers. Every health care provider, regardless of size, who electronically transmits health information in connection with certain transactions, is a covered entity. These transactions include claims, benefit eligibility inquiries, referral authorization requests, or other transactions for which HHS has established standards under the HIPAA Transactions Rule.[6] Using electronic technology, such as email, does not mean a health care provider is a covered entity; the transmission must be in connection with a standard transaction. The Privacy Rule covers a health care provider whether it electronically transmits these transactions directly or uses a billing service or other third party to do so on its behalf. Health care providers include all "providers of services" (e.g., institutional providers such as hospitals) and "providers of medical or health services" (e.g., non-institutional providers such as physicians, dentists and other

practitioners) as defined by Medicare, and any other person or organization that furnishes, bills, or is paid for health care.

Health Care Clearinghouses. *Health care clearinghouses* are entities that process nonstandard information they receive from another entity into a standard (i.e., standard format or data content), or vice versa.[7] In most instances, health care clearinghouses will receive individually identifiable health information only when they are providing these processing services to a health plan or health care provider as a business associate. In such instances, only certain provisions of the Privacy Rule are applicable to the health care clearinghouse's uses and disclosures of protected health information.[8] Health care clearinghouses include billing services, repricing companies, community health management information systems, and value-added networks and switches if these entities perform clearinghouse functions.

Business Associates:

Business Associate Defined. In general, a business associate is a person or organization, other than a member of a covered entity's workforce, that performs certain functions or activities on behalf of, or provides certain services to, a covered entity that involve the use or disclosure of individually identifiable health information. Business associate functions or activities on behalf of a covered entity include claims processing, data analysis, utilization review, and billing.[9] Business associate services to a covered entity are limited to legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services. However, persons or organizations are not considered business associates if their functions or services do not involve the use or disclosure of protected health information, and where any access to protected health information by such persons would be incidental, if at all. A covered entity can be the business associate of another covered entity.

Business Associate Contract. When a covered entity uses a contractor or other non-workforce member to perform *"business associate"* services or activities, the Rule requires that the covered entity include certain protections for the information in a business associate agreement (in certain circumstances governmental entities may use alternative means to achieve the same protections). In the business associate contract, a covered entity must impose specified written safeguards on the individually identifiable health information used or disclosed by its business associates.[10] Moreover, a covered entity may not contractually authorize its business associate to make any use or disclosure of protected health information that would violate the Rule. Covered entities that had an existing written contract or agreement with business associates prior to October 15, 2002, which was not renewed or modified prior to April 14, 2003, were permitted to continue to operate under that contract until they renewed the contract or April 14, 2004, whichever was first.[11] See additional guidance on Business Associates and sample business associate contract language.

What Information is Protected

Protected Health Information. The Privacy Rule protects all *"individually identifiable health information"* held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral. The Privacy Rule calls this information "protected health information (PHI)."[12]

"Individually identifiable health information" is information, including demographic data, that relates to:

- the individual's past, present or future physical or mental health or condition,
- the provision of health care to the individual, or
- the past, present, or future payment for the provision of health care to the individual,

and that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual.[13] Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).

The Privacy Rule excludes from protected health information employment records that a covered entity maintains in its capacity as an employer and education and certain other records subject to, or defined in, the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g.

De-Identified Health Information. There are no restrictions on the use or disclosure of de-identified health information.[14] De-identified health information neither identifies nor provides a reasonable basis to identify an individual. There are two ways to de-identify information; either: (1) a formal determination by a qualified statistician; or (2) the removal of specified identifiers of the individual and of the individual's relatives, household members, and employers is required, and is adequate only if the covered entity has no actual knowledge that the remaining information could be used to identify the individual.[15]

General Principle for Uses and Disclosures:

Basic Principle. A major purpose of the Privacy Rule is to define and limit the circumstances in which an individual's protected heath information may be used or disclosed by covered entities. A covered entity may not use or disclose protected health information, except either: (1) as the Privacy Rule permits or requires; or (2) as the individual who is the subject of the information (or the individual's personal representative) authorizes in writing.[16]

Required Disclosures. A covered entity must disclose protected health information in only two situations: (a) to individuals (or their personal representatives) specifically when they request access to, or an accounting of disclosures of, their protected health information; and (b) to HHS when it is undertaking a compliance investigation or review or enforcement action.[17] See additional guidance on Government Access.

Permitted Uses and Disclosures

Permitted Uses and Disclosures. A covered entity is permitted, but not required, to use and disclose protected health information, without an individual's authorization, for the following purposes or situations: (1) To the Individual (unless required for access or accounting of disclosures); (2) Treatment, Payment, and Health Care Operations; (3) Opportunity to Agree or Object; (4) Incident to an otherwise permitted use and disclosure; (5) Public Interest and Benefit Activities; and (6) Limited Data Set for the purposes of research, public health or health care operations.[18] Covered entities may rely on professional ethics and best judgments in deciding which of these permissive uses and disclosures to make.

(1) To the Individual. A covered entity may disclose protected health information to the individual who is the subject of the information.

(2) Treatment, Payment, Health Care Operations. A covered entity may use and disclose protected health information for its own treatment, payment, and health care operations activities.[19] A covered entity also may disclose protected health information for the treatment activities of any health care provider, the payment activities of another covered entity and of any health care provider, or the health care operations of another covered entity involving either quality or competency assurance activities or fraud and abuse detection and compliance activities, if both covered entities have or had a relationship with the individual and the protected health information pertains to the relationship. See additional guidance on Treatment, Payment, & Health Care Operations.

Treatment is the provision, coordination, or management of health care and related services for an individual by one or more health care providers, including consultation between providers regarding a patient and referral of a patient by one provider to another.[20]

Payment encompasses activities of a health plan to obtain premiums, determine or fulfill responsibilities for coverage and provision of benefits, and furnish or obtain reimbursement for health care delivered to an individual[21] and activities of a health care provider to obtain payment or be reimbursed for provision of health care to an individual.

Health care operations are any of the following activities: (a) quality assessment and improvement activities, including case management and care coordination; (b) competency assurance activities, including provider or health plan performance evaluation, credentialing, and accreditation; (c) conducting or arranging for medical reviews, audits, or legal services, including fraud and abuse detection and compliance programs; (d) specified insurance functions, such as underwriting, risk rating, and reinsuring risk; (e) business planning, development, management, and administration; and (f) business management and general administrative activities of the entity, including but not limited to: de-identifying protected health information, creating a limited data set, and certain fundraising for the benefit of the covered entity.[22]

Most uses and disclosures of psychotherapy notes for treatment, payment, and health care operations purposes require an authorization as described below.[23] Obtaining "consent" (written permission from individuals to use and disclose their protected health information for treatment, payment, and health care operations) is optional under the Privacy Rule for all covered entities.[24] The content of a consent form, and the process for obtaining consent, are at the discretion of the covered entity electing to seek consent.

(3) Uses and Disclosures with Opportunity to Agree or Object. Informal permission may be obtained by asking the individual outright, or by circumstances that clearly give the individual the opportunity to agree, acquiesce, or object. Where the individual is incapacitated, in an emergency situation, or not available, covered entities generally may make such uses and disclosures, if in the exercise of their professional judgment, the use or disclosure is determined to be in the best interests of the individual.

Facility Directories. It is a common practice in many health care facilities, such as hospitals, to maintain a directory of patient contact information. A covered health care provider may rely on an individual's informal permission to list in its facility directory the individual's name, general condition, religious affiliation, and location in the provider's facility.[25] The provider may then disclose the individual's condition and location in the facility to anyone asking for the individual by name, and also may disclose religious affiliation to clergy. Members of the clergy are not required to ask for the individual by name when inquiring about patient religious affiliation.

For Notification and Other Purposes. A covered entity also may rely on an individual's informal permission to disclose to the individual's family, relatives, or friends, or to other persons whom the individual identifies, protected health information directly relevant to that person's involvement in the individual's care or payment for care. [26] This provision, for example, allows a pharmacist to dispense filled prescriptions to a person acting on behalf of the patient. Similarly, a covered entity may rely on an individual's informal permission to use or disclose protected health information for the purpose of notifying (including identifying or locating) family members, personal representatives, or others

responsible for the individual's care of the individual's location, general condition, or death. In addition, protected health information may be disclosed for notification purposes to public or private entities authorized by law or charter to assist in disaster relief efforts.

(4) Incidental Use and Disclosure. The Privacy Rule does not require that every risk of an incidental use or disclosure of protected health information be eliminated. A use or disclosure of this information that occurs as a result of, or as "incident to," an otherwise permitted use or disclosure is permitted as long as the covered entity has adopted reasonable safeguards as required by the Privacy Rule, and the information being shared was limited to the "minimum necessary," as required by the Privacy Rule.[27]See additional guidance on Incidental Uses and Disclosures.

(5) Public Interest and Benefit Activities. The Privacy Rule permits use and disclosure of protected health information, without an individual's authorization or permission, for 12 national priority purposes.[28] These disclosures are permitted, although not required, by the Rule in recognition of the important uses made of health information outside of the health care context. Specific conditions or limitations apply to each public interest purpose, striking the balance between the individual privacy interest and the public interest need for this information.

Required by Law. Covered entities may use and disclose protected health information without individual authorization as required by law (including by statute, regulation, or court orders).[29]

Public Health Activities. Covered entities may disclose protected health information to: (1) public health authorities authorized by law to collect or receive such information for preventing or controlling disease, injury, or disability and to public health or other government authorities authorized to receive reports of child abuse and neglect; (2) entities subject to FDA regulation regarding FDA regulated products or activities for purposes such as adverse event reporting, tracking of products, product recalls, and post-marketing surveillance; (3) individuals who may have contracted or been exposed to a communicable disease when notification is authorized by law; and (4) employers, regarding employees, when requested by employers, for information concerning a work-related illness or injury or workplace related medical surveillance, because such information is needed by the employer to comply with the Occupational Safety and Health Administration (OHSA), the Mine Safety and Health Administration (MHSA), or similar state law.[30] See additional guidance on Public Health Activities and CDC's web pages on Public Health and HIPAA Guidance.

Victims of Abuse, Neglect or Domestic Violence. In certain circumstances, covered entities may disclose protected health information to appropriate government authorities regarding victims of abuse, neglect, or domestic violence.[31]

Health Oversight Activities. Covered entities may disclose protected health information to health oversight agencies (as defined in the Rule) for purposes of legally authorized health oversight activities, such as audits and investigations necessary for oversight of the health care system and government benefit programs.[32]

Judicial and Administrative Proceedings. Covered entities may disclose protected health information in a judicial or administrative proceeding if the request for the information is through an order from a court or administrative tribunal. Such information may also be disclosed in response to a subpoena or other lawful process if certain assurances regarding notice to the individual or a protective order are provided.[33]

Law Enforcement Purposes. Covered entities may disclose protected health information to law enforcement officials for law enforcement purposes under the following six circumstances, and subject to specified conditions: (1) as required by law (including court orders, court-ordered warrants, subpoenas) and administrative requests; (2) to identify or locate a suspect, fugitive, material witness, or missing person; (3) in response to a law enforcement official's request for information about a victim or suspected victim of a crime; (4) to alert law enforcement of a person's death, if the covered entity suspects that criminal activity caused the death; (5) when a covered entity believes that protected health information is evidence of a crime that occurred on its premises; and (6) by a covered health care provider in a medical emergency not occurring on its premises, when necessary to inform law enforcement about the commission and nature of a crime, the location of the crime or crime victims, and the perpetrator of the crime.[34]

Decedents. Covered entities may disclose protected health information to funeral directors as needed, and to coroners or medical examiners to identify a deceased person, determine the cause of death, and perform other functions authorized by law.[35]

Cadaveric Organ, Eye, or Tissue Donation. Covered entities may use or disclose protected health information to facilitate the donation and transplantation of cadaveric organs, eyes, and tissue.[36]

Research. "Research" is any systematic investigation designed to develop or contribute to generalizable knowledge.[37] The Privacy Rule permits a covered entity to use and disclose protected health information for research purposes, without an individual's authorization, provided the covered entity obtains either: (1) documentation that an alteration or waiver of individuals' authorization for the use or disclosure of protected health information about them for research purposes has been approved by an Institutional Review Board or Privacy Board; (2) representations from the researcher that the use or disclosure of the protected health information is solely to prepare a research protocol or for similar purpose preparatory to research, that the researcher will not remove any protected health information from the covered entity, and that protected health information for which access is sought is necessary for the research; or (3)

representations from the researcher that the use or disclosure sought is solely for research on the protected health information of decedents, that the protected health information sought is necessary for the research, and, at the request of the covered entity, documentation of the death of the individuals about whom information is sought.[38] A covered entity also may use or disclose, without an individuals' authorization, a limited data set of protected health information for research purposes (see discussion below).[39] See additional guidance on Research and NIH's publication of "Protecting Personal Health Information in Research: Understanding the HIPAA Privacy Rule." - PDF

Serious Threat to Health or Safety. Covered entities may disclose protected health information that they believe is necessary to prevent or lessen a serious and imminent threat to a person or the public, when such disclosure is made to someone they believe can prevent or lessen the threat (including the target of the threat). Covered entities may also disclose to law enforcement if the information is needed to identify or apprehend an escapee or violent criminal.[40]

Essential Government Functions. An authorization is not required to use or disclose protected health information for certain essential government functions. Such functions include: assuring proper execution of a military mission, conducting intelligence and national security activities that are authorized by law, providing protective services to the President, making medical suitability determinations for U.S. State Department employees, protecting the health and safety of inmates or employees in a correctional institution, and determining eligibility for or conducting enrollment in certain government benefit programs.[41]

Workers' Compensation. Covered entities may disclose protected health information as authorized by, and to comply with, workers' compensation laws and other similar programs providing benefits for work-related injuries or illnesses.[42] See additional guidance on Workers' Compensation.

(6) Limited Data Set. A limited data set is protected health information from which certain specified direct identifiers of individuals and their relatives, household members, and employers have been removed.43 A limited data set may be used and disclosed for research, health care operations, and public health purposes, provided the recipient enters into a data use agreement promising specified safeguards for the protected health information within the limited data set.

Authorized Uses and Disclosures

Authorization. A covered entity must obtain the individual's written authorization for any use or disclosure of protected health information that is not for treatment, payment or health care operations or otherwise permitted or required by the Privacy Rule.[44] A

covered entity may not condition treatment, payment, enrollment, or benefits eligibility on an individual granting an authorization, except in limited circumstances.[45]

An authorization must be written in specific terms. It may allow use and disclosure of protected health information by the covered entity seeking the authorization, or by a third party. Examples of disclosures that would require an individual's authorization include disclosures to a life insurer for coverage purposes, disclosures to an employer of the results of a pre-employment physical or lab test, or disclosures to a pharmaceutical firm for their own marketing purposes.

All authorizations must be in plain language, and contain specific information regarding the information to be disclosed or used, the person(s) disclosing and receiving the information, expiration, right to revoke in writing, and other data. The Privacy Rule contains transition provisions applicable to authorizations and other express legal permissions obtained prior to April 14, 2003.[46]

Psychotherapy Notes[47]. A covered entity must obtain an individual's authorization to use or disclose psychotherapy notes with the following exceptions[48]:

- The covered entity who originated the notes may use them for treatment.
- A covered entity may use or disclose, without an individual's authorization, the psychotherapy notes, for its own training, and to defend itself in legal proceedings brought by the individual, for HHS to investigate or determine the covered entity's compliance with the Privacy Rules, to avert a serious and imminent threat to public health or safety, to a health oversight agency for lawful oversight of the originator of the psychotherapy notes, for the lawful activities of a coroner or medical examiner or as required by law.

Marketing. Marketing is any communication about a product or service that encourages recipients to purchase or use the product or service.[49] The Privacy Rule carves out the following health-related activities from this definition of marketing:

- Communications to describe health-related products or services, or payment for them, provided by or included in a benefit plan of the covered entity making the communication;
- Communications about participating providers in a provider or health plan network, replacement of or enhancements to a health plan, and health-related products or services available only to a health plan's enrollees that add value to, but are not part of, the benefits plan;
- Communications for treatment of the individual; and

- Communications for case management or care coordination for the individual, or to direct or recommend alternative treatments, therapies, health care providers, or care settings to the individual.

Marketing also is an arrangement between a covered entity and any other entity whereby the covered entity discloses protected health information, in exchange for direct or indirect remuneration, for the other entity to communicate about its own products or services encouraging the use or purchase of those products or services. A covered entity must obtain an authorization to use or disclose protected health information for marketing, except for face-to-face marketing communications between a covered entity and an individual, and for a covered entity's provision of promotional gifts of nominal value. No authorization is needed, however, to make a communication that falls within one of the exceptions to the marketing definition. An authorization for marketing that involves the covered entity's receipt of direct or indirect remuneration from a third party must reveal that fact. See additional guidance on Marketing.

Limiting Uses and Disclosures to the Minimum Necessary

Minimum Necessary. A central aspect of the Privacy Rule is the principle of "minimum necessary" use and disclosure. A covered entity must make reasonable efforts to use, disclose, and request only the minimum amount of protected health information needed to accomplish the intended purpose of the use, disclosure, or request.[50] A covered entity must develop and implement policies and procedures to reasonably limit uses and disclosures to the minimum necessary. When the minimum necessary standard applies to a use or disclosure, a covered entity may not use, disclose, or request the entire medical record for a particular purpose, unless it can specifically justify the whole record as the amount reasonably needed for the purpose. See additional guidance on Minimum Necessary.

The minimum necessary requirement is not imposed in any of the following circumstances: (a) disclosure to or a request by a health care provider for treatment; (b) disclosure to an individual who is the subject of the information, or the individual's personal representative; (c) use or disclosure made pursuant to an authorization; (d) disclosure to HHS for complaint investigation, compliance review or enforcement; (e) use or disclosure that is required by law; or (f) use or disclosure required for compliance with the HIPAA Transactions Rule or other HIPAA Administrative Simplification Rules.

Access and Uses. For internal uses, a covered entity must develop and implement policies and procedures that restrict access and uses of protected health information based on the specific roles of the members of their workforce. These policies and procedures must identify the persons, or classes of persons, in the workforce who need access to protected health information to carry out their duties, the categories of protected health

information to which access is needed, and any conditions under which they need the information to do their jobs.

Disclosures and Requests for Disclosures. Covered entities must establish and implement policies and procedures (which may be standard protocols) for *routine, recurring disclosures, or requests for disclosures*, that limits the protected health information disclosed to that which is the minimum amount reasonably necessary to achieve the purpose of the disclosure. Individual review of each disclosure is not required. For non-routine, non-recurring disclosures, or requests for disclosures that it makes, covered entities must develop criteria designed to limit disclosures to the information reasonably necessary to accomplish the purpose of the disclosure and review each of these requests individually in accordance with the established criteria.

Reasonable Reliance. If another covered entity makes a request for protected health information, a covered entity may rely, if reasonable under the circumstances, on the request as complying with this minimum necessary standard. Similarly, a covered entity may rely upon requests as being the minimum necessary protected health information from: (a) a public official, (b) a professional (such as an attorney or accountant) who is the covered entity's business associate, seeking the information to provide services to or for the covered entity; or (c) a researcher who provides the documentation or representation required by the Privacy Rule for research.

Notice and Other Individual Rights

Privacy Practices Notice. Each covered entity, with certain exceptions, must provide a notice of its privacy practices.[51] The Privacy Rule requires that the notice contain certain elements. The notice must describe the ways in which the covered entity may use and disclose protected health information. The notice must state the covered entity's duties to protect privacy, provide a notice of privacy practices, and abide by the terms of the current notice. The notice must describe individuals' rights, including the right to complain to HHS and to the covered entity if they believe their privacy rights have been violated. The notice must include a point of contact for further information and for making complaints to the covered entity. Covered entities must act in accordance with their notices. The Rule also contains specific distribution requirements for direct treatment providers, all other health care providers, and health plans. See additional guidance on Notice.

- **Notice Distribution.** A covered health care provider with a *direct treatment* relationship with individuals must have delivered a privacy practices notice to patients starting April 14, 2003 as follows:

  - Not later than the first service encounter by personal delivery (for patient visits), by automatic and contemporaneous electronic response (for electronic service delivery), and

by prompt mailing (for telephonic service delivery);

- By posting the notice at each service delivery site in a clear and prominent place where people seeking service may reasonably be expected to be able to read the notice; and

- In emergency treatment situations, the provider must furnish its notice as soon as practicable after the emergency abates.

Covered entities, whether direct treatment providers or indirect treatment providers (such as laboratories) or health plans must supply notice to anyone on request.[52] A covered entity must also make its notice electronically available on any web site it maintains for customer service or benefits information.

The covered entities in an organized health care arrangement may use a joint privacy practices notice, as long as each agrees to abide by the notice content with respect to the protected health information created or received in connection with participation in the arrangement.[53] Distribution of a joint notice by any covered entity participating in the organized health care arrangement at the first point that an OHCA member has an obligation to provide notice satisfies the distribution obligation of the other participants in the organized health care arrangement.

A health plan must distribute its privacy practices notice to each of its enrollees by its Privacy Rule compliance date. Thereafter, the health plan must give its notice to each new enrollee at enrollment, and send a reminder to every enrollee at least once every three years that the notice is available upon request. A health plan satisfies its distribution obligation by furnishing the notice to the "named insured," that is, the subscriber for coverage that also applies to spouses and dependents.

- **Acknowledgement of Notice Receipt.** A covered health care provider with a direct treatment relationship with individuals must make a good faith effort to obtain written acknowledgement from patients of receipt of the privacy practices notice.[54] The Privacy Rule does not prescribe any particular content for the acknowledgement. The provider must document the reason for any failure to obtain the patient's written acknowledgement. The provider is relieved of the need to request acknowledgement in an emergency treatment situation.

Access. Except in certain circumstances, individuals have the right to review and obtain a copy of their protected health information in a covered entity's designated record set.[55] The "designated record set" is that group of records maintained by or for a covered entity that is used, in whole or part, to make decisions about individuals, or that is a provider's medical and billing records about individuals or a health plan's enrollment, payment, claims adjudication, and case or medical management record systems.[56] The

Rule excepts from the right of access the following protected health information: psychotherapy notes, information compiled for legal proceedings, laboratory results to which the Clinical Laboratory Improvement Act (CLIA) prohibits access, or information held by certain research laboratories. For information included within the right of access, covered entities may deny an individual access in certain specified situations, such as when a health care professional believes access could cause harm to the individual or another. In such situations, the individual must be given the right to have such denials reviewed by a licensed health care professional for a second opinion.[57]Covered entities may impose reasonable, cost-based fees for the cost of copying and postage.

Amendment. The Rule gives individuals the right to have covered entities amend their protected health information in a designated record set when that information is inaccurate or incomplete. [58] If a covered entity accepts an amendment request, it must make reasonable efforts to provide the amendment to persons that the individual has identified as needing it, and to persons that the covered entity knows might rely on the information to the individual's detriment.[59] If the request is denied, covered entities must provide the individual with a written denial and allow the individual to submit a statement of disagreement for inclusion in the record. The Rule specifies processes for requesting and responding to a request for amendment. A covered entity must amend protected health information in its designated record set upon receipt of notice to amend from another covered entity.

Disclosure Accounting. Individuals have a right to an accounting of the disclosures of their protected health information by a covered entity or the covered entity's business associates.[60] The maximum disclosure accounting period is the six years immediately preceding the accounting request, except a covered entity is not obligated to account for any disclosure made before its Privacy Rule compliance date.

The Privacy Rule does not require accounting for disclosures: (a) for treatment, payment, or health care operations; (b) to the individual or the individual's personal representative; (c) for notification of or to persons involved in an individual's health care or payment for health care, for disaster relief, or for facility directories; (d) pursuant to an authorization; (e) of a limited data set; (f) for national security or intelligence purposes; (g) to correctional institutions or law enforcement officials for certain purposes regarding inmates or individuals in lawful custody; or (h) incident to otherwise permitted or required uses or disclosures. Accounting for disclosures to health oversight agencies and law enforcement officials must be temporarily suspended on their written representation that an accounting would likely impede their activities.

Restriction Request. Individuals have the right to request that a covered entity restrict use or disclosure of protected health information for treatment, payment or health care operations, disclosure to persons involved in the individual's health care or payment for health care, or disclosure to notify family members or others about the individual's

general condition, location, or death.[61] A covered entity is under no obligation to agree to requests for restrictions. A covered entity that does agree must comply with the agreed restrictions, except for purposes of treating the individual in a medical emergency.[62]

Confidential Communications Requirements. Health plans and covered health care providers must permit individuals to request an alternative means or location for receiving communications of protected health information by means other than those that the covered entity typically employs.[63] For example, an individual may request that the provider communicate with the individual through a designated address or phone number. Similarly, an individual may request that the provider send communications in a closed envelope rather than a post card.

Health plans must accommodate reasonable requests if the individual indicates that the disclosure of all or part of the protected health information could endanger the individual. The health plan may not question the individual's statement of endangerment. Any covered entity may condition compliance with a confidential communication request on the individual specifying an alternative address or method of contact and explaining how any payment will be handled.

Administrative Requirements

HHS recognizes that covered entities range from the smallest provider to the largest, multi-state health plan. Therefore the flexibility and scalability of the Rule are intended to allow covered entities to analyze their own needs and implement solutions appropriate for their own environment. What is appropriate for a particular covered entity will depend on the nature of the covered entity's business, as well as the covered entity's size and resources.

Privacy Policies and Procedures. A covered entity must develop and implement written privacy policies and procedures that are consistent with the Privacy Rule.[64]

Privacy Personnel. A covered entity must designate a privacy official responsible for developing and implementing its privacy policies and procedures, and a contact person or contact office responsible for receiving complaints and providing individuals with information on the covered entity's privacy practices.[65]

Workforce Training and Management. Workforce members include employees, volunteers, trainees, and may also include other persons whose conduct is under the direct control of the entity (whether or not they are paid by the entity).[66] A covered entity must train all workforce members on its privacy policies and procedures, as necessary and appropriate for them to carry out their functions.[67] A covered entity must have and apply appropriate sanctions against workforce members who violate its privacy policies and procedures or the Privacy Rule.[68]

Mitigation. A covered entity must mitigate, to the extent practicable, any harmful effect it learns was caused by use or disclosure of protected health information by its workforce or its business associates in violation of its privacy policies and procedures or the Privacy Rule.[69]

Data Safeguards. A covered entity must maintain reasonable and appropriate administrative, technical, and physical safeguards to prevent intentional or unintentional use or disclosure of protected health information in violation of the Privacy Rule and to limit its incidental use and disclosure pursuant to otherwise permitted or required use or disclosure.[70] For example, such safeguards might include shredding documents containing protected health information before discarding them, securing medical records with lock and key or pass code, and limiting access to keys or pass codes. See additional guidance on Incidental Uses and Disclosures.

Complaints. A covered entity must have procedures for individuals to complain about its compliance with its privacy policies and procedures and the Privacy Rule.[71] The covered entity must explain those procedures in its privacy practices notice.[72]

Among other things, the covered entity must identify to whom individuals can submit complaints to at the covered entity and advise that complaints also can be submitted to the Secretary of HHS.

Retaliation and Waiver. A covered entity may not retaliate against a person for exercising rights provided by the Privacy Rule, for assisting in an investigation by HHS or another appropriate authority, or for opposing an act or practice that the person believes in good faith violates the Privacy Rule.[73] A covered entity may not require an individual to waive any right under the Privacy Rule as a condition for obtaining treatment, payment, and enrollment or benefits eligibility.[74]

Documentation and Record Retention. A covered entity must maintain, until six years after the later of the date of their creation or last effective date, its privacy policies and procedures, its privacy practices notices, disposition of complaints, and other actions, activities, and designations that the Privacy Rule requires to be documented.[75]

Fully-Insured Group Health Plan Exception. The only administrative obligations with which a fully-insured group health plan that has no more than enrollment data and summary health information is required to comply are the (1) ban on retaliatory acts and waiver of individual rights, and (2) documentation requirements with respect to plan documents if such documents are amended to provide for the disclosure of protected health information to the plan sponsor by a health insurance issuer or HMO that services the group health plan.[76]

Organizational Options

The Rule contains provisions that address a variety of organizational issues that may affect the operation of the privacy protections.

Hybrid Entity. The Privacy Rule permits a covered entity that is a single legal entity and that conducts both covered and non-covered functions to elect to be a "hybrid entity."[77] (The activities that make a person or organization a covered entity are its "covered functions."[78]) To be a hybrid entity, the covered entity must designate in writing its operations that perform covered functions as one or more "health care components." After making this designation, most of the requirements of the Privacy Rule will apply only to the health care components. A covered entity that does not make this designation is subject in its entirety to the Privacy Rule.

Affiliated Covered Entity. Legally separate covered entities that are affiliated by common ownership or control may designate themselves (including their health care components) as a single covered entity for Privacy Rule compliance.[79] The designation must be in writing. An affiliated covered entity that performs multiple covered functions must operate its different covered functions in compliance with the Privacy Rule provisions applicable to those covered functions.

Organized Health Care Arrangement. The Privacy Rule identifies relationships in which participating covered entities share protected health information to manage and benefit their common enterprise as "organized health care arrangements."[80] Covered entities in an organized health care arrangement can share protected health information with each other for the arrangement's joint health care operations.[81]

Covered Entities With Multiple Covered Functions. A covered entity that performs multiple covered functions must operate its different covered functions in compliance with the Privacy Rule provisions applicable to those covered functions.[82] The covered entity may not use or disclose the protected health information of an individual who receives services from one covered function (e.g., health care provider) for another covered function (e.g., health plan) if the individual is not involved with the other function.

Group Health Plan disclosures to Plan Sponsors. A group health plan and the health insurer or HMO offered by the plan may disclose the following protected health information to the "plan sponsor"—the employer, union, or other employee organization that sponsors and maintains the group health plan[83]:

- Enrollment or disenrollment information with respect to the group health plan or a health insurer or HMO offered by the plan.

- If requested by the plan sponsor, summary health information for the plan sponsor to use to obtain premium bids for providing health insurance coverage through the group health

plan, or to modify, amend, or terminate the group health plan. "Summary health information" is information that summarizes claims history, claims expenses, or types of claims experience of the individuals for whom the plan sponsor has provided health benefits through the group health plan, and that is stripped of all individual identifiers other than five digit zip code (though it need not qualify as de-identified protected health information).

- **Protected health information** of the group health plan's enrollees for the plan sponsor to perform plan administration functions. The plan must receive certification from the plan sponsor that the group health plan document has been amended to impose restrictions on the plan sponsor's use and disclosure of the protected health information. These restrictions must include the representation that the plan sponsor will not use or disclose the protected health information for any employment-related action or decision or in connection with any other benefit plan.

Other Provisions: Personal Representatives and Minors

Personal Representatives. The Privacy Rule requires a covered entity to treat a *"personal representative"* the same as the individual, with respect to uses and disclosures of the individual's protected health information, as well as the individual's rights under the Rule.[84] A personal representative is a person legally authorized to make health care decisions on an individual's behalf or to act for a deceased individual or the estate. The Privacy Rule permits an exception when a covered entity has a reasonable belief that the personal representative may be abusing or neglecting the individual, or that treating the person as the personal representative could otherwise endanger the individual.

Special Case: Minors. In most cases, parents are the personal representatives for their minor children. Therefore, in most cases, parents can exercise individual rights, such as access to the medical record, on behalf of their minor children. In certain exceptional cases, the parent is not considered the personal representative. In these situations, the Privacy Rule defers to State and other law to determine the rights of parents to access and control the protected health information of their minor children. If State and other law is silent concerning parental access to the minor's protected health information, a covered entity has discretion to provide or deny a parent access to the minor's health information, provided the decision is made by a licensed health care professional in the exercise of professional judgment. See additional guidance on Personal Representatives.

State Law

Preemption. In general, State laws that are contrary to the Privacy Rule are preempted by the federal requirements, which means that the federal requirements will

apply.[85] "Contrary" means that it would be impossible for a covered entity to comply with both the State and federal requirements, or that the provision of State law is an obstacle to accomplishing the full purposes and objectives of the Administrative Simplification provisions of HIPAA.[86] The Privacy Rule provides exceptions to the general rule of federal preemption for contrary State laws that (1) relate to the privacy of individually identifiable health information and provide greater privacy protections or privacy rights with respect to such information, (2) provide for the reporting of disease or injury, child abuse, birth, or death, or for public health surveillance, investigation, or intervention, or (3) require certain health plan reporting, such as for management or financial audits.

Exception Determination. In addition, preemption of a contrary State law will not occur if HHS determines, in response to a request from a State or other entity or person, that the State law:

- Is necessary to prevent fraud and abuse related to the provision of or payment for health care,
- Is necessary to ensure appropriate State regulation of insurance and health plans to the extent expressly authorized by statute or regulation,
- Is necessary for State reporting on health care delivery or costs,
- Is necessary for purposes of serving a compelling public health, safety, or welfare need, and, if a Privacy Rule provision is at issue, if the Secretary determines that the intrusion into privacy is warranted when balanced against the need to be served; or
- Has as its principal purpose the regulation of the manufacture, registration, distribution, dispensing, or other control of any controlled substances (as defined in 21 U.S.C. 802), or that is deemed a controlled substance by State law.

Enforcement and Penalties for Noncompliance

Compliance. The Standards for Privacy of Individually Identifiable Health Information (Privacy Rule) establishes a set of national standards for the use and disclosure of an individual's health information – called protected health information – by covered entities, as well as standards for providing individuals with privacy rights to understand and control how their health information is used. The Department of Health and Human Services, Office for Civil Rights (OCR) is responsible for administering and enforcing these standards and may conduct complaint investigations and compliance reviews.

Consistent with the principles for achieving compliance provided in the Privacy Rule, OCR will seek the cooperation of covered entities and may provide technical assistance

to help them comply voluntarily with the Privacy Rule. Covered entities that fail to comply voluntarily with the standards may be subject to civil money penalties. In addition, certain violations of the Privacy Rule may be subject to criminal prosecution. These penalty provisions are explained below.

Civil Money Penalties. OCR may impose a penalty on a covered entity for a failure to comply with a requirement of the Privacy Rule. Penalties will vary significantly depending on factors such as the date of the violation, whether the covered entity knew or should have known of the failure to comply, or whether the covered entity's failure to comply was due to willful neglect. Penalties may not exceed a calendar year cap for multiple violations of the same requirement.

	For violations occurring prior to 2/18/2009	**For violations occurring on or after 2/18/2009**
Penalty Amount	Up to $100 per violation	$100 to $50,000 or more per violation
Calendar Year Cap	$25,000	$1,500,000

A penalty will not be imposed for violations in certain circumstances, such as if:

- the failure to comply was not due to willful neglect, and was corrected during a 30-day period after the entity knew or should have known the failure to comply had occurred (unless the period is extended at the discretion of OCR); or
- the Department of Justice has imposed a criminal penalty for the failure to comply (see below).

In addition, OCR may choose to reduce a penalty if the failure to comply was due to reasonable cause and the penalty would be excessive given the nature and extent of the noncompliance.

Before OCR imposes a penalty, it will notify the covered entity and provide the covered entity with an opportunity to provide written evidence of those circumstances that would reduce or bar a penalty. This evidence must be submitted to OCR within 30 days of

receipt of the notice. In addition, if OCR states that it intends to impose a penalty, a covered entity has the right to request an administrative hearing to appeal the proposed penalty.

Criminal Penalties. A person who knowingly obtains or discloses individually identifiable health information in violation of the Privacy Rule may face a criminal penalty of up to $50,000 and up to one-year imprisonment. The criminal penalties increase to $100,000 and up to five years imprisonment if the wrongful conduct involves false pretenses, and to $250,000 and up to 10 years imprisonment if the wrongful conduct involves the intent to sell, transfer, or use identifiable health information for commercial advantage, personal gain or malicious harm. The Department of Justice is responsible for criminal prosecutions under the Priv

Compliance Dates

Compliance Schedule. All covered entities, except "small health plans," must have been compliant with the Privacy Rule by April 14, 2003.[90] Small health plans, however, had until April 14, 2004 to comply.

Small Health Plans. A health plan with annual receipts of not more than $5 million is a small health plan.[91] Health plans that file certain federal tax returns and report receipts on those returns should use the guidance provided by the Small Business Administration at 13 Code of Federal Regulations (CFR) 121.104 to calculate annual receipts. Health plans that do not report receipts to the Internal Revenue Service (IRS), for example, group health plans regulated by the Employee Retirement Income Security Act 1974 (ERISA) that are exempt from filing income tax returns, should use proxy measures to determine their annual receipts.[92]See What constitutes a small health plan?

See our Combined Regulation Text of All Rules section of our site for the full suite of HIPAA Administrative Simplification Regulations and Understanding HIPAA for additional guidance material.

[1] Pub. L. 104-191.
[2] 65 FR 82462.
[3] 67 FR 53182.
[4] 45 C.F.R. §§ 160.102, 160.103.
[5] Even if an entity, such as a community health center, does not meet the definition of a health plan, it may, nonetheless, meet the definition of a health care provider, and, if it transmits health information in electronic form in connection with the transactions for which the Secretary of HHS has adopted standards under HIPAA, may still be a covered entity.
[6] 45 C.F.R. §§ 160.102, 160.103; see Social Security Act § 1172(a)(3), 42 U.S.C. § 1320d-1(a)(3).

The transaction standards are established by the HIPAA Transactions Rule at 45 C.F.R. Part 162.

[7] 45 C.F.R. § 160.103.

[8] 45 C.F.R. § 164.500(b).

[9] 45 C.F.R. § 160.103.

[10] 45 C.F.R. §§ 164.502(e), 164.504(e).

[11] 45 C.F.R. § 164.532

[12] 45 C.F.R. § 160.103.

[13] 45 C.F.R. § 160.103

[14] 45 C.F.R. §§ 164.502(d)(2), 164.514(a) and (b).

[15] The following identifiers of the individual or of relatives, employers, or household members of the individual must be removed to achieve the "safe harbor" method of de-identification: (A) Names; (B) All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of Census (1) the geographic units formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and (2) the initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000; (C) All elements of dates (except year) for dates directly related to the individual, including birth date, admission date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older; (D) Telephone numbers; (E) Fax numbers; (F) Electronic mail addresses: (G) Social security numbers; (H) Medical record numbers; (I) Health plan beneficiary numbers; (J) Account numbers; (K) Certificate/license numbers; (L) Vehicle identifiers and serial numbers, including license plate numbers; (M) Device identifiers and serial numbers; (N) Web Universal Resource Locators (URLs); (O) Internet Protocol (IP) address numbers; (P) Biometric identifiers, including finger and voice prints; (Q) Full face photographic images and any comparable images; and ® any other unique identifying number, characteristic, or code, except as permitted for re-identification purposes provided certain conditions are met. In addition to the removal of the above-stated identifiers, the covered entity may not have actual knowledge that the remaining information could be used alone or in combination with any other information to identify an individual who is subject of the information. 45 C.F.R. § 164.514(b).

[16] 45 C.F.R. § 164.502(a).

[17] 45 C.F.R. § 164.502(a)(2).

[18] 45 C.F.R. § 164.502(a)(1).

[19] 45 C.F.R. § 164.506(c).

[20] 45 C.F.R. § 164.501.

[21] 45 C.F.R. § 164.501.

[22] 45 C.F.R. § 164.501.

[23] 45 C.F.R. § 164.508(a)(2)

[24] 45 C.F.R. § 164.506(b).

[25] 45 C.F.R. § 164.510(a).
[26] 45 C.F.R. § 164.510(b).
[27] 45 C.F.R. §§ 164.502(a)(1)(iii).
[28] See 45 C.F.R. § 164.512.
[29] 45 C.F.R. § 164.512(a).
[30] 45 C.F.R. § 164.512(b).
[31] 45 C.F.R. § 164.512(a), (c).
[32] 45 C.F.R. § 164.512(d).
[33] 45 C.F.R. § 164.512(e).
[34] 45 C.F.R. § 164.512(f).
[35] 45 C.F.R. § 164.512(g).
[36] 45 C.F.R. § 164.512(h).
[37] The Privacy Rule defines research as, "a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge." 45 C.F.R. § 164.501.
[38] 45 C.F.R. § 164.512(i).
[39] 45 CFR § 164.514(e).
[40] 45 C.F.R. § 164.512(j).
[41] 45 C.F.R. § 164.512(k).
[42] 45 C.F.R. § 164.512(l).
[43] 45 C.F.R. § 164.514(e). A limited data set is protected health information that excludes the
following direct identifiers of the individual or of relatives, employers, or household members of
the individual: (i) Names; (ii) Postal address information, other than town or city, State and zip
code; (iii) Telephone numbers; (iv) Fax numbers; (v) Electronic mail addresses: (vi) Social
security numbers; (vii) Medical record numbers; (viii) Health plan beneficiary numbers; (ix)
Account numbers; (x) Certificate/license numbers; (xi) Vehicle identifiers and serial numbers,
including license plate numbers; (xii) Device identifiers and serial numbers; (xiii) Web Universal
Resource Locators (URLs); (xiv) Internet Protocol (IP) address numbers; (xv) Biometric identifiers, including finger and voice prints; (xvi) Full face photographic images and any comparable images. 45 C.F.R. § 164.514(e)(2).
[44] 45 C.F.R. § 164.508.
[45] A covered entity may condition the provision of health care solely to generate protected health information for disclosure to a third party on the individual giving authorization to disclose the information to the third party. For example, a covered entity physician may condition the provision of a physical examination to be paid for by a life insurance issuer on an individual's authorization to disclose the results of that

examination to the life insurance issuer. A health plan may condition enrollment or benefits eligibility on the individual giving authorization, requested before the individual's enrollment, to obtain protected health information (other than psychotherapy notes) to determine the individual's eligibility or enrollment or for underwriting or risk rating. A covered health care provider may condition treatment related to research (e.g., clinical trials) on the individual giving authorization to use or disclose the individual's protected health information for the research. 45 C.F.R. 508(b)(4).

[46] 45 CFR § 164.532.

[47] "Psychotherapy notes" means notes recorded (in any medium) by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of the of the individual's medical record. Psychotherapy notes excludes medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

[45] C.F.R. § 164.501.

[48] 45 C.F.R. § 164.508(a)(2).

[49] 45 C.F.R. §§ 164.501 and 164.508(a)(3).

[50] 45 C.F.R. §§ 164.502(b) and 164.514 (d).

[51] 45 C.F.R. §§ 164.520(a) and (b). A group health plan, or a health insurer or HMO with respect to the group health plan, that intends to disclose protected health information (including enrollment data or summary health information) to the plan sponsor, must state that fact in the notice. Special statements are also required in the notice if a covered entity intends to contact individuals about health-related benefits or services, treatment alternatives, or appointment reminders, or for the covered entity's own fundraising.

[52] 45 C.F.R. § 164.520(c).

[53] 45 C.F.R. § 164.520(d).

[54] 45 C.F.R. § 164.520(c).

[55] 45 C.F.R. § 164.524.

[56] 45 C.F.R. § 164.501.

[57] A covered entity may deny an individual access, provided that the individual is given a right to have such denials reviewed by a licensed health care professional (who is designated by the covered entity and who did not participate in the original decision to deny), when a licensed health care professional has determined, in the exercise of professional judgment, that: (a) the access requested is reasonably likely to endanger the life or physical safety of the individual or another person; (b) the protected health information makes reference to another person (unless such other person is a health care provider) and the access requested is reasonably likely to cause substantial harm to such other person; or (c) the request for access is made by the individual's personal representative and the provision of access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.

A covered entity may deny access to individuals, without providing the individual an opportunity for review, in the following protected situations: (a) the protected health information falls under an exception to the right of access; (b) an inmate request for protected health information under certain circumstances; (c) information that a provider creates or obtains in the course of research that includes treatment for which the individual has agreed not to have access as part of consenting to participate in the research (as long as access to the information is restored upon completion of the research); (d) for records subject to the Privacy Act, information to which access may be denied under the Privacy Act, 5 U.S.C. § 552a; and (e) information obtained under a promise of confidentiality from a source other than a health care provider, if granting access would likely reveal the source. 45 C.F.R. § 164.524.

[58] 45 C.F.R. § 164.526.

[59] Covered entities may deny an individual's request for amendment only under specified circumstances. A covered entity may deny the request if it: (a) may exclude the information from access by the individual; (b) did not create the information (unless the individual provides a reasonable basis to believe the originator is no longer available); (c) determines that the information is accurate and complete; or (d) does not hold the information in its designated record set. 164.526(a)(2).

[60] 45 C.F.R. § 164.528.

[61] 45 C.F.R. § 164.522(a).

[62] 45 C.F.R. § 164.522(a). In addition, a restriction agreed to by a covered entity is not effective under this subpart to prevent uses or disclosures permitted or required under §§ 164.502(a)(2)(ii), 164.510(a) or 164.512.

[63] 45 C.F.R. § 164.522(b).

[64] 45 C.F.R. § 164.530(i).

[65] 45 C.F.R. § 164.530(a).

[66] 45 C.F.R. §160.103.

[67] 45 C.F.R. § 164.530(b).

[68] 45 C.F.R. § 164.530(e).

[69] 45 C.F.R. § 164.530(f).

[70] 45 C.F.R. § 164.530(c).

[71] 45 C.F.R. § 164.530(d).

[72] 45 C.F.R. § 164.520(b)(1)(vi).

[73] 45 C.F.R. § 164.530(g).

[74] 45 C.F.R. § 164.530(h).

[75] 45 C.F.R. § 164.530(j).

[76] 45 C.F.R. § 164.530(k).

[77] 45 C.F.R. §§ 164.103, 164.105.

[78] 45 C.F.R. § 164.103.

[79] 45 C.F.R. §164.105. Common ownership exists if an entity possesses an ownership or equity interest of five percent or more in another entity; common control exists if an entity has the direct or indirect power significantly to influence or direct the actions or policies of another entity. 45 C.F.R. §§ 164.103.

[80] **The Privacy Rule** at 45 C.F.R. § 160.103 identifies five types of organized health care arrangements:

- A clinically-integrated setting where individuals typically receive health care from more than one provider.
- An organized system of health care in which the participating covered entities hold themselves out to the public as part of a joint arrangement and jointly engage in utilization review, quality assessment and improvement activities, or risk-sharing payment activities.
- A group health plan and the health insurer or HMO that insures the plan's benefits, with respect to protected health information created or received by the insurer or HMO that relates to individuals who are or have been participants or beneficiaries of the group health plan.
- All group health plans maintained by the same plan sponsor.
- All group health plans maintained by the same plan sponsor and all health insurers and HMOs that insure the plans' benefits, with respect to protected health information created or received by the insurers or HMOs that relates to individuals who are or have been participants or beneficiaries in the group health plans.

[81] 45 C.F.R. § 164.506(c)(5).
[82] 45 C.F.R. § 164.504(g).
[83] 45 C.F.R. § 164.504(f).
[84] 45 C.F.R. § 164.502(g).
[85] 45 C.F.R. §160.203.
[86] 45 C.F.R. § 160.202.
[87] 45 C.F.R.§ 160.304
[88] Pub. L. 104-191; 42 U.S.C. §1320d-5.
[89] Pub. L. 104-191; 42 U.S.C. §1320d-6.
[90] 45 C.F.R. § 164.534.
[91] 45 C.F.R. § 160.103.
[92] Fully insured health plans should use the amount of total premiums that they paid for health insurance benefits during the plan's last full fiscal year. Self-insured plans, both funded and unfunded, should use the total amount paid for health care claims by the employer, plan sponsor or benefit fund, as applicable to their circumstances, on behalf of the plan during the plan's last full fiscal year. Those plans that provide health benefits through a mix of purchased insurance and
self-insurance should combine proxy measures to determine their total annual receipts.

INTIMIDATION, HARASSMENTS, THREATS ARE CRIMES:

Don't be Intimidated

Are you being harassed or threatened? Has someone been repeatedly phoning, texting or following you? If someone is disturbing you, it may be considered an offence under the *Criminal Code*. While these types of behaviour are frequently associated with family violence, an offender can be anyone: a current or former partner, a co-worker, casual acquaintance or total stranger. Such behaviour can be directed towards an individual, their family, their friends or co-workers, and may involve other criminal acts such as break and enter, assault or unlawful confinement.

Criminal Harassment

It is a criminal offence for anyone to make you reasonably fear for your safety or the safety of someone you know by...

- repeatedly following you or someone you know
- repeatedly visiting, calling, writing or contacting you or someone you know
- watching your home or workplace or the home or workplace of someone you know
- threatening you or someone in your family

No actual injury need occur. The offender does not need to have intended to harm you. If their behaviour would cause a reasonable person to fear for their safety, it is criminal harassment. In some cases an offender may be prohibited from possessing firearms, ammunition or explosives. Serious cases could result in an offender being sent to jail for up to ten years.

Intimidation

It is a criminal offence for anyone to try to force you to do something or prevent you from doing something by...

- using violence against you, your family or your property
- threatening you or your family with violence or damage to your property
- following you
- taking your things
- chasing after you by car
- watching your home or place of work

Offenders can be jailed for up to five years. In some cases an offender may be prohibited from possessing firearms, ammunition or explosives.

Uttering Threats

It is a criminal offence for anyone to threaten to...

- kill or cause bodily harm to any person
- damage, destroy or burn property
- kill, poison or injure any person's animal or bird
- Maximum penalty for threatening death or bodily harm is five years imprisonment.

36.

- The maximum penalty for uttering threats to damage property or kill or injure animals is two years.

Indecent or Harassing Telephone Calls

It is a criminal offence to make an indecent telephone call, or to repeatedly call someone to harass them. This offence carries a penalty of up to six months in jail and/or a fine of up to $5000. It is also a criminal offence to tell someone false information with the intent to injure or alarm them, for example, to falsely tell you that someone close to you has been injured or killed. The maximum punishment for this offence is two years in jail.

Extortion

Extortion means using threats or violence to get someone to do something or to obtain something. Extortion is a criminal offence. Many people think of extortion as involving only money, but this is not always the case. For example, a person could be convicted of extorting an act of sexual intercourse.

This offence carries a maximum penalty of life imprisonment. If a firearm is used, the minimum sentence is four years imprisonment.

Causing a Disturbance

It is a criminal offence to cause a disturbance in a public place. It is also an offence to loiter, molest or obstruct people in a public place. Causing a disturbance could cover such things as fighting or yelling on the street, or shouting or harassing someone in a bar, restaurant or shopping mall.

This offence carries a penalty of up to six months in jail and/or a fine of up to $5000.

Getting Help

If you are being harassed, intimidated or threatened, get help. Ask a friend to stay with you. Call the police. Change your phone number. Make a note of the name of the person who is bothering you, if you know it.

If possible, record the dates of the occurrences along with a description of what happened. Keep any physical evidence and make copies of any electronic communications. Keep a record of anyone who may have witnessed the occurrences.

If the harassment or threats are made by phone, use the call trace feature through your phone company. Information about this feature can be found in the front pages of your phone book, or you can contact the phone company. Call trace allows the phone company to provide the police with evidence that can be used in court. You can also record the phone calls yourself.

DO NOT PUT YOURSELF AT RISK.

Calling the Police - If someone has been uttering threats, harassing or intimidating you, call the police. Get the badge number of the officer you talk to so that you can refer to it if you need to call the police again. The police can investigate to find out who is disturbing you.

Criminal Charges

If the police decide to charge a suspect, that person may be arrested or summoned to appear in court at a later date. Ask the police to be kept informed about your case and indicate concerns about your safety. The police or Victim Services can tell you whether someone has been charged in connection with your case, whether they have been arrested or released, and provide information about any scheduled court appearances.

Even if the person is arrested, they may be released. You must take steps to protect yourself, such as staying with a friend or at a shelter.

The police cannot keep a person in jail for more than 24 hours without charging them. The police and the Crown Prosecutor can ask that the court require the person to stay away from you as a condition of their release.

Going to Court

If the police arrest and charge the person, you may be required to testify in court as a witness. Crown Prosecutors handle criminal cases. They decide whether there is enough evidence to justify taking the case to court.

If the matter goes to court and the accused pleads guilty or is found guilty at trial, they could be sent to jail. The court may also order that the offender not have any contact with you, and that they not be at or near your home or workplace. They may also prohibit the offender from possessing any weapons or require the offender to attend counselling.

You may wish to prepare a Victim Impact Statement to let the court know how the crime has affected your life. The court can consider this information when sentencing the offender.

Being a Witness

Witnesses and victims may have fears and concerns about testifying in court. They may be worried about giving personal information. They may be unsure about understanding and answering questions well. They may be worried about not remembering important dates, times or other details.

These concerns are normal. The Crown Prosecutor and provincial victim/witness services can provide witnesses and victims with information about what to expect in court, and options that may make testifying easier.

It is important for witnesses and victims to get the assistance they need to enable them to appear and testify in court as required. If a person, including a witness or victim, ignores a subpoena to appear in court, they can be arrested and brought before a judge.

If a witness or victim refuses to testify in court they could be held in contempt of court and face a fine, or jail, or both. Witnesses and victims should ask the Crown Prosecutor or victim services personnel to help them prepare to testify in court.

Other Orders

If you have been threatened & know who person is, you can apply to court for a peace bond.

A peace bond requires a person you fear to enter into a recognizance and comply with conditions to stop harassing or intimidating you. Failure to comply with a peace bond is a criminal offence. A Crown Prosecutor or the police can provide information to help you obtain a peace bond.

You may also be able to get a victim's assistance order under *The Victims of Domestic Violence Act*. These orders are only available in situations of family conflict. Talk to the police or a lawyer.

You can also call the victims assistance program in your area. They can tell you about other services to deal with harassment. Ask the police for information about victim services available in your area.

IV. PLAINTIFF'S MOTION FOR SANCTIONS AGAINST DEFENDANTS, ET AL & THEIR ATTORNEYS, COBB, MARTINEZ, WOODLAND, ET AL & ATTORNEY CARRIE JOHNSON PHANEEUF AS ASSOCIATED TO TWO SUBPOENAS OF NOTARY PUBLIC HACKETT & TBI MEDICAL RECORDS, ETC.

1) **Objection # 1** - Plaintiff has a special physician/ patient relationship with the Texas Back Institute Doctors, which is contained within all TBI Medical Records;

2) **Objection # 2** = Plaintiff's medical records & treatments have nothing to do with the "legal malpractice" lawsuit against Attorney Lennie Bollinger & Wormington & Bollinger, et al lawsuit, so not relevant to pending litigation;

3) **Objection #3** - Defendants & their Attorneys, et al subpoenas are overly broad in seeking & not reasonably calculated to lead to the discovery of admissible evidence;

4) **Objection #4** – Defendants, Attorney Lennie Bollinger & Wormington & Bollinger dis not cause injury to Plaintiff's back, spine & neck in 2015 to Dec. 2017;

5) **Objection # 5** – The notary public information has already been provided on each & every court filing with the case number, style of case, parties to lawsuit, court filed heading, contents, my signature, notary public printed name, notary public's signature name, date the document was signed & notarized with each oath taken, so this written subpoena can gain no additional information other than Plaintiff's driver's license, which is not necessary & a matter of public record, as used for intimidation & harassments;

6) **Objection # 6** – Plaintiff TBI medical records & Physicians information has nothing to do with "legal malpractice" as 2 notes were given for ADA Stay & to be transparent with the court for 2 needed surgeries that are not apart of this "legal malpractice lawsuit;"

7) **Objection # 7** – Plaintiff has been harassed by Defendants et al through their Attorneys, Cobb, Martinez, Woodland & Attorney Carrie Johnson Phaneuf & threatened with financial ruin if this lawsuit is not dismissed, unlawful & crimes against state & federal laws;

8) **Objection # 8** – Plaintiff's medical condition & 2 needed surgeries have been used against me to my detriment, which has nothing to do with the "legal malpractice" committed against me in 2015, 2016 & 2017;

9) **Objection # 9** – Plaintiff has a right to her privacy, medical care, recovery, which is not relevant to this legal malpractice & not used against for intimidation in this lawsuit;

10) **Objection # 10** – Defendants' attorneys & Attorney Carrie Phaneuf have filed false court documents knowingly on "vexatious litigant" false charges to dismiss this lawsuit;

11) **Objection # 11** – Plaintiff has been forced to file court documents, while medicated on pain killers & narcotics, while under confusion & altered mind state & held liable knowingly as disclosed to court & parties;

12) **Objection # 12** - Plaintiff has been threatened for financial ruin, demands & seizure of my Social Security, while medicated on narcotics, confused in an altered mind set;

13) **Objection # 13** – Plaintiff has been forced to work against my TBI physicians "no work" Order to detriment of preparing for one of two surgeries;

14) **Objection # 14** – Plaintiff has been denied her 3 other physicians, tests, labs, evaluations & clearances for my pending April 26, 2018 "high risk" surgery, putting my **life in jeopardy as diabetic, heart patient & other outstanding medical issues & to prevent all liability;**

15) **Objection # 15** – Plaintiff has made demands that the harassments, demands & work stop, so I can proceed in a safe manner to follow my physicians detailed treatment plan, which has been denied since January 16, 2018 as intent by all parties against requirements;

16) **Objection # 16** – Plaintiff has appeared before several notaries at different locations as filed within several courts, so it appears that Attorney Phaneuf is singling on person (Hackett) out for the same information she already has as served & copied, so duplicate;

17) **Objection # 17** – Defendants' & their Attorneys have no right to enter Plaintiff's medical HIPPA Rights, to engage in interference in my doctor patient relationship, interfere in my health care plan, are not licensed physicians & are using this to detriment as harassment against me unlawfully for months, since first hospitalized on December 26, 2017 & continued to harass to the present date as I feel threatened, fearful & harassed;

18) **Objection # 18** – Plaintiff is entitled to peace of mind going into surgeries, for full recoveries for my health sake & U.S. & Texas Constitutional Rights;

19) **Objection # 19** – Defendants & their Attorneys misconduct is causing more pain, more

suffering, more medications & more medical bills with delays to this scheduled surgery, which is unfair, unjust & not a part of "due process" & Texas Rules of Civil Procedures;

20) **Objection # 20** - Defendants & their Attorneys misconduct is with intent to force Plaintiff to dismiss this lawsuit, which will not happen under any circumstances:

21) **Objection # 21** – It appears that Defendants' Attorneys, et al motive is to distract from their Defendants, et al Attorney Bollinger & Wormington Bollinger, et al from defending their illegal acts, frauds, misconduct included in this "legal malpractice lawsuit;

22) **Objection # 22** – Plaintiff is incapacitated with daily living activities impacted as stated a number of times in Court filings & under Americans With Disabilities Act / ADA, but refused with continued threats, harassment, coercion &demands against my disabilities;

23) **Objection # 23** – There was no injuries caused by the legal malpractice lawsuit from 2015, 2016, 2017 that is the basis of this lawsuit, so subpoenas are improper, & notary is duplicative, all of which is to harass Plaintiff Amrhein & try to force a dismissal; NEVER

24) **Objection # 24** – Plaintiff objects to the form of all questions in both subpoenas & their Ordered to answer all these questions as not relevant to legal malpractice lawsuit 7 meant for intimidation & harassment purposes & in violation of rules of procedure & laws & none of this was agreed to by Plaintiff Amrhein as unknown & against TRCP 200, et seq.

25) **Objection # 25** – Every issue stated within this filing is of Plaintiff's own personal knowledge as stated before this Court for evaluation & sanctions against Defendants, et al & their Attorneys: Cobb, Martinez, Woodland & Phaneuf for all items including harassments, threats, forced work, bad faith, criminal acts & all delays, etc.

The Law on Harassment in Texas

Texas state laws serve many purposes. One of the most important purposes of these laws is to **maintain peace and public order**. Some laws ensure this goal by **criminalizing dangerous or violent actions**. However, some laws maintain public order by **criminalizing undesirable or threatening behavior**.

Harassment laws are a great example of this. A person who engages in **threatening, intimidating or obnoxious behavior that is directed at another person** may be guilty of the crime of harassment. What may seem like a harmless prank can have real consequences if the victim is **seriously disturbed** by the behavior.

The Definition of Harassment

Texas law is very clear on the definition of harassment. There are two primary elements to a harassment offense. These elements are:

- The **intent** of the perpetrator
- The **harassing behavior itself**

The first component, intent, refers to the desire or goal of the person committing the act. According to Texas Penal Code Section 42.07, a person committing harassment must have an intent to "**harass, annoy, alarm, abuse, torment or embarrass**" another person.
The second component of the act is the actual harassing behavior itself. Harassment as a criminal offense can include a large number of different activities. The Texas Penal Code lists the following activities which may be considered criminal harassment:

- Communicating with another person and requesting an obscene activity, such as sexual activity
- Threatening to inflict bodily harm on another person or threatening to commit a felony against another person, their family members or their property
- Conveying a false report of the death or bodily injury of another person
- Repeatedly calling another person on the telephone in an annoying manner or making phone calls and intentionally failing to hang up the call when it is answered
- Sending electronic communications, such as emails or text messages, in an annoying, threatening or abusive manner

Most of these definitions of harassing behavior include a stipulation that the behavior must be done in a way that is reasonably likely to alarm the person receiving the communication. This is done to prevent people from being penalized for behavior that is not legally considered harassment.

Harassment vs Bullying and Stalking

Harassment, although similar to other behaviors such as bullying and stalking, is noticeably different from these other behaviors. The primary difference is that harassment typically occurs **through a communication medium**, such as:

- Telephones
- Email
- Text messages

Stalking and bullying often involve **physically pursuing or sending items to another person in a threatening manner**. For example, a person who repeatedly follows an ex-spouse home from work may be charged with stalking.
However, it is possible for a person to be charged with stalking even if they only engage in threatening behavior through a means of communication. A person who places another person or their family members into a reasonable belief that they will come to serious harm or death by threatening them may be charged with stalking.

Legal Penalties

A person who is convicted of harassment in Texas can expect some harsh punishments. A first time conviction for stalking can lead to:

- **Up to six months of incarceration** in county jail
- A fine of **up to $2000**

A person who is convicted of a second harassment offense will face enhanced punishments. A second conviction for harassment is a **Class A misdemeanor** offense and is punishable by:

- **Up to one year in county jail**

- A fine of **up to $4000**

In addition to these punishments, a person who is convicted of harassment may be served with a restraining order. This means that they will be legally banned from having any contact with the person protected by the order. Violating the terms of this order may lead to additional penalties, revocation of probation or the issuing of a warrant.

IN CONCLUSION, PRAYER & RELIEF SOUGHT

Plaintiff is asking the Court to Quash all Subpoenas, to charge $2,500 or more for all actions taken by Defendants, et al & their Attorneys' et al in the name of fairness, due process & Justice, allowing Plaintiff to prepare for two surgeries, full recovery without any complications.

Plaintiff prays for "peace of mind " dealing with serious medical spine concern & circumstances as stated in multiple court filings & to allow all my HIPPA Rights, to stop all misconduct & harassments with $2,500.00 in sanctions to pay for my medical expenses as Social Security is used & off limits from any wrongful Appealable seizures & no tax refunds at $4,000 income.

If this lawsuit is dismissed or any actions taken, Plaintiff will Appeal to all higher Courts !

God Help Us All !

* Attorneys sent multiple request of same service. DH

Respectfully submitted,

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

Harassment! 3/25/18

43.

VERIFICATION / AFFIDAVIT

NO. 006-02654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Balistreri-Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed Plaintiff's Motion To Quash All written Intentions etc. Plaintiff's Motion For Sanctions Against Defendants etc. This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing.

Darlene C Balistreri-Amrhein

Darlene C. Balistreri- Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON March 24, 2018 to Certify which witness my hand and official seal.

SEAL:

SEAN LOUGHLIN
Notary ID #129595393
My Commission Expires
October 16, 2021

Sean Loughlin

Notary Public of Texas (Printed Name)

Notary Public of Texas (Signature)

Commission Expires 10/16/2021

44.

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Motion To Quash All Written Intentions of Production Of Documents From Notary Public & Texas Back Institute For "Good Cause" Reasons And Plaintiff's Motion For Sanctions Against Defendants, ET AL, & Their Attorneys Of Record For "Good Cause" Reasons was served by Mail or Courier In Person through the United States Post Office on or about March 26, 2018 to the following:

Collin County Courthouse **In Person - Courier**

County Court at Law No. 6 Honorable Judge Jay Bender
Attn: Collin County District Clerk's Office
2100 Bloomdale Rd.
McKinney, TX 75071

Cobb, Martinez, Woodward, PLLC **Certified # 7017 3380 0001 0025 2500**

Attorney Carrie Johnson Phaneuf

1700 Pacific Avenue, Suite 3100

Dallas, TX. 75201

CERTIFICATE OF CONFERENCE

There was no conference filed & served because Plaintiff is too sick, in pain, medicated, 5 physicians, health insurance & anesthetist clearances for surgeries.

Respectfully submitted,

Darlene C. Balistreri-Amrhein

Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

3/25/18

45.

Written Deposition Service, LLC

1750 Valley View Lane, Suite 210
Dallas, TX 75234

Telephone: (972) 488-5555 ~ Facsimile: (972) 488-5590 ~ (800) 346-4405
Denise.Edwards@WrittenDeposition.com ~ www.WrittenDeposition.com

Cause No. 006-02654-2017

Darlene C. Amrhein, et al vs. Attorney Lennie F. Bollinger, et al

WAIVER OF NOTICE

Our client, **Carrie Johnson Phaneuf**, has commissioned **Written Deposition Service, LLC** to obtain records as named in the attached exhibit. As authorized under Rule 205.2 & 205.3, Texas Rules of Civil Procedure, a Subpoena will be issued forthwith to direct the below named custodian of records to make all records as named in the attached exhibit available for photographic reproduction, to be used as evidence upon trial of the above numbered cause.

IF COPIES ARE DESIRED, PLEASE INDICATE BELOW BY MARKING Y OR N.

WDS Order # (s): 62518

_____ 1 **MALACHI HACKETT (Client Record Scope)**
_____ 2 **MALACHI HACKETT (Client Record Scope)**

WAIVER PERIOD

	YES, I agree to Waive		**NO,** I do not agree to Waive

PURCHASE OF COPIES

	Yes, I would like to purchase copies. We will *require prepayment*, unless we have an established relationship with your firm. We will advise of cost on the Officer's Certification Cover Letter.
	As a standard we provide a hard copy of the records. ****If you prefer electronic copies please provide the email address:**
	Direct bill my Carrier. Claim #_____, Insurance Co.:_____ **Adjuster:_____ Address:_____**
	No, I do not desire copies of these records
	Please send information regarding your service.

Darlene Amrhein ~ Represents: **Pro Se**; Fax:
Signed: _____ Date: _____

NOTE: To process your request for records, please return this form to:

Written Deposition Service, LLC

Fax: (972) 488-5590 or Email to: Denise.Edwards@WrittenDeposition.com

FYI: As a service to our clients we maintain all records until we are notified that the case has been dismissed, etc.

Exhibit A

Cause No. 006-02654-2017

DARLENE C. AMRHEIN, et al	§	**IN THE COUNTY COURT**
	§	
	§	
vs.	§	**AT LAW NO. 6**
	§	
ATTORNEY LENNIE F. BOLLINGER, and	§	
WORMINGTON & BOLLINGER LAW FIRM	§	**COLLIN COUNTY, TEXAS**

NOTICE OF INTENTION FOR PRODUCTION OF DOCUMENTS

TO: ALL PARTIES BY AND THROUGH THEIR ATTORNEY(S) OF RECORD AS PROVIDED IN THE ATTACHED SERVICE LIST.

You will take notice that ten (10) days after the service hereof, the witness:

MALACHI HACKETT-(Client Record Scope)
CHASE BANK
104 N. CUSTER ROAD, MCKINNEY, TX 75071

MALACHI HACKETT-(Client Record Scope)
1433 MCKENZIE COURT, ALLEN, TX 75013

Shall receive a Subpoena to produce documents on or before ***04/09/2018***, or any other agreed upon time and/or place, before a Notary Public at the insance of:

Written Deposition Service, LLC
1750 Valley View Lane Suite 210
Dallas, Texas 75234

or its designated agent, to be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule 205.2 & 205.3, Texas Rules of Civil Procedure, that the authorized officer shall issue a Subpoena Duces Tecum and cause it to be served on the witness to produce any and all records as described on the attached Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, and to turn all such records over to the authorized officer so that photographic reproductions of the same may be made and attached.

Exhibit A

Respectfully Submitted,

Carrie Johnson Phaneuf

Carrie Johnson Phaneuf
SBA #: 24003790
Cobb Martinez Woodward PLLC
1700 Pacific Avenue, Suite 3100
Dallas, TX 75201
214-220-5200; Fax 214-220-5299
cphaneuf@cobbmartinez.com
Attorney for: Defendant

(KG)

Exhibit A

CERTIFICATE OF SERVICE

I certify, as authorized agent for the attorney of record, Carrie Johnson Phaneuf, that a true and exact copy of foregoing Notice of Intention for the Production of Documents was served to all attorneys of record in the above-styled and numbered matter, said service being effected in the following manner:

CERTIFIED MAIL/RETURN RECEIPT REQUESTED ✓

HAND DELIVERY _____

TELECOPY _____

OVERNIGHT/NEXT DAY DELIVERY VIA LONE STAR OR UPS _____

E-MAIL _____

DATED: 3/15/18

BY: _____

SERVED TO ALL PARTIES LISTED BELOW:
Darlene C. Amrhein, et al vs. Attorney Lennie F. Bollinger, et al

Darlene Amrhein, Pro Se
112 Winsley Circle
McKinney, TX 75071

Exhibit H

SUBPOENA DUCES TECUM
THE STATE OF TEXAS

County of Collin

Greeting, to any Sheriff or Constable of the State of Texas or other person authorized to serve subpoenas under Rule 176 of Texas Rules of Civil Procedure: You are hereby commanded to subpoena and summon the following witness(es):

WITNESS: MALACHI HACKETT

to be and appear before a Notary Public of my designation for **Written Deposition Service, LLC, 1750 Valley View Lane, Suite, 210, Dallas, TX 75234,** on or before **04/09/2018,** at the office of the summoned witness, or any other agreed upon time and/or place. There to bring and produce for inspection and photocopying **RECORDS AS NAMED IN THE ATTACHED EXHIBIT A;** at any and all times whatsoever.

Then and there to give evidence at the instance of the **Defendant**, **Attorney Lennie F. Bollinger and Wormington & Bollinger Law Firm**, represented by **Carrie Johnson Phaneuf**, Texas Bar No. **24003790** Attorney of Record, in that Certain Cause No. **006-02654-2017**, pending on the docket of the **County Court at Law No. 6 in Collin County,** Texas.
This Subpoena is issued under and by virtue of Rule 205.3 with the above named court, styled

Darlene C. Amrhein, et al vs. Attorney Lennie F. Bollinger, et al

and there remain from day to day and time to time until discharged according to law.

WITNESS MY HAND, this 15th day of March, 2018.

KAREN GLENTZ
Notary Public, State of Texas
Comm. Expires 03-05-2022
Notary ID 11145165

NOTARY PUBLIC

176.8 Enforcement of Subpoena. (a) *Contempt*. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both. This subpoena falls under exception to confidentiality, Rule 509 (e) Texas rules of Civil Evidence.

OFFICER'S RETURN

Came to hand this _____ day of _____, 20____, and executed this the _____ day of _____, 20____,

in the following manner: By delivering to the witness _____, a true copy hereof.

Returned this _____ day of _____, 20____.

_____
PROCESS SERVER

Order No. **62518.002**

Exhibit A

EXHIBIT A

DEFINITIONS AND INSTRUCTIONS

1. "Amrhein" shall mean and refer to Darlene C. Amrhein and Darlene C. Balistreri-Amrhein, who is the plaintiff in this action.
2. "You", "your" and "Malachi Hackett" shall mean and refer to the person to whom this Request is addressed and the person with State of Texas Notary Public ID: 130009523.
3. "Documents" mean any designated documents, court documents or pleadings, or other items that may be notarized by a notary public.
4. Unless otherwise stated, the time period of these requests is October 1, 2017, to the present.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please produce certified copies of each page of your State of Texas Notary Public Record Book where it is recorded that you notarized documents for Amrhein, from October 1, 2017, to the present and including the following information for each notarized document:

(1) the date of each instrument notarized;

(2) the date of the notarization;

(3) the name of the signer, grantor, or maker;

(4) the signer's, grantor's, or maker's residence or alleged residence;

(5) whether the signer, grantor, or maker is personally known by the notary public, was identified by an identification card issued by a governmental agency or a passport issued by the United States, or was introduced to the notary public and, if introduced, the name and residence or alleged residence of the individual introducing the signer, grantor, or maker;

(6) if the instrument is proved by a witness, the residence of the witness, whether the witness is personally known by the notary public or was introduced to the notary public and, if introduced, the name and residence of the individual introducing the witness;

(7) the name and residence of the grantee;

(8) if land is conveyed or charged by the instrument, the name of the original grantee and the county where the land is located; and

(9) a brief description of the instrument.

Written Deposition Service, LLC
1750 Valley View Lane, Suite 210
Dallas, TX 75234

Telephone: (972) 488-5555 ~ Facsimile: (972) 488-5590 ~ (800) 346-4405
Denise.Edwards@WrittenDeposition.com ~ www.WrittenDeposition.com

Cause No. 006-02654-2017

Darlene C. Amrhein, et al vs. Attorney Lennie F. Bollinger, et al

WAIVER OF NOTICE

Our client, **Carrie Johnson Phaneuf**, has commissioned **Written Deposition Service, LLC** to obtain records on **DARLENE BALISTERI-AMRHEIN**. As authorized under Rule 200, Texas Rules of Civil Procedure, a Subpoena will be issued forthwith to direct the below named custodian of records to make all records pertaining to **DARLENE BALISTERI-AMRHEIN** available for photographic reproduction, and to answer the Direct and Cross Written Questions, if any. Said deposition when so taken, may be used as evidence upon trial of the above numbered cause.

IF COPIES ARE DESIRED, PLEASE INDICATE BELOW BY MARKING Y OR N.

WDS Order # (s): 62519

_____ 1 **TEXAS BACK INSTITUTE (Medical Records)**

WAIVER PERIOD

	YES, I agree to Waive		**NO,** I do not agree to Waive

CROSS-QUESTIONS/OBJECTIONS/MOTIONS

	Yes, we will be issuing Cross Questions, Filing Objections and/or a Motion. (FYI: They must be in our office in accordance with the ten day rule as recorded in TRCP, Rule 200.3(b).)
	No, we will not be issuing Cross-Questions and/or a Motion or Objections.

PURCHASE OF COPIES

	Yes, I would like to purchase copies. We will *require prepayment*, unless we have an established relationship with your firm. We will advise of cost on the Officer's Certification Cover Letter.
	As a standard we provide a hard copy of the records. ****If you prefer electronic copies please provide the email address:**
	Direct bill my Carrier. Claim #_____, Insurance Co.:_____ **Adjuster:_____ Address:_____**
	No, I do not desire copies of these records
	Please send information regarding your service.

Darlene Amrhein~Pro Se

Signed: _____ Date: _____

NOTE: To process your request for records, please return this form to:

Written Deposition Service, LLC

Fax: (972) 488-5590 or Email to: Denise.Edwards@WrittenDeposition.com

FYI: As a service to our clients we maintain all records until we are notified that the case has been dismissed, etc.

Exhibit B

Cause No. 006-02654-2017

DARLENE C. AMRHEIN, et al	§	**IN THE COUNTY COURT**
	§	
	§	
vs.	§	**AT LAW NO. 6**
	§	
ATTORNEY LENNIE F. BOLLINGER, and	§	
WORMINGTON & BOLLINGER LAW FIRM	§	**COLLIN COUNTY, TEXAS**

NOTICE OF INTENTION
TO TAKE DEPOSITION BY WRITTEN QUESTIONS

TO: ALL PARTIES BY AND THROUGH THEIR ATTORNEY(S) OF RECORD AS PROVIDED IN THE ATTACHED SERVICE LIST.

You will take notice that twenty (20) days after the service hereof, with attached questions, a deposition by written questions will be asked of the custodian of records for:

TEXAS BACK INSTITUTE-(Medical Records)
6020 W. PARKER ROAD, STE 200, PLANO, TX 75093

Such questions to be answered on or before ***04/09/2018***, before a Notary Public at the instance of:

Written Deposition Service, LLC
1750 Valley View Lane Suite 210
Dallas, Texas 75234

The deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rule(s) 200 & 201(b), Texas Rules of Civil Procedure, to the officer taking this deposition to issue a Subpoena Duces Tecum and cause it to be served on the witness to produce any and all records as described on the attached questions and/or Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to: **DARLENE BALISTERI-AMRHEIN** and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

Exhibit B

Respectfully Submitted,

Carrie Johnson Phaneuf

Carrie Johnson Phaneuf
SBA #: 24003790
Cobb Martinez Woodward PLLC
1700 Pacific Avenue, Suite 3100
Dallas, TX 75201
214-220-5200; Fax 214-220-5299
cphaneuf@cobbmartinez.com
Attorney for: Defendant

Exhibit B

CERTIFICATE OF SERVICE

I certify, as authorized agent for the attorney of record, Carrie Johnson Phaneuf, that a true and exact copy of foregoing Notice of Intention to Take Deposition upon Written Questions was served to all attorneys of record in the above-styled and numbered matter, said service being effected in the following manner:

CERTIFIED MAIL/RETURN RECEIPT REQUESTED ✓

HAND DELIVERY _____

TELECOPY _____

OVERNIGHT/NEXT DAY DELIVERY VIA LONE STAR OR UPS _____

E-MAIL _____

DATED: 3/15/18

BY: _____

SERVED TO ALL PARTIES LISTED BELOW:
Darlene C. Amrhein, et al vs. Attorney Lennie F. Bollinger, et al

Darlene Amrhein, Pro Se
112 Winsley Circle
McKinney, TX 75071

Exhibit B

CAUSE NO: 006-02654-2017

DARLENE C. AMRHEIN, et al	§	IN THE COUNTY COURT
	§	
	§	
vs.	§	AT LAW NO. 6
	§	
ATTORNEY LENNIE F. BOLLINGER, and	§	
WORMINGTON & BOLLINGER LAW FIRM	§	COLLIN COUNTY, TEXAS

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS, CUSTODIAN OF RECORDS FOR: TEXAS BACK INSTITUTE

RECORDS PERTAINING TO: DARLENE BALISTERI-AMRHEIN

1. State your full name and occupation, address and telephone number.

   ANSWER: (NAME) _____
   (OCCUPATION) _____
   (ADDRESS) _____
   (CITY, STATE, ZIP) _____
   (TELEPHONE #) _____

2. In response to the Subpoena Duces Tecum you received, have you produced **ANY AND ALL MEDICAL RECORDS (EXCLUDING BILLING RECORDS), FROM ALL DATES OF TREATMENT AND/OR INJURY, INCLUDING BUT NOT LIMITED TO RECORDS REGARDING THE PATIENT'S CONDITIONS AND TREATMENTS, DOCTOR'S NOTES, EVALUATIONS, OFFICE NOTES, PROGRESS NOTES, CORRESPONDENCE WITH OTHER PHYSICIANS, THERAPISTS, HOSPITALS AND/OR HEALTHCARE PROVIDERS, PHYSICAL THERAPY RECORDS, LAB REPORTS, RADIOLOGY REPORTS, ALL OTHER DIAGNOSTIC REPORTS, PRESCRIPTIONS, REFERRALS TO OTHER HEALTH CARE PROVIDERS, CLAIMS, WORKER'S COMPENSATION RECORDS, HOSPITAL RECORDS, THERAPISTS' RECORDS, PATIENT INFORMATION FORMS, PATIENT INSURANCE FORMS, INTAKE FORMS, LITIGATION FILES, HANDWRITTEN NOTES, LETTERS OF PROTECTION, TELEPHONE MESSAGES, NURSES' NOTES, EVERY SUCH RECORD, INCLUDING BUT NOT LIMITED TO, THOSE EXISTING IN ELECTRONIC OR MAGNETIC FORM, INCLUDING CORRESPONDENCE IN THE POSSESSION, CUSTODY OR CONTROL OF THE SAID WITNESS AND EVERY SUCH RECORDS TO WHICH THE WITNESS MAY HAVE ACCESS PERTAINING TO** the above named?

   ANSWER: _____

3. Are you able to identify these records as the originals or true and correct copies of the originals?

   ANSWER: _____

4. Were these records made and kept in the regular course of your business?

ANSWER: _____

5. In the regular course of business of your practice, business, or institution, did the person who signed the records and/or reports either have personal knowledge of the entries shown on the records and/or reports, or obtain the information to make the entries from the sources who have such personal knowledge?

ANSWER: _____

6. Were such memoranda or documents then transmitted to your files and thereafter maintained under your care, supervision, direction, custody, control or access as custodian of this facility?

ANSWER: _____

7. Were the memoranda or documents that were transmitted to your files original entries on the part of the Custodian or other employee or member of the staff of this facility?

ANSWER: _____

8. Were the records or documents prepared at or about the time of the events and conditions they record?

ANSWER: _____

9. Were these records kept as described in the previous questions?

ANSWER: _____

10. Please examine copies of the original requested records. Have you produced records for attachment to this Deposition?

ANSWER: _____

11. Has anything been removed from or altered in the original records before making these copies?

ANSWER: _____

12. If you have answered the previous question yes, please state fully and precisely what alteration was made in the original records and attach copies of every document removed from the original records.

ANSWER: _____

Exhibit B

13. In the event that no records can be found, are there document archives (i.e. microfiche) or document retention policies which explain their absence? If so, please identify who has knowledge of those archives or policies of the above named facility.

ANSWER: _____

14. Are you aware that it may be necessary to subpoena you or your employer to court at the time of trial if you have not provided all of the papers, notes, documents, records, general correspondence, or other tangible items of any kind pertaining to the above named individual to the Notary Public taking your deposition?

ANSWER: (circle one) YES/NO

15. If Darlene Amrhein is scheduled for surgery with you, state the date scheduled for surgery. Have you done as requested? If not, why not?

ANSWER: _____

16. Please state the nature of the surgery that Darlene Amrhein is scheduled to have on the date listed above.

ANSWER: _____

I, _____ (Custodian of Record), do swear or affirm that my answers to the above questions are the truth, the whole truth and nothing but the truth, so help me God.

_____
Custodian of Record

I, _____, A Notary Public, do hereby certify the above Custodian was duly sworn and the non-stenographic recording of this Written Deposition is a true record of the Custodian testimony.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____, 20__.

_____
SIGNATURE OF NOTARY PUBLIC IN AND FOR THE STATE OF TX

_____
NAME OF NOTARY PUBLIC TYPED OR PRINTED
My Commission expires_____

Order #: **62519.001**

Exhibit B

SUBPOENA DUCES TECUM
THE STATE OF TEXAS

County of Collin

Greeting, to any Sheriff or Constable of the State of Texas or other person authorized to serve subpoenas under Rule 176 of Texas Rules of Civil Procedure: You are hereby commanded to subpoena and summon the following witness(es):

Custodian of Records for: TEXAS BACK INSTITUTE

to be and appear before a Notary Public of my designation for **Written Deposition Service, LLC, 1750 Valley View Lane, Suite, 210, Dallas, TX 75234,** on or before **04/09/2018** at the office of the summoned witness, or any other agreed upon time and/or place. There under oath to make answers of certain written questions to be propounded to the witness and to bring and produce for inspection and photocopying **ANY AND ALL MEDICAL RECORDS (EXCLUDING BILLING RECORDS), FROM ALL DATES OF TREATMENT AND/OR INJURY, INCLUDING BUT NOT LIMITED TO RECORDS REGARDING THE PATIENT'S CONDITIONS AND TREATMENTS, DOCTOR'S NOTES, EVALUATIONS, OFFICE NOTES, PROGRESS NOTES, CORRESPONDENCE WITH OTHER PHYSICIANS, THERAPISTS, HOSPITALS AND/OR HEALTHCARE PROVIDERS, PHYSICAL THERAPY RECORDS, LAB REPORTS, RADIOLOGY REPORTS, ALL OTHER DIAGNOSTIC REPORTS, PRESCRIPTIONS, REFERRALS TO OTHER HEALTH CARE PROVIDERS, CLAIMS, WORKER'S COMPENSATION RECORDS, HOSPITAL RECORDS, THERAPISTS' RECORDS, PATIENT INFORMATION FORMS, PATIENT INSURANCE FORMS, INTAKE FORMS, LITIGATION FILES, HANDWRITTEN NOTES, LETTERS OF PROTECTION, TELEPHONE MESSAGES, NURSES' NOTES, EVERY SUCH RECORD, INCLUDING BUT NOT LIMITED TO, THOSE EXISTING IN ELECTRONIC OR MAGNETIC FORM, INCLUDING CORRESPONDENCE IN THE POSSESSION, CUSTODY OR CONTROL OF THE SAID WITNESS AND EVERY SUCH RECORDS TO WHICH THE WITNESS MAY HAVE ACCESS PERTAINING TO DARLENE BALISTERI-AMRHEIN; DOB: 07/18/1946;** at any and all times whatsoever.

Then and there to give evidence at the instance of the **Defendant**, **Attorney Lennie F. Bollinger and Wormington & Bollinger Law Firm**, represented by **Carrie Johnson Phaneuf** Texas Bar No. **24003790** Attorney of Record, in that Certain Cause No. **006-02654-2017**, pending on the docket of the **County Court at Law No. 6 in Collin County,** Texas.

This Subpoena is issued under and by virtue of Rule 200 and Notice of Deposition Upon Written Questions on file with the above named court, styled

Darlene C. Amrhein, et al vs. Attorney Lennie F. Bollinger, et al

and there remain from day to day and time to time until discharged according to law.

WITNESS MY HAND, this 15th day of March, 2018.

KAREN GLENTZ
Notary Public, State of Texas
Comm. Expires 03-05-2022
Notary ID 11145165

NOTARY PUBLIC

17[redacted]*empt.* Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both. This subpoena falls under exception to confidentiality, Rule 509 (e) Texas rules of Civil Evidence.

OFFICER'S RETURN

Came to hand this _____ day of _____, 20____, and executed this the _____ day of _____, 20____,

in the following manner: By delivering to the witness _____, a true copy hereof.

Returned this _____ day of _____, 20____.

PROCESS SERVER

Order No. **62519.001**

Exhibit B

COLLIN COUNTY

COUNTY COURT AT LAW NO. 6

FOR

Collin County, Texas

JAY A. BENDER
JUDGE PRESIDING

March 21, 2018

Darlene Amrhein
112 Winsley Circle
McKinney TX 75071

Carrie J. Phaneuf
Cobb Martinez Woodward PLLC
1700 Pacific Avenue Suite 3100
Dallas TX 75201

Re: Darlene C. Amrhein, et al VS. Attorney Lennie F. Bollinger and Worminton & Bollinger Law Firm; 006-02654-2017

Dear Darlene Amrhein and Carrie J. Phaneuf:

The court has set this matter for a Hearing On Motion For An Order Determining That Plaintiff Darlene Amrhein Is A Vexatious Litigant on April 05, 2018 at 1:30 PM in the County Court at Law 6 of Collin County, Texas. Thank you for your attention to this matter.

Sincerely,

Stephanie Ables
Court Administrator

Russell A. Steindam Courts Building, 2100 Bloomdale Road, Suite 30354, McKinney, TX 75071
972.547.1850
email: sables@collincountytx.gov

Exhibit C

Kimberly Harrison

From: Kimberly Harrison
Sent: Wednesday, March 21, 2018 3:03 PM
To: winsley112@yahoo.com
Cc: Carrie Phaneuf; Jenny Smiley
Subject: 006-02654-2017; Amrhein, et al. v. Attorney Lennie F. Bollinger, et al.
Attachments: Amrhein 2nd AMD NOH for VL Motion.pdf

Ms. Amrhein,

Attached please find the ***Second Amended Notice of Hearing on Defendants Motion for an Order Determining Plaintiff Darlene Amrhein to be a Vexatious Litigant and Requesting Security*** e-filed and e-served today with regard to the above-referenced matter. The hearing is set for **Thursday, April 5, 2018 at 1:30 p.m.** in the 6th County Court at Law of Collin County, Texas.

A copy has also been forwarded to you via Priority Mail.

Thank you,

CMW
Kimberly Harrison
Legal Secretary to Bill Cobb and Carrie Phaneuf
Cobb Martinez Woodward PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
(214) 220-5211 direct
(214) 220-5261 fax
kharrison@cobbmartinez.com
www.cobbmartinez.com

Exhibit C

original

CAUSE NO. 006-02654-2017

COUNTY COURT AT LAW, NO. 6,

COLLIN COUNTY, TEXAS

DARLENE C. AMRHEIN, et al, Plaintiff

V.

ATTORNEY LENNIE F. BOLLINGER &WORMINTON & BOLLINGER LAW FIRM, Defendants,

PLAINTIFF'S RESPONSES & OBJECTIONS TO DEFENDANTS' REPLY TO PLAINTIFF'S RESPONSE AND SECOND SUPPLEMENT TO THEIR MOTION FOR AN ORDER DETERMING PLAINTIFF DARLENE AMRHEIN " TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

(PLAINTIFF'S SECOND SUPPLEMENT)

FILED
COUNTY COURT AT LAW
2018 MAR 28 PM 12: 08
STACEY KEMP
COUNTY CLERK
COLLIN COUNTY, TEXAS
BY: DEPUTY

Darlene C. Balistreri-Amrhein, Plaintiff

112 Winsley Circle

McKinney, TX. 75071

CAUSE NO. 006-02654-2017

COUNTY COURT AT LAW, NO. 6,

COLLIN COUNTY, TEXAS

DARLENE C. AMRHEIN, et al, Plaintiff

V.

ATTORNEY LENNIE F. BOLLINGER &WORMINTON & BOLLINGER LAW FIRM, Defendants,

PLAINTIFF'S RESPONSES & OBJECTIONS TO DEFENDANTS' REPLY TO PLAINTIFF'S RESPONSE AND SECOND SUPPLEMENT TO THEIR MOTION FOR AN ORDER DETERMING PLAINTIFF DARLENE AMRHEIN " TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

(PLAINTIFF'S SECOND SUPPLEMENT)

Comes Now, Plaintiff, Darlene C. Balistreri-Amrhein to file Plaintiff's Responses & Objections To Defendants Reply To Plaintiff's Responses And Second Supplement To Their Motion For An Order Determining Plaintiff Darlene Amrhein "to Be A Vexatious Litigant And Requesting Security as follows:

1) Plaintiff Darlene Amrhein Objects to the ongoing continuance harassments by Defendants' Attorneys since Dec. 26, 2017 as multiple complaints have been filed with this Court with no resolutions;

2) Plaintiff Darlene C. Balistreri-Amrhein aka Darlene Amrhein has filed a response to these Defendants' crazy false accusations in the past, but it appears that English might not be their first language or they are having trouble computing the true facts as stated;

3) Defendants Attorneys have made multiple false statements with knowledge & intent to mislead this Court, to change facts, to extort money out of Plaintiff any way they can;

4) Defendants Attorneys want Plaintiff to pay for "legal malpractice & corruption" to

distract, rather then to fabricate any defense for Defendants, as it's gross & negligence;

5) It appears that Attorney Carrie Johnson Phaneuf has no problem with "Obstructing Justice" & committing "Fraud Upon Courts" as a Texas licensed Attorney & her gang;

6) Truth & facts speak for themselves as Attorney Phaneuf uses old false outdated information for her points to try to extort money out of Plaintiff, who has no money;

7) Attorney Phaneuf uses harassment, intimidation, threats, falsities to try to win on be corrupt Defendants as Attorneys to further culture of corruption, cover up & frauds, while taking advantage of ill, senior, disable Plaintiff needing two surgeries is very cold;

8) Plaintiff has copied Defendants Attorneys cases as their points again, since they did not understand the first time on their "false vexatious litigant charges" to shut Plaintiff down to get her clients off from breaking rules & laws as they corrupt & commit crimes;

9) Plaintiff makes this last attempt to state the facts in all Defendants Attorney references as they falsely stated in their last court document filing;

10) Plaintiff believes the words used as frivolous lawsuits against the same litigants for the same issues as Defendants Attorneys falsely claim more that 5 times in 7 years;

DEFENDANTS & THEIR ATTORNEYS FALSE CLAIMS ON PLAINTIFF'S SUITS:

1. Balistreri-Amrhein v. AHI, No. 05-09-01377-CV, Dallas Court of Appeals' Fraudulent home inspector prior to purchase of home & paid $505.00. AHI & Aaron Miller caught committing fraud, not reporting home defects, so sued & then he filed Bankruptcy to escape lawsuit & today is continuing his same business practices as a Texas Licensed Inspector. AHI & Miller were not a separate lawsuit from the Winsley Riecherts' Home Lawsuit, but was separated from Home lawsuit by Judge Roach inaccurate rulings, unreported filed Bankruptcy & Judge Roach signing Orders with wrong year & dates. Judge Roach refused & removed evidence by his judicial abuse of power & trying to sign orders outside of plenary power. Plaintiff is the one that reported his Chapter 7 Bankruptcy to the Courts, it was an invalid Appeal that could not continue for any reason & so no documents were filed & dismissal was mandatory due to federal

Bankruptcy & serious errors by Judge Roach. During lawsuit Judge Roach tampered with evidence like Collin County Probate Order on incompetent & incapacitated Balistreri as a signer to house contract as "invalid contract" to avoid destruction of this invalid sale. There was a "conflict of interest" with Judge Roach as friends with owner of Re Max Realty in this home sale, but refused recusal three times. Judge Roach denied all legal representation to Balistreri, claimed no standing after payment of $125,000.00, hide Probate Court Order. When Balistreri filed Bankruptcy Judge Roach removed Balistreri assets from lawsuit, in a separate number to hide from Bankruptcy Trustee, which is a federal offense. This house contract was never valid from start & if not for Collin Country & Judge Roach's conspiracy for campaign contributions & favors with Defendants' Attorneys, this lawsuit would have been heard in less than one hour. "No adverse affects upon Plaintiffs" as falsely claimed by Wormington & Bollinger, et al Defendants' Attorneys for more "corruption to mislead, obstruct justice & commit "fraud upon the Court."

(Not frivolous, meant to harass, no duplicate, not meritless lawsuit & original issues & parties & **"no vexatious litigant here as totally false"** !);

2. **Balistreri-Amrhein v. Remax, Riechert, et al., No. 05-10-01347-CV, Dallas Court of Appeals –** Re Max Realty, Riecherts (sellers), et al was not a valid Appeal, because Judge Roach bragged & claimed making money for his Court Reporters by phony errors to Appeal, which is called fraud. Judge Roach's court took $1,000 from Plaintiffs & delivered blank pages of evidence to affect & prevent Appeal. Judge Roach removed court filed evidence & Probate Court Orders to prevent testimony on invalid house sales' contract swindle, denied legal representation & destruction of interest on $125,000.00 investment by falsely claiming "no standing," denied non-disclosure & invalid contract breached for $560,000.00 with more than $200,000.00 in damages undisclosed.

This lawsuit is still pending in Fifth Circuit Court of Appeals & on its way to U.S. Supreme Court, because "Appeal Court is a named Defendant" in the lawsuit, as judging

themselves knowing a "conflict of interest" with the same justices for benefit of the ex-employee federal Judge Mazzant to hide all his judicial abuses, corruption, conspiracy with perjury to the United States Congress requiring impeachment. United States Department of Justice advised Plaintiff on Obstruction of Justice & Fraud Upon Courts which resulted in "no service of process" to all named Defendants in this lawsuit, because of "conflict of interest" with more than 20 Defendants & he refused recusal motion. So no judgment yet to date as Brief was finished about November, 2017.

Texas Supreme Court does not like to hear the dirty secret acts of lower Courts, so took 4 years to find no reason to excuse themselves, which is not an adverse affect upon Plaintiff as no hearings, no evidence examined, missing in action to conspire & cover up all Collin County & Dallas County violations of laws & frauds under First Regional Administrator, Corrupt Judge John Ovard. Texas Supreme Court knows awhat is judicial abuses.

(Not a frivolous case, not meant for harassment or delays, frauds committed, multiple discriminations & "**no vexatious litigant here, as totally false**" !)

3. Separate Appeal of Denial of Request to Proceed inAHI and Remax Appeals Without Advance Payment of Costs, Dallas Court of Appeals

Fraudulent home inspector prior to purchase of home & paid $505.00. AHI & Aaron Miller caught committing fraud, not reporting home defects, so sued & then he filed Bankruptcy to escape lawsuit & today is continuing his same business practices as a Texas Licensed Inspector. AHI & Miller were not a separate lawsuit from the Winsley Riecherts' Home Lawsuit, but was separated from Home lawsuit by Judge Roach inaccurate rulings, unreported filed Bankruptcy & Judge Roach signing Orders with wrong year & dates. Judge Roach refused & removed evidence by his judicial abuse of power & trying to sign orders outside of plenary power. Plaintiff is the one that reported his Chapter 7 Bankruptcy to the Courts, it was an invalid Appeal that could not continue for any reason & so no documents were filed & dismissal was mandatory due to federal Bankruptcy & serious errors by Judge Roach. During lawsuit Judge Roach tampered with

evidence like Collin County Probate Order on incompetent & incapacitated Balistreri as a signer to house contract as "invalid contract" to avoid destruction of this invalid sale. There was a "conflict of interest" with Judge Roach as friends with owner of Re Max Realty in this home sale, but refused recusal three times. Judge Roach denied all legal representation to Balistreri, claimed "no standing" after payment of $125,000.00 & hide Probate Court Order to prevent that Courts approval or decline of purchase of home. When Balistreri filed Bankruptcy Judge Roach removed Balistreri assets from lawsuit, in a separate number to hide from Bankruptcy Trustee, which is a federal offense. This house contract was never valid from start. If not for Collin Country Court & "Judge Roach's conspiracy for campaign contributions & favors with Defendants' Attorneys," this lawsuit would have been heard in less than one hour. "No adverse affects upon Plaintiffs," as falsely claimed by Wormington & Bollinger Defendants' Attorneys for more "corruption to mislead, Obstruct Justice & commit "Fraud Upon Court."

(Not frivolous, not meant to harass or delay, not a duplicate suit, not meritless lawsuit, original issues & parties, so **"no vexatious litigant here as totally false,"** trying to count a same case twice & why pay court costs on invalid Appeal with serious frauds & defects with no valid final Texas Orders, as lawsuit is moved to United States Federal Court.)

4. <u>Amrhein v. Riechert, et al, U.S. District Court for Northern District of Texas;</u>

No final Texas Orders in this original Texas lawsuit, so on about September 12, 2012 this is moved to U.S. Northern District Court, Dallas, TX. Judge Joe Fish presiding & Magistrate Renee Toliver with no singed permission as magistrate. No hearings, no examination of nay witnesses, no fact witness testimony, no civil process, all Plaintiff's motions are denied, discriminations & violations & refusal of medical & surgeries, "conflict of interest" as Magistrate Toliver is ex-employee of Texas & Attorney Generals Office, as just two of many Defendants, who participated in "Obstruction of Justice" & "Fraud Upon Courts;"

Magistrate Toliver falsely claimed RICO is for Unions only & other false statements

about this real estate & laws. Claimed breached undisclosed home sale contract with an invalid contract by signed contract without Probate Court Approval & more than $33,000 of undisclosed damages & no valid deed is just "buyers' remorse." Magistrate Toliver took false filed statements by Attorneys only, who weren't present & signed on to get their clients off until years later with no evidence & no proof. No proper jurisdiction is established. Judge Fish goes along with false recommendations & false Order signed to dismiss & declare Plaintiffs as "vexatious litigants" with no hearing, no right to address the Court on false Order & only 2 lawsuits in 7 years.

Plaintiff was informed to ask for permission to file in any United States Court from this court, but when I did there was no reply, no reported vexatious litigant & no picture as vexatious litigant as other courts tried to locate, so this was all frauds to silence Plaintiff, Obstruct Justice & commit "Frauds Upon Courts" with serious Judicial Abuses, cover up, conspiracy, collusion, corruption by Judicial frauds against judicial machinery of this judicial system.

("**No vexatious litigant here as totally false"** & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit.) (Another false claim by W& B Attorneys.)

Plaintiffs' Appeal & find out court record was withheld by Magistrate Toliver to prevent briefing & complained to Court of Appeals to redo briefing for Court references, but denied. Still no Probate Court approval for Plaintiff Balistreri as required under guardianship, which is valid for two years after death. Plaintiff Balistreri died on September 24, 2013 & it is ignored by the Court of Appeals, no evidence examined in Appeal. Why????? To cover up for offending lower courts as no Attorneys kick back. Court of Appeals dismissed because of no court record referenced as refused & hidden by Magistrate Toliver & Judge Fish. The Justices hearing Appeal had "conflict of interest

with multiple Defendants / Appellees. Example: years of employment with Defendants as ex-employees deciding the outcome of their friends & longtime colleagues; (20 years) Plaintiff filed misconduct complaints on secret Justices that should have by the rules recused themselves & did not, so misconduct is hidden & claims the U.S. Supreme Court has no jurisdiction over them & how they do business in their courts. Judicial abuses !
Plaintiff files in United States Supreme Court for Writ of Certiorari & it is stopped by ex-employee clerk from Court of Appeals to prevent examination & acceptance. The file was returned & then a false Order is claimed & not sent to Plaintiff Petitioner until 6 months late that was two lines prepared by offending clerk with no knowledge of Court of Appeals & Chief Judge Roberts. ("Obstruction of Justice & Fraud Upon Court")
The Collin County Probate Court Order is 2 years enforce, never considered, never approved as still within 2 year time period following Dad's death. Undisclosed failing foundation update reported was how the fake court Order was discovered 6 months late.
So Plaintiff contacts the United States Department of Justice with all of the above & is advised to refile in the United States Eastern District Court for fairness, justice & suit before this statute of limitations ends, so this is done about February 26, 2016 at the Plano Court house as recommended for fairness, due process & Justice.
Plaintiff follows the instructions of United States Department of Justice, presents complaint, prepared summons & certificate of service with disinterested party.
Plaintiff files Affidavit of Inability to pay & it is granted by Magistrate Christine Nowak, who received her position due to Judge Amos Mazzant advancement through a deal made between President Obama & Senator John Cornyn & false statements / perjury to Senator Chuck Grassly before Judiciary Committee for his judgeship advancement.
Plaintiff is informed by the U.S. Eastern District Court to wait for "service of process" as will be arranged & about a year later there is still "no service of process" done because Judge Mazzant is friends, ex-coworkers, etc. with about 40 of the named Defendants, so he does not want to serve them with this lawsuit. Judge Mazzant & Magistrate Norwak

refuse to recuse themselves on Plaintiff's Motion To Recuse due to "Conflict of Interest" & "no service of process" & docket items are missing from court record.

A lawsuit is not established without proper summons & service, but the case of fairness, due process & justice is denied in part of the false vexatious litigant by Northern District Court to silence with no investigation on the matter. Judicial abuses complicated by more Judicial Abuses as Plaintiff learns Judge Mazzant is not docketing all filed court papers. Plaintiff is contacted by the Court that her in forma pauperis is reversed, so that Judge Mazzant can extort $500 before this case gets to the Fifth Circuit Court of Appeals, as his ex-employer for some more "conflict of interest."

Plaintiff files a timely Appeal & Recusal of Fifth Circuit Court as Judge Mazzant ex-employer & refuses to pay any money to Judge Mazzant for not doing his job with no service to all his special Defendant pals to prevent this lawsuit by "Obstruction of Justice, Fraud Upon Courts & the court record is held to prevent briefing as complained.

("**No vexatious litigant here as totally false**" & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit.) (Another false claim by W& B Attorneys.)

5. <u>Amrhein v. La Madeleine, et al., U.S. District Court for Northern District of Texas;</u>

This original lawsuit against ex-employer La Madeleine, Inc, was filed December 6, 1996 in Dallas County, Texas as filed by Attorney David Winston, who then moved to Alaska. This lawsuit had 4 successful Appeals & reversal with a Federal Court Order signed by a Federal Judge May 24, 1995 that La Madeleine Inc. had caused injuries to both Plaintiff's arms & hands requiring 4 operations & permanent life long disabilities, which was ignored by Dallas Judges as the case passed from perjury by Judge Jenevein, to Judge Pierce, to Judge Ovard & on to Judge Akin, who took money bribe about June 12, 2012. In an Appeal Judge Sally Montgomery falsely claimed to have signed an Order to stop

2nd Appeal, which was complete fraud, never signed & never existed as corruption.
For 10 years the Dallas Courts had not lifted a U.S. Bankruptcy Stay to resume jurisdiction, so the Court of Appeals ruled all activities, all Orders are judicial nullity & void, in all La Madeleine, Inc lawsuit per multiple Orders, by multiple Justices as apart of all court records. Judge Akin claimed enough evidence for a Dallas telephone book, then 3 weeks claims "no evidence" for his bribe while refusing a court reporter present. Plaintiff presented oral argument, where frauds & nullity is obvious in Courts.
Judge Akin was a named Defendant in this lawsuit that was transferred to the United States Northern District Court Judge Jorge Solis & corrupt Magistrate Toliver, who wanted to destroy this case because Plaintiff's complaints against her for retaliation. Judge Jorge Solis did not hear case, did not examine any evidence, was engaged with Magistrate Toliver, made threats to Plaintiff & "no due process." In fact he never responded to an ERISA Motion filed as an ERISA Judge, who would soon retire. Judge Solis like Judge Fish was happy to take about almost $1,000 in court costs, $1,000 in Appeal Costs after $1,000 plus in Collin County Court Costs, so Plaintiff exhausted all money for Courts with no fairness, no due process, no justice, as only frauds & abuses. Plaintiff Appealed & the same occurred, no court records as held by Magistrate Toliver to prevent Briefing & dismissed by Justice Thomas Reavley as secret decider, who had major "conflicts of interest" requiring recusal with multiple Defendants / Appellees & about 33 years of Texas legal services & offices as his un bias trier of fact, prejudice & retaliation on behalf of his friendly Defendants / Appellees to prevent any reversal on Appeal & prevent this lawsuit against his pals.
In 22 years of La Madeleine Inc. Lawsuit there was no completed discovery, no mediation, 4 Appeals, pleadings & court filings refused, no due process, no fairness, no jury trial & no Justice.
("**No vexatious litigant here as totally false**" & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as

all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit.) (Another false claim by W& B Attorneys.)

6. <u>Amrhein v. La Madeleine, Inc., Court of Appeals of Texas, Sixth District, Texarkana;</u>

This Appeal is out of sequence. The Court of Appeals of Dallas was a named Defendant for destroying court records in the United States Court of Appeals from Jude Jorge Solis, who held nothing, took court costs & dismissed. The Court of Appeals Dallas could not hear the lawsuit, so it was transferred to the Sixth District Court of Appeals, so they did not look at evidence, no case law, no briefing, no rules & regulations to refuse to examine as the justices stated with no work & more Judicial abuses of system & process that is not under the control of Plaintiff, but continued corruption, conspiracy, cover up, etc. ("**No vexatious litigant here as totally false**" & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit.) (Another false claim by W& B Attorneys.)

7. <u>Amrhein v. David Schroeder, Justice Court Precinct 1 Judge Raleeh & Bollinger</u>

David Schroeder sued by Plaintiff Amrhein & represented by Attorney Lennie Bollinger, who his Attorneys would like to forget as basis of this lawsuit. Mr. Schroeder is sued for conversion of Plaintiff's property & not paying 5 months of rent, but Attorney Bollinger refused to add in the damages to Plaintiff's home & the sexual assault into this lawsuit, which is a part of the basis of "legal malpractice" against Attorney Bollinger & Wormington & Bollinger, et al lawsuit.

Attorney Bollinger filed incomplete & wrong pleadings complaint, showed a fondness for Plaintiff's violator & his crimes, refused a jury trial, refused to examine evidence, refused to join "indispensable party, did not communicate for months, made threats, late

communications of signed Orders & defends Mr. Schroeder, refused mediation & quits right before trial, filed for wrong dollar amount, exceeded court's jurisdiction, with multiple errors, causing Judge Raleeh to refuse to hear lawsuit & "legal malpractice."
Judge Raleeh advised Plaintiff to file an Appeal, he never signed an Order & claimed it took almost 16 months to decide this lawsuit filed in wrong jurisdiction as never disclosed by Attorney Bollinger, W& B, et al, Judge Raleeh & Precinct 1 Court.
Appeal to County Court of Law No. 2, Collin County, Texas, Judge Walker states he can't hear the Appeal, because Judge Raleeh never signed an Order to Appeal.
Judge Walker claimed good case, good evidence, get an Attorney to take to a Jury to win.
Plaintiff is charged Attorneys fees of undisclosed amount for Judge Raleeh mistake, Attorney Bollinger & W& B, et al "legal malpractice" misconduct;
Plaintiff contacted 75 different attorneys & found out "Blacklisted," so no one will take any case for any representation, which is a violation of Plaintiff's Constitutional Rights.
Defendants' Attorney does not bring up the keeping of Plaintiff's deceased Dad's case file past statute of limitations, which was left of our property, incompetence & legal malpractice as Plaintiff was rightful owner & beneficiary of this property & lawsuit as more cover up, conspiracy & collusion to Obstruct Justice & commit frauds for harms.

8. <u>Balistreri-Amrhein v. Verrilli, et al., U.S. District Court for the Eastern District of Texas (A Continuation of Riechert Litigations);</u>

Verrilli is an error as does not represent the United States of America liabilities, so the Court was to correct that error, but failed to do so.
Plaintiff contacts the United States Department of Justice with all of the above & is advised to refile in the United States Eastern District Court for fairness, justice & suit before this statute of limitations ends, so this is done about February 26, 2016 at the Plano Court house as recommended.
Plaintiff follows the instructions of United States Department of Justice, presents complaint, prepared summons & certificate of service with disinterested party.

Plaintiff files Affidavit of Inability to pay & it is granted by Magistrate Christine Nowak, who received her position due to Judge Amos Mazzant advancement through a deal made between President Obama & Senator John Cornyn & false statements / perjury to Senator Chuck Grassly before Judiciary Committee for his judgeship advancement.

Plaintiff is informed by the U.S. Eastern District Court to wait for "service of process" as will be arranged & about a year later there is still "no service of process" done because Judge Mazzant is friends, ex-coworkers, etc. with about 40 of the named Defendants, so he does not want to serve them with this lawsuit. Judge Mazzant & Magistrate Norwak refuse to recuse themselves on Plaintiff's Motion To Recuse due to "Conflict of Interest" & "no service of process" & docket items are missing from court record.

A lawsuit is not established without proper summons & service, but the case of fairness, due process & justice is denied in part of the false vexatious litigant by Northern District Court to silence with no investigation on the matter. Judicial abuses complicated by more Judicial Abuses as Plaintiff learns Judge Mazzant is not docketing all filed court papers.

Plaintiff is contacted by the Court that her in forma pauperis is reversed, so that Judge Mazzant can extort $500 before this case gets to the Fifth Circuit Court of Appeals, as his ex-employer for some more "conflict of interest."

Plaintiff files a timely Appeal & Recusal of Fifth Circuit Court as Judge Mazzant ex-employer & refuses to pay any money to Judge Mazzant for not doing his job with no service to all his special Defendant pals to prevent this lawsuit by "Obstruction of Justice, Fraud Upon Courts & the court record is held to prevent briefing as complained.

Court of Appeals refuses to move this lawsuit to Seventh Circuit Court of Appeals to cover up "conflict of interest," etc., uses the same offending conflicted Justices as named Defendants in this same lawsuit, which will be going to the United States Supreme Court & United States Justice Department & U.S. Judiciary are notified.

This Fifth Circuit Court of Appeals lawsuit is still **pending** with no decisions & briefing was completed to acceptance by this Court with same named Defendants / Appellees,

who refused transfer to other Courts & Justices on "conflict of interest."

(**"No vexatious litigant here as totally false"** & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit & pending.) (Another false claims by W& B Attorneys, along with harassment, perjury, intimidation, fear & violations of laws by Texas licensed attorneys)

9. **Amrhein v. United States of America, et al., US. District Court for Eastern District of Texas** (A variation of the prior already disposed of La Madeline Litigations); This original lawsuit against ex-employer La Madeleine, Inc, was filed December 6, 1996 in Dallas County, Texas as filed by Attorney David Winston, who then moved to Alaska. This lawsuit had 4 successful Appeals & reversal with a Federal Court Order signed by a Federal Judge May 24, 1995 that La Madeleine Inc. had caused injuries to both Plaintiff's arms & hands requiring 4 operations & permanent life-long disabilities, which was ignored by Dallas Judges as the case passed from perjury by Judge Jenevein, to Judge Pierce, to Judge Ovard & on to Judge Akin, who took money bribe about June 12, 2012. In an Appeal Judge Sally Montgomery falsely claimed to have signed an Order to stop 2nd Appeal, which was complete fraud, never signed & never existed as corruption. **For 10 years the Dallas Courts** had not lifted a U.S. Bankruptcy Stay to resume jurisdiction, so the Court of Appeals ruled all activities, all Orders are judicial nullity & void, in all La Madeleine, Inc lawsuit per multiple Orders, by multiple Justices as apart of all court records. Plaintiff presented oral argument, where frauds & nullity is obvious. Judge Akin was a named Defendant in this lawsuit that was transferred to the United States Northern District Court Judge Jorge Solis & corrupt Magistrate Toliver, who wanted to destroy this case because Plaintiff's complaints against her for retaliation. Judge Jorge Solis did not hear case, did not examine any evidence, was engaged with

Magistrate Toliver, made threats to Plaintiff & "no due process." In fact he never responded to an ERISA Motion filed as an ERISA Judge, who would soon retire. Judge Solis like Judge Fish was happy to take about almost $1,000 in court costs, $1,000 in Appeal Costs after $1,000 plus in Collin County Court Costs, so Plaintiff exhausted all money for Courts with no fairness, no due process, no justice, as only frauds & abuses. Plaintiff Appealed & the same occurred, no court records as held by Magistrate Toliver to prevent Briefing & dismissed by Justice Thomas Reavley as secret decider, who had major "conflicts of interest" requiring recusal with multiple Defendants / Appellees & about 33 years of Texas legal services & offices as his un bias trier of fact, prejudice & retaliation on behalf of his friendly Defendants / Appellees to prevent any reversal on Appeal & prevent this lawsuit against his pals. Appeal Order pending by Defendants / Appellees Justices as Court & Justices are judging themselves in this lawsuit with "conflict of interest" illegally & refused transfer to other Justices & other Circuit Courts. (**"No vexatious litigant here as totally false"** & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit is pending) (Another false claim by W& B Attorneys.)

10. <u>Amrhein's Employment Dispute Litigations Continue with Another Former Employer in Amrhein v. Prosperity Bank, U.S. District Court for the Eastern District of Texas & Recently, in Amrhein's pending lawsuit against Prosperity Bank, she was deposed;</u>

Not so recent as deposed Oct. 27, 2017 for an abusive fraudulent deposition, while Defendants' Attorney removes 13 pages of deposition corrections & withholds 17 exhibits for statement, files a fraudulent Prosperity Bank Handbook to cover up all offenses until Plaintiff presents the true Prosperity Bank Handbook from 2015. Plaintiff was an employee of Prosperity Bank from August 2015 to January 2015. Pending Lawsuit for the following:

Prosperity Bank did not accommodate Plaintiff's diabetic disability, made this disability condition worse, did not supervise workplace, did not control their premises, breached their duty of care, were untruthful, not diligent in responding to Plaintiff's complaints by & through their agent supervisors, allowed the workplace to be "hostile" with harassment, sexual advances, incomplete & false training, unmaintained equipment, forced to work off the clock as no ability to sign in, breached security, potential risks & physical harm, unbalanced co-worker, offensive language & contents, removal of funds by co-worker, refusal for sick time & physician medical excuse, refusal for safety, refused part time hours as promised, lack of communication, refusal of wages, employee & wage accountability denied, refusal of police for blocking assault, wanting Plaintiff to engage in criminal acts of frauds, age & gender discriminations, tampering with court records & deposition transcripts, fraudulent handbook, refusal of complete answers & objections during abusive deposition, retaliation for complaints, wrongful termination & no proper notice given, unreasonable demands to put others & self in danger, demands with pending motion for recusal, denied discovery, production & disclosure of Prosperity Bank surveillance videos destroyed, false claims, damages to reputation & irrelevant inquiry, refusal of service of process & answers, under reported wages, refused unemployment, deductions of wages without permission, causing personal injuries, losses, harms, destruction in Plaintiff's life, etc. all this requires a jury trial, "due process" as a matter of law in name of justice.

In 10 days Plaintiff went from best employee loved by all to a false statement of abandoned job & refused doctor's medical excuse for the personal injuries caused by refusal of accommodations to inject 1 minute of insulin daily.

Plaintiff was notified that Prosperity Bank owes $732.00 in back wages as their false statements to EEOC, Discrimination, Hours & Wages of the Labor Department, etc. Plaintiff was given a Settlement Offer to turn in our government if they try to investigate Prosperity Bank, which Plaintiff refused. Attorney Todd Harlow was in on this scam &

threatened if Plaintiff didn't sign it he would quit. He quits & three pages of his own misconduct is discovered as a defense attorney posing as Plaintiff Attorney.

Judge Christine Nowak is the "conflict of interest" person presiding knowing she has been turned in for "impeachment." Judge Nowak has no proper jurisdiction as state court can't remove Worker's Compensation & TWC wages as banned, but falsely claims ok.

Defendants' Attorneys did not want an African American Judge Angela Tucker, so moved case. First Regional Administrative Judge Mary Murphy violates ADA Stay & allows continued harassment against ill, senior Plaintiff in need of 2 Spine Surgeries.

Judge Christine Nowak found the exhibit & content from Prosperity Bank workplace, so offensive they had to seal Plaintiff's exhibits as evidence.

Attorney Carrie Jonson Phaneuf has been colluding with Attorney Michelle Mahony to try to destroy Prosperity Bank lawsuit & W&B, et al "legal malpractice" lawsuit & to destroy & discredit Plaintiff to cover up their various offenses as "officers of the court." (**"No vexatious litigant here as totally false"** & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit is pending) (Another false claim by W& B Attorneys to go along with perjury, harassment, cover up, conspiracy & corruption.

11. Amrhein Repeatedly Litigates the Same Issues and Causes of Action Against Same Defendants. See above litigation is not cover up, corruption, conspiracy, lack of ethics, refusal to hear cases, refusal to serve, bias, prejudice, retaliation, "conflict of interest," judicial abuses, breaches of oath of office, frauds upon courts & Obstruction of Justice.

In Conclusion , Prayer & Relief Sought

Plaintiff is not a vexatious litigant by any standard of the above for each false claim by W& B, et al Attorneys, Cobb, Martinez, Woodland & Attorney Carrie Johnson Phaneuf, who likes to harass, make false statements, continues to perjure themselves with false

court filings, cover up & conspire to try to get their clients off for all their wrong doing & legal malpractice offenses. This is all public record, which can be viewed by everyone & every source as stated above. So as anyone examines Plaintiff's experiences ask yourself if you would permit anyone to do to you or a family member causing serious damages !

Relief Sought, Deny all Defendants' Claims & Prayers

Plaintiff objects to false vexatious litigant claims, not prosecuting all offenders in every lawsuit, not enforcing existing rules, statues & laws, while under the judicial sworn oath of office, accepting taxpayer wages as frauds & discriminating against litigant Plaintiffs' as fleecing them for judicial costs & no production with no work. To treat this named incapacitated & incompetent deceased father by removing his evidence of void invalid house purchase contract & claim "no standing" to benefit friends by "conflict of interest" is abuse of judicial authority. To engage in illegal scams with no "due process" breaches of oath of office, causing harms & damages with intent, plus years of false judiciary as published rules, statutes, laws & U.S.& Texas Constitutional Rights as promised, which is not fairness, "due process & Justice, But civil & criminal offenses Mafia style & RICO **Republic Title** charged $3,330.00 for $560,000.00 title insurance policy, put policy in wrong names, refused to correct it, cancelled this policy & kept $3,330 **fraud with right to sue them in house lawsuit**, that was never heard on evidence, but refused as Judge Toliver does not like white people who can pay for their house for her judicial fairness. Attorney Phaneuf & gang Defendants are trying to discredit Plaintiff & every lawsuit filed to get her offenders off from all "accountability by falsities & speculation" as same frauds. 2 Appeals pending, 2 lawsuits pending & she breaks suits apart to raise her false counting. Plaintiff has been interviewed by McKinney Police Department for assault. "No vexatious litigant to qualify under Chapter 11 Civil Practice & Remedies Code on criteria only by hearing, reporting, public listing & none happened with Plaintiff in any Court at any time & no 5 valid adverse lawsuits in 7 years as required. Attorney Phaneuf is knowingly filing false statements / perjury & must be sanctioned additional $2,500 for all their misconduct & more attempts to harass." Taxpayers are paying these bad Judges salaries to "not do their jobs with frauds committed!" Attached third Dr. Arakal notice on Plaintiff's current medical condition as filed under ADA for "Stay" in all further court work that could cause more personal injuries & harms. (Exhibit A) Plaintiff is not in control or blamed for judicial corruption. "Vexatious litigant" must be denied. Plaintiff's health is not admissible for "legal malpractice." Washington, D.C. & Congress are aware of all above facts & has invited Plaintiff to speak about this Texas & Federal Judiciary's offenses as "whistleblower" about intent & corruption, so are you part of problem ? Plaintiff prays for fairness, "due process" & Justice that has not existed since 2008.

Respectfully submitted,

Darlene C. Balistreri-Amrhein, Plaintiff,

Darlene C. Balistreri-Amrhein

3/25/18

JUDICIAL ACTIVITY IN LA MADELEINE, INC. LAWSUIT FILED DECEMBER 6, 1996

1) Judge Welcome – Dec. 6, 1996 – La Madeleine Inc.;

2) Judge Robert Jeneveine – 1997 & Perjury – La Madeleine Inc.;

3) Judge Gibson – 1999 Recusal - La Madeleine Inc.;

4) Judge John Ovard – 1999 – La Madeleine Inc. Won Against Judge Jenevein – La Madeleine Inc. ;

5) Judge Coker – July 31, 1997 – Bankruptcy Stay – 2 Appeals & 10 years of Stay- La Madeleine Inc.;

6) 1st Appeal Fifth District Court - La Madeleine – Amrhein won July 21, 2001;

7) Judge Jenevein Removed 2002- La Madeleine, Inc.;

8) Judge Pierce – Assigned 2002, threats & Misconduct - La Madeleine Inc. ;

9) Judge Pierce – Recusal 2003 – La Madeleine Inc. ;

10) Judge Sally Montgomery – Threatens to Doctor, BK Stay, False Order, Transfer – La Madeleine Inc.;

11) 2nd Court of Appeals – False Order by Judge Montgomery - La Madeleine, Inc. Amrhein won;

La Madeleine Inc. Plaintiff won & reversed all & remanded back;

12) Judge Roden – 2004 - Refused to file Appeal & Record Tampering – La Madeleine, Inc. ;

13) Judge Sally Montogmery – Recusal of County Court at Law No. 3 Whole Court & Judge Pierce – LA;

14) Judge D'Metria Benson – Orders & then no follow thru & Arguments with Attorney La Madeleine;

15) Judge Ted Akin – visiting judge due to Benson illness - La Madeleine Inc.;

16) 3rd- Court of Appeals on Judge Akin Orders – Plaintiff won Appeal & all reversed - La Madeleine, Inc.;

17) Judge Ovard – Recusal of Judge Benson as voluntary – La Madeleine Inc.;

18) Judge Sally Montgomery – Reinstates 10 year Bankruptcy Stay, Transfer to Benson – La Madeleine;

19) Judge Ted Akin – 2012 – false discovery, false jury trial, threats & no evidence on real evidence for a money bribe as pandered from the bench & he did not know the facts of lawsuit refusing abatement & all filings;

20) Court of Appeal named defendants in federal lawsuit, transferred Appeal to Sixth District & they refused to examine lawsuit, briefing & evidence;

21) U.S. Northern District Court of Texas- 2012- before final Order & Judges as named Defendants- LA;

22) No hearings, no fact witness testimony, no proper jurisdiction, no evidence examined for 1 year, no discovery, but took court cost of $450.00 , Judge Jorge Solis dismissed lawsuit & retired – La Madeleine;

23) Fifth Circuit Court of Appeals – refused court records for briefing & justices conflict of interest almost 33 years as Justice Reavlry " favors for friend" to more than 20 Defendants & refuse recusal – La Madeleine ;

24) U.S. Supreme Court – paid $1,500 in Writ prepared & removed by ex-employee clerk from lower court, so reported to Dept of Justice Washington D.C. to refile case;

25) U.S. Eastern District Court – Judges Nowak & Amos Mazzant, who refused to file service because Plaintiff was in forma pauperis, so no service as promised, missing court documents from docket & try to extort money to Appeal & denied court records for Appeal Brief for 2 months– La Madeleine Inc. Lawsuit;

26) Fifth Circuit Court of Appeal – Briefing Nov. 2017, named Defendants in the U.S. Eastern District Court lawsuit, refused recusal of Court & Justices, use same Justices with same conflict of interest in La Madeleine Prior Appeal ..... PENDING AN ORDER THAT WILL BE FILED IN UNITED STATES SUPREME COURT FOR "CONFLICT OF INTEREST, BIAS, PREJUDICE & RETALIATIONS.

27) For 10 Years the Texas Courts did not know how to treat a United States Bankruptcy Stay, so for 10 years everything done was legal nullity & void based on law & 2 separate Appeals Darlene Won !

This is approximate in dates & sequences as stated above & Plaintiff reserves the right to add or change.

This is Plaintiff's judicial experiences in La Madeleine Inc. Lawsuit based on frauds & corruption, etc. between the Texas Courts & United States Federal Courts to date, which is pending !

Darlene C. Balletheri
Pro Se
3/25/18

P.S.
The house lawsuit is just as bad as done.

Texas Back Institute®

March 27, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a patient of mine who is scheduled to undergo a Posterior Cervical Fusion from C3-4 with Laminectomy and Allograft on 4/26/18; no court work is to be done at that time. Currently, pt is to remain off work as she cannot complete her usual work duties secondary to the severity of her cervical and lumbar pahtology; pt is to remain off work in light of the fact that we are preparing for surgical intervention and continued work could exacerbate her pain and lead towards further deterioration. Please keep pt off of work. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

Exhibit A

Published on *ADA National Network* (https://adata.org)

WHAT IS THE AMERICANS WITH DISABILITIES ACT (ADA)? [1]

The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The ADA is divided into five titles (or sections) that relate to different areas of public life.

In 2008, the Americans with Disabilities Act Amendments Act (ADAAA) was signed into law and became effective on January 1, 2009. The ADAAA made a number of significant changes to the definition of "disability." The changes in the definition of disability in the ADAAA apply to all titles of the ADA, including Title I (employment practices of private employers with 15 or more employees, state and local governments, employment agencies, labor unions, agents of the employer and joint management labor committees); Title II (programs and activities of state and local government entities); and Title III (private entities that are considered places of public accommodation).

More About the ADA

- *Glossary of ADA Terms [2]*
- *ADA Acronyms and Abbreviations [3]*
- *Read ADA Publications/Fact Sheets [4]*
- *Frequently Asked Questions About the ADA [5]*

Title I (Employment)

Equal Employment Opportunity for Individuals with Disabilities

This title is designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities. Employers must provide reasonable accommodations to qualified applicants or employees. A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable an applicant or employee with a disability to participate in the application process or to perform essential job functions.

This portion of the law is regulated and enforced by the U.S. Equal Employment Opportunity Commission (http://www.eeoc.gov/laws/types/disability.cfm) [6]. Employers with 15 or more employees must comply with this law. The regulations for Title I define disability, establish guidelines for the reasonable accommodation

Exhibit B

process, address medical examinations and inquiries, and define "direct threat" when there is significant risk of substantial harm to the health or safety of the individual employee with a disability or others.

More information and events related to ADA Title I (Employment) [7].

Title II (State and Local Government)

Nondiscrimination on the Basis of Disability in State and Local Government Services

Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. It applies to all state and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of state or local governments. It clarifies the requirements of section 504 of the Rehabilitation Act of 1973, as amended, for public transportation systems that receive federal financial assistance, and extends coverage to all public entities that provide public transportation, whether or not they receive federal financial assistance. It establishes detailed standards for the operation of public transit systems, including commuter and intercity rail (e.g., AMTRAK).

This title outlines the administrative processes to be followed, including requirements for self-evaluation and planning; requirements for making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination; architectural barriers to be identified; and the need for effective communication with people with hearing, vision and speech disabilities. This title is regulated and enforced by the U.S. Department of Justice.

More information and events related to ADA Title II (State and Local Government) [8].

Title III (Public Accommodations)

Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

This title prohibits private places of public accommodation from discriminating against individuals with disabilities. Examples of public accommodations include privately-owned, leased or operated facilities like hotels, restaurants, retail merchants, doctor's offices, golf courses, private schools, day care centers, health clubs, sports stadiums, movie theaters, and so on. This title sets the minimum standards for accessibility for alterations and new construction of facilities. It also requires public accommodations to remove barriers in existing buildings where it is easy to do so without much difficulty or expense. This title directs businesses to make "reasonable modifications" to their usual ways of doing things when serving people with disabilities. It also requires that they take steps necessary to communicate effectively with customers with vision, hearing, and speech disabilities. This title is regulated and enforced by the U.S. Department of Justice.

More information and events related to ADA Title III (Public Accommodations) [9].

Title IV (Telecommunications)

This title requires telephone and Internet companies to provide a nationwide system of interstate and intrastate telecommunications relay services that allows individuals with hearing and speech disabilities to communicate over the telephone. This title also requires closed captioning of federally funded public service announcements. This title is regulated by the Federal Communication Commission.

More information and events related to ADA Title IV (Telecommunications) [10].

Title V (Miscellaneous Provisions)

Exhibit B

VERIFICATION / AFFIDAVIT

NO. 006-03654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Balistreri-Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed Plaintiff's Responses & Objections to Defendants Reply to Plaintiff's Response, Deviations Litigant etc. This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing.

Darlene C Balistreri-Amrhein

Darlene C. Balistreri- Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON March 24, 2018 to Certify which witness my hand and official seal.

SEAL:

SEAN LOUGHLIN
Notary ID #129595393
My Commission Expires
October 16, 2021

Sean Loughlin

Notary Public of Texas (Printed Name)

Notary Public of Texas (Signature)

Commission Expires 10/16/2021

18.

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Responses & Objections To Defendants' Reply To Plaintiff's Response & Second Supplement To Their Motion For An Order Determining Plaintiff as Vexations Litigant & Requesting Security (Plaintiff's Second Supplement) was served by Certified Mail through the United States Post Office on or about March 28, 2018 to the following:

Collin County Courthouse — Certified 7016 1970 0001 1780 0002

County Court at Law No. 6

Honorable Judge Jay Bender
2100 Bloomdale Rd., Suite # 30354
McKinney, TX 75071

Cobb, Martinez, Woodward, PLLC — Certified # 7016 1970 0001 1780 0019

Attorney Carrie Johnson Phaneuf

1700 Pacific Avenue, Suite # 3100

Dallas, TX. 75201

Respectfully submitted,

Darlene Balistreri-Amrhein

Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

Electronically Filed 3/29/2018 3:14 PM
Stacey Kemp County Clerk
Collin County, Texas
By: Linda Patrizio, Deputy
Envelope ID: 23530289

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,	COUNTY COURT AT LAW
Plaintiffs,	NO. 6
v.	[Hon. Jay Bender]
ATTORNEY LENNIE F. BOLLINGER, AND WORMINTON & BOLLINGER LAW FIRM,	
Defendants.	COLLIN COUNTY, TEXAS

DEFENDANTS' AMENDED FIRST SUPPLEMENT TO THEIR MOTION FOR AN ORDER DETERMINING PLAINTIFF DARLENE AMRHEIN TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

Defendants Lennie F. Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger (incorrectly named as "Wormington & Bollinger Law Firm") ("Defendants") file the attached Affidavit of Carrie Johnson Phaneuf as Exhibit "J", to supplement their Motion for an Order Determining that Plaintiff Darlene Amrhein ("Plaintiff" or "Amrhein") is a Vexatious Litigant, and requesting security, pursuant to the provisions of Chapter 11 of the Texas Civil Practice & Remedies Code.

Exhibit J, attached hereto and adopted by reference as if fully set forth herein, is filed in support of Defendants' pending request for Plaintiff to post security in connection with the relief requested pursuant to their Motion to Declare Plaintiff Darlene C. Amrhein a Vexatious Litigant and Requesting Security.

Specifically, Defendants request the Court enter an order requiring Plaintiff to furnish security for the benefit of Defendants in the amount of **$160,000.00** in accordance with Texas Civil Practice & Remedies Code §11.0055.

As set forth in Exhibit J, the amount of $160,000.00 constitutes Defendants' estimate of the reasonable expenses they will incur in or in connection with a litigation commenced, caused to be commenced, maintained, or caused to be maintained by Plaintiff, including costs and attorneys' fees.

WHEREFORE, PREMISES CONSIDERED, Defendants Lennie F. Bollinger and Wormington & Bollinger, respectfully request that the Court:

(1) immediately stay this litigation pursuant to Tex. Civ. Prac. & Rem. Code § 11.052;

(2) set the foregoing motion for hearing with notice to all parties pursuant to Tex. Civ. Prac. & Rem. Code § 11.053;

(3) sign and enter an order declaring Plaintiff Amrhein a vexatious litigant pursuant to Tex. Civ. Prac. & Rem. Code § 11.054 and requiring Plaintiff to furnish security in accord with Tex. Civ. Prac. & Rem. Code § 11.055.

Defendants also request such other and further relief to which they may show themselves justly entitled both at law and in equity.

Respectfully submitted,

By: */s/ Carrie J. Phaneuf*

CARRIE JOHNSON PHANEUF
Texas Bar No. 24003790
cphaneuf@cobbmartinez.com
JENNIFER SMILEY
Texas Bar No. 24082004
jsmiley@cobbmartinez.com

COBB MARTINEZ WOODWARD PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
Phone: 214.220.5201
Facsimile: 214.220.5251
ATTORNEYS FOR LENNIE F. BOLLINGER
AND WORMINGTON & BOLLINGER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to Darlene Amrhein, *pro se*, by via electronic service through FileTime, e-mail, and priority mail on March 29, 2018.

Darlene Amrhein
112 Winsley Circle
McKinney, Texas 75071
Winsley112@yahoo.com

/s/ Carrie Johnson Phaneuf
CARRIE PHANEUF

EXHIBIT J

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,	COUNTY COURT AT LAW
Plaintiffs,	NO. 6
v.	[Hon. Jay Bender]
ATTORNEY LENNIE F. BOLLINGER, AND WORMINTON & BOLLINGER LAW FIRM,	
Defendants.	COLLIN COUNTY, TEXAS

AMENDED AFFIDAVIT OF CARRIE JOHNSON PHANEUF

STATE OF TEXAS
DALLAS COUNTY

Before me, the undersigned notary, on this day personally appeared Carrie Johnson Phaneuf, the affiant, who, being by me duly sworn, on oath testified as follows:

1. "My name is Carrie Johnson Phaneuf. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated herein are within my personal knowledge and are true and correct.

2. This affidavit is filed in connection with Defendants Lennie F. Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger's (incorrectly named as "Wormington & Bollinger Law Firm") ("Defendants") pending request for Plaintiff to post security in connection with the relief requested pursuant to their Motion to Declare Plaintiff Darlene C. Amrhein a Vexatious Litigant and Requesting Security.

3. I am an attorney duly licensed to practice law in the State of Texas since 1998. I have 19 years of experience in the practice of litigation. I practice law as a member of Cobb Martinez Woodward PLLC, 1700 Pacific Ave., Suite 3100, Dallas, Texas 75201.

4. Defendants Lennie F. Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger retained Cobb Martinez Woodward PLLC to represent them in this lawsuit. I am lead counsel of record for Defendants in the case. I have participated in and have personal knowledge of this case and the work performed in the representation of Defendants. I also have personal knowledge of the work that will be required to defend this case in the event it proceeds to trial.

5. From November 2, 2017, to March 28, 2018, Defendants incurred $54,768.88 in

attorneys' fees and expenses in defending this lawsuit (see Exhibit J-1 – billing statements). In addition, it is anticipated that another 20 hours of attorney time will be necessary to prepare for the hearing on the Motion, for a total of approximately $5,200.00. **Thus, the total amount of fees incurred in defense of this case through a hearing on the vexatious litigant motion, plus expenses will be approximately $59,968.88.** This total amount does not include secretarial time, overhead expenses, printing, scanning, LexisNexis or other legal research database expenses.

6. I am familiar with legal services Cobb Martinez Woodward PLLC has rendered for Defendants in this case, and certify that the legal services rendered were reasonable and necessary legal services in the defense of the case. The issues involved in this case required Cobb Martinez Woodward PLLC to defend this case by, among other things: (1) investigating the claims, (2) researching and analyzing legal issues, (3) drafting pleadings, (4) consulting with Defendants, (5) engaging in dispositive motion practice, including researching and preparing a motion to declare plaintiff a vexatious litigant and requesting security under Chapter 11 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE, and a Motion to Dismiss under Rule 91a of the Texas Rules of Civil Procedure, (6) studying the pleadings, motion papers, and briefing filed by the plaintiff, (7) conducting legal research regarding Chapter 11 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE and related case law, (8) preparing for and conducting the hearing on the Motion to Declare Plaintiff a Vexatious Litigant, and (9) taking other necessary actions to perform legal services properly. More detailed descriptions of that work are reflected in Exhibit A, our firm's billing statements.

7. The Cobb Martinez Woodward PLLC attorneys that have rendered services on this matter include myself, Jennifer Smiley (Associate, licensed since 2015), and Virginia Cox (Associate, licensed since 2017). Our attorneys' work is billed and paid for by Defendants at the following hourly rates: Phaneuf - $260.0; Smiley, Cox - $195.00. I am familiar with the rates charged by litigation counsel in the Dallas, Texas market. In my opinion, the hourly rates charged by Cobb Martinez Woodward for the work of these attorneys is well within the typical range in the market and that those rates are reasonable.

8. Cobb Martinez Woodward PLLC's invoices, which have been redacted only as necessary to preserve attorney-client privileged matters, and which set forth the work performed in detail, are attached hereto as Exhibit J-1 and incorporated herein by reference. Those billing statements reflect a contemporaneous record of who performed the services, at what hourly rate, when the services were performed, and how much time the work required. These billing statements have been presented to Defendants for payment. The billing statements are kept by Cobb Martinez Woodward PLLC in the regular course of business, and I am a custodian of those records. The information contained in the records was prepared in the regular course of business by employees of Cobb Martinez Woodward PLLC, who have personal knowledge of the information recorded therein. The records were made at or near the time or reasonably soon after the time that the services were provided. The records are exact duplicates of the originals, with the exception of minor redactions to protect attorney-client privilege.

9. If this case progresses to trial, based on the voluminous pleadings already filed by

Plaintiff in this case, in addition to examples of filings by Plaintiff in other cases she has litigated, Defendants anticipate they will be required to make an additional substantial investment of attorney time and resources. Discovery will include at least four fact witness depositions; and, based upon the allegations, experts will be needed in the area of legal malpractice. At this point, a trial of 3-4 days would be a conservative estimate. From my experience, attorney fees and expenses will exceed $100,000.00 beyond the amount already expended.

10. In my opinion, the fees and costs incurred by Defendants for defense of this matter, and that will be incurred, through the date of the hearing in the amount of $59,968.88 are reasonable and necessary. In reaching my opinions on attorneys' fees in this case, I took into account the following factors as prescribed by Rule 1.04 of the Texas Rules of Professional Conduct:

a. the time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly;

b. the likelihood that the acceptance of the particular employment will preclude other employment;

c. the fee customarily charged in the locality for similar legal services;

d. the amount involved and the results obtained;

e. the time limitations imposed by the client or by the circumstances;

f. the nature and length of the professional relationship with the client;

g. the experience, reputation, and ability of the lawyer or lawyers performing the services; and

h. whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered.

See Arthur Anderson & Co. v. Perry Equipment Corp., 945 S.W.2d 812, 818 (Tex. 1997).

11. In addition, should there be any proceeding in any court, state or federal, directly or indirectly appealing or attacking the judgment rendered in this cause, Cobb Martinez Woodward PLLC may reasonably be expected to perform further legal services on behalf of Defendants, including but not limited to research of law applicable to the legal bases for such proceedings, preparation of pleadings, briefs, and court exhibits for use in such proceedings, and preparation for and appearances at such proceedings. Additional conditional reasonable attorneys' fees for proceedings appealing or attacking the judgment would be as follows:

(A) In the event of an appeal to the Court of Appeals is made, the sum of $29,900. This would include anticipated review and analysis of the record on appeal, legal research, review and analysis of an appellant's brief, preparation of an appellee's brief, review and analysis of an appellant's reply brief, communication with other

counsel, preparation and review of motions, docketing statement, record requests and the like, preparation and presentation of oral argument, and preparation of motions or responses to motions for rehearing. This estimate is based on a projection of 115 hours of attorney time at $260 per hour.

(B) In the event a Petition for Review is filed to the Texas Supreme Court, or a response to a Petition for Review, the sum of $9,750. This estimate is based on a projection of 37.5 hours of attorney time at $260 per hour.

(C) In the further event of full merits briefing being requested by the Texas Supreme Court, the further sum of $13,000. This estimate is based on a projection of 50 hours of attorney time at $260 per hour.

(C) In the event a Petition for Review is granted by the Supreme Court of Texas, the further sum of $11,700. This estimate is based on a projection of 45 hours of attorney time allocated among Phaneuf and an appellate partner such that their blended rate is $260 per hour.

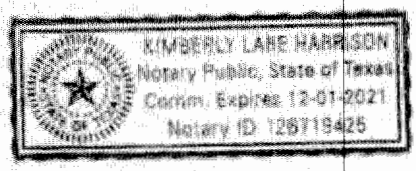
12. Based on the $59,968.88 incurred for defense of this matter anticipated through the date of the hearing, in addition to the $100,000 in fees and expenses that Defendants anticipate will be incurred through a trial of this matter, Defendants request the Court enter an order requiring Plaintiff to furnish security for the benefit of Defendants in the amount of **$160,000.00** in accordance with Texas Civil Practice & Remedies Code §11.0055.

13. The amount of $160,000.00 constitutes Defendants' reasonable expenses incurred in or in connection with a litigation commenced, caused to be commenced, maintained, or caused to be maintained by Plaintiff, including costs and attorneys' fees.

This concludes my testimony."

Carrie Johnson Phaneuf

SUBSCRIBED AND SWORN TO BEFORE ME on this the 29th day of March, 2018, to certify which witness my hand and seal of office.



Notary Public in and for
the State of Texas

EXHIBIT J-1

Cobb Martinez Woodward PLLC

Inquiry Activity Worked/Billed Report (Inception-to-Date)

Client/Matter: 0032 Allied World Assurance Company / 00043 Amrhein, Darlene v. Wormington Law Group, Lennie F. Bollinger

Billing Attorney: CJP Carrie J. Phaneuf

	Hours	Fees	Cash Exp.	Non-Cash Exp.	Total
Unbilled:	53.20	11,700.50	36.03	0.00	**11,736.53**
Billed (Worked):	195.00	42,913.00	119.35	0.00	**43,032.35**
Worked Totals:	**248.20**	**54,613.50**	**155.38**	**0.00**	**54,768.88**
Mark Up/Down:	(6.40)	(1,248.00)	(62.60)	0.00	**(1,310.60)**
Discount:		0.00	0.00	0.00	**0.00**
Billed:	**188.60**	**41,665.00**	**56.75**	**0.00**	**41,721.75**
Billable:	248.20	54,613.50	155.38	0.00	**54,768.88**
Non-Billable:	0.00	0.00	0.00	0.00	**0.00**
Admin:	0.00	0.00	0.00	0.00	**0.00**
Total:	**248.20**	**54,613.50**	**155.38**	**0.00**	**54,768.88**

Employee Recap:	Hours	Fees	Cash Exp.	Non-Cash Exp.	Total
CJP Carrie J. Phaneuf	97.80	25,428.00	155.38	0.00	**25,583.38**
JLS Jennifer L. Smiley	147.40	28,743.00	0.00	0.00	**28,743.00**
RH Rose Hernandez	1.50	150.00	0.00	0.00	**150.00**
VC Virginia Cox	1.50	292.50	0.00	0.00	**292.50**

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
Time Fees									
411686	11/02/2017	CJP Carrie J. Phaneuf	Begin review and analysis of client memo regarding facts of underlying case and strategy for responding to lawsuit	0.20	260.00	52.00	0.20	260.00	52.00
411687	11/02/2017	CJP Carrie J. Phaneuf	Phone conference with Lennie Bollinger regarding [redacted]	0.20	260.00	52.00	0.20	260.00	52.00
411688	11/02/2017	CJP Carrie J. Phaneuf	Begin review of petition and assess deadline to draft and file answer	0.10	260.00	26.00	0.10	260.00	26.00
411689	11/02/2017	CJP Carrie J. Phaneuf	Draft email with Michelle Morrell r[redacted]	0.10	260.00	26.00	0.10	260.00	26.00
411887	11/03/2017	CJP Carrie J. Phaneuf	Review email from client regarding pleading filed by plaintiff with various admissions in underlying case	0.10	260.00	26.00	0.10	260.00	26.00
412969	11/06/2017	CJP Carrie J. Phaneuf	Review and analyze plaintiff's petition, factual allegations, and causes of action in preparation for drafting answer as well as to determine w[redacted]	0.40	260.00	104.00	0.40	260.00	104.00
412970	11/06/2017	CJP Carrie J. Phaneuf	Continue review and analyze client memo regarding facts of case and strategy moving forward regarding [redacted]	0.30	260.00	78.00	0.30	260.00	78.00
412973	11/06/2017	CJP Carrie J. Phaneuf	Review and analyze federal court pleadings and orders in another case where plaintiff sued prose and court imposed injunction due to vexatious filing for support of possible vexatious litigant motion	0.30	260.00	78.00	0.30	260.00	78.00
412974	11/06/2017	CJP Carrie J. Phaneuf	Review and analyze 10 different filings in Collin County district court and small claims court where plaintiff sued prose for support of [redacted]	0.20	260.00	52.00	0.20	260.00	52.00
412977	11/06/2017	CJP Carrie J. Phaneuf	Assess grounds for possible r[redacted]	0.20	260.00	52.00	0.20	260.00	52.00
413258	11/08/2017	CJP Carrie J. Phaneuf	Review email from client regarding Amrhein's deposition in another case [redacted]	0.10	260.00	26.00	0.10	260.00	26.00
413259	11/08/2017	CJP Carrie J. Phaneuf	Phone conference with client regarding plan for responding to suit with [redacted] as well as possible [redacted], and regarding Amrhein's prior deposition testimony	0.50	260.00	130.00	0.50	260.00	130.00
413583	11/08/2017	JLS Jennifer L. Smiley	Reviewed 13 page petition in preparation for drafting answer	0.50	195.00	97.50	0.50	195.00	97.50
413584	11/08/2017	JLS Jennifer L. Smiley	Reviewed client documents, including pleadings in underlying case, email correspondence between client and underlying plaintiff, plaintiff's 42 page memorandum to client, client's motion to withdraw as counsel in underlying representation, client's memorandum to counsel	1.80	195.00	351.00	1.80	195.00	351.00
413594	11/09/2017	JLS Jennifer L. Smiley	Drafted special exceptions related to plaintiff's petition in preparation of drafting answer	0.50	195.00	97.50	0.50	195.00	97.50
413595	11/09/2017	JLS Jennifer L. Smiley	Drafted answer including general denial, affirmative defenses, and special exceptions related to fraud and malpractice claims	2.00	195.00	390.00	2.00	195.00	390.00
413596	11/10/2017	JLS Jennifer L. Smiley	Reviewed plaintiff's 13 page petition for drafting answer	0.50	195.00	97.50	0.50	195.00	97.50

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
413597	11/10/2017	JLS Jennifer L. Smiley	Review rules and secondary sources regarding drafting special exceptions related to form deficiencies	0.50	195.00	97.50	0.50	195.00	97.50
413598	11/10/2017	JLS Jennifer L. Smiley	Drafted special exceptions related to petition's claims of fraud, breach of fiduciary duty, breach of contract, conspiracy, negligent misrepresentation, violations of rules of ethics and rules of civil procedure, and claim for exemplary damages	4.00	195.00	780.00	2.50	195.00	487.50
413599	11/10/2017	JLS Jennifer L. Smiley	Reviewed elements of causes of action of civil conspiracy, negligent misrepresentation for special exceptions	0.30	195.00	58.50	0.30	195.00	58.50
413600	11/10/2017	JLS Jennifer L. Smiley	Revised 21 page answer, affirmative defenses and special exceptions	1.00	195.00	195.00	1.00	195.00	195.00
413751	11/13/2017	CJP Carrie J. Phaneuf	Phone conference and emails with client regarding answer and special exceptions a[redacted]	0.50	260.00	130.00	0.50	260.00	130.00
413752	11/13/2017	CJP Carrie J. Phaneuf	Phone conference and email w[redacted]	0.60	260.00	156.00	0.60	260.00	156.00
413753	11/13/2017	CJP Carrie J. Phaneuf	Revise answer [21 pages] to petition including special exceptions to plaintiff's allegations citing to over 16 different cases, and asserting affirmative defenses	0.90	260.00	234.00	0.90	260.00	234.00
413754	11/13/2017	CJP Carrie J. Phaneuf	Continue review of plaintiff prose's voluminous other court filings and orders issued against her [6] i[redacted]	0.80	260.00	208.00	0.80	260.00	208.00
413801	11/13/2017	JLS Jennifer L. Smiley	Reviewed issue o[redacted]	0.50	195.00	97.50	0.50	195.00	97.50
413899	11/14/2017	CJP Carrie J. Phaneuf	Receipt and review of documents and pleadings from underlying lawsuit f[redacted]n preparation for drafting discovery to Amrhein; r[redacted]	0.40	260.00	104.00	0.40	260.00	104.00
413900	11/14/2017	CJP Carrie J. Phaneuf	Phone call to client to discuss draft answer	0.10	260.00	26.00	0.10	260.00	26.00
414204	11/15/2017	CJP Carrie J. Phaneuf	Revise answer to include special exceptions regarding allegations of civil rights and dicrimination violations	0.30	260.00	78.00	0.30	260.00	78.00
414205	11/15/2017	CJP Carrie J. Phaneuf	Phone conference with client regarding revised answer a[redacted] draft email regarding same	0.20	260.00	52.00	0.20	260.00	52.00
414920	11/25/2017	CJP Carrie J. Phaneuf	Review and analyze documents obtained from underlying defendant David Schroeder regarding federal court injunctions against Amrhein to filing suit in both the Eastern District and Northern District of Texas and analyze additional documents referenced therein for possible vexatious litigant motion against Amrhein	0.90	260.00	234.00	0.90	260.00	234.00
414921	11/25/2017	CJP Carrie J. Phaneuf	Review and analyze documents from client, including communications with plaintiff [10 emails, 5 pleadings/orders, and 42 page memo from Amrhein] from underlying case and assess defenses including rule 91a motion, vexatious litigant motion and discovery to plaintiff	1.00	260.00	260.00	1.00	260.00	260.00
414922	11/25/2017	CJP Carrie J. Phaneuf	Draft lengthy email to client regarding additional documents needed from underlying case to prepare defenses, rule 91a motion, vexatious litigant motion, as well as discovery to plaintiffs	0.30	260.00	78.00	0.30	260.00	78.00
415091	11/26/2017	JLS Jennifer L. Smiley	Responded to email regarding plaintiff's hearing	0.10	195.00	19.50	0.10	195.00	19.50

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
415122	11/27/2017	CJP Carrie J. Phaneuf	Review and analyze plaintiff's motion to recuse judge because underlying case also pending in same court and assess response to same considering statutory grounds for recusal and possible motion for sanctions	0.40	260.00	104.00	0.40	260.00	104.00
415123	11/27/2017	CJP Carrie J. Phaneuf	Review and analyze plaintiff's motion for leave to amend petition	0.20	260.00	52.00	0.20	260.00	52.00
415124	11/27/2017	CJP Carrie J. Phaneuf	Review and analyze plaintiffs 64 page amended petition attempting to clarify allegations and assert new claims and assess special exceptions to new pleading as well as whether case can be removed based on new constitutional allegations	1.00	260.00	260.00	1.00	260.00	260.00
415125	11/27/2017	CJP Carrie J. Phaneuf	Draft correspondence to Prose plaintiff regarding fact that she improperly served Bollinger with pleadings even though she has notice that our firm is representing Bollinger	0.10	260.00	26.00	0.10	260.00	26.00
415126	11/27/2017	CJP Carrie J. Phaneuf	Draft email and phone conference with client regarding new pleadings from prose plaintiff and response to same	0.30	260.00	78.00	0.30	260.00	78.00
415127	11/27/2017	CJP Carrie J. Phaneuf	Review and assess court setting hearing on pre-trial confernece	0.10	260.00	26.00	0.10	260.00	26.00
415099	11/27/2017	JLS Jennifer L. Smiley	Briefly reviewed new amended petition	0.10	195.00	19.50	0.10	195.00	19.50
415238	11/27/2017	JLS Jennifer L. Smiley	Reviewed 22 pages of amended petition to assess for additional special exceptions	0.50	195.00	97.50	0.50	195.00	97.50
415370	11/28/2017	CJP Carrie J. Phaneuf	Draft communications with prose plaintiff regarding service of answer	0.20	260.00	52.00	0.20	260.00	52.00
415371	11/28/2017	CJP Carrie J. Phaneuf	Assess grounds for vexatious litigant motion and argument as to why plaintiff has no reasonable probability of prevailing on her claims	0.40	260.00	104.00	0.40	260.00	104.00
415382	11/28/2017	CJP Carrie J. Phaneuf	Draft correspondence with client regarding plan to confer with David Schroeder's counsel on possible joint defense	0.10	260.00	26.00	0.10	260.00	26.00
415551	11/29/2017	CJP Carrie J. Phaneuf	Review notes by court regarding setting of pre trial conference	0.10	260.00	26.00	0.10	260.00	26.00
416817	12/04/2017	CJP Carrie J. Phaneuf	Receipt and review of correspondence from court regarding hearing on pre trial conference and proposed order governing pre trial deadlines	0.20	260.00	52.00	0.20	260.00	52.00
416818	12/04/2017	CJP Carrie J. Phaneuf	Receipt and review of order regarding recusal of judge and transfer to different court; forward to client with comment	0.20	260.00	52.00	0.20	260.00	52.00
416819	12/04/2017	CJP Carrie J. Phaneuf	Phone call to client regarding case status	0.10	260.00	26.00	0.10	260.00	26.00
417489	12/06/2017	CJP Carrie J. Phaneuf	Draft emails with client regarding draft responses to Request for Admissions	0.20	260.00	52.00	0.20	260.00	52.00
417490	12/06/2017	CJP Carrie J. Phaneuf	Revise responses to Request for Admissions	0.20	260.00	52.00	0.20	260.00	52.00
418258	12/06/2017	JLS Jennifer L. Smiley	Prepared Defendants' responses to plaintiff's request for disclosures	1.00	195.00	195.00	1.00	195.00	195.00
418259	12/06/2017	JLS Jennifer L. Smiley	Prepared Defendant's responses for request for admission	1.20	195.00	234.00	1.20	195.00	234.00

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
417495	12/07/2017	CJP Carrie J. Phaneuf	Draft email to client asking for information needed to respond to Request for Disclosure and receive response	0.10	260.00	26.00	0.10	260.00	26.00
417496	12/07/2017	CJP Carrie J. Phaneuf	Draft email to Michelle Morrell regarding i[redacted]	0.10	260.00	26.00	0.10	260.00	26.00
417500	12/07/2017	CJP Carrie J. Phaneuf	Revise responses to Request for Disclosure	0.20	260.00	52.00	0.20	260.00	52.00
417501	12/07/2017	CJP Carrie J. Phaneuf	Review client revisions to Request for Admissions and draft revisions in accordance with same	0.30	260.00	78.00	0.30	260.00	78.00
417502	12/07/2017	CJP Carrie J. Phaneuf	Draft email with client regarding final approval for responses to Request for Admissions	0.10	260.00	26.00	0.10	260.00	26.00
418268	12/07/2017	JLS Jennifer L. Smiley	Further revised Defendants' responses to Request for Admissions and Request for Disclosure	0.20	195.00	39.00	0.20	195.00	39.00
417811	12/11/2017	CJP Carrie J. Phaneuf	Draft final revisions to responses to Request for Admissions and Request for Disclosure and forward to plaintiff with correspondence	0.30	260.00	78.00	0.30	260.00	78.00
417824	12/12/2017	CJP Carrie J. Phaneuf	Review phone recordings f[redacted]	0.10	260.00	26.00	0.10	260.00	26.00
417828	12/12/2017	CJP Carrie J. Phaneuf	Draft email to client regarding responses to Request for Admissions and Request for Disclosure	0.10	260.00	26.00	0.10	260.00	26.00
418289	12/12/2017	JLS Jennifer L. Smiley	Begin drafting vexatious litigant motion, including facts section and section on plaintiff's past litigations	2.00	195.00	390.00	2.00	195.00	390.00
418290	12/12/2017	JLS Jennifer L. Smiley	Reviewed and analyzed plaintiff's past cases for use in vexatious litigant motion	2.20	195.00	429.00	2.20	195.00	429.00
417946	12/13/2017	CJP Carrie J. Phaneuf	Phone conference with Jerry Jarzombek, [redacted], regarding plan to respond to Amrhein lawsuits and possible vexatious litigant motion	0.10	260.00	26.00	0.10	260.00	26.00
418070	12/14/2017	CJP Carrie J. Phaneuf	Draft emails with client regarding hearing in Amrhein v. Schroeder case and dismissal of same	0.10	260.00	26.00	0.10	260.00	26.00
418299	12/14/2017	JLS Jennifer L. Smiley	Attended hearing in Collin County regarding pre-trial conference and plea to jurisdiction in Amrhein's underlying case and Justice Court appeal (underlying case in this matter) at client request	3.00	195.00	585.00	3.00	195.00	585.00
418300	12/14/2017	JLS Jennifer L. Smiley	Communicated with client regarding h[redacted]	0.10	195.00	19.50	0.10	195.00	19.50
418496	12/19/2017	CJP Carrie J. Phaneuf	Draft email with client regarding conference to discuss possible rule 91a motion to dismiss	0.10	260.00	26.00	0.10	260.00	26.00
418703	12/20/2017	CJP Carrie J. Phaneuf	Phone conference with client to discuss plan for Rule 91a motion to dismiss and vexatious litigant motion	0.20	260.00	52.00	0.20	260.00	52.00
418704	12/20/2017	CJP Carrie J. Phaneuf	Review legal authority regarding r[redacted]	0.80	260.00	208.00	0.80	260.00	208.00
418705	12/20/2017	CJP Carrie J. Phaneuf	Review and make critical assessment of possible grounds for Rule 91a motion to dismiss based on plaintiff petition	0.90	260.00	234.00	0.90	260.00	234.00

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
419267	12/20/2017	JLS	Jennifer L. Smiley	2.80	195.00	546.00	2.80	195.00	546.00
			Reviewed and analyzed 30 cases on whether a non-attorney plaintiff can bring claims in her representative capacity of a deceased person or his estate in preparation of drafting rule 91a motion to dismiss on plaintiff's claims						
419268	12/20/2017	JLS	Jennifer L. Smiley	2.00	195.00	390.00	2.00	195.00	390.00
			Prepared argument section on whether a non-attorney plaintiff can bring claims in a representative capacity of a party or his estate						
420079	12/20/2017	JLS	Jennifer L. Smiley	1.00	195.00	195.00	1.00	195.00	195.00
			Prepared factual and procedural history section of Rule 91a motion to dismiss						
420080	12/20/2017	JLS	Jennifer L. Smiley	4.30	195.00	838.50	4.30	195.00	838.50
			Prepared argument section addressing each of plaintiff's claims and incorporating case law into analysis for Rule 91a motion to dismiss (19 pages)						
420083	12/21/2017	JLS	Jennifer L. Smiley	1.90	195.00	370.50	1.90	195.00	370.50
			Revised Rule 91a motion to dismiss argument section (19 pages)						
420088	12/21/2017	JLS	Jennifer L. Smiley	1.00	195.00	195.00	1.00	195.00	195.00
			Prepared/Revised argument section including case law regarding plaintiff's fraud claim in Rule 91a motion to dismiss (19 pages)						
420090	12/21/2017	JLS	Jennifer L. Smiley	2.00	195.00	390.00	2.00	195.00	390.00
			Prepared/Revised argument section including case law regarding plaintiff's breach of contract claim and impermissible fracturing of a legal malpractice claim in Rule 91a motion to dismiss (19 pages)						
420091	12/21/2017	JLS	Jennifer L. Smiley	2.00	195.00	390.00	2.00	195.00	390.00
			Prepared/Revised argument section including case law regarding plaintiff's discrimination and civil rights violations claims in Rule 91a motion to dismiss (19 pages)						
418873	12/22/2017	CJP	Carrie J. Phaneuf	1.50	260.00	390.00	1.50	260.00	390.00
			Finalize Rule 91a motion to dismiss arguing for dismissal of all plaintiff's causes of action except legal malpractice on the Schroeder matter because claims have no basis in law or in fact						
418874	12/22/2017	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.20	260.00	52.00
			Draft emails with client regarding rule 91a motion for his review and regarding deadlines to set hearing and for court ruling according to statute						
418875	12/22/2017	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.10	260.00	26.00
			Draft letter to prose plaintiff regarding rule 91a motion to dismiss						
419242	12/27/2017	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.10	260.00	26.00
			Attend to repeated efforts to obtain hearing from court on Rule 91a motion to dismiss in accordance with statutory deadlines						
419244	12/27/2017	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.10	260.00	26.00
			Assess amendments to answer based on allegations in Rule 91a motion to dismiss as well as additional special exceptions to plaintiff amended petition						
420101	12/27/2017	JLS	Jennifer L. Smiley	3.90	195.00	760.50	3.90	195.00	760.50
			Prepared 15 page amended answer to comport with defenses asserted in Rule 91a motion to dismiss and addressing the defects in plaintiff's 64 page amended petition						
419344	12/28/2017	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.10	260.00	26.00
			Draft email to client regarding [redacted]						
419481	12/29/2017	CJP	Carrie J. Phaneuf	0.40	260.00	104.00	0.40	260.00	104.00
			Analysis of issues of standing and capacity of Prose to assert claims in representative capacity to determine affirmative defenses for amended answer						
419482	12/29/2017	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.20	260.00	52.00
			Draft emails with client regarding status of hearing on rule 91a motion to dismiss and plaintiff request for continuance due to alleged medical issues despite voluminous filing in separate case						

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
419483	12/29/2017	CJP Carrie J. Phaneuf	Receipt and review of plaintiff prose email claiming need for continuance due to medical issues	0.10	260.00	26.00	0.10	260.00	26.00
419484	12/29/2017	CJP Carrie J. Phaneuf	Draft revisions to amended answer asserting arguments regarding standing and other defensive issues raised in rule 91a motion to dismiss	0.90	260.00	234.00	0.90	260.00	234.00
419784	01/02/2018	CJP Carrie J. Phaneuf	Continue drafting revisions to amended answer, special exceptions and affirmative defenses to comport with rule 91 a motion to dismiss	0.20	260.00	52.00	0.00	0.00	0.00
419785	01/02/2018	CJP Carrie J. Phaneuf	Receipt and review of Amrhein's motion to continue response deadline to rule 91 a despite fact that no deadline exists	0.10	260.00	26.00	0.00	0.00	0.00
419786	01/02/2018	CJP Carrie J. Phaneuf	Draft email to client regarding revised answer, Amrhein's motion for continuance and status of hearing on rule 91a	0.10	260.00	26.00	0.00	0.00	0.00
419787	01/02/2018	CJP Carrie J. Phaneuf	Receipt and review of appeal Amrhein filed in lawsuit against USA for support of vexatious litigant motion	0.10	260.00	26.00	0.00	0.00	0.00
420127	01/03/2018	CJP Carrie J. Phaneuf	Finalize amended answer for filing with court	0.10	260.00	26.00	0.00	0.00	0.00
420128	01/03/2018	CJP Carrie J. Phaneuf	Draft pleading required by court regarding earing on motion to dismiss	0.10	260.00	26.00	0.00	0.00	0.00
420129	01/03/2018	CJP Carrie J. Phaneuf	Assess filing by plaintiff of 200 page response to motion to dismiss	0.10	260.00	26.00	0.00	0.00	0.00
420130	01/03/2018	CJP Carrie J. Phaneuf	Review correspondence from court regarding pre trial conference and available trial dates for scheduling order required to be filed in advance of hearing	0.20	260.00	52.00	0.00	0.00	0.00
420131	01/03/2018	CJP Carrie J. Phaneuf	Draft email to client regarding available trial dates communicated by court for pre trial conference	0.10	260.00	26.00	0.00	0.00	0.00
420435	01/04/2018	CJP Carrie J. Phaneuf	Review court's communication regarding available trial dates and attend to discovery and expert deadlines in preparation for communicating with prose plaintiff regarding same as ordered by court	0.30	260.00	78.00	0.00	0.00	0.00
420436	01/04/2018	CJP Carrie J. Phaneuf	Draft multiple communications with client regarding assessment of trial date and pre trial deadlines in preparation for court ordered conference as well as regarding plaintiff prose claim she has conflict with hearing on motion to dismiss	0.40	260.00	104.00	0.00	0.00	0.00
420437	01/04/2018	CJP Carrie J. Phaneuf	Draft correspondence with plaintiff prose regarding her alleged conflicts with hearing on motion to dismiss	0.20	260.00	52.00	0.00	0.00	0.00
420666	01/05/2018	CJP Carrie J. Phaneuf	Assess request from plaintiff to move hearing on rule 91a and options from court regarding same in light of statute that dicates court must rule on motion within a certain period of time	0.20	260.00	52.00	0.00	0.00	0.00
420667	01/05/2018	CJP Carrie J. Phaneuf	Emails and phone conference with client regarding hearing on rule 91a motion to dismiss and plaintiff's response to motion	0.30	260.00	78.00	0.00	0.00	0.00
420668	01/05/2018	CJP Carrie J. Phaneuf	Draft email to plaintiff Prose with proposed order on pre trial deadlines as required by court in advance of pretrial conference and make inquiry regarding mediators as required by court	0.10	260.00	26.00	0.00	0.00	0.00
421230	01/09/2018	CJP Carrie J. Phaneuf	Draft correspondence to prose plaintiff regarding continued efforts to conference with her in advance of pre trial conference as required by court	0.20	260.00	52.00	0.00	0.00	0.00

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421697	01/12/2018	CJP Carrie J. Phaneuf	Draft email to prose plaintiff with continued effort to conference with her regarding proposed pre trial requirements as ordered by court in advance of pre trial conference	0.10	260.00	26.00	0.00	0.00	0.00
421698	01/12/2018	CJP Carrie J. Phaneuf	Receipt and review of court communication regarding pre trial conference and prepare for same by reviewing proposed trial dates and efforts to communicate with prose plaintiff regarding same	0.20	260.00	52.00	0.00	0.00	0.00
421699	01/12/2018	CJP Carrie J. Phaneuf	Draft email with client regarding production of underlying file materials	0.10	260.00	26.00	0.00	0.00	0.00
422317	01/12/2018	JLS Jennifer L. Smiley	Reviewed and analyzed 107 pages of client emails between Bollinger and Amrhein concerning underlying case strategy in preparation of preparing chronology of case and status report	1.00	195.00	195.00	0.00	0.00	0.00
422318	01/12/2018	JLS Jennifer L. Smiley	Prepared chronology of underlying case based on attorney's emails to Amrhein and underlying case docket sheet	1.40	195.00	273.00	0.00	0.00	0.00
421928	01/15/2018	CJP Carrie J. Phaneuf	Phone call and email to prose plaintiff regarding continued efforts to conference with her as required by court in advance of hearing on pre trial conference	0.20	260.00	52.00	0.00	0.00	0.00
422321	01/15/2018	JLS Jennifer L. Smiley	Continued preparing vexatious litigant motion including drafting section concerning Amrhein's other pro se cases as required by statute	1.10	195.00	214.50	0.00	0.00	0.00
422325	01/15/2018	JLS Jennifer L. Smiley	Reviewed and analyzed 150 pages of client's file, including photos of Amrhein's underlying case damages, pleadings and orders in the underlying case, letters and notes Amrhein sent to Bollinger, and updated the chronology regarding these documents	2.10	195.00	409.50	0.00	0.00	0.00
422327	01/15/2018	JLS Jennifer L. Smiley	Prepared vexatious litigant motion argument section regarding defenses to plaintiff's causes of action	1.00	195.00	195.00	0.00	0.00	0.00
422036	01/16/2018	CJP Carrie J. Phaneuf	Receipt and review of prose plaintiff motion to stay and continue case and hearing on rule 91a motion to dismiss and plan response to same considering allegations of plaintiff regarding medical issues and rules that require ruling by court in 45 days from filing of motion	0.70	260.00	182.00	0.00	0.00	0.00
422037	01/16/2018	CJP Carrie J. Phaneuf	Draft communications with client regarding response to plaintiff request to stay and continue hearing on rule 91a motion to dismiss	0.20	260.00	52.00	0.00	0.00	0.00
422038	01/16/2018	CJP Carrie J. Phaneuf	Phone conference with court regarding plaintiff request to continue hearing and request that matter be heard by court by submission to comply with rule deadlines	0.10	260.00	26.00	0.00	0.00	0.00
422039	01/16/2018	CJP Carrie J. Phaneuf	Draft response in opposition to plaintiff request to continue hearing on rule 91a motion to dismiss and request court hear matter by submission to comply with rule deadlines regarding same	0.30	260.00	78.00	0.00	0.00	0.00
422040	01/16/2018	CJP Carrie J. Phaneuf	Begin review and analysis of 225 page response from prose plaintiff to rule 91a motion to dismiss and plan reply to same	1.00	260.00	260.00	0.00	0.00	0.00
422329	01/16/2018	JLS Jennifer L. Smiley	Continued preparing vexatious litigant motion argument section on defenses to her legal malpractice cause of action and other causes of action including inserting relevant case law to support defense	3.00	195.00	585.00	0.00	0.00	0.00
422330	01/16/2018	JLS Jennifer L. Smiley	Reviewed and analyzed Amrhein's 13 page notice to the court to continue the motion to dismiss hearing and prepared response in opposition and propsed order	0.60	195.00	117.00	0.00	0.00	0.00
422332	01/16/2018	JLS Jennifer L. Smiley	Reviewed and analyzed 20 legal malpractice cases for argument section of vexatious litigant motion regarding claims asserted when a lawyer withdraws from representation during litigation	1.20	195.00	234.00	0.00	0.00	0.00

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422259	01/17/2018	CJP Carrie J. Phaneuf	Assess status of court ruling on plaintiff request to continue hearing on motion to dismiss	0.10	260.00	26.00	0.00	0.00	0.00
422260	01/17/2018	CJP Carrie J. Phaneuf	Receipt and review of court's order denying plaintiff request to continue hearing and granting defendant relief on hearing by submission	0.10	260.00	26.00	0.00	0.00	0.00
422261	01/17/2018	CJP Carrie J. Phaneuf	Draft email to Prose plaintiff regarding court order on plaintiff request to continue and stay proceedings	0.10	260.00	26.00	0.00	0.00	0.00
422262	01/17/2018	CJP Carrie J. Phaneuf	Draft email to client regarding court order on plaintiff request to continue and stay proceedings	0.10	260.00	26.00	0.00	0.00	0.00
422263	01/17/2018	CJP Carrie J. Phaneuf	Plan for reply to response to motion to dismiss and draft outline for same due to court hearing motion by submission	0.90	260.00	234.00	0.00	0.00	0.00
422264	01/17/2018	CJP Carrie J. Phaneuf	Draft affidavit in support of request for attorneys' fees and review billing in support of same	1.50	260.00	390.00	0.00	0.00	0.00
422334	01/17/2018	JLS Jennifer L. Smiley	Reviewed and analyzed Amrhein's 225 page response to motion to dismiss in preparation for drafting Reply to Amrhein's response	0.70	195.00	136.50	0.00	0.00	0.00
422335	01/17/2018	JLS Jennifer L. Smiley	Prepared Reply to Plaintiff's response to motion to dismiss, including background section, argument on Plaintiff's claims in a representative capacity, and argument regarding plaintiff's use of extrinsic evidence in her Response	3.40	195.00	663.00	0.00	0.00	0.00
422337	01/17/2018	JLS Jennifer L. Smiley	Prepared Reply to Amrhein's Response to motion to dismiss under Rule 91 including asserting defenses to each of her 12 causes of action and argument how Plaintiff failed to response with authority to contradict each defense asserted in motion to dismiss (8 pages)	3.10	195.00	604.50	0.00	0.00	0.00
422630	01/18/2018	CJP Carrie J. Phaneuf	Draft revisions to reply to response to rule 91a motion to dismiss	0.90	260.00	234.00	0.00	0.00	0.00
422631	01/18/2018	CJP Carrie J. Phaneuf	Draft email with client regarding reply to response to motion to dismiss for his review and in response to his inquiry and regarding affidavit on fees	0.10	260.00	26.00	0.00	0.00	0.00
422632	01/18/2018	CJP Carrie J. Phaneuf	Finalize Phaneuf affidavit to support request for an award of attorneys fees for motion to disimss with billing statements in support	0.50	260.00	130.00	0.00	0.00	0.00
422338	01/18/2018	JLS Jennifer L. Smiley	Prepared affidavit on reasonable attorneys fees incurred in defense of Plaintiff's baseless claims	0.70	195.00	136.50	0.00	0.00	0.00
422690	01/18/2018	JLS Jennifer L. Smiley	Prepared vexatious litigation motion, including summarizing plaintiff's past cases to comply with statutory requirements, and argument section (30 pages)	2.40	195.00	468.00	0.00	0.00	0.00
422893	01/19/2018	CJP Carrie J. Phaneuf	Draft final revisions to reply to response to motion to dismiss for submission to the court	0.30	260.00	78.00	0.00	0.00	0.00
422894	01/19/2018	CJP Carrie J. Phaneuf	Review communication from court regarding plaintiff filing of supplement and assess substance of filing	0.10	260.00	26.00	0.00	0.00	0.00
424887	01/19/2018	JLS Jennifer L. Smiley	Prepared legal malpractice elements section of vexatious litigant motion	0.10	195.00	19.50	0.00	0.00	0.00
424894	01/19/2018	JLS Jennifer L. Smiley	Prepared proposed order regarding rule 91a motion to dismiss for judge	0.70	195.00	136.50	0.00	0.00	0.00

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424908	01/22/2018	JLS Jennifer L. Smiley	Briefly reviewed Amrhein's second response to rule 91a motion	0.20	195.00	39.00	0.00	0.00	0.00
424909	01/22/2018	JLS Jennifer L. Smiley	Continued drafting amended answer including DTPA exemption and affirmative defenses	1.00	195.00	195.00	0.00	0.00	0.00
423244	01/23/2018	CJP Carrie J. Phaneuf	Review and analyze plaintiff's first supplement [32 pages] to response to motion to dismiss with exhibits in preparation for drafting additional reply	0.50	260.00	130.00	0.00	0.00	0.00
423245	01/23/2018	CJP Carrie J. Phaneuf	Review and study plaintiff's voluminous second supplement with exhibits [176 pages] to defendants' motion to dismiss in preparation for drafting additional reply	1.50	260.00	390.00	0.00	0.00	0.00
423246	01/23/2018	CJP Carrie J. Phaneuf	Review and analyze plaintiff amended petition to compare allegations to first and second supplement and in preparation for additional reply to response to motion to dismiss	0.80	260.00	208.00	0.00	0.00	0.00
423247	01/23/2018	CJP Carrie J. Phaneuf	Draft additional reply to first and second supplemental response by plaintiff to motion to dismiss in advance of court hearing by submission [15 pages]	2.80	260.00	728.00	0.00	0.00	0.00
423248	01/23/2018	CJP Carrie J. Phaneuf	Draft email with client regarding plaintiff's supplemental responses, plan to reply and proposed order filed with court	0.20	260.00	52.00	0.00	0.00	0.00
423421	01/24/2018	CJP Carrie J. Phaneuf	Review and assess status of hearing by submission on motion to dismiss	0.10	260.00	26.00	0.00	0.00	0.00
423425	01/24/2018	CJP Carrie J. Phaneuf	Phone conference with client regarding plaintiff allegations of cover up a[redacted]	0.20	260.00	52.00	0.00	0.00	0.00
423594	01/25/2018	CJP Carrie J. Phaneuf	Draft Request for Disclosure to plaintiff	0.20	260.00	52.00	0.00	0.00	0.00
424927	01/25/2018	JLS Jennifer L. Smiley	Drafted vexatious litigant motion, including section on Amrhein's previous lawsuits and summary of her old cases, and no reasonable probability of prevailing on legal malpractice case section (33 pages)	4.30	195.00	838.50	0.00	0.00	0.00
423781	01/26/2018	CJP Carrie J. Phaneuf	Draft correspondence to court regarding hearing by submission on motion to dismiss and advising that court must rule on same by February 5 in accordance with statute	0.20	260.00	52.00	0.00	0.00	0.00
424312	01/30/2018	CJP Carrie J. Phaneuf	Receipt and review of order granting motion to dismiss	0.10	260.00	26.00	0.00	0.00	0.00
424313	01/30/2018	CJP Carrie J. Phaneuf	Draft email to client regarding order granting motion to dismiss	0.10	260.00	26.00	0.00	0.00	0.00
424314	01/30/2018	CJP Carrie J. Phaneuf	Phone conference with Lennie Bollinger regarding order on motion to dismiss and regarding vexatious litigant motion	0.10	260.00	26.00	0.00	0.00	0.00
424315	01/30/2018	CJP Carrie J. Phaneuf	Draft letter to prose plaintiff regarding order on motion to dismiss	0.10	260.00	26.00	0.00	0.00	0.00
425216	01/30/2018	JLS Jennifer L. Smiley	Prepared vexatious litigant to include ruling after rule91a motion and changes to plaintiff's claims because rule 91a motion was granted, argument section on Amrhein's previous litigations; and argument section that there is no reasonable probability of prevailing because of withdrawal	1.60	195.00	312.00	0.00	0.00	0.00
424563	01/31/2018	CJP Carrie J. Phaneuf	Review email from attorney in separate Amrhein litigation r[redacted]	0.10	260.00	26.00	0.00	0.00	0.00

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425220	01/31/2018	JLS Jennifer L. Smiley		3.10	195.00	604.50	0.00	0.00	0.00
	Reviewed and analyzed deposition transcript of Amrhein in Prosperity Bank case from Oct. 2017 for use in vexatious litigant motion (316 pages)								
425221	01/31/2018	JLS Jennifer L. Smiley		5.60	195.00	1,092.00	0.00	0.00	0.00
	Continued drafting vexatious litigant motion (23 pages), such as including relevant deposition sections, argument regarding the difference between Bollinger's petition and Amrhein's amended petition, and argument regarding no reasonable probability of prevailing on legal malpractice claim (that Bollinger's actions and omissions did not cause the case to be dismissed, that Amrhein's actions and amended petition was the cause of the dismissal, and that Bollinger did not fail to communicate during his representation)								
425222	01/31/2018	JLS Jennifer L. Smiley		0.70	195.00	136.50	0.00	0.00	0.00
	Reviewed 10 vexatious litigant cases involving professional malpractice for example of when there was no reasonable probability of plaintiff prevailing on legal malpractice case								
424869	02/01/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
	Draft email to clients regarding whether plaintiff prose has responded to order of dismissal								
425223	02/01/2018	JLS Jennifer L. Smiley		2.00	195.00	390.00	0.00	0.00	0.00
	Prepared affidavit of Lennie F. Bollinger for support of vexatious litigant motion								
425224	02/01/2018	JLS Jennifer L. Smiley		3.00	195.00	585.00	0.00	0.00	0.00
	Continued drafting vexatious litigant motion (28 pages) including addition of argument establishing her 8 previous cases filed in the last 7 years, argument regarding the withdrawal, how Defendants' actions were removed from final dismissal, and how the petition drafted by defendants was within the jurisdictional limits of justice court								
425225	02/01/2018	JLS Jennifer L. Smiley		3.00	195.00	585.00	0.00	0.00	0.00
	Continued drafting vexatious litigant motion (28 pages) argument section, such as argument on the alleged failure to conduct discovery, the jurisdictional limits of justice court, the alleged conflict of interest with David Schroeder, and how Amrhein repeatedly litigates the same causes of action against the same defendants								
425256	02/02/2018	CJP Carrie J. Phaneuf		0.20	260.00	52.00	0.00	0.00	0.00
	Phone conference with client regarding vexatious litigant motion and proof needed to support same as well as possible offer to plaintiff prose to not pursue fees if she dismisses case								
425226	02/02/2018	JLS Jennifer L. Smiley		1.00	195.00	195.00	0.00	0.00	0.00
	Revised and edited vexatious litigant motion (30 pages)								
425227	02/02/2018	JLS Jennifer L. Smiley		1.00	195.00	195.00	0.00	0.00	0.00
	Selected and reviewed 25 exhibits for inclusion into vexatious litigant motion, including selecting relevant emails from 107 pages of emails and redacting selected emails								
425228	02/02/2018	JLS Jennifer L. Smiley		1.00	195.00	195.00	0.00	0.00	0.00
	Prepared affidavit of Lennie Bollinger for support of vexatious litigant motion								
425229	02/02/2018	JLS Jennifer L. Smiley		2.00	195.00	390.00	0.00	0.00	0.00
	Reviewed and analyzed 10 of Schroeder's, Amrhein's, and Court's pleadings in underlying JP and JP appeal case, for inclusion into vexatious litigant motion as exhibits and support of argument that there is no reasonable probability that Amrhein will prevail on legal malpractice claim								
425230	02/02/2018	JLS Jennifer L. Smiley		1.20	195.00	234.00	0.00	0.00	0.00
	Added facts of underlying JP case and JP appeal to fact section of vexatious litigant motion								
425231	02/02/2018	JLS Jennifer L. Smiley		1.00	195.00	195.00	0.00	0.00	0.00
	Drafted argument regarding how Amrhein's past cases have been declared frivolous and groundless by other courts for inclusion into vexatious litigant motion								
426263	02/05/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
	Phone call to Michelle Morrell re[redacted]								
426268	02/05/2018	CJP Carrie J. Phaneuf		1.00	260.00	260.00	0.00	0.00	0.00
	Draft revisions to vexatious litigant motion								

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426269	02/05/2018	CJP Carrie J. Phaneuf	Review and assess client documents and chronology of underlying case for support for vexatious litigant motion	0.90	260.00	234.00	0.00	0.00	0.00
426270	02/05/2018	CJP Carrie J. Phaneuf	Draft email to client regarding underlying communications needed for vexatious litigant motion	0.10	260.00	26.00	0.00	0.00	0.00
426271	02/05/2018	CJP Carrie J. Phaneuf	Draft revisions to Bollinger affidavit for support of vexatious litigant motion	0.20	260.00	52.00	0.00	0.00	0.00
426600	02/06/2018	CJP Carrie J. Phaneuf	Phone conference with Michelle Morrell r[redacted]	0.10	260.00	26.00	0.00	0.00	0.00
426601	02/06/2018	CJP Carrie J. Phaneuf	Emails with Lennie Bollinger regarding recent Amrhein filings and regarding settlement offer to Amrhein	0.20	260.00	52.00	0.00	0.00	0.00
426602	02/06/2018	CJP Carrie J. Phaneuf	Review and analyze prior Amrhein deposition testimony regarding prior litigations and regarding alleged mental anguish to support vexatious litigant motion	1.50	260.00	390.00	0.00	0.00	0.00
426603	02/06/2018	CJP Carrie J. Phaneuf	Draft email to attorney from Prosperity Bank lawsuit t[redacted]	0.10	260.00	26.00	0.00	0.00	0.00
426604	02/06/2018	CJP Carrie J. Phaneuf	Continue revisions to vexatious litigant motion and assess emails from underlying case to use as evidence in support of motion	1.10	260.00	286.00	0.00	0.00	0.00
426737	02/07/2018	CJP Carrie J. Phaneuf	Draft emails with client a[redacted]	0.20	260.00	52.00	0.00	0.00	0.00
426738	02/07/2018	CJP Carrie J. Phaneuf	Draft settlement offer to plaintiff	0.20	260.00	52.00	0.00	0.00	0.00
426739	02/07/2018	CJP Carrie J. Phaneuf	Review client email with causation argument and additional documents to review for vexatious litigant motion	0.20	260.00	52.00	0.00	0.00	0.00
426740	02/07/2018	CJP Carrie J. Phaneuf	Phone conference with client regarding recent plaintiff filings and need to move forward with vexatious litigant motion	0.10	260.00	26.00	0.00	0.00	0.00
426741	02/07/2018	CJP Carrie J. Phaneuf	Critical review and analysis of seven different matters plaintiff filed Prose that were disposed of against her for vexatious litigant motion including opinions and orders from courts of appeal and supreme courts in federal and state courts	3.40	260.00	884.00	0.00	0.00	0.00
426742	02/07/2018	CJP Carrie J. Phaneuf	Review and analysis of underlying pleadings and emails between Bollinger and Amrhein to determine evidence in support of vexatious litgant motion	1.00	260.00	260.00	0.00	0.00	0.00
426743	02/07/2018	CJP Carrie J. Phaneuf	Continue drafting motion to declare plaintiff a vexatious litigant	2.00	260.00	520.00	0.00	0.00	0.00
426849	02/08/2018	CJP Carrie J. Phaneuf	Review and analyze plaintiff prose 51 page response to order granting rule 91a motion and threat for further litigation against judge and defense attorneys	1.00	260.00	260.00	0.00	0.00	0.00
426850	02/08/2018	CJP Carrie J. Phaneuf	Review and analyze plaintiff prose request to stay proceedings due to medical condition and contemplate response to same	0.20	260.00	52.00	0.00	0.00	0.00
426851	02/08/2018	CJP Carrie J. Phaneuf	Email and phone conference with client regarding possible response to request for stay and status of vexatious litigant motion	0.20	260.00	52.00	0.00	0.00	0.00
426852	02/08/2018	CJP Carrie J. Phaneuf	Review and analyze legal authority regarding judicial admissions for vexatious litigant motion	0.90	260.00	234.00	0.00	0.00	0.00

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426853	02/08/2018	CJP	Carrie J. Phaneuf	0.80	260.00	208.00	0.00	0.00	0.00
	Review and anlayze legal authority regarding superceding cause for vexatious litigant motion								
426854	02/08/2018	CJP	Carrie J. Phaneuf	2.40	260.00	624.00	0.00	0.00	0.00
	Continue drafting motion to declare plaintiff a vexatious litigant [30+ pages]								
426855	02/08/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
	Review status of plaintiff prose 5th circuit appeal for vexatious litgiant motion								
426989	02/09/2018	CJP	Carrie J. Phaneuf	2.00	260.00	520.00	0.00	0.00	0.00
	Draft affidavit of Lennie Bollinger to support motion to declare Amrhein a vexatious litigant								
426990	02/09/2018	CJP	Carrie J. Phaneuf	3.30	260.00	858.00	0.00	0.00	0.00
	Draft final revisions to motion to declare Amrhein a vexatious litigant and prepare voluminous evidence in support of motion for filing with court [over 350 pages total]								
426991	02/09/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
	Draft correspondence with client regarding his affidavit to support vexatious liitigant motion and draft of motion for his review								
426992	02/09/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
	Draft letter to Amrhein prose regarding motion to declare her a vexatious litigant								

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432956	02/09/2018	JLS Jennifer L. Smiley	Continue preparing initial status report, [redacted]	3.30	195.00	643.50	3.30	195.00	643.50
427406	02/11/2018	CJP Carrie J. Phaneuf	Draft email with client regarding motion to declare Amrhein a vexatious litigant	0.10	260.00	26.00	0.10	260.00	26.00
427267	02/12/2018	CJP Carrie J. Phaneuf	Phone conferences [redacted] and vexatious litgant motion and plan for hearing on same	0.40	260.00	104.00	0.40	260.00	104.00
427268	02/12/2018	CJP Carrie J. Phaneuf	Receipt and review of fax from Amrhein to Collin County making threat against Judge regarding his alleged violations of ADA	0.20	260.00	52.00	0.20	260.00	52.00
427269	02/12/2018	CJP Carrie J. Phaneuf	Receipt and review of proposed order [redacted] regarding findings on vexatious litigant motion	0.10	260.00	26.00	0.10	260.00	26.00
427270	02/12/2018	CJP Carrie J. Phaneuf	Receipt and review of motion to recuse filed by Amrhein seeking recusal of judge based on alleged ADA violations	0.60	260.00	156.00	0.60	260.00	156.00
427271	02/12/2018	CJP Carrie J. Phaneuf	Phone conference with client [redacted] hearing on vexatious litigant motion	0.10	260.00	26.00	0.10	260.00	26.00

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
427272	02/12/2018	CJP Carrie J. Phaneuf	Draft Affidavit to support request for plaintiff to post security in connection with vexatious litigant motion	2.00	260.00	520.00	2.00	260.00	520.00
427273	02/12/2018	CJP Carrie J. Phaneuf	Draft supplement to vexatious litigant motion with affidavit on fees in support of request that plaintiff post security with respect to vexatious litigant motion	0.60	260.00	156.00	0.60	260.00	156.00
427274	02/12/2018	CJP Carrie J. Phaneuf	Draft pleading required by court regarding hearing on motion to declare plaintiff a vexatious litigant	0.10	260.00	26.00	0.10	260.00	26.00
427275	02/12/2018	CJP Carrie J. Phaneuf	Draft letter to plaintiff prose regarding hearing on motion to declare her a vexatious litigant	0.10	260.00	26.00	0.10	260.00	26.00
427276	02/12/2018	CJP Carrie J. Phaneuf	Review and analysis legal authority regarding recusal motion and fact that judge has to recuse or refer for hearing before any further proceedings and impact on vexatious litigant motion in preparation for advising client regarding same	0.40	260.00	104.00	0.40	260.00	104.00
427277	02/12/2018	CJP Carrie J. Phaneuf	Draft emails with client regarding status of hearing on vexatious litigant motion and filings by Amrhein indicating attempts at recusal and plan for responding to same	0.40	260.00	104.00	0.40	260.00	104.00
428756	02/12/2018	JLS Jennifer L. Smiley	Continued preparing initial status report, in[redacted]	2.20	195.00	429.00	0.00	195.00	0.00
428757	02/12/2018	JLS Jennifer L. Smiley	Continued preparing initial status report (10 pages), in[redacted]	2.50	195.00	487.50	2.50	195.00	487.50
427414	02/13/2018	CJP Carrie J. Phaneuf	Phone conferences with [redacted] regarding new Amrhein ADA complaints and plan for responding to same in connection with Amrhein motion to recuse judge and plan for responding to recusal	0.30	260.00	78.00	0.30	260.00	78.00
427415	02/13/2018	CJP Carrie J. Phaneuf	Begin review and analyze new Amrhein voluminous filings regarding ADA complaints and new amended pleadings, as well as her purported notices to the court of alleged wrongful conduct in preparation for drafting response to motion to recuse	0.40	260.00	104.00	0.40	260.00	104.00
427416	02/13/2018	CJP Carrie J. Phaneuf	Multiple phone conferences and emails with client regarding new Amrhein filings and motion to recuse and plan for responding to same	0.60	260.00	156.00	0.60	260.00	156.00
427417	02/13/2018	CJP Carrie J. Phaneuf	Receipt and review of order from judge declining to recuse himself and referring matter to regional judge for consideration	0.10	260.00	26.00	0.10	260.00	26.00
427418	02/13/2018	CJP Carrie J. Phaneuf	Begin outline of response to motion to recuse	0.40	260.00	104.00	0.40	260.00	104.00
428761	02/13/2018	JLS Jennifer L. Smiley	Prepared Response to Amrhein's motion to recuse judge, including incorporation of legal standards regarding a recusal and analysis of Amrhein's reasons for her motion to recuse	2.30	195.00	448.50	2.30	195.00	448.50
428762	02/13/2018	JLS Jennifer L. Smiley	Prepared initial status report, in[redacted]	1.20	195.00	234.00	1.20	195.00	234.00
427598	02/14/2018	CJP Carrie J. Phaneuf	Draft emails and phone conferece[redacted] regarding additional Amrhein filings, judge's decision to recuse, and assignment of new judge	0.70	260.00	182.00	0.70	260.00	182.00
427600	02/14/2018	CJP Carrie J. Phaneuf	Receipt and review of amended order from judge recusing himself from case	0.10	260.00	26.00	0.10	260.00	26.00

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427601	02/14/2018	CJP Carrie J. Phaneuf	Receipt and review of order from regional judge assigning new court to hear case	0.10	260.00	26.00	0.10	260.00	26.00
427603	02/14/2018	CJP Carrie J. Phaneuf	Draft emails with client regarding judge recusal and reassignment to new court as well as plan to set hearing for vexatious litigant motion	0.50	260.00	130.00	0.50	260.00	130.00
427604	02/14/2018	CJP Carrie J. Phaneuf	Draft amended pleading regarding hearing in new court on vexatious litigant motion as required by court	0.10	260.00	26.00	0.10	260.00	26.00
427605	02/14/2018	CJP Carrie J. Phaneuf	Plan response to anticipated motion by prose plaintiff to stay proceedings in new court	0.10	260.00	26.00	0.10	260.00	26.00
428765	02/14/2018	JLS Jennifer L. Smiley	Continued preparing draft of response to Amrhein's motion to recuse the judge, included argument (1) her motion is solely based on judge's rulings in the case; (2) she has a history of recusing the judges in her vexatious cases; and (3) that the motion is groundless and brought for harassment (11 pages)	3.00	195.00	585.00	3.00	195.00	585.00
428766	02/14/2018	JLS Jennifer L. Smiley	Prepared 100 pages of exhibits, including Amrhein's previous motions to recuse in her other pro se cases, for support of response to motion to recuse	0.50	195.00	97.50	0.50	195.00	97.50
427740	02/15/2018	CJP Carrie J. Phaneuf	Review affidavit filed by Amrhein in response to vexatious litigant motion	0.30	260.00	78.00	0.30	260.00	78.00
427741	02/15/2018	CJP Carrie J. Phaneuf	Review and analyze 121 page response by Amrhein to vexatious litigant motion and plan for response to same	1.20	260.00	312.00	1.20	260.00	312.00
427742	02/15/2018	CJP Carrie J. Phaneuf	Review filing by Amrhein [26 pages] regarding alleged violations by court and opposing counsel	0.50	260.00	130.00	0.50	260.00	130.00
427743	02/15/2018	CJP Carrie J. Phaneuf	Review and analyze 98 page amended pleading by Amrhein and assess impact on vexatious litigant motion	0.90	260.00	234.00	0.90	260.00	234.00
427744	02/15/2018	CJP Carrie J. Phaneuf	Review Amrhein lawsuits and status of appeals in preparation for vexatious litigant hearing and [redacted]	0.70	260.00	182.00	0.70	260.00	182.00
427745	02/15/2018	CJP Carrie J. Phaneuf	Phone conference with client regarding status of hearing on vexatious litigant motion and recent Amrhein filings	0.10	260.00	26.00	0.10	260.00	26.00
428769	02/15/2018	JLS Jennifer L. Smiley	Prepared response to plaintiff's motion for continuance and stay, including analysis of newest pleadings/notices, and analysis of notaries that Amrhein uses to file her pleadings	1.60	195.00	312.00	1.60	195.00	312.00
428770	02/15/2018	JLS Jennifer L. Smiley	Reviewed and analyzed 15 cases regarding the applicability of cases that were maintained as an appeal and [redacted] for support of vexatious litigant motion and further analysis of Amrhein's previous cases in support of motion	1.50	195.00	292.50	1.50	195.00	292.50
428080	02/16/2018	CJP Carrie J. Phaneuf	Review and analyze multiple emails from regional judge Mary Murphy and from Amrhein regarding two week stay of the lawsuit in response to her demands regarding same	0.50	260.00	130.00	0.50	260.00	130.00
428081	02/16/2018	CJP Carrie J. Phaneuf	Review and analyze court's orders regarding stay of lawsuit for two weeks	0.20	260.00	52.00	0.20	260.00	52.00
428082	02/16/2018	CJP Carrie J. Phaneuf	Draft email to client regarding Judge Murphy and Amrhein correspondence and orders from court staying lawsuit for two weeks	0.10	260.00	26.00	0.10	260.00	26.00
428613	02/21/2018	CJP Carrie J. Phaneuf	Review and analyze emails [redacted] regarding recent filings and positions by her [redacted]	0.40	260.00	104.00	0.40	260.00	104.00

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428910	02/22/2018	CJP Carrie J. Phaneuf	Receipt and review of Amrhein's filing of additional objections to judge and case settings despite stay ordered by Judge Murphy; review client email regarding same	0.30	260.00	78.00	0.30	260.00	78.00
430201	02/22/2018	JLS Jennifer L. Smiley	Briefly reviewed Amrhein's objection to motion to transfer (15 pages)	0.20	195.00	39.00	0.20	195.00	39.00
428911	02/23/2018	CJP Carrie J. Phaneuf	Draft emails [redacted]	0.30	260.00	78.00	0.30	260.00	78.00
429428	02/27/2018	CJP Carrie J. Phaneuf	Receipt and review of email from client regarding voluminous filing by prose in other matter despite her claim she is too disabled to participate in litigation and respond to client email	0.20	260.00	52.00	0.20	260.00	52.00
429429	02/27/2018	CJP Carrie J. Phaneuf	Draft email [redacted]	0.10	260.00	26.00	0.10	260.00	26.00
430232	02/27/2018	JLS Jennifer L. Smiley	Briefly reviewed Amrhein's most recent pleading in Prosperity bank case	0.10	195.00	19.50	0.10	195.00	19.50
430263	03/02/2018	CJP Carrie J. Phaneuf	Receipt and review of order from Judge Murphy lifting abatement on March 5 and plan for hearing on vexatious litigant motion	0.20	260.00	52.00	0.00	0.00	0.00
430658	03/04/2018	CJP Carrie J. Phaneuf	Draft email with client regarding plan to set hearing on vexatious litigant motion given fact that abatement is lifted on March 5	0.10	260.00	26.00	0.00	0.00	0.00
431263	03/05/2018	CJP Carrie J. Phaneuf	Receipt and review of Amrhein motion requesting another stay of proceedings	0.10	260.00	26.00	0.00	0.00	0.00
431264	03/05/2018	CJP Carrie J. Phaneuf	Draft multiple emails with client regarding new motion by Amrhein to stay proceedings and hearing set by court on continuance	0.50	260.00	130.00	0.00	0.00	0.00
431265	03/05/2018	CJP Carrie J. Phaneuf	Plan argument for response to new Amrhein request for postponement	0.10	260.00	26.00	0.00	0.00	0.00
431266	03/05/2018	CJP Carrie J. Phaneuf	Review setting by court for hearing on continuance	0.10	260.00	26.00	0.00	0.00	0.00
431379	03/06/2018	CJP Carrie J. Phaneuf	Revise response to Amrhein motion for continuance in preparation for hearing on same set by the court	1.00	260.00	260.00	0.00	0.00	0.00
431381	03/06/2018	CJP Carrie J. Phaneuf	Review and assess pleadings in three other cases by Amrhein and whether courts have granted her stays in response to her requests in preparation for hearing on Amrhein motion for continuane	0.30	260.00	78.00	0.00	0.00	0.00
433202	03/06/2018	JLS Jennifer L. Smiley	Prepared response to plaintiff's motion for continuance, including reviewing plaintiff's unclear pleadings recently filed asking for continuance and attached medical documents, preparing analysis for judge of plaintiff's possibly forged notarizations (10 pages)	3.70	195.00	721.50	0.00	0.00	0.00
433203	03/06/2018	JLS Jennifer L. Smiley	Continued preparing response to motion for continuance regarding client's suggestions and inclusion of analysis of plaintiff's other motions for continuance in her other cases and court's denial of other motions for stay/continuance (11 pages)	3.00	195.00	585.00	0.00	0.00	0.00
431602	03/07/2018	CJP Carrie J. Phaneuf	Finalize response to Amrhein motion to continuance	0.60	260.00	156.00	0.00	0.00	0.00
431603	03/07/2018	CJP Carrie J. Phaneuf	Receipt and review of Amrhein's cease and desist letter to courts and attorneys	0.10	260.00	26.00	0.00	0.00	0.00
431604	03/07/2018	CJP Carrie J. Phaneuf	Review new filing by Amrhein making additional argument regarding her need for stay of case	0.10	260.00	26.00	0.00	0.00	0.00

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431605	03/07/2018	CJP Carrie J. Phaneuf	Draft emails with client regarding hearing on motion for continuance and Amrhein cease and desist letter	0.20	260.00	52.00	0.00	0.00	0.00
431606	03/07/2018	CJP Carrie J. Phaneuf	Prepare for hearing on motion for continuance	0.30	260.00	78.00	0.00	0.00	0.00
431607	03/07/2018	CJP Carrie J. Phaneuf	Receipt and review of court correspondence regarding hearing on motion for continuance	0.10	260.00	26.00	0.00	0.00	0.00
431617	03/08/2018	CJP Carrie J. Phaneuf	Phone conference and emails [redacted] regarding hearing on motion for continuance and notary issue	0.40	260.00	104.00	0.00	0.00	0.00
431618	03/08/2018	CJP Carrie J. Phaneuf	Phone conference and emails with client regarding hearing on motion for continuance and proof the Amrhein had notice of same	0.40	260.00	104.00	0.00	0.00	0.00
431619	03/08/2018	CJP Carrie J. Phaneuf	Prepare for hearing on motion for continuance and key documents for review by court and in support of argument against continuance	0.20	260.00	52.00	0.00	0.00	0.00
433253	03/08/2018	JLS Jennifer L. Smiley	Prepared for hearing on motion for continuance, including reviewing plaintiff's recent pleadings	0.60	195.00	117.00	0.00	0.00	0.00
431744	03/09/2018	CJP Carrie J. Phaneuf	Prepare for hearing on plaintiff motion for continuance, [redacted], and review of recent memorandum from eastern district denying plaintiff's requested stay in that litigation as additional support for why court should deny plaintiff request for continuance	0.50	260.00	130.00	0.00	0.00	0.00
431745	03/09/2018	CJP Carrie J. Phaneuf	Travel to Collin county for hearing on plaintiff's motion for continuance	0.70	260.00	182.00	0.00	0.00	0.00
431746	03/09/2018	CJP Carrie J. Phaneuf	Attend meeting with client prior to hearing on plaintiff's motion for continuance [no travel time included]	0.60	260.00	156.00	0.00	0.00	0.00
431747	03/09/2018	CJP Carrie J. Phaneuf	Attend hearing on plaintiff's motion for continuance and argue to court in opposition of continuance [no travel time included]	1.00	260.00	260.00	0.00	0.00	0.00
431748	03/09/2018	CJP Carrie J. Phaneuf	Return travel to Dallas from Collin county returning from hearing on plaintiff motion for continuance	0.70	260.00	182.00	0.00	0.00	0.00
431749	03/09/2018	CJP Carrie J. Phaneuf	Draft emails with client regarding s[redacted]	0.20	260.00	52.00	0.00	0.00	0.00
433258	03/09/2018	JLS Jennifer L. Smiley	Analyze strategy going forward in light of judge's refusal to grant or deny continuance	2.90	195.00	565.50	0.00	0.00	0.00
433264	03/09/2018	JLS Jennifer L. Smiley	Reviewed and analyzed chapter 11 of Texas Civil Practice and Remedies Code (Vexatious Litigant statute) regarding impact of a potential stay in case [redacted]	0.50	195.00	97.50	0.00	0.00	0.00
431956	03/12/2018	CJP Carrie J. Phaneuf	Receipt and review of another filing by Amrhein claiming need for stay due to medical conditions and forward to client with comment	0.30	260.00	78.00	0.00	0.00	0.00
431957	03/12/2018	CJP Carrie J. Phaneuf	Review email from court that Amrhein doctor has not returned call from judge and status of ; forward to client	0.10	260.00	26.00	0.00	0.00	0.00
431958	03/12/2018	CJP Carrie J. Phaneuf	Phone conference and email with Michelle Morrell regardin[redacted]	0.20	260.00	52.00	0.00	0.00	0.00

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431959	03/12/2018	CJP Carrie J. Phaneuf	Phone conference and emails with [redacted]	0.90	260.00	234.00	0.00	0.00	0.00
431960	03/12/2018	CJP Carrie J. Phaneuf	Phone conference and emails with client regarding [redacted] notary to determine whether Amrthein has forged documents	0.40	260.00	104.00	0.00	0.00	0.00
431961	03/12/2018	CJP Carrie J. Phaneuf	Review notary statute for requirements to send Deposition on Written Questions to notary to determine whether Amrhein has forged documents and revise Deposition on Written Questions in accordance with same	0.30	260.00	78.00	0.00	0.00	0.00
433277	03/12/2018	JLS Jennifer L. Smiley	Prepared Deposition on Written Questions to Malachi Hackett (notary public) to prove up plaintiff's forgeries of notarized pleadings	0.80	195.00	156.00	0.00	0.00	0.00
433284	03/13/2018	JLS Jennifer L. Smiley	Briefly reviewed and analyzed Plaintiff's pleadings requesting a continuance	0.10	195.00	19.50	0.00	0.00	0.00
432001	03/13/2018	RH Rose Hernandez	Email to Sheila Lazzara at Written Deposition Service requesting DWQ/notary.	0.50	100.00	50.00	0.00	0.00	0.00
432311	03/14/2018	CJP Carrie J. Phaneuf	Phone conference [redacted] egarding hearing on continuance and plan moving forward to obtain evidence to rebut plaintiff claim that she needs continuance	0.40	260.00	104.00	0.00	0.00	0.00
432312	03/14/2018	CJP Carrie J. Phaneuf	Plan and prepare Deposition on Written Questions to medical providers of Amrhein to develop evidence that continuance of hearing on vexatious litigant motion not required	0.20	260.00	52.00	0.00	0.00	0.00
432737	03/14/2018	RH Rose Hernandez	Review email from Carrie Phaneuf requesting additional DWQ records; sent email to Sheila Lazzara at Written Deposition Service requesting same.	0.50	100.00	50.00	0.00	0.00	0.00
432530	03/15/2018	CJP Carrie J. Phaneuf	Draft email [redacted] regarding status of vexatious litigant motion and [redacted]	0.10	260.00	26.00	0.00	0.00	0.00
432531	03/15/2018	CJP Carrie J. Phaneuf	Review draft Deposition on Written Questions to Amrhein medical providers to determine revisions and for approval to send	0.20	260.00	52.00	0.00	0.00	0.00
432532	03/15/2018	CJP Carrie J. Phaneuf	Review draft Deposition on Written Questions to Amrhein notary to determine revisions and for approval to send i [redacted]	0.20	260.00	52.00	0.00	0.00	0.00
432645	03/16/2018	CJP Carrie J. Phaneuf	Assess whether plaintiff allegations [redacted]	0.10	260.00	26.00	0.00	0.00	0.00
432740	03/16/2018	RH Rose Hernandez	Review email from Carrie Phaneuf requesting additional records DWQ; email to Sheila Lazzara at Written Deposition Service inquiring on status of the DWQ//notary.	0.50	100.00	50.00	0.00	0.00	0.00
432827	03/19/2018	VC Virginia Cox	Review of Case Law to Determine if [redacted]	1.30	195.00	253.50	0.00	0.00	0.00
432855	03/19/2018	VC Virginia Cox	Research on [redacted]	0.20	195.00	39.00	0.00	0.00	0.00
433215	03/20/2018	CJP Carrie J. Phaneuf	Review client emails regarding Amrhein filings in federal court case and strategy to request hearing on vexatious litigant motion given show cause order by federal magistrate; phone conference with client regarding same and regarding [redacted]	0.60	260.00	156.00	0.00	0.00	0.00

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433216	03/20/2018	CJP Carrie J. Phaneuf	Review email communications from [redacted] regarding proceedings in federal court and show cause order requiring Amrhein to appear; draft email with [redacted] regarding same and regarding Amrhein [redacted]	0.50	260.00	130.00	0.00	0.00	0.00
433217	03/20/2018	CJP Carrie J. Phaneuf	Review Amrhein filings in federal court [42 pages total] filed in lieu of attending status conference and despite fact of alleged medical condition in preparation for drafting request with state court judge for hearing on vexatious litigant motion	0.90	260.00	234.00	0.00	0.00	0.00
433218	03/20/2018	CJP Carrie J. Phaneuf	Review and analyze federal court rulings and show cause order requiring Amrhein to appear in person despite medical condition in preparation for drafting request to state court judge for hearing	0.10	260.00	26.00	0.00	0.00	0.00
433219	03/20/2018	CJP Carrie J. Phaneuf	Draft motion requesting hearing on vexatious litigant motion with evidence showing trial court that federal district court has entered show cause order against Amrhein	1.50	260.00	390.00	0.00	0.00	0.00
433220	03/20/2018	CJP Carrie J. Phaneuf	Draft emails with [redacted]	0.20	260.00	52.00	0.00	0.00	0.00
433450	03/21/2018	CJP Carrie J. Phaneuf	Phone conference and emails with [redacted] regarding recent determination by court to move forward with hearing on vexatious litigant motion	0.20	260.00	52.00	0.00	0.00	0.00
433452	03/21/2018	CJP Carrie J. Phaneuf	Draft emails with client regarding recent determinations by court to move forward with vexatious litigant hearing and review court rulings regarding same	0.40	260.00	104.00	0.00	0.00	0.00
433453	03/21/2018	CJP Carrie J. Phaneuf	Draft pleading in accordance with judge's instruction regarding hearing on vexatious litigant motion	0.10	260.00	26.00	0.00	0.00	0.00
433454	03/21/2018	CJP Carrie J. Phaneuf	Assess supplemental pleading to vexatious litigant motion to clarify the five prior cases by Amrhein that have been disposed against her to satisfy statutory requirements to have her declared a vexatious litgiant	0.30	260.00	78.00	0.00	0.00	0.00
433455	03/21/2018	CJP Carrie J. Phaneuf	Assess status of whether Amrhein has been served with notice of Deposition on Written Questions to medical providers and notary in preparation for hearing on vexatious litigant motion	0.10	260.00	26.00	0.00	0.00	0.00
434165	03/21/2018	JLS Jennifer L. Smiley	Evaluated procedural history of Plaintiff Amrhein's AHI and Remax appeals for use in Vexatious Litigant Motion by reviewing docket sheet and 10 underlying pleadings from this case	1.00	195.00	195.00	0.00	0.00	0.00
434166	03/21/2018	JLS Jennifer L. Smiley	Reviewed and analyzed 5 cases and the statute analyzing which litigations/matters qualify under the vexatious litigant statute	1.40	195.00	273.00	0.00	0.00	0.00
434167	03/21/2018	JLS Jennifer L. Smiley	Prepared Reply and Supplement to Defendants' Motion to Declare Plaintiff a Vexatious Litigant (7 pages), including argument regarding the litigations that qualify under the statute and explaining Amrhein's past litigations	5.20	195.00	1,014.00	0.00	0.00	0.00
433731	03/22/2018	CJP Carrie J. Phaneuf	Draft revisions to supplement to vexatious litigant motion to add new information about other lawsuits adversely decided against Amrhein as grounds for why she should be declared vexatious litigant	1.00	260.00	260.00	0.00	0.00	0.00
434168	03/22/2018	JLS Jennifer L. Smiley	Prepared Reply and Supplement to Plaintiff's Motion to Declare Plaintiff a Vexatious Litigant, including the analysis of the JP appeal of Amrhein v. Schroeder	1.90	195.00	370.50	0.00	0.00	0.00
434169	03/22/2018	JLS Jennifer L. Smiley	Prepared chart of Plaintiff's past litigations for use in vexatious litigant hearing as a visual aid for the judge	0.50	195.00	97.50	0.00	0.00	0.00
433733	03/23/2018	CJP Carrie J. Phaneuf	Review communications with [redacted] cease and desist letter from Amrhein	0.10	260.00	26.00	0.00	0.00	0.00

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433734	03/23/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
	Draft email with [redacted]								
433735	03/23/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
	Review correspondence from court to all parties regarding hearing on motion to declare Amrhein a vexatious litigant								
434180	03/24/2018	JLS Jennifer L. Smiley		4.70	195.00	916.50	0.00	0.00	0.00
	Continued preparing Reply and Second Supplement to Plaintiff's Response to Defendants' Motion to declare Plaintiff a Vexatious litigant (19 pages), including argument regarding repeatedly litigates the same causes of action against the same defendants; prepared chart of past litigations for judge as summary								
433960	03/26/2018	CJP Carrie J. Phaneuf		0.20	260.00	52.00	0.00	0.00	0.00
	Draft email to client regarding [redacted]								
433961	03/26/2018	CJP Carrie J. Phaneuf		2.50	260.00	650.00	0.00	0.00	0.00
	Draft revisions to reply and supplement of vexatious litigant motion with additional information regarding matters determined adversely to Amrhein and matters she repeatedly litigates								
433968	03/26/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
	Phone conference with [redacted]								
434184	03/26/2018	JLS Jennifer L. Smiley		1.10	195.00	214.50	0.00	0.00	0.00
	Prepared Reply and Second Supplement to Defendants' Motion to declare plaintiff a vexatious litigant and exhibits								
434142	03/27/2018	CJP Carrie J. Phaneuf		0.80	260.00	208.00	0.00	0.00	0.00
	Receipt and review of Amrhein 63 page motion to quash Deposition on Written Questions to medical providers and notary and motion for sanctions								
434145	03/27/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
	Draft email with client regarding Amrhein motion to quash and plan for responding to same								
434355	03/27/2018	JLS Jennifer L. Smiley		0.20	195.00	39.00	0.00	0.00	0.00
	Reviewed and evaluated Plaintiff's Motion for Sanctions and Motion to quash in preparation of vexatious litigant hearing								
434258	03/28/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
	Draft email with client regarding review of newest Amrhein filing								
434259	03/28/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
	Phone conference with Chase Bank regarding status of their response to Deposition on Written Questions for notary information regarding Amrhein's forgery of notary								
434260	03/28/2018	CJP Carrie J. Phaneuf		0.20	260.00	52.00	0.00	0.00	0.00
	Review and analyze email from client with motion for fees filed by Prosperity Bank against Amrhein and evidence that Amrhein is able to appear at court house for filings								
434261	03/28/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
	Draft email to claims professions regarding [redacted] and status of vexatious litigant hearing								
434262	03/28/2018	CJP Carrie J. Phaneuf		0.30	260.00	78.00	0.00	0.00	0.00
	Plan and prepare for hearing on vexatious litigant motion including review of affidavit on fees and need to supplement same, key cases for judge review, and other demonstrative materials for court								
			Totals:	**248.20**		**54,613.50**	**189.60**		**41,665.00**

Expenses

417697	11/13/2017	E112		6.80	1.00	6.80	6.80	1.00	6.80
	Online research via Pacer for court docket report and documents.								
417219	11/15/2017	E112		3.33	1.00	3.33	3.33	1.00	3.33
	Filetime fee - Defendants Lennie F. Bollinger and Wormington & Bollinger's Original Answer (EFILETX 20741829)								

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
421527	12/12/2017	E112	Online research via Pacer for court docket report and documents.	5.60	1.00	5.60	0.00	1.00	0.00
418981	12/22/2017	E112	Court fees - Defendants Rule 91a Motion to Dismiss (EFILETX21463933)	3.33	1.00	3.33	3.33	1.00	3.33
420013	01/03/2018	E112	Court fees - Defendants' First Amended Answer (EFILETX21575373)	3.33	1.00	3.33	3.33	1.00	3.33
420015	01/03/2018	E112	Court fees - Notice of Hearing (EFILETX21569703)	3.33	1.00	3.33	3.33	1.00	3.33
421176	01/05/2018	E112	Court fees - CJP Vacation Letter (EFILETX21636232)	3.33	1.00	3.33	3.33	1.00	3.33
427062	01/15/2018	E106	Online research via Pacer for court docket report and documents.	2.90	1.00	2.90	0.00	1.00	0.00
422476	01/18/2018	E112	Court fees - Affidavit of Carrie Johnson Phaneuf on Attorney's Fees and Costs in Support of Defendant's Motion to Dismiss (EFILETX21894492)	3.33	1.00	3.33	3.33	1.00	3.33
425093	01/19/2018	E112	Court fees - Defendants Reply to Plaintiffs Response to Motion to Dismiss (EFILETX21931380)	3.33	1.00	3.33	3.33	1.00	3.33
425135	01/22/2018	E112	Court fees - Proposed Order on 91a Motion to Dismiss (EFILETX21981471)	3.33	1.00	3.33	3.33	1.00	3.33
425141	01/23/2018	E112	Court fees - Defendants Further Reply to Plaintiffs Supplemental Filings in Response to Defendants Motion to Dismiss Under Rule 91a (EFILETX22011469)	3.33	1.00	3.33	3.33	1.00	3.33
427061	01/24/2018	E106	Online research via Pacer for court docket report and documents.	13.80	1.00	13.80	0.00	1.00	0.00
428284	01/25/2018	E112	Filetime Defendent's Request for Disclosure to Plaintiff. (#22061823)	3.33	1.00	3.33	3.33	1.00	3.33
432798	02/09/2018	E112	Court fees - Filing of Defendants Motion for an Order (Exhibits A to G-2) (#22437092)	3.33	1.00	3.33	3.33	1.00	3.33
432828	02/09/2018	E112	Court fees - Defendants Motion for an Order [SECOND PART] (Continuation of Submission Identification 22437092 due to size limitations per Brenda at the clerk's office) e-filed 2018-02-09 (ETXFILE22437453)	3.33	1.00	3.33	3.33	1.00	3.33
432820	02/12/2018	E112	Court fees - E-Filing Defendants Notice of Hearing for Defendants Motion for an Oder Determining Plaintiff Darlene Amrhein to Be A Vexatious Litigant and Requesting Security e-filed 2018-02-15 (EFILETX22467154)	3.33	1.00	3.33	3.33	1.00	3.33
432822	02/12/2018	E112	Court fees - Defendants Supplement to Their Motion for an Order Determining Plaintiff Darlene Amrhein to Be A Vexatious Litigant and Requesting Security, e-filed 2018-02-15 (EFILETX22466894)	3.33	1.00	3.33	3.33	1.00	3.33
432802	02/14/2018	E112	Court fees - Filing of First Amended Notice of Hearing for Defendant's Motion. (#22532123)	3.33	1.00	3.33	3.33	1.00	3.33
431832	02/15/2018	E106	Online research via Pacer for court docket report and documents.	34.20	1.00	34.20	0.00	1.00	0.00
431829	02/19/2018	E106	Online research via Pacer for court docket report and documents.	6.10	1.00	6.10	0.00	1.00	0.00

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
432784	03/07/2018	E112		3.33	1.00	3.33	0.00	0.00	0.00
	Court fees - Filing of Defendants Response in Opposition to Plaintiff's Motion to Compel (EFILETX22993662)								
431889	03/12/2018	E110		32.70	1.00	32.70	0.00	0.00	0.00
	Travel to Collin County Courthouse for Hearing.								
			Totals:	**155.38**		**155.38**	**56.75**		**56.75**
			Report Totals:			**54,768.88**			**41,721.75**

original

CAUSE NO. 006-02654-2017

COUNTY COURT AT LAW, NO. 6,

COLLIN COUNTY, TEXAS

DARLENE C. AMRHEIN, et al, Plaintiff

V.

ATTORNEY LENNIE F. BOLLINGER &WORMINTON & BOLLINGER LAW FIRM, Defendants,

PLAINTIFF'S RESPONSES & OBJECTIONS TO DEFENDANTS' REPLY TO PLAINTIFF'S RESPONSE AND SECOND SUPPLEMENT TO THEIR MOTION FOR AN ORDER DETERMING PLAINTIFF DARLENE AMRHEIN " TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

(PLAINTIFF'S SECOND SUPPLEMENT REVISED)

FILED
COUNTY COURT AT LAW
2018 APR 2 AM 8:02
STACEY KEMP
COUNTY CLERK
COLLIN COUNTY, TEXAS
BY: DEPUTY

Darlene C. Balistreri-Amrhein, Plaintiff

112 Winsley Circle

McKinney, TX. 75071

CAUSE NO. 006-02654-2017

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COLLIN COUNTY, TEXAS

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(PLAINTIFF'S SECOND SUPPLEMENT REVISED)

Comes Now, Plaintiff, Darlene C. Balistreri-Amrhein to file Plaintiff's Responses & Objections To Defendants Reply To Plaintiff's Responses And Second Supplement To Their Motion For An Order Determining Plaintiff Darlene Amrhein "to Be A Vexatious Litigant And Requesting Security as follows:

1) Plaintiff Darlene Amrhein Objects to the ongoing continuance harassments by Defendants' Attorneys since Dec. 26, 2017 as multiple complaints have been filed with this Court with no resolutions;

2) Plaintiff Darlene C. Balistreri-Amrhein aka Darlene Amrhein has filed a response to these Defendants' crazy false accusations in the past, but it appears that English might not be their first language or they are having trouble computing the true facts as stated;

3) Defendants Attorneys have made multiple false statements with knowledge & intent to mislead this Court, to change facts, to extort money out of Plaintiff any way they can;

4) Defendants Attorneys want Plaintiff to pay for "legal malpractice & corruption" to

distract, rather then to fabricate any defense for Defendants, as it's gross & negligence;

5) It appears that Attorney Carrie Johnson Phaneuf has no problem with "Obstructing Justice" & committing "Fraud Upon Courts" as a Texas licensed Attorney & her gang;

6) Truth & facts speak for themselves as Attorney Phaneuf uses old false outdated information for her points to try to extort money out of Plaintiff, who has no money;

7) Attorney Phaneuf uses harassment, intimidation, threats, falsities to try to win on be corrupt Defendants as Attorneys to further culture of corruption, cover up & frauds, while taking advantage of ill, senior, disable Plaintiff needing two surgeries is very cold;

8) Plaintiff has copied Defendants Attorneys cases as their points again, since they did not understand the first time on their "false vexatious litigant charges" to shut Plaintiff down to get her clients off from breaking rules & laws as they corrupt & commit crimes;

9) Plaintiff makes this last attempt to state the facts in all Defendants Attorney references as they falsely stated in their last court document filing;

10) Plaintiff believes the words used as frivolous lawsuits against the same litigants for the same issues as Defendants Attorneys falsely claim more that 5 times in 7 years;

DEFENDANTS & THEIR ATTORNEYS FALSE CLAIMS ON PLAINTIFF'S SUITS:

1. Balistreri-Amrhein v. AHI, No. 05-09-01377-CV, Dallas Court of Appeals'

Fraudulent home inspector prior to purchase of home & paid $505.00. AHI & Aaron Miller caught committing fraud, not reporting home defects, so sued & then he filed Bankruptcy to escape lawsuit & today is continuing his same business practices as a Texas Licensed Inspector. AHI & Miller were not a separate lawsuit from the Winsley Riecherts' Home Lawsuit, but was separated from Home lawsuit by Judge Roach inaccurate rulings, unreported filed Bankruptcy & Judge Roach signing Orders with wrong year & dates. Judge Roach refused & removed evidence by his judicial abuse of power & trying to sign orders outside of plenary power. Plaintiff is the one that reported his Chapter 7 Bankruptcy to the Courts, it was an invalid Appeal that could not continue for any reason & so no documents were filed & dismissal was mandatory due to federal

Bankruptcy & serious errors by Judge Roach. During lawsuit Judge Roach tampered with evidence like Collin County Probate Order on incompetent & incapacitated Balistreri as a signer to house contract as "invalid contract" to avoid destruction of this invalid sale. There was a "conflict of interest" with Judge Roach as friends with owner of Re Max Realty in this home sale, but refused recusal three times. Judge Roach denied all legal representation to Balistreri, claimed no standing after payment of $125,000.00, hide Probate Court Order. When Balistreri filed Bankruptcy Judge Roach removed Balistreri assets from lawsuit, in a separate number to hide from Bankruptcy Trustee, which is a federal offense. This house contract was never valid from start & if not for Collin Country & Judge Roach's conspiracy for campaign contributions & favors with Defendants' Attorneys, this lawsuit would have been heard in less than one hour. "No adverse affects upon Plaintiffs" as falsely claimed by Wormington & Bollinger, et al Defendants' Attorneys for more "corruption to mislead, obstruct justice & commit "fraud upon the Court."

(Not frivolous, meant to harass, no duplicate, not meritless lawsuit & original issues & parties & **"no vexatious litigant here as totally false"** !);

2. **Balistreri-Amrhein v. Remax, Riechert, et al., No. 05-10-01347-CV, Dallas Court of Appeals** – Re Max Realty, Riecherts (sellers), et al was not a valid Appeal, because Judge Roach bragged & claimed making money for his Court Reporters by phony errors to Appeal, which is called fraud. Judge Roach's court took $1,000 from Plaintiffs & delivered blank pages of evidence to affect & prevent Appeal. Judge Roach removed court filed evidence & Probate Court Orders to prevent testimony on invalid house sales' contract swindle, denied legal representation & destruction of interest on $125,000.00 investment by falsely claiming "no standing," denied non-disclosure & invalid contract breached for $560,000.00 with more than $200,000.00 in damages undisclosed.

This lawsuit is still pending in Fifth Circuit Court of Appeals & on its way to U.S. Supreme Court, because "Appeal Court is a named Defendant" in the lawsuit, as judging

themselves knowing a "conflict of interest" with the same justices for benefit of the ex-employee federal Judge Mazzant to hide all his judicial abuses, corruption, conspiracy with perjury to the United States Congress requiring impeachment. United States Department of Justice advised Plaintiff on Obstruction of Justice & Fraud Upon Courts which resulted in "no service of process" to all named Defendants in this lawsuit, because of "conflict of interest" with more than 20 Defendants & he refused recusal motion. So no judgment yet to date as Brief was finished about November, 2017.

Texas Supreme Court does not like to hear the dirty secret acts of lower Courts, so took 4 years to find no reason to excuse themselves, which is not an adverse affect upon Plaintiff as no hearings, no evidence examined, missing in action to conspire & cover up all Collin County & Dallas County violations of laws & frauds under First Regional Administrator, Corrupt Judge John Ovard. Texas Supreme Court knows awhat is judicial abuses.

(Not a frivolous case, not meant for harassment or delays, frauds committed, multiple discriminations & "**no vexatious litigant here, as totally false**" !)

3. Separate Appeal of Denial of Request to Proceed inAHI and Remax Appeals Without Advance Payment of Costs, Dallas Court of Appeals

Fraudulent home inspector prior to purchase of home & paid $505.00. AHI & Aaron Miller caught committing fraud, not reporting home defects, so sued & then he filed Bankruptcy to escape lawsuit & today is continuing his same business practices as a Texas Licensed Inspector. AHI & Miller were not a separate lawsuit from the Winsley Riecherts' Home Lawsuit, but was separated from Home lawsuit by Judge Roach inaccurate rulings, unreported filed Bankruptcy & Judge Roach signing Orders with wrong year & dates. Judge Roach refused & removed evidence by his judicial abuse of power & trying to sign orders outside of plenary power. Plaintiff is the one that reported his Chapter 7 Bankruptcy to the Courts, it was an invalid Appeal that could not continue for any reason & so no documents were filed & dismissal was mandatory due to federal Bankruptcy & serious errors by Judge Roach. During lawsuit Judge Roach tampered with

evidence like Collin County Probate Order on incompetent & incapacitated Balistreri as a signer to house contract as "invalid contract" to avoid destruction of this invalid sale. There was a "conflict of interest" with Judge Roach as friends with owner of Re Max Realty in this home sale, but refused recusal three times. Judge Roach denied all legal representation to Balistreri, claimed "no standing" after payment of $125,000.00 & hide Probate Court Order to prevent that Courts approval or decline of purchase of home. When Balistreri filed Bankruptcy Judge Roach removed Balistreri assets from lawsuit, in a separate number to hide from Bankruptcy Trustee, which is a federal offense. This house contract was never valid from start. If not for Collin Country Court & "Judge Roach's conspiracy for campaign contributions & favors with Defendants' Attorneys," this lawsuit would have been heard in less than one hour. "No adverse affects upon Plaintiffs," as falsely claimed by Wormington & Bollinger Defendants' Attorneys for more "corruption to mislead, Obstruct Justice & commit "Fraud Upon Court."

(Not frivolous, not meant to harass or delay, not a duplicate suit, not meritless lawsuit, original issues & parties, so **"no vexatious litigant here as totally false,"** trying to count a same case twice & why pay court costs on invalid Appeal with serious frauds & defects with no valid final Texas Orders, as lawsuit is moved to United States Federal Court.)

4. <u>Amrhein v. Riechert, et al, U.S. District Court for Northern District of Texas;</u>

No final Texas Orders in this original Texas lawsuit, so on about September 12, 2012 this is moved to U.S. Northern District Court, Dallas, TX. Judge Joe Fish presiding & Magistrate Renee Toliver with no singed permission as magistrate. No hearings, no examination of nay witnesses, no fact witness testimony, no civil process, all Plaintiff's motions are denied, discriminations & violations & refusal of medical & surgeries, "conflict of interest" as Magistrate Toliver is ex-employee of Texas & Attorney Generals Office, as just two of many Defendants, who participated in "Obstruction of Justice" & "Fraud Upon Courts;"

Magistrate Toliver falsely claimed RICO is for Unions only & other false statements

about this real estate & laws. Claimed breached undisclosed home sale contract with an invalid contract by signed contract without Probate Court Approval & more than $33,000 of undisclosed damages & no valid deed is just "buyers' remorse." Magistrate Toliver took false filed statements by Attorneys only, who weren't present & signed on to get their clients off until years later with no evidence & no proof. No proper jurisdiction is established. Judge Fish goes along with false recommendations & false Order signed to dismiss & declare Plaintiffs as "vexatious litigants" with no hearing, no right to address the Court on false Order & only 2 lawsuits in 7 years.

Plaintiff was informed to ask for permission to file in any United States Court from this court, but when I did there was no reply, no reported vexatious litigant & no picture as vexatious litigant as other courts tried to locate, so this was all frauds to silence Plaintiff, Obstruct Justice & commit "Frauds Upon Courts" with serious Judicial Abuses, cover up, conspiracy, collusion, corruption by Judicial frauds against judicial machinery of this judicial system.

("**No vexatious litigant here as totally false"** & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit.) (Another false claim by W& B Attorneys.)

Plaintiffs' Appeal & find out court record was withheld by Magistrate Toliver to prevent briefing & complained to Court of Appeals to redo briefing for Court references, but denied. Still no Probate Court approval for Plaintiff Balistreri as required under guardianship, which is valid for two years after death. Plaintiff Balistreri died on September 24, 2013 & it is ignored by the Court of Appeals, no evidence examined in Appeal. Why????? To cover up for offending lower courts as no Attorneys kick back. Court of Appeals dismissed because of no court record referenced as refused & hidden by Magistrate Toliver & Judge Fish. The Justices hearing Appeal had "conflict of interest

with multiple Defendants / Appellees. Example: years of employment with Defendants as ex-employees deciding the outcome of their friends & longtime colleagues; (20 years) Plaintiff filed misconduct complaints on secret Justices that should have by the rules recused themselves & did not, so misconduct is hidden & claims the U.S. Supreme Court has no jurisdiction over them & how they do business in their courts. Judicial abuses !
Plaintiff files in United States Supreme Court for Writ of Certiorari & it is stopped by ex-employee clerk from Court of Appeals to prevent examination & acceptance. The file was returned & then a false Order is claimed & not sent to Plaintiff Petitioner until 6 months late that was two lines prepared by offending clerk with no knowledge of Court of Appeals & Chief Judge Roberts. ("Obstruction of Justice & Fraud Upon Court")
The Collin County Probate Court Order is 2 years enforce, never considered, never approved as still within 2 year time period following Dad's death. Undisclosed failing foundation update reported was how the fake court Order was discovered 6 months late.
So Plaintiff contacts the United States Department of Justice with all of the above & is advised to refile in the United States Eastern District Court for fairness, justice & suit before this statute of limitations ends, so this is done about February 26, 2016 at the Plano Court house as recommended for fairness, due process & Justice.
Plaintiff follows the instructions of United States Department of Justice, presents complaint, prepared summons & certificate of service with disinterested party.
Plaintiff files Affidavit of Inability to pay & it is granted by Magistrate Christine Nowak, who received her position due to Judge Amos Mazzant advancement through a deal made between President Obama & Senator John Cornyn & false statements / perjury to Senator Chuck Grassly before Judiciary Committee for his judgeship advancement.
Plaintiff is informed by the U.S. Eastern District Court to wait for "service of process" as will be arranged & about a year later there is still "no service of process" done because Judge Mazzant is friends, ex-coworkers, etc. with about 40 of the named Defendants, so he does not want to serve them with this lawsuit. Judge Mazzant & Magistrate Norwak

refuse to recuse themselves on Plaintiff's Motion To Recuse due to "Conflict of Interest" & "no service of process" & docket items are missing from court record.

A lawsuit is not established without proper summons & service, but the case of fairness, due process & justice is denied in part of the false vexatious litigant by Northern District Court to silence with no investigation on the matter. Judicial abuses complicated by more Judicial Abuses as Plaintiff learns Judge Mazzant is not docketing all filed court papers. Plaintiff is contacted by the Court that her in forma pauperis is reversed, so that Judge Mazzant can extort $500 before this case gets to the Fifth Circuit Court of Appeals, as his ex-employer for some more "conflict of interest."

Plaintiff files a timely Appeal & Recusal of Fifth Circuit Court as Judge Mazzant ex-employer & refuses to pay any money to Judge Mazzant for not doing his job with no service to all his special Defendant pals to prevent this lawsuit by "Obstruction of Justice, Fraud Upon Courts & the court record is held to prevent briefing as complained.

("**No vexatious litigant here as totally false**" & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit.) (Another false claim by W& B Attorneys.)

5. <u>Amrhein v. La Madeleine, et al., U.S. District Court for Northern District of Texas;</u>

This original lawsuit against ex-employer La Madeleine, Inc, was filed December 6, 1996 in Dallas County, Texas as filed by Attorney David Winston, who then moved to Alaska. This lawsuit had 4 successful Appeals & reversal with a Federal Court Order signed by a Federal Judge May 24, 1995 that La Madeleine Inc. had caused injuries to both Plaintiff's arms & hands requiring 4 operations & permanent life long disabilities, which was ignored by Dallas Judges as the case passed from perjury by Judge Jenevein, to Judge Pierce, to Judge Ovard & on to Judge Akin, who took money bribe about June 12, 2012. In an Appeal Judge Sally Montgomery falsely claimed to have signed an Order to stop

2nd Appeal, which was complete fraud, never signed & never existed as corruption.
For 10 years the Dallas Courts had not lifted a U.S. Bankruptcy Stay to resume jurisdiction, so the Court of Appeals ruled all activities, all Orders are judicial nullity & void, in all La Madeleine, Inc lawsuit per multiple Orders, by multiple Justices as apart of all court records. Judge Akin claimed enough evidence for a Dallas telephone book, then 3 weeks claims "no evidence" for his bribe while refusing a court reporter present. Plaintiff presented oral argument, where frauds & nullity is obvious in Courts.
Judge Akin was a named Defendant in this lawsuit that was transferred to the United States Northern District Court Judge Jorge Solis & corrupt Magistrate Toliver, who wanted to destroy this case because Plaintiff's complaints against her for retaliation. Judge Jorge Solis did not hear case, did not examine any evidence, was engaged with Magistrate Toliver, made threats to Plaintiff & "no due process." In fact he never responded to an ERISA Motion filed as an ERISA Judge, who would soon retire. Judge Solis like Judge Fish was happy to take about almost $1,000 in court costs, $1,000 in Appeal Costs after $1,000 plus in Collin County Court Costs, so Plaintiff exhausted all money for Courts with no fairness, no due process, no justice, as only frauds & abuses. Plaintiff Appealed & the same occurred, no court records as held by Magistrate Toliver to prevent Briefing & dismissed by Justice Thomas Reavley as secret decider, who had major "conflicts of interest" requiring recusal with multiple Defendants / Appellees & about 33 years of Texas legal services & offices as his un bias trier of fact, prejudice & retaliation on behalf of his friendly Defendants / Appellees to prevent any reversal on Appeal & prevent this lawsuit against his pals.
In 22 years of La Madeleine Inc. Lawsuit there was no completed discovery, no mediation, 4 Appeals, pleadings & court filings refused, no due process, no fairness, no jury trial & no Justice.
("**No vexatious litigant here as totally false**" & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as

all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit.) (Another false claim by W& B Attorneys.)

6. <u>Amrhein v. La Madeleine, Inc., Court of Appeals of Texas, Sixth District, Texarkana;</u>

This Appeal is out of sequence. The Court of Appeals of Dallas was a named Defendant for destroying court records in the United States Court of Appeals from Jude Jorge Solis, who held nothing, took court costs & dismissed. The Court of Appeals Dallas could not hear the lawsuit, so it was transferred to the Sixth District Court of Appeals, so they did not look at evidence, no case law, no briefing, no rules & regulations to refuse to examine as the justices stated with no work & more Judicial abuses of system & process that is not under the control of Plaintiff, but continued corruption, conspiracy, cover up, etc. ("**No vexatious litigant here as totally false**" & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit.) (Another false claim by W& B Attorneys.)

7. <u>Amrhein v. David Schroeder, Justice Court Precinct 1 Judge Raleeh & Bollinger</u>

David Schroeder sued by Plaintiff Amrhein & represented by Attorney Lennie Bollinger, who his Attorneys would like to forget as basis of this lawsuit. Mr. Schroeder is sued for conversion of Plaintiff's property & not paying 5 months of rent, but Attorney Bollinger refused to add in the damages to Plaintiff's home & the sexual assault into this lawsuit, which is a part of the basis of "legal malpractice" against Attorney Bollinger & Wormington & Bollinger, et al lawsuit.

Attorney Bollinger filed incomplete & wrong pleadings complaint, showed a fondness for Plaintiff's violator & his crimes, refused a jury trial, refused to examine evidence, refused to join "indispensable party, did not communicate for months, made threats, late

communications of signed Orders & defends Mr. Schroeder, refused mediation & quits right before trial, filed for wrong dollar amount, exceeded court's jurisdiction, with multiple errors, causing Judge Raleeh to refuse to hear lawsuit & "legal malpractice." Judge Raleeh advised Plaintiff to file an Appeal, he never signed an Order & claimed it took almost 16 months to decide this lawsuit filed in wrong jurisdiction as never disclosed by Attorney Bollinger, W& B, et al, Judge Raleeh & Precinct 1 Court.
Appeal to County Court of Law No. 2, Collin County, Texas, Judge Walker states he can't hear the Appeal, because Judge Raleeh never signed an Order to Appeal.
Judge Walker claimed good case, good evidence, get an Attorney to take to a Jury to win.
Plaintiff is charged Attorneys fees of undisclosed amount for Judge Raleeh mistake, Attorney Bollinger & W& B, et al "legal malpractice" misconduct;
Plaintiff contacted 75 different attorneys & found out "Blacklisted," so no one will take any case for any representation, which is a violation of Plaintiff's Constitutional Rights.
Defendants' Attorney does not bring up the keeping of Plaintiff's deceased Dad's case file past statute of limitations, which was left of our property, incompetence & legal malpractice as Plaintiff was rightful owner & beneficiary of this property & lawsuit as more cover up, conspiracy & collusion to Obstruct Justice & commit frauds for harms.

8. <u>Balistreri-Amrhein v. Verrilli, et al., U.S. District Court for the Eastern District of Texas (A Continuation of Riechert Litigations);</u>

Verrilli is an error as does not represent the United States of America liabilities, so the Court was to correct that error, but failed to do so.
Plaintiff contacts the United States Department of Justice with all of the above & is advised to refile in the United States Eastern District Court for fairness, justice & suit before this statute of limitations ends, so this is done about February 26, 2016 at the Plano Court house as recommended.
Plaintiff follows the instructions of United States Department of Justice, presents complaint, prepared summons & certificate of service with disinterested party.

//.

Plaintiff files Affidavit of Inability to pay & it is granted by Magistrate Christine Nowak, who received her position due to Judge Amos Mazzant advancement through a deal made between President Obama & Senator John Cornyn & false statements / perjury to Senator Chuck Grassly before Judiciary Committee for his judgeship advancement.

Plaintiff is informed by the U.S. Eastern District Court to wait for "service of process" as will be arranged & about a year later there is still "no service of process" done because Judge Mazzant is friends, ex-coworkers, etc. with about 40 of the named Defendants, so he does not want to serve them with this lawsuit. Judge Mazzant & Magistrate Norwak refuse to recuse themselves on Plaintiff's Motion To Recuse due to "Conflict of Interest" & "no service of process" & docket items are missing from court record.

A lawsuit is not established without proper summons & service, but the case of fairness, due process & justice is denied in part of the false vexatious litigant by Northern District Court to silence with no investigation on the matter. Judicial abuses complicated by more Judicial Abuses as Plaintiff learns Judge Mazzant is not docketing all filed court papers.

Plaintiff is contacted by the Court that her in forma pauperis is reversed, so that Judge Mazzant can extort $500 before this case gets to the Fifth Circuit Court of Appeals, as his ex-employer for some more "conflict of interest."

Plaintiff files a timely Appeal & Recusal of Fifth Circuit Court as Judge Mazzant ex-employer & refuses to pay any money to Judge Mazzant for not doing his job with no service to all his special Defendant pals to prevent this lawsuit by "Obstruction of Justice, Fraud Upon Courts & the court record is held to prevent briefing as complained.

Court of Appeals refuses to move this lawsuit to Seventh Circuit Court of Appeals to cover up "conflict of interest," etc., uses the same offending conflicted Justices as named Defendants in this same lawsuit, which will be going to the United States Supreme Court & United States Justice Department & U.S. Judiciary are notified.

This Fifth Circuit Court of Appeals lawsuit is still **pending** with no decisions & briefing was completed to acceptance by this Court with same named Defendants / Appellees,

who refused transfer to other Courts & Justices on "conflict of interest."
(**"No vexatious litigant here as totally false"** & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit & pending.) (Another false claims by W& B Attorneys, along with harassment, perjury, intimidation, fear & violations of laws by Texas licensed attorneys)

9. **Amrhein v. United States of America, et al., US. District Court for Eastern District of Texas** (A variation of the prior already disposed of La Madeline Litigations); This original lawsuit against ex-employer La Madeleine, Inc, was filed December 6, 1996 in Dallas County, Texas as filed by Attorney David Winston, who then moved to Alaska. This lawsuit had 4 successful Appeals & reversal with a Federal Court Order signed by a Federal Judge May 24, 1995 that La Madeleine Inc. had caused injuries to both Plaintiff's arms & hands requiring 4 operations & permanent life-long disabilities, which was ignored by Dallas Judges as the case passed from perjury by Judge Jenevein, to Judge Pierce, to Judge Ovard & on to Judge Akin, who took money bribe about June 12, 2012. In an Appeal Judge Sally Montgomery falsely claimed to have signed an Order to stop 2nd Appeal, which was complete fraud, never signed & never existed as corruption. **For 10 years the Dallas Courts** had not lifted a U.S. Bankruptcy Stay to resume jurisdiction, so the Court of Appeals ruled all activities, all Orders are judicial nullity & void, in all La Madeleine, Inc lawsuit per multiple Orders, by multiple Justices as apart of all court records. Plaintiff presented oral argument, where frauds & nullity is obvious. Judge Akin was a named Defendant in this lawsuit that was transferred to the United States Northern District Court Judge Jorge Solis & corrupt Magistrate Toliver, who wanted to destroy this case because Plaintiff's complaints against her for retaliation. Judge Jorge Solis did not hear case, did not examine any evidence, was engaged with

Magistrate Toliver, made threats to Plaintiff & "no due process." In fact he never responded to an ERISA Motion filed as an ERISA Judge, who would soon retire. Judge Solis like Judge Fish was happy to take about almost $1,000 in court costs, $1,000 in Appeal Costs after $1,000 plus in Collin County Court Costs, so Plaintiff exhausted all money for Courts with no fairness, no due process, no justice, as only frauds & abuses. Plaintiff Appealed & the same occurred, no court records as held by Magistrate Toliver to prevent Briefing & dismissed by Justice Thomas Reavley as secret decider, who had major "conflicts of interest" requiring recusal with multiple Defendants / Appellees & about 33 years of Texas legal services & offices as his un bias trier of fact, prejudice & retaliation on behalf of his friendly Defendants / Appellees to prevent any reversal on Appeal & prevent this lawsuit against his pals. Appeal Order pending by Defendants / Appellees Justices as Court & Justices are judging themselves in this lawsuit with "conflict of interest" illegally & refused transfer to other Justices & other Circuit Courts. (**"No vexatious litigant here as totally false"** & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit is pending) (Another false claim by W& B Attorneys.)

10. <u>Amrhein's Employment Dispute Litigations Continue with Another Former Employer in Amrhein v. Prosperity Bank, U.S. District Court for the Eastern District of Texas & Recently, in Amrhein's pending lawsuit against Prosperity Bank, she was deposed;</u>

Not so recent as deposed Oct. 27, 2017 for an abusive fraudulent deposition, while Defendants' Attorney removes 13 pages of deposition corrections & withholds 17 exhibits for statement, files a fraudulent Prosperity Bank Handbook to cover up all offenses until Plaintiff presents the true Prosperity Bank Handbook from 2015. Plaintiff was an employee of Prosperity Bank from August 2015 to January 2015. Pending Lawsuit for the following:

Prosperity Bank did not accommodate Plaintiff's diabetic disability, made this disability condition worse, did not supervise workplace, did not control their premises, breached their duty of care, were untruthful, not diligent in responding to Plaintiff's complaints by & through their agent supervisors, allowed the workplace to be "hostile" with harassment, sexual advances, incomplete & false training, unmaintained equipment, forced to work off the clock as no ability to sign in, breached security, potential risks & physical harm, unbalanced co-worker, offensive language & contents, removal of funds by co-worker, refusal for sick time & physician medical excuse, refusal for safety, refused part time hours as promised, lack of communication, refusal of wages, employee & wage accountability denied, refusal of police for blocking assault, wanting Plaintiff to engage in criminal acts of frauds, age & gender discriminations, tampering with court records & deposition transcripts, fraudulent handbook, refusal of complete answers & objections during abusive deposition, retaliation for complaints, wrongful termination & no proper notice given, unreasonable demands to put others & self in danger, demands with pending motion for recusal, denied discovery, production & disclosure of Prosperity Bank surveillance videos destroyed, false claims, damages to reputation & irrelevant inquiry, refusal of service of process & answers, under reported wages, refused unemployment, deductions of wages without permission, causing personal injuries, losses, harms, destruction in Plaintiff's life, etc. all this requires a jury trial, "due process" as a matter of law in name of justice.

In 10 days Plaintiff went from best employee loved by all to a false statement of abandoned job & refused doctor's medical excuse for the personal injuries caused by refusal of accommodations to inject 1 minute of insulin daily.

Plaintiff was notified that Prosperity Bank owes $732.00 in back wages as their false statements to EEOC, Discrimination, Hours & Wages of the Labor Department, etc. Plaintiff was given a Settlement Offer to turn in our government if they try to investigate Prosperity Bank, which Plaintiff refused. Attorney Todd Harlow was in on this scam &

threatened if Plaintiff didn't sign it he would quit. He quits & three pages of his own misconduct is discovered as a defense attorney posing as Plaintiff Attorney.

Judge Christine Nowak is the "conflict of interest" person presiding knowing she has been turned in for "impeachment." Judge Nowak has no proper jurisdiction as state court can't remove Worker's Compensation & TWC wages as banned, but falsely claims ok.

Defendants' Attorneys did not want an African American Judge Angela Tucker, so moved case. First Regional Administrative Judge Mary Murphy violates ADA Stay & allows continued harassment against ill, senior Plaintiff in need of 2 Spine Surgeries.

Judge Christine Nowak found the exhibit & content from Prosperity Bank workplace, so offensive they had to seal Plaintiff's exhibits as evidence.

Attorney Carrie Jonson Phaneuf has been colluding with Attorney Michelle Mahony to try to destroy Prosperity Bank lawsuit & W&B, et al "legal malpractice" lawsuit & to destroy & discredit Plaintiff to cover up their various offenses as "officers of the court." ("**No vexatious litigant here as totally false**" & judicial abuses, errors, mistakes, conspiracy, cover up, collusion, corruption, "conflict of interest" & "no due process," as all Plaintiffs' Constitutional Rights are violated by this corrupted judiciary, which is out of Plaintiff's control on their own lack of judicial ethics, no reflection on case facts, laws & evidence that is the basis of this lawsuit is pending) (Another false claim by W& B Attorneys to go along with perjury, harassment, cover up, conspiracy & corruption.

11. Amrhein Repeatedly Litigates the Same Issues and Causes of Action Against Same Defendants. See above litigation is not cover up, corruption, conspiracy, lack of ethics, refusal to hear cases, refusal to serve, bias, prejudice, retaliation, "conflict of interest," judicial abuses, breaches of oath of office, frauds upon courts & Obstruction of Justice.

<u>In Conclusion , Prayer & Relief Sought</u>

Plaintiff is not a vexatious litigant by any standard of the above for each false claim by W& B, et al Attorneys, Cobb, Martinez, Woodland & Attorney Carrie Johnson Phaneuf, who likes to harass, make false statements, continues to perjure themselves with false

court filings, cover up & conspire to try to get their clients off for all their wrong doing & legal malpractice offenses. This is all public record, which can be viewed by everyone & every source as stated above. So as anyone examines Plaintiff's experiences ask yourself if you would permit anyone to do to you or a family member causing serious damages !

Relief Sought, Deny all Defendants' Claims & Prayers

Plaintiff objects to false vexatious litigant claims, not prosecuting all offenders in every lawsuit, not enforcing existing rules, statues & laws, while under the judicial sworn oath of office, accepting taxpayer wages as frauds & discriminating against litigant Plaintiffs' as fleecing them for judicial costs & no production with no work. To treat this named incapacitated & incompetent deceased father by removing his evidence of void invalid house purchase contract & claim "no standing" to benefit friends by "conflict of interest" is abuse of judicial authority. To engage in illegal scams with no "due process" breaches of oath of office, causing harms & damages with intent, plus years of false judiciary as published rules, statutes, laws & U.S.& Texas Constitutional Rights as promised, which is not fairness, "due process & Justice, But civil & criminal offenses Mafia style & RICO **Republic Title** charged $3,330.00 for $560,000.00 title insurance policy, put policy in wrong names, refused to correct it, cancelled this policy & kept $3,330 **fraud with right to sue them in house lawsuit**, that was never heard on evidence, but refused as Judge Toliver does not like white people who can pay for their house for her judicial fairness. Attorney Phaneuf & gang Defendants are trying to discredit Plaintiff & every lawsuit filed to get her offenders off from all "accountability by falsities & speculation" as same frauds. 2 Appeals pending, 2 lawsuits pending & she breaks suits apart to raise her false counting. Plaintiff has been interviewed by McKinney Police Department for assault. "No vexatious litigant to qualify under Chapter 11 Civil Practice & Remedies Code on criteria only by hearing, reporting, public listing & none happened with Plaintiff in any Court at any time & no 5 valid adverse lawsuits in 7 years as required. Attorney Phaneuf is knowingly filing false statements / perjury & must be sanctioned additional $2,500 for all their misconduct & more attempts to harass." Taxpayers are paying these bad Judges salaries to "not do their jobs with frauds committed!" Attached third Dr. Arakal notice on Plaintiff's current medical condition as filed under ADA for "Stay" in all further court work that could cause more personal injuries & harms. (Exhibit A) Plaintiff is not in control or blamed for judicial corruption. "Vexatious litigant" must be denied. Plaintiff's health is not admissible for "legal malpractice." Washington, D.C. & Congress are aware of all above facts & has invited Plaintiff to speak about this Texas & Federal Judiciary's offenses as "whistleblower" about intent & corruption, so are you part of problem ? Plaintiff prays for fairness, "due process" & Justice that has not existed since 2008 & attaches some Judicial Acts of Frauds & misconduct in pending lawsuits & some detail.

JUDICIAL ACTIVITY IN LA MADELEINE, INC. LAWSUIT FILED DECEMBER 6, 1996

1) Judge Welcome – Dec. 6, 1996 – La Madeleine Inc.;

2) Judge Robert Jeneveine – 1997 & Perjury – La Madeleine Inc.;

3) Judge Gibson – 1999 Recusal - La Madeleine Inc.;

4) Judge John Ovard – 1999 – La Madeleine Inc. Won Against Judge Jenevein – La Madeleine Inc. ;

5) Judge Coker – July 31, 1997 – Bankruptcy Stay – 2 Appeals & 10 years of Stay- La Madeleine Inc.;

6) 1st Appeal Fifth District Court - La Madeleine – Amrhein won July 21, 2001;

7) Judge Jenevein Removed 2002- La Madeleine, Inc.;

8) Judge Pierce – Assigned 2002, threats & Misconduct - La Madeleine Inc. ;

9) Judge Pierce – Recusal 2003 – La Madeleine Inc. ;

10) Judge Sally Montgomery – Threatens to Doctor, BK Stay, False Order, Transfer – La Madeleine Inc.;

11) 2nd Court of Appeals – False Order by Judge Montgomery - La Madeleine, Inc. Amrhein won;

La Madeleine Inc. Plaintiff won & reversed all & remanded back;

12) Judge Roden – 2004 - Refused to file Appeal & Record Tampering – La Madeleine, Inc. ;

13) Judge Sally Montogmery – Recusal of County Court at Law No. 3 Whole Court & Judge Pierce – LA;

14) Judge D'Metria Benson – Orders & then no follow thru & Arguments with Attorney La Madeleine;

15) Judge Ted Akin – visiting judge due to Benson illness - La Madeleine Inc.;

16) 3rd- Court of Appeals on Judge Akin Orders – Plaintiff won Appeal & all reversed - La Madeleine, Inc.;

17) Judge Ovard – Recusal of Judge Benson as voluntary – La Madeleine Inc.;

18) Judge Sally Montgomery – Reinstates 10 year Bankruptcy Stay, Transfer to Benson – La Madeleine;

19) Judge Ted Akin – 2012 – false discovery, false jury trial, threats & no evidence on real evidence for a money bribe as pandered from the bench & he did not know the facts of lawsuit refusing abatement & all filings;

20) Court of Appeal named defendants in federal lawsuit, transferred Appeal to Sixth District & they refused to examine lawsuit, briefing & evidence;

21) U.S. Northern District Court of Texas- 2012- before final Order & Judges as named Defendants- LA;

22) No hearings, no fact witness testimony, no proper jurisdiction, no evidence examined for 1 year, no discovery, but took court cost of $450.00 , Judge Jorge Solis dismissed lawsuit & retired – La Madeleine;

23) Fifth Circuit Court of Appeals – refused court records for briefing & justices conflict of interest almost 33 years as Justice Reavlry " favors for friend" to more than 20 Defendants & refuse recusal – La Madeleine ;

24) U.S. Supreme Court – paid $1,500 in Writ prepared & removed by ex-employee clerk from lower court, so reported to Dept of Justice Washington D.C. to refile case;
25) U.S. Eastern District Court – Judges Nowak & Amos Mazzant, who refused to file service because Plaintiff was in forma pauperis, so no service as promised, missing court documents from docket & try to extort money to Appeal & denied court records Appeal Brief for 2 months– La Madeleine Inc. Lawsuit;
26) Fifth Circuit Court of Appeal – Briefing Nov. 2017, named Defendants in the U.S. Eastern District Court lawsuit, refused recusal of Court & Justices, use same Justices with same conflict of interest in La Madeleine Prior Appeal ..... PENDING AN ORDER THAT WILL BE FILED IN UNITED STATES SUPREME COURT FOR "CONFLICT OF INTEREST, BIAS, PREJUDICE & RETALIATIONS.
27) For 10 Years the Texas Courts did not know how to treat a United States Bankruptcy Stay, so for 10 years everything done was legal nullity & void based on law & 2 separate Appeals Darlene Won !
This is approximate in dates & sequences as stated above & Plaintiff reserves the right to add or change.This is Plaintiff's judicial experiences in La Madeleine Inc. Lawsuit based on frauds & corruption, etc. between the Texas Courts & United States Federal Courts to date, which is pending !

SOME JUDICIAL ACTIVITIES IN Winsley Circle House Purchase from Reicherts, et al:

28) Judge Roach "conflict of interest" as friends to Defendants Re Max Owner & Defendants Attorneys & claims he does not like Plaintiff Amrhein because "won" a previous lawsuit & refused 3 recusals;
29) Judge Roach tampers with evidence, removes Collin County Probate Court Order for incompetent Balistreri without capacity to act causing an invalid Real Estate Contract that was subject to lawsuit;
30) Judge Roach accepts campaign contributions for favorable rulings for Defendants' in lawsuit;
31) Judge Roach removes filed Trustee Bankruptcy Assets to another case number to hide assets;
32) Judge Roach creates Court Errors to force unlawful Appeals for money, brags on behalf of his court reporter & County Courts for Courts & Appeals costs causing additional costs to Plaintiff with blank filed court record pages after they pay $1,000.00 for Appeal record transfers, while Appeal is then denied;
33) Plaintiff complained to District Attorneys Office & agent claims terrible misconduct fraud acts until he gets Judge Roach's name with his Daddy as Collin County District Attorney, as everything is dropped;
34) Judge Roach makes rulings on no issues & knows of "blacklisting," while refusing Balistreri all legal representation, all legal standing & no ability to defend his case in any way as incompetent & incapacity disabled senior with an invalid real estate contract to pay towards property for Plaintiff Amrhein in 2007
35) Judge Roach stops Appeal in 5th District Court of Dallas by filing a False Order to protect Defendants after his "plenary power" expired to stop all examination of Appeals & they destroy court records;
36) Judge Roach orders more than 10 hours of abusive Deposition with Plaintiff Amrhein & wants her to go without insulin for days as diabetic for benefit of Defendants continued excessive abuses ;
37) Judge Roach threatened Plaintiff from the bench, told her to stop filing court documents as refused;
38) Judge Roach refused court filings, service to Defendants, gave special privileges, bias, prejudicial, retaliatory, signed false Orders with wrong dates, protected Defendants & abuses his power & oath;
39) Judge Roach organized dismissal of his 3 Recusal Motions to avoid removal & used friends to hear;
40) Judge Roach ignored U.S. Bankruptcy Stay, medical hospitalization with Judge Chris Oldner scam;
41) Judge Oldner refuse reinstate case Bankruptcy, refused agent court records / Balistreri hospitalized;
42) Texas case gets worse, moved to federal court, more corruption, DOJ involved & Appeal still pending 2008 to 2018, no service of process to Defendants & transferred to Court of Appeal to a named Defendant & ex-employee friend of Judge Mazzant to continue cover up, frauds, conspiracy & extort more money, aid of Judge Christine Nowak, who presides in Prosperity Employment Lawsuit pending.

OBJECTIONS IN LAWSUIT

These are Plaintiff Balistreri-Amrhein's Objections in this lawsuit known as County Court at Law No. 6 – Case No. 006-02654-20017 Darlene Amrhein, et al v. Lennie Bollinger and Wormington & Bollinger (W&B), Law Firm, et al :

1) This lawsuit was transferred by First Regional Administrative Judge Mary Murphy after recusal of Judge Dan K. Wilson for "good cause" reasons of denial on ruling that was suppose to be performed while Plaintiff is medicated & on narcotics in a confused state with altered mind causing prejudice to Plaintiff & this lawsuit from December 26, 2017 to present day on March 29, 2018, while denying ADA accommodations & charging invalid attorneys' fees over $14,000 for this prejudice caused in responding to this lawsuit under TRCP 91a;

2) This lawsuit was filed against these Defendants for up to $200,000.00, not $100,000.00 as Judge Mary Murphy changed this jurisdiction unlawfully as filed;

3) Judge Jay Bender is a Criminal Judge with a jurisdiction limit of less than $100,000.00, so no one has the legal right to change lawsuit value & jurisdiction;

4) Judge Jay Bender also denied Plaintiff's ADA accommodations & after 3 Dr. Arakal letters that where singed, dated & verified by sworn Affidavits he calls Plaintiff's physician, Dr. Arakal to check on the surgery date of April 26, 2018 as true & then still denies Plaintiff's ADA accommodations in this lawsuit with 4 times verified as serious health medical conditions that is hardship & knowingly causing serious injuries with intent to aid Defendants, et al & their Attorneys, et al.

5) Actions of Judge Jay Bender is "conflict of interest," bias, prejudice & intentional retaliation without any common sense "good cause" reasons, except vengeance toward senior, disabled & sick Plaintiff in need of serious medical care;

6) It appears the "fix is in" for Judge Jay Bender & his favoritism for these named Defendants, et al & their Attorneys, et al in this lawsuit as frauds, etc. covered up;

7) Some 22 pages plus are charged against Plaintiff for all the frauds, misleading, slander statements of invalid charges since about Oct. 27, 2017 to March 28, 2018;

8) Attorney Phaneuf, et al accuses Plaintiff of forging notary documents at Chase Bank, which is total false, slander of name, character & reputation, showing their fraudulent statements & perjury to the County Court at Law. No. 6 as documented;

9) **Making false statements** (18 U.S.C. § 1001) is the common name for the United

States federal crime laid out in Section 1001 of Title 18 of the United States Code, which generally prohibits knowingly and willfully making false or fraudulent statements, or concealing information, in "any matter within the jurisdiction" of the federal government of the United States,[1] even by merely denying guilt when asked by a federal agent. This statute is used in many contexts. Most commonly, prosecutors use this statute to reach cover-up crimes such as perjury, false declarations, and obstruction of justice and government fraud cases;

10) The statute spells out this purpose in subsection 18 U.S.C. § 1001(a), which states:

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

> (1) falsifies, conceals, or covers up by any trick, scheme, or device[,] a material fact;
> (2) makes any materially false, fictitious, or fraudulent statement or representation; or
> (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331),[11] imprisoned not more than 8 years, or both....

11) Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry ...

12) Even constitutionally explicit Fifth Amendment rights do not exonerate affirmative false statements.[12] In the 1998 case *Brogan v. United States*, the Supreme Court rejected the "exculpatory no" doctrine that had previously been followed by seven of the courts of appeal, which had held that "the mere denial of wrongdoing" did not fall within the scope of § 1001.[13][2] The *Brogan* court stated: " Our legal system provides methods for challenging the Government's right to ask questions ---- lying is not one of them."

13) An affidavit is a sworn statement made before a commissioner for oaths, a notary public, a justice of the peace or a lawyer. Affidavits are common in court proceedings and are often used in family matters relating to custody, support and property issues.

14) False affidavit can also lead to a criminal charge of perjury or obstruction of justice.

15) Whether perjury or "obstruction of justice" charges are warranted would be a matter for police and prosecutors for Defendants, et al & Attorneys, et al slander for charges;

16) Plaintiff is filing criminal charges against Defendants, et al & their Attorneys, et al that are all described in her list of conferences, calls, reviews, analysis & redacted parties, who accused Amrhein of forged notary documents filed with the County Court at Law No. 6 for conviction & all harms & damages caused, along with all false statements made to about Plaintiff to Chase Bank, notary & public court filings & possible identity theft ;

17) Defendants, et al & their Attorneys, et al made contact as stated with Attorney Jerry Jarzombek, attorney representing David Schroeder, who assaulted Plaintiff, damaged her property, removed some of her property & stole 5 months worth of rent, while living upstairs, who Defendants, et al protected & filed false pleading in lawsuit for a recovery;

18) Defendants, et al & their Attorneys, et al made contact with "Prosperity Bank" representative about hostile work environment, harassment, threats, blocking, theft of $732.00 in wages, sexual harassment, lack of diabetic accommodations causing illness, under reported wages to several Texas agencies, Obstruction of Justice, "Fraud upon Courts" tapering with court records & removal to federal court as banned due to black judge as a way to file false statements, false charges & to mislead County Court at Law 6;

19) Defendants, et al & their Attorneys, et al spent a lot time on the phone, meetings & conference for $$54,768.88 to try to frame Plaintiff, to put pressure on her, to build a false case against her, because she filed a lawsuit against Defendants, et al & their Attorneys, et al for misstatements, frauds, deception, "bad faith' intent, to abuse, cover up, conspire & retaliate against Amrhein for filing a lawsuit against these criminal acts;

20) If you notice Attorney Phaneuf, et al was counseling, looking for advice, trying to find some dirt on Plaintiff to frame her, so they could get the Defendants off & some was redacted, so to hide their contacts & communications with various courts or others;

21) How many times can anyone talk about illness & continuance as this was continued harassments & false statements in response, while trying "to get" Plaintiff causing more injuries & harms charging her "$54, 768.88 or $41,721.75 or $59,000.00 plus $29,000.00 for Appeal for all their clients abuses, protection of an assaulter, etc. & intentionally violating the "statute of limitations" in the wrongful death of my Dad, who was starved & beaten to death; (Sorry as Plaintiff has a problem with this by Texas licensed Attorneys.);

22) The "vexatious litigant" claim totally false to try to silence Plaintiff on their corruption in Texas & United States Federal Courts known as Judiciary "whistleblower" with intent to defraud Plaintiff(s) & litigants for money & no Justice with 22 years of judicial experiences as some attorneys try to mislead, conspire some courts & judges, "blacklisting" Plaintiff & litigants for retaliation, money & no Justice in 4 pending suits;

23) Defendants, et al & their Attorneys, et al & Attorney Phaneuf has proven this with her multiple bills, false statements & misconduct from Oct 2017 to March 2018 in this case along with Prosperity Bank & David Schroeder lawsuits, along with all active cases.

24) March 30, 2018 Plaintiff learns of an Attorney, who was having neck surgery & the court judge granted a medical stay with "no explanations" for moths, while this Plaintiff

has been harassed since Dec. 26, 2017 to present March 30, 2018 for neck & spine surgery with 3 physicians letters & calling Texas Back Institute to verify surgery date of April 26, 2018 that was sworn to by Verification & Affidavit 10 times or more in courts;

25) What is wrong with this picture ? Attorneys can do anything they please, including frauds, deceptions, abuses, make false statements, steal money, not work with aide of some courts & judges for the "right price" & no enforcement of rules, rights & laws as the fleecing of America, which amounts to Treason.....of course for a price against Americans, just like Plaintiff to destroy, threaten, injure & financial ruin to silence her;

26) A lie is a lie is a lie & the Defendants, et al & their Attorneys, et al have proven this with their listed charges for their false, fake, phony bill that leads to criminal charges;
27) All judges & justices, whether Texas or United States Federal Judges that do not enforce rules, statutes, laws & Constitutional Rights in Plaintiff's lawsuits have been recused for real prosecution against threats, harassments, slanders as organized RICO;
28) So how does Plaintiff know she has been "blacklisted"? Because attorneys claimed it & after Plaintiff contacted **75 Attorneys** from Dallas, Texas & Colorado, etc. with no legal representation for no amount of money, claiming career suicide if taking lawsuits;
29) Defendants, et al & their Attorneys' claim it is OK to breach contract, no disclosure, hide Probate Court Order Guardianship with no approvals, accept bribes for favorable Orders, starve an incompetent, incapacitated disabled senior drop 46 pounds in six weeks & beat him to death, while drugged to kill off his organs (Defendants intentional denied suit on refused "statute of limitations), how about theft, accepting court costs with no hearings, no fact witness testimony, no evidence, discrimination, racism, bias, prejudice, threats, retaliations, cover up, conspiracy, RICO, collusion, "bad faith" intent, & stalking. Obstruction of Justice, false statements, personal injuries, harms, damages, federal Orders violated, bribery of a Judge & "Fraud Upon Courts, just to name a few violated laws.
30) Plaintiff can give many examples of criminals on the bench, as attorneys, tampering with records, violating laws & in Dallas Courts 10 years of legal nullities plus bribes as none of this is a pretty picture & there are many more Plaintiffs victimized with no justice
31) Courts, attorneys, judges, justices have harassed Plaintiff, caused injuries & financial ruin to "silence," but it's not working even under worst medical conditions & harassment, so it's time for experiences, misconduct, frauds, deception, accountability & names;
32) No this Plaintiff will not be "silenced" from Dallas to Washington, D.C. by any attorneys, judges, courts, justices, & or legislatures in Congress, as taxpayers' dollars are used to allow all this to happen to American people, who have been promised fairness, "due process," U.S. & Texas Constitutional Rights with real legal representation & true accountabilities, no protecting corruption, cover up, conspiracy, collusion & RICO. (Exhibits A,B,C);

33) Harassment, stalking, slander & conspiracy needs to stop ! Interference in Plaintiff's Medical, Slanders against Plaintiff accusing forgery of notary, false sworn affidavits on notary & financial threats if case not dismissed is not discovery, but Obstruction of Justice, perjury & Fraud Upon Courts to cause more injuries to Plaintiff !

Plaintiff finds it hard to believe that any Court, Judge or other persons would try to lay blame upon me for all the illegal experiences that have been caused by the wrongdoing of others that is not as existing legislative laws claim. Congress invited me to speak to them about all this, which details sad activities & theft of court costs by represented **Frauds;**

Plaintiff reported to Washington, D.C. authorities on these matters as "whistleblower" to prevent others from these experiences & will continue to litigate for all wrongs done to as Plaintiff. (Exhibits A, B, C) as this sick illegal activity needs to be exposed to people.

Defendants', et al & their attorneys must think no one can sue any or corrupt Attorneys for their frauds as here. This last page was left out of Cobb, et al copy for late additional filing, so mailed separately from copied notices on this revised copy with late documents included & Plaintiff will file Defendants. et al Attorney Phaneuf et al threats separately; On $4,000 Social Security income a $160,000.00 Security, $29,000.00 Lawful Appeal, $54,768.88, $41,721.75, $14,100.00 plus attorneys fees, for 4 and a half months of "no litigation" is beyond deception, collusion, conspiracy, violated rules, statutes & laws on all " false charges," slander, harassments, medical interference, violated ADA, multiple frauds, corruption, collusion, protection of Prosperity Bank violated Labor Laws, Wage theft, various harassments & protection of David Schroeder assaulter & thefts shows a "conflict of interest, bias, prejudice, retaliation, with "Obstruction of Justice, Perjury, False Advertising & "Fraud Upon Courts" with "no due process," violations of United States & Texas Constitutional Rights by these Defendants, et al, (Attorney Lennie Bollinger & Wormington Law Firm, et al.), their own Attorneys (Cobb, Martinez, Woodland & Attorney Carrie Johnson Phaneuf, et al & presiding judges (Judge Dan Wilson, Judge Jay Bender, First Regional Mary Murphy, JP Judge Paul Raleeh who can't decide jurisdiction in 18 months against Defendant Schroeder, who signs No final Order & Judge Barnett Walker by Attorney Jerry Jarzombek filing no valid Orders for Attorney's fees against Plaintiff for Schroeder's Attorney. Judge Raleeh signs no final Order & no Appeal process based on false Judicial Raleeh advice & statements from bench to try to "silence, cause harm/injures to Plaintiff unfairly, unjustly, "no due process & no Justice !

Thank you for your confirmation & undeniable proof by sworn affidavit & Defendants' et al & their Attorneys, et al Exhibits of all these false charges for new criminal lawsuit complaint on slander, threats, harassments, personal injuries & an additional civil lawsuit, etc. against Plaintiff for more damages, harms, injuries requiring restitution. Defendants' et al & their Attorneys need to stop all harassments, bullying, abuses, hate, threats, cover up, collusion, conspiracy, retaliations & violations of rules, statutes, laws & U.S. & Texas Constitutional Rights, while abusing this senior, disabled, ill Plaintiff Amrhein, causing injuries, harms, damages, fears, upset & interference known needed medical care harms requiring relocation to a safe place to stop almost continued harassment contacts daily!

Respectfully submitted, Darlene C. Balistreri-Amrhein, Plaintiff

(Exhibits A to C) Darlene C. Balistreri-Amrhein

3/31/18

* My income Social Security + Exempt!

Texas Back Institute®

March 27, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a patient of mine who is scheduled to undergo a Posterior Cervical Fusion from C3-4 with Laminectomy and Allograft on 4/26/18; no court work is to be done at that time. Currently, pt is to remain off work as she cannot complete her usual work duties secondary to the severity of her cervical and lumbar pahtology; pt is to remain off work in light of the fact that we are preparing for surgical intervention and continued work could exacerbate her pain and lead towards further deterioration. Please keep pt off of work. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

Exhibit A

Published on *ADA National Network* (https://adata.org)

WHAT IS THE AMERICANS WITH DISABILITIES ACT (ADA)? [1]

The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The ADA is divided into five titles (or sections) that relate to different areas of public life.

In 2008, the Americans with Disabilities Act Amendments Act (ADAAA) was signed into law and became effective on January 1, 2009. The ADAAA made a number of significant changes to the definition of "disability." The changes in the definition of disability in the ADAAA apply to all titles of the ADA, including Title I (employment practices of private employers with 15 or more employees, state and local governments, employment agencies, labor unions, agents of the employer and joint management labor committees); Title II (programs and activities of state and local government entities); and Title III (private entities that are considered places of public accommodation).

More About the ADA

- *Glossary of ADA Terms [2]*
- *ADA Acronyms and Abbreviations [3]*
- *Read ADA Publications/Fact Sheets [4]*
- *Frequently Asked Questions About the ADA [5]*

Title I (Employment)

Equal Employment Opportunity for Individuals with Disabilities

This title is designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities. Employers must provide reasonable accommodations to qualified applicants or employees. A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable an applicant or employee with a disability to participate in the application process or to perform essential job functions.

This portion of the law is regulated and enforced by the **U.S. Equal Employment Opportunity Commission (http://www.eeoc.gov/laws/types/disability.cfm)** [6]. Employers with 15 or more employees must comply with this law. The regulations for Title I define disability, establish guidelines for the reasonable accommodation

Exhibit B

process, address medical examinations and inquiries, and define "direct threat" when there is significant risk of substantial harm to the health or safety of the individual employee with a disability or others.

More information and events related to ADA Title I (Employment) [7].

Title II (State and Local Government)

Nondiscrimination on the Basis of Disability in State and Local Government Services

Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. It applies to all state and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of state or local governments. It clarifies the requirements of section 504 of the Rehabilitation Act of 1973, as amended, for public transportation systems that receive federal financial assistance, and extends coverage to all public entities that provide public transportation, whether or not they receive federal financial assistance. It establishes detailed standards for the operation of public transit systems, including commuter and intercity rail (e.g., AMTRAK).

This title outlines the administrative processes to be followed, including requirements for self-evaluation and planning; requirements for making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination; architectural barriers to be identified; and the need for effective communication with people with hearing, vision and speech disabilities. This title is regulated and enforced by the U.S. Department of Justice.

More information and events related to ADA Title II (State and Local Government) [8].

Title III (Public Accommodations)

Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

This title prohibits private places of public accommodation from discriminating against individuals with disabilities. Examples of public accommodations include privately-owned, leased or operated facilities like hotels, restaurants, retail merchants, doctor's offices, golf courses, private schools, day care centers, health clubs, sports stadiums, movie theaters, and so on. This title sets the minimum standards for accessibility for alterations and new construction of facilities. It also requires public accommodations to remove barriers in existing buildings where it is easy to do so without much difficulty or expense. This title directs businesses to make "reasonable modifications" to their usual ways of doing things when serving people with disabilities. It also requires that they take steps necessary to communicate effectively with customers with vision, hearing, and speech disabilities. This title is regulated and enforced by the U.S. Department of Justice.

More information and events related to ADA Title III (Public Accommodations) [9].

Title IV (Telecommunications)

This title requires telephone and Internet companies to provide a nationwide system of interstate and intrastate telecommunications relay services that allows individuals with hearing and speech disabilities to communicate over the telephone. This title also requires closed captioning of federally funded public service announcements. This title is regulated by the Federal Communication Commission.

More information and events related to ADA Title IV (Telecommunications) [10].

Title V (Miscellaneous Provisions)

Exhibit B

Electronically Filed 1/16/2018 4:42 PM
Stacey Kemp County Clerk
Collin County, Texas
By: Dianna Shine, Deputy
Envelope ID: 21854075

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al,	COUNTY COURT AT LAW
Plaintiffs,	NO. 5
v.	[Hon. Dan K. Wilson]
ATTORNEY LENNIE F. BOLLINGER, and WORMINTON & BOLLINGER LAW FIRM,	
Defendants.	COLLIN COUNTY, TEXAS

ORDER DENYING
"PLAINTIFF'S NOTICE TO THE COURT, SAID JUDGES, TO ALL DEFENDANTS AND THEIR COUNSELS TO STAY & CONTINUE THIS LAWSUIT REMOVING IT OFF THE ACTIVE DOCKET SHEETS FOR 'GOOD CAUSE' REASONS"

Before the Court is Plaintiff's document entitled "Plaintiff's Notice to the Court, Said Judge, to All Defendants and Their Counsels to Stay & Continue this Lawsuit Removing it off the Active Docket Sheets for 'Good Cause' Reasons," filed on January 16, 2018. Defendants filed a Response in Opposition.

After considering Plaintiff's Notice to the Court, Defendants' Response in Opposition, and relevant authority, the Court **ORDERS** as follows:

Plaintiff's Notice to the Court, filed on January 16, 2018, including her requests to stay this litigation and continue the hearing on Defendants' Rule 91a Motion to Dismiss is **DENIED**.

It is further **ORDERED** that Defendants' Rule 91a Motion to Dismiss is set for hearing by written submission on January 25, 2018.

It is **ORDERED** that Defendants are permitted to file and submit a Reply to Plaintiff's Response to the Motion to Dismiss by January 22, 2018.

Signed this 17 day of January, 2018.

Signed: 1/17/2018 09:58 AM

Dan K. Wilson
JUDGE PRESIDING

Exhibit C

Electronically Filed 1/22/2018 4:50 PM
Stacey Kemp County Clerk
Collin County, Texas
By: Dianna Shine, Deputy
Envelope ID: 21981471

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al,	COUNTY COURT AT LAW
Plaintiffs,	NO. 5
v.	[Hon. Dan K. Wilson]
ATTORNEY LENNIE F. BOLLINGER, AND WORMINTON & BOLLINGER LAW FIRM,	
Defendants.	COLLIN COUNTY, TEXAS

ORDER GRANTING DEFENDANTS LENNIE F. BOLLINGER AND WORMINGTON & BOLLINGER'S RULE 91A MOTION TO DISMISS

On this day, the Court considered Defendants Lennie F. Bollinger and Wormington & Bollinger's ("Defendants") Motion to Dismiss, pursuant to Rule 91a of the Texas Rules of Civil Procedure, filed on December 22, 2017. Plaintiff Darlene Amrhein in her individual capacity and in her representative capacity on behalf of Anthony Balistreri (collectively "Amrhein" or "Plaintiff"), filed a Response on January 2, 2018. Defendants filed a Reply to Plaintiff's Response on January 19, 2018. After careful consideration of Plaintiff's Amended & Supplement Petition and Pleadings, Defendants' Rule 91a Motion to Dismiss, Plaintiff's Response to the Motion to Dismiss, and Defendants' Reply, and relevant legal authority, the Court rules as follows:

a. It is **ORDERED** that Defendants' Rule 91a Motion is **GRANTED**.

b. Therefore, it is **ORDERED** that the following causes of action or purported causes of action are **DISMISSED WITH PREJUDICE**: (i) all of the causes of action brought in Amrhein's representative capacity of Anthony Balistreri, deceased, or his estate or trust, (ii) Violations of the Texas Disciplinary Rules of Professional Conduct, (iii) Breach of Fiduciary Duty, (iv) Breach of Contract, (v) Fraud, (vi)

Violations of the DTPA, (vii) Violations of the Texas Rules of Civil Procedure, (viii) "Bad Faith," (ix) Negligent Misrepresentation, (x) Conspiracy, (xi) violations of constitutional rights, and (xii) alleged discrimination.

c. Plaintiff is **ORDERED** to file an amended petition removing the dismissed causes of action from her petition within 20 days of the date of this Order. Failure to comply with this Order may result in a dismissal of this case.

d. The Court finds that the amount of fees incurred by Defendants for defense of this matter through the date of the hearing is reasonable and necessary. It is hereby **ORDERED** that Defendants' request for attorney fees and costs pursuant to Tex. R. Civ. Proc. 91a.7 is **GRANTED**. Attorney fees and costs in the amount of $14,101.55, plus $29.05 in expenses, are awarded to Defendants. Plaintiff is hereby **ORDERED** to pay $14,130.60 to Defendants. Execution may issue on all sums awarded.

Signed this 30 day of January, 2018.

Signed: 1/30/2018 10:20 AM

Dan K. Wilson

JUDGE PRESIDING

Exhibit C 1768

Kimberly Harrison

From:	Kimberly Harrison
Sent:	Thursday, March 29, 2018 3:15 PM
To:	winsley112@yahoo.com
Cc:	Carrie Phaneuf; Jenny Smiley
Subject:	006-02654-2017; Amrhein, et al. v. Attorney Lennie F. Bollinger, et al.
Attachments:	First Amd Supplement.pdf

Ms. Amrhein,

Attached please find Defendants' Amended First Supplement to Their Motion for an Order Determining Plaintiff Darlene Amrhein To Be A Vexatious Litigant and Requesting Security e-filed and e-served today in the above-referenced matter.

A copy has also been forwarded to you via USPS Priority Mail.

Thank you,

CMW
Kimberly Harrison
Legal Secretary to Bill Cobb and Carrie Phaneuf
Cobb Martinez Woodward PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
(214) 220-5211 direct
(214) 220-5261 fax
kharrison@cobbmartinez.com
www.cobbmartinez.com

Exhibit C

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al,	COUNTY COURT AT LAW
Plaintiffs,	NO. 5
v.	[Hon. Dan K. Wilson]
ATTORNEY LENNIE F. BOLLINGER, AND WORMINTON & BOLLINGER LAW FIRM,	
Defendants.	COLLIN COUNTY, TEXAS

DEFENDANTS' MOTION FOR AN ORDER DETERMING PLAINTIFF DARLENE AMRHEIN TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

Defendants Lennie F. Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger (incorrectly named as "Wormington & Bollinger Law Firm") ("Defendants") file this Motion for an Order Determining that Plaintiff Darlene Amrhein ("Plaintiff" or "Amrhein") is a Vexatious Litigant, and requesting security, pursuant to the provisions of Chapter 11 of the Texas Civil Practice & Remedies Code, as follows:

SUMMARY OF THE ARGUMENT

Defendants request that the Court enter an Order determining that Amrhein is a vexatious litigant and requiring security from her. As shown below, the Court can make this determination under TEX. CIV. PRAC. & REM. CODE § 11.054(1)(A) because there is not a reasonable probability that Amrhein will prevail in this lawsuit and, in the seven-year period immediately preceding the date of this motion, Amrhein has commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant that have been finally determined adversely to her.

The United States District Court of the Northern District of Texas previously entered a pre-filing injunction against Amrhein and ordered that Amrhein was prohibited from filing any new civil action in any United States District Court unless first requesting leave to do so, and Amrhein was later found to have violated this injunction on at least two separate occasions. Additionally, the United States District Court for the Eastern District of Texas previously determined that lawsuits by Amrhein were frivolous and malicious.

Exhibit C 1770

Further, Amrhein repeatedly litigates the validity of the determination against the same defendants as to whom the litigation was finally determined and the same causes of action, claims, controversies, and issues of fact or law determined or concluded by the final determination against the same defendants as to whom the litigation was finally determined. TEX. CIV. PRAC. & REM. CODE ANN. § 11.054(2), (3).

For these reasons, Defendants request Amrhein be declared a vexatious litigant.

I. Procedural History and Background Facts

As a *pro se* litigant, Darlene Amrhein has been filing frivolous and groundless lawsuits in state and federal courts since at least 1996, including during the last seven years. Her current lawsuit is no different. As such, the Court must determine her to be a vexatious litigant and require her to post security pursuant to Chapter 11 of the Texas Civil Practice and Remedies Code before she is allowed to proceed in this case.

On October 26, 2017, Plaintiff filed this lawsuit against Defendants asserting a claim for legal malpractice and approximately twelve other causes of action against Defendants. Defendants answered on November 15, 2017. On November 27, 2017, Plaintiff amended her petition. On January 30, 2018, the Court granted Defendants' Rule 91a Motion to Dismiss and dismissed all of Plaintiff's causes of action except for her claim for legal malpractice brought in her individual capacity. Thus, Amrhein's only remaining claim is for legal malpractice as it relates to Defendants' representation of her in *Darlene Amrhein v. David Schroeder*, in Precinct 1, Collin County Justice Court (referred to by Amrhein as "Lawsuit #1"). The Court has ordered Amrhein to amend her pleadings, but, as of the date of this motion, she has not done so.[1]

In early spring of 2016, Amrhein retained Defendants to represent her with respect to a claim against her former tenant, David Schroeder ("Schroeder").[2] The scope of Defendants'

[1] *See* Order Granting Defendants' Rule 91a Motion. The deadline for Amrhein to amend in according with this Order is February 19, 2018.
[2] Exhibit A.

representation was limited to claims against Schroeder for back rent and property he allegedly took from Amrhein.[3] Based on information from Amrhein regarding the scope and amount of her damages,[4] Defendants prepared an Original Petition to file in the Justice of the Peace Court and sent it to Amrhein for her review and approval.[5] The Original Petition alleged damages of $2300, and also requested discovery from Schroeder in the form of Requests for Disclosure and Requests for Admission.[6] Amrhein approved the petition on April 13, 2016,[7] and Defendants thereafter filed it on April 26, 2016.[8] Schroeder filed an answer denying the allegations on or about May 18, 2016.[9]

On December 12, 2016, Amrhein faxed Defendants a 42+ page memo regarding new claims she wanted to bring in the lawsuit.[10] These claims were not relevant to the issue of past-due rent, lacked merit and would not have led to a successful outcome at trial.[11] For example, Amrhein complained that Schroeder drank wine every night and that she had to pay for the wine; that he called her fat; that he said he would not have sex with her; that he spent time at a gun shop; and that he lied to her about being a smoker, about being religious, as well as failed to disclose his former wives and divorces to her.[12]

On December 14, 2016, Amrhein and Defendant Bollinger had a meeting to discuss her case and the new allegations she wanted to bring.[13] During the meeting, Defendant Bollinger explained to Amrhein that he was not comfortable asserting any of the claims as set forth in the

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[3] Exhibit A; See also Exhibit A-1 and A-2.
[4] Exhibit A; See, also January 15, 2016 Letter from Amrhein to Schroeder attached hereto as Exhibit B.
[5] Exhibit A; Exhibit A-1.
[6] Exhibit A-2.
[7] Exhibit A-1.
[8] Exhibit A-2.
[9] Exhibit A-3.
[10] Exhibit A-5.
[11] Exhibit A.
[12] Exhibit A-5.
[13] Exhibit A; Exhibit A-4.

42+page memo.[14] On December 28, 2016, Defendant Bollinger sent Amrhein a follow up email stating that while she was certainly able to make whatever claims she liked, Defendants would not agree to make those claims because Defendants did not agree that the claims had merit.[15] Defendants suggested that due to the differing opinions regarding claims that should be made, strategy and outcomes, Amrhein may want to obtain different counsel.[16]

On December 29, 2016, Amrhein asked Defendant Bollinger to continue the case due to medical procedures she was having, and he complied.[17] After receiving a letter from her medical provider regarding her procedure, Defendants obtained a continuance of the trial date until late June 2017.[18]

In April 2017, Amrhein sent two emails to Defendants that inadvertently went into Defendant Bollinger's SPAM filter.[19] One email again asked Defendants to agree to amend Amrhein's pleadings to assert the meritless allegations against Schroeder.[20] In response, Defendant Bollinger again explained he would not agree to bring claims that lacked merit and advised he would be filing a motion to withdraw due to their disagreement on how to proceed and the differing views on the claims that could be asserted.[21]

The court granted Defendants' Motion to Withdraw on May 12, 2017.[22]

Thereafter, on or about May 15, 2017, Amrhein, *pro se*, filed a verified amended petition in which she swore that her damages did not exceed $10,000.[23] The amended petition also

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[14] Exhibit A.
[15] Exhibit A; Exhibit A-4.
[16] Id.
[17] Exhibit A; Exhibit A-4.
[18] Exhibit A; Exhibit A-4.
[19] Exhibit A; Exhibit A-4.
[20] Exhibit A; Exhibit A-4.
[21] Exhibit A; Exhibit A-4.
[22] Exhibit A; Exhibit A-6.
[23] Exhibit A-7, p. 8.

contained additional Requests for Disclosure and Requests for Admission.[24] On June 29, 2017, Amrhein, *pro se*, filed a verified supplemental petition in which she swore that her damages were $9775.00.[25]

Five months after Defendants' withdrawal, on October 16, 2017, the court entered an order finding that Amrhein's first amended petition failed to plead damages and therefore Schroeder's motion to dismiss would be granted with prejudice.[26] The court's order further found that discovery was not authorized by the Court, and **sanctioned Amrhein by ordering that she not file another civil cause of action against Schroeder until first authorized by the court.**[27] The same day, Amrhein filed a *Motion for Leave for Permission to File against Defendant "Good Cause."* On October 18, 2017, the court entered an order finding that after reviewing the Motion for Leave, it asked for an award beyond the jurisdictional limits of the court in the amount of $13,208.00 and so the court denied Amrhein's request to replead her cause of action.[28]

Not satisfied, Amrhein, *pro se*, appealed her case to the County Court at Law No. 2 of Collin County, Texas. On December 14, 2017, the county court dismissed the appeal for want of jurisdiction.[29]

Plaintiff's Amended Petition in this matter is, at best, vague and ambiguous. Most of the 64 page amended pleading is merely a cut and paste of black letter law, and/or commentary on same, from various unidentified sources without tying the law to any alleged facts as to Defendants. These regurgitations of legal commentary do not, in and of themselves, give rise to a cause of action against Defendants. Regardless, Defendants did not cause Plaintiff's alleged harm

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[24] Exhibit A-7, pp. 16-17.
[25] Exhibit A-8, p. 14.
[26] Exhibit A-9.
[27] Exhibit A-9.
[28] Exhibit A-10.
[29] Exhibit A-11.

Exhibit 174

and thus Plaintiff has no reasonable probability that she will prevail against Defendants in this suit. That is because, no matter how framed, Plaintiff's claims against Defendants on her remaining legal malpractice claim as it relates to Lawsuit #1 against Schroeder are ultimately based on Defendants' withdrawal from the representation and the subsequent dismissal of the lawsuit. But Plaintiff's case was dismissed, not because of any alleged act or omission of Defendants, but because of Plaintiff's amended pleadings she filed *pro se* after Defendants' withdrew. Plaintiff's amended pleadings were an intervening and/or superseding cause that resulted in the dismissal of the case.

Defendants now file this Motion for Order Determining Plaintiff Amrhein a Vexatious Litigant and Requesting Security before the 90th day after the date Defendants filed the original answer. *See* Tex. Civ. Prac. & Rem. Code § 11.051. There is not a reasonable probability that Plaintiff will prevail on her legal malpractice claims, and Amrhein has commenced, prosecuted, or maintained in the seven years prior to Defendants' Motion more than five *pro se* litigations that have been finally adversely decided against her. In addition, after litigation has been finally determined against Plaintiff, Amrhein repeatedly relitigates or attempts to relitigate, *pro se*, the validity of the determination against the same defendants as to whom the litigation was finally determined. Moreover, Amrhein's conduct and pleadings have previously been declared to be frivolous and a pre-filing injunction already exists against Amrhein in federal district court.[30]

II. EVIDENCE IN SUPPORT OF MOTION

In support of this motion, Defendants rely upon the following exhibits which are attached hereto and adopted by reference as if fully set forth herein, as well as Amrhein's own pleadings, motions, testimony, and judicial opinions, and judgments/mandates:

[30] Exhibit F-2.

Exhibit C 175

Exhibit A: Affidavit of Lennie Bollinger

Exhibit A-1: April 2016 Emails between Bollinger and Amrhein

Exhibit A-2: Original Petition (April 26, 2016)

Exhibit A-3: Schroeder's Original Answer (May 18, 2016)

Exhibit A-4: Emails between Bollinger and Amrhein

Exhibit A-5: Amrhein's 42+ page memo

Exhibit A-6: Motion to Withdraw (May 11, 2017) and Order Granting Motion to Withdraw (May 12, 2017)

Exhibit A-7: First Amended Petition (May 15, 2017)

Exhibit A-8: Supplement to First Amended Pleadings (June 29, 2017)

Exhibit A-9: Order of Dismissal (Oct. 16, 2017)

Exhibit A-10: Order Denying Cause of Action (Oct. 18, 2017)

Exhibit A-11: Order Dismissing JP Appeal (Dec. 14, 2017)

Exhibit A-12: Plaintiff's Motion for Reconsideration (Dec. 15, 2017)

Exhibit B: February 15, 2016 Letter from Amrhein to Schroeder with alleged damages

Exhibit C: *Balistreri-Amrhein v. AHI*, 05-09-01377-CV, Dallas Court of Appeals

Exhibit C-1: Opinion denying interlocutory appeal (July 6, 2011)

Exhibit C-2: Opinion and Final Judgment (July 31, 2012)

Exhibit D: *Amrhein v. La Madeleine, et al.*, No. 3:11-CV-02440-P, U.S. District Court for the Northern District of Texas

Exhibit D-1: Order dismissing claims with prejudice (Dec. 21, 2012)

Exhibit D-2: Final Judgment (Dec. 31, 2012)

Exhibit D-3: Fifth Circuit Opinion affirming trial court's judgment (January 5, 2015)

Exhibit D-4: Supreme Court Opinion denying petition for writ of certiorari (October 5, 2015)

Exhibit D-5: Supreme Court Opinion denying petition for rehearing (November 30, 2015)

Exhibit E: *Amrhein v. La Madeleine, et al*, 06-12-00107-CV, Texarkana Court of Appeals

Exhibit E-1: Memorandum Opinion affirming trial court judgment (March 6, 2013)

Exhibit E-2: Opining overruling motion for rehearing (March 26, 2013)

Exhibit 176

Exhibit E-3: Opining overruling further motion for rehearing (April 16, 2013)

Exhibit E-4: Opining overruling motion for reconsideration en banc (April 30, 2013)

Exhibit E-5: Opinion denying petition for review with Texas Supreme Court (February 7, 2014)

Exhibit E-6: Opinion denying motion for rehearing of petition for review (April 4, 2014)

Exhibit F: *Amrhein v. Riechert, et al*, No. 3:12-CV-03707-G-BK, U.S. District Court for the Northern District of Texas

Exhibit F-1: Findings, Conclusions, and Recommendations (February 1, 2013)

Exhibit F-2: Order Accepting Findings, Conclusions, and Recommendation of the United States Magistrate Judge (March 21, 2013) – ***including pre-filing injunction***

Exhibit F-3: Final Judgment (March 21, 2013)

Exhibit F-4: 5th Circuit Court of Appeals Order granting dismissal of appeal (November 3, 2014)

Exhibit G: *Amrhein v. Verrilli, et al.*, No. 4:16-CV-112, U.S. District Court for the Eastern District of Texas

Exhibit G-1: Report and Recommendation of Magistrate Judge (Oct. 7, 2016) – ***including findings that Amrhein violated pre-filing injunction and that claims were frivolous and malicious.***

Exhibit G-2: Memorandum Adopting Report and Recommendation of United States Magistrate Judge (Feb. 24, 2017)

Exhibit H: *Amrhein v. United States of America, et al.*, No. 4:16-CV-00223, U.S. District Court for the Eastern District of Texas

Exhibit H-1: Report and Recommendation of Magistrate Judge (June 23, 2017)- ***including findings that Amrhein violated pre-filing injunction and that claims were frivolous and malicious.***

Exhibit H-2: Memorandum Adopting Report and Recommendation of United States Magistrate Judge (Sept. 6, 2017)

Exhibit I: Excerpts from Deposition of Darlene C. Amrhein taken in *Amrhein v. Prosperity Bank, et al.*, No. 199-05352-2016, 199th District Court, Collin County Texas, on Oct. 27, 2017.

Exhibit A 777

III. ARGUMENT AND AUTHORITIES

A. Overview of Chapter 11 TCPRC—the "Vexatious Litigant" Statute

In Chapter 11 of the Texas Civil Practice & Remedies Code, the Texas Legislature addresses the problem of "vexatious litigants"—persons who abuse the legal system by filing numerous, frivolous lawsuits. *See* TEX. CIV. PRAC. & REM. CODE §§ 11.001-.104; *see Cooper v. McNulty*, No. 05-15-00801-CV, 2016 Tex. App. LEXIS 11333 at *6; 2016 WL 6093999 (Tex. App.—Dallas, Oct. 19, 2016) (citing *In re Douglas*, 333 S.W.3d 273, 282 (Tex. App.—Houston [1st Dist.] 2010, pet. denied)).

Section 11.051 of the statute provides that a defendant may "on or before the 90th day after the date the defendant files the original answer or makes a special appearance, move the court for an order determining that the plaintiff is a vexatious litigant and requiring the plaintiff to furnish security." TEX. CIV. PRAC. & REM. CODE § 11.051. Upon the filing of a Section 11.051 motion, the court must conduct an evidentiary hearing to determine whether the defendant has demonstrated as a threshold matter that "there is not a reasonable probability that the plaintiff will prevail in the litigation against the defendant" ***plus*** any one of the following three criteria:

(1) [that] the plaintiff, in the seven-year period immediately preceding the date the defendant makes the motion . . . has commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant other than in a small claims court that have been:

(A) finally determined adversely to the plaintiff;

(B) permitted to remain pending at least two years without having been brought to trial or hearing; ***or***

(C) determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure;

(2) after litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or attempts to relitigate, pro se, either:

Exhibit 178

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(A) the validity of the determination against the same defendant as to whom the litigation was finally determined; ***or***

(B) the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendant as to whom the litigation was finally determined; ***or***

(3) the plaintiff has previously been declared to be a vexatious litigant by a state or federal court in an action or proceeding based on the same or substantially similar facts, transition,[31] or occurrence.

TEX. CIV. PRAC. & REM. CODE § 11.054 (emphasis added); *see Akinwamide v. Transp. Ins. Co.*, 499 S.W.3d 511, 531 (Tex. App.—Houston [1st Dist.] 2016, pet. denied); *Jones v. Markel*, No. 14-14-00216-CV, 2015 Tex. App. LEXIS 6273 at *9-12 (Tex. App.—Houston [14th Dist.] June 23, 2015, pet. denied). A trial court's determination that *pro se* plaintiff is a vexatious litigant is reviewed under an abuse of discretion standard. *Harris v. Rose*, 204 S.W.3d 903, 906 (Tex. App.—Dallas 2006, no pet.).

As more fully explained below, Defendants are entitled to a declaration that Amrhein is a "vexatious litigant" because: (1) there is "not a reasonable probability" that Amrhein will prevail (TEX. CIV. PRAC. & REM. CODE § 11.054), and (2) in the past seven (7) years, Amrhein has commenced or maintained more than five litigations as a *pro se* litigant that have been "determined adversely" to her (§ 11.054(1)(A)). Additionally, after litigation has been finally determined against her, Amrhein repeatedly litigates the validity of the determination against her, and other courts have determined her pleadings to be frivolous, have sanctioned her, and imposed pre-filing injunctions against her as a result.

[31] It appears that the word "transition" in the statute is a typographical error and should be "transaction." *See Scott v. Mireles*, 294 S.W.3d 306, 308 (Tex. App.—Corpus Christi 2009, no pet.) (quoting statute as "transaction"). Defendants have not located any Texas cases in which the word "transition" was determinative, and it is not at issue in the present case.

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,	COUNTY COURT AT LAW
Plaintiffs,	NO. 6
v.	[Hon. Jay Bender]
ATTORNEY LENNIE F. BOLLINGER, AND WORMINTON & BOLLINGER LAW FIRM,	
Defendants.	COLLIN COUNTY, TEXAS

DEFENDANTS' AMENDED FIRST SUPPLEMENT TO THEIR MOTION FOR AN ORDER DETERMINING PLAINTIFF DARLENE AMRHEIN TO BE A VEXATIOUS LITIGANT AND REQUESTING SECURITY

Defendants Lennie F. Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger (incorrectly named as "Wormington & Bollinger Law Firm") ("Defendants") file the attached Affidavit of Carrie Johnson Phaneuf as Exhibit "J", to supplement their Motion for an Order Determining that Plaintiff Darlene Amrhein ("Plaintiff" or "Amrhein") is a Vexatious Litigant, and requesting security, pursuant to the provisions of Chapter 11 of the Texas Civil Practice & Remedies Code.

Exhibit J, attached hereto and adopted by reference as if fully set forth herein, is filed in support of Defendants' pending request for Plaintiff to post security in connection with the relief requested pursuant to their Motion to Declare Plaintiff Darlene C. Amrhein a Vexatious Litigant and Requesting Security.

Specifically, Defendants request the Court enter an order requiring Plaintiff to furnish security for the benefit of Defendants in the amount of **$160,000.00** in accordance with Texas Civil Practice & Remedies Code §11.0055.

Exhibit C

As set forth in Exhibit J, the amount of $160,000.00 constitutes Defendants' estimate of the reasonable expenses they will incur in or in connection with a litigation commenced, caused to be commenced, maintained, or caused to be maintained by Plaintiff, including costs and attorneys' fees.

WHEREFORE, PREMISES CONSIDERED, Defendants Lennie F. Bollinger and Wormington & Bollinger, respectfully request that the Court:

(1) immediately stay this litigation pursuant to Tex. Civ. Prac. & Rem. Code § 11.052;

(2) set the foregoing motion for hearing with notice to all parties pursuant to Tex. Civ. Prac. & Rem. Code § 11.053;

(3) sign and enter an order declaring Plaintiff Amrhein a vexatious litigant pursuant to Tex. Civ. Prac. & Rem. Code § 11.054 and requiring Plaintiff to furnish security in accord with Tex. Civ. Prac. & Rem. Code § 11.055.

Defendants also request such other and further relief to which they may show themselves justly entitled both at law and in equity.

Respectfully submitted,

By: */s/ Carrie J. Phaneuf*

CARRIE JOHNSON PHANEUF
Texas Bar No. 24003790
cphaneuf@cobbmartinez.com
JENNIFER SMILEY
Texas Bar No. 24082004
jsmiley@cobbmartinez.com

COBB MARTINEZ WOODWARD PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
Phone: 214.220.5201
Facsimile: 214.220.5251
ATTORNEYS FOR LENNIE F. BOLLINGER AND WORMINGTON & BOLLINGER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to Darlene Amrhein, *pro se*, by via electronic service through FileTime, e-mail, and priority mail on March 29, 2018.

Darlene Amrhein
112 Winsley Circle
McKinney, Texas 75071
Winsley112@yahoo.com

/s/ Carrie Johnson Phaneuf
CARRIE PHANEUF

EXHIBIT J

Exhibit C

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,	COUNTY COURT AT LAW
Plaintiffs,	NO. 6
v.	[Hon. Jay Bender]
ATTORNEY LENNIE F. BOLLINGER, AND WORMINTON & BOLLINGER LAW FIRM,	
Defendants.	COLLIN COUNTY, TEXAS

AMENDED AFFIDAVIT OF CARRIE JOHNSON PHANEUF

STATE OF TEXAS
DALLAS COUNTY

Before me, the undersigned notary, on this day personally appeared Carrie Johnson Phaneuf, the affiant, who, being by me duly sworn, on oath testified as follows:

1. "My name is Carrie Johnson Phaneuf. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated herein are within my personal knowledge and are true and correct.

2. This affidavit is filed in connection with Defendants Lennie F. Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger's (incorrectly named as "Wormington & Bollinger Law Firm") ("Defendants") pending request for Plaintiff to post security in connection with the relief requested pursuant to their Motion to Declare Plaintiff Darlene C. Amrhein a Vexatious Litigant and Requesting Security.

3. I am an attorney duly licensed to practice law in the State of Texas since 1998. I have 19 years of experience in the practice of litigation. I practice law as a member of Cobb Martinez Woodward PLLC, 1700 Pacific Ave., Suite 3100, Dallas, Texas 75201.

4. Defendants Lennie F. Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger retained Cobb Martinez Woodward PLLC to represent them in this lawsuit. I am lead counsel of record for Defendants in the case. I have participated in and have personal knowledge of this case and the work performed in the representation of Defendants. I also have personal knowledge of the work that will be required to defend this case in the event it proceeds to trial.

5. From November 2, 2017, to March 28, 2018, Defendants incurred $54,768.88 in

Exhibit C

attorneys' fees and expenses in defending this lawsuit (see Exhibit J-1 – billing statements). In addition, it is anticipated that another 20 hours of attorney time will be necessary to prepare for the hearing on the Motion, for a total of approximately $5,200.00. **Thus, the total amount of fees incurred in defense of this case through a hearing on the vexatious litigant motion, plus expenses will be approximately $59,968.88.** This total amount does not include secretarial time, overhead expenses, printing, scanning, LexisNexis or other legal research database expenses.

6. I am familiar with legal services Cobb Martinez Woodward PLLC has rendered for Defendants in this case, and certify that the legal services rendered were reasonable and necessary legal services in the defense of the case. The issues involved in this case required Cobb Martinez Woodward PLLC to defend this case by, among other things: (1) investigating the claims, (2) researching and analyzing legal issues, (3) drafting pleadings, (4) consulting with Defendants, (5) engaging in dispositive motion practice, including researching and preparing a motion to declare plaintiff a vexatious litigant and requesting security under Chapter 11 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE, and a Motion to Dismiss under Rule 91a of the Texas Rules of Civil Procedure, (6) studying the pleadings, motion papers, and briefing filed by the plaintiff, (7) conducting legal research regarding Chapter 11 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE and related case law, (8) preparing for and conducting the hearing on the Motion to Declare Plaintiff a Vexatious Litigant, and (9) taking other necessary actions to perform legal services properly. More detailed descriptions of that work are reflected in Exhibit A, our firm's billing statements.

7. The Cobb Martinez Woodward PLLC attorneys that have rendered services on this matter include myself, Jennifer Smiley (Associate, licensed since 2015), and Virginia Cox (Associate, licensed since 2017). Our attorneys' work is billed and paid for by Defendants at the following hourly rates: Phaneuf - $260.0; Smiley, Cox - $195.00. I am familiar with the rates charged by litigation counsel in the Dallas, Texas market. In my opinion, the hourly rates charged by Cobb Martinez Woodward for the work of these attorneys is well within the typical range in the market and that those rates are reasonable.

8. Cobb Martinez Woodward PLLC's invoices, which have been redacted only as necessary to preserve attorney-client privileged matters, and which set forth the work performed in detail, are attached hereto as Exhibit J-1 and incorporated herein by reference. Those billing statements reflect a contemporaneous record of who performed the services, at what hourly rate, when the services were performed, and how much time the work required. These billing statements have been presented to Defendants for payment. The billing statements are kept by Cobb Martinez Woodward PLLC in the regular course of business, and I am a custodian of those records. The information contained in the records was prepared in the regular course of business by employees of Cobb Martinez Woodward PLLC, who have personal knowledge of the information recorded therein. The records were made at or near the time or reasonably soon after the time that the services were provided. The records are exact duplicates of the originals, with the exception of minor redactions to protect attorney-client privilege.

9. If this case progresses to trial, based on the voluminous pleadings already filed by

Exhibit C

Plaintiff in this case, in addition to examples of filings by Plaintiff in other cases she has litigated, Defendants anticipate they will be required to make an additional substantial investment of attorney time and resources. Discovery will include at least four fact witness depositions; and, based upon the allegations, experts will be needed in the area of legal malpractice. At this point, a trial of 3-4 days would be a conservative estimate. From my experience, attorney fees and expenses will exceed $100,000.00 beyond the amount already expended.

10. In my opinion, the fees and costs incurred by Defendants for defense of this matter, and that will be incurred, through the date of the hearing in the amount of $59,968.88 are reasonable and necessary. In reaching my opinions on attorneys' fees in this case, I took into account the following factors as prescribed by Rule 1.04 of the Texas Rules of Professional Conduct:

a. the time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly;

b. the likelihood that the acceptance of the particular employment will preclude other employment;

c. the fee customarily charged in the locality for similar legal services;

d. the amount involved and the results obtained;

e. the time limitations imposed by the client or by the circumstances;

f. the nature and length of the professional relationship with the client;

g. the experience, reputation, and ability of the lawyer or lawyers performing the services; and

h. whether the fee is fixed or contingent on results obtained or uncertainty of collection before the legal services have been rendered.

See Arthur Anderson & Co. v. Perry Equipment Corp., 945 S.W.2d 812, 818 (Tex. 1997).

11. In addition, should there be any proceeding in any court, state or federal, directly or indirectly appealing or attacking the judgment rendered in this cause, Cobb Martinez Woodward PLLC may reasonably be expected to perform further legal services on behalf of Defendants, including but not limited to research of law applicable to the legal bases for such proceedings, preparation of pleadings, briefs, and court exhibits for use in such proceedings, and preparation for and appearances at such proceedings. Additional conditional reasonable attorneys' fees for proceedings appealing or attacking the judgment would be as follows:

(A) In the event of an appeal to the Court of Appeals is made, the sum of $29,900. This would include anticipated review and analysis of the record on appeal, legal research, review and analysis of an appellant's brief, preparation of an appellee's brief, review and analysis of an appellant's reply brief, communication with other

Exhibit C

counsel, preparation and review of motions, docketing statement, record requests and the like, preparation and presentation of oral argument, and preparation of motions or responses to motions for rehearing. This estimate is based on a projection of 115 hours of attorney time at $260 per hour.

(B) In the event a Petition for Review is filed to the Texas Supreme Court, or a response to a Petition for Review, the sum of $9,750. This estimate is based on a projection of 37.5 hours of attorney time at $260 per hour.

(C) In the further event of full merits briefing being requested by the Texas Supreme Court, the further sum of $13,000. This estimate is based on a projection of 50 hours of attorney time at $260 per hour.

(C) In the event a Petition for Review is granted by the Supreme Court of Texas, the further sum of $11,700. This estimate is based on a projection of 45 hours of attorney time allocated among Phaneuf and an appellate partner such that their blended rate is $260 per hour.

12. Based on the $59,968.88 incurred for defense of this matter anticipated through the date of the hearing, in addition to the $100,000 in fees and expenses that Defendants anticipate will be incurred through a trial of this matter, Defendants request the Court enter an order requiring Plaintiff to furnish security for the benefit of Defendants in the amount of **$160,000.00** in accordance with Texas Civil Practice & Remedies Code §11.0055.

13. The amount of $160,000.00 constitutes Defendants' reasonable expenses incurred in or in connection with a litigation commenced, caused to be commenced, maintained, or caused to be maintained by Plaintiff, including costs and attorneys' fees.

This concludes my testimony."

Carrie Johnson Phaneuf

SUBSCRIBED AND SWORN TO BEFORE ME on this the 29th day of March, 2018, to certify which witness my hand and seal of office.

KIMBERLY LANE HARRISON
Notary Public, State of Texas
Comm. Expires 12-01-2021
Notary ID 126719425

Notary Public in and for
the State of Texas

EXHIBIT J-1

Exhibit C

Cobb Martinez Woodward PLLC

Inquiry Activity Worked/Billed Report (Inception-to-Date)

Client/Matter: 0032 Allied World Assurance Company / 00043 Amrhein, Darlene v. Wormington Law Group, Lennie F. Bollinger

Billing Attorney: CJP Carrie J. Phaneuf

	Hours	Fees	Cash Exp.	Non-Cash Exp.	Total
Unbilled:	53.20	11,700.50	36.03	0.00	**11,736.53**
Billed (Worked):	195.00	42,913.00	119.35	0.00	**43,032.35**
Worked Totals:	**248.20**	**54,613.50**	**155.38**	**0.00**	**54,768.88**
Mark Up/Down:	(6.40)	(1,248.00)	(62.60)	0.00	**(1,310.60)**
Discount:		0.00	0.00	0.00	**0.00**
Billed:	**188.60**	**41,665.00**	**56.75**	**0.00**	**41,721.75**
Billable:	248.20	54,613.50	155.38	0.00	**54,768.88**
Non-Billable:	0.00	0.00	0.00	0.00	**0.00**
Admin:	0.00	0.00	0.00	0.00	**0.00**
Total:	**248.20**	**54,613.50**	**155.38**	**0.00**	**54,768.88**

Employee Recap:	Hours	Fees	Cash Exp.	Non-Cash Exp.	Total
CJP Carrie J. Phaneuf	97.80	25,428.00	155.38	0.00	**25,583.38**
JLS Jennifer L. Smiley	147.40	28,743.00	0.00	0.00	**28,743.00**
RH Rose Hernandez	1.50	150.00	0.00	0.00	**150.00**
VC Virginia Cox	1.50	292.50	0.00	0.00	**292.50**

Exhibit C

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
Time Fees									
411686	11/02/2017	CJP Carrie J. Phaneuf	Begin review and analysis of client memo regarding facts of underlying case and strategy for responding to lawsuit	0.20	260.00	52.00	0.20	260.00	52.00
411687	11/02/2017	CJP Carrie J. Phaneuf	Phone conference with Lennie Bollinger regarding [redacted]	0.20	260.00	52.00	0.20	260.00	52.00
411688	11/02/2017	CJP Carrie J. Phaneuf	Begin review of petition and assess deadline to draft and file answer	0.10	260.00	26.00	0.10	260.00	26.00
411689	11/02/2017	CJP Carrie J. Phaneuf	Draft email with Michelle Morrell r[redacted]	0.10	260.00	26.00	0.10	260.00	26.00
411887	11/03/2017	CJP Carrie J. Phaneuf	Review email from client regarding pleading filed by plaintiff with various admissions in underlying case	0.10	260.00	26.00	0.10	260.00	26.00
412969	11/06/2017	CJP Carrie J. Phaneuf	Review and analyze plaintiff's petition, factual allegations, and causes of action in preparation for drafting answer as well as to determine w[redacted]	0.40	260.00	104.00	0.40	260.00	104.00
412970	11/06/2017	CJP Carrie J. Phaneuf	Continue review and analyze client memo regarding facts of case and strategy moving forward regarding [redacted]	0.30	260.00	78.00	0.30	260.00	78.00
412973	11/06/2017	CJP Carrie J. Phaneuf	Review and analyze federal court pleadings and orders in another case where plaintiff sued prose and court imposed injunction due to vexatious filing for support of possible vexatious litigant motion	0.30	260.00	78.00	0.30	260.00	78.00
412974	11/06/2017	CJP Carrie J. Phaneuf	Review and analyze 10 different filings in Collin County district court and small claims court where plaintiff sued prose for support of [redacted]	0.20	260.00	52.00	0.20	260.00	52.00
412977	11/06/2017	CJP Carrie J. Phaneuf	Assess grounds for possible r[redacted]	0.20	260.00	52.00	0.20	260.00	52.00
413258	11/08/2017	CJP Carrie J. Phaneuf	Review email from client regarding Amrhein's deposition in another case [redacted]	0.10	260.00	26.00	0.10	260.00	26.00
413259	11/08/2017	CJP Carrie J. Phaneuf	Phone conference with client regarding plan for responding to suit with [redacted] as well as possible [redacted], and regarding Amrhein's prior deposition testimony	0.50	260.00	130.00	0.50	260.00	130.00
413583	11/08/2017	JLS Jennifer L. Smiley	Reviewed 13 page petition in preparation for drafting answer	0.50	195.00	97.50	0.50	195.00	97.50
413584	11/08/2017	JLS Jennifer L. Smiley	Reviewed client documents, including pleadings in underlying case, email correspondence between client and underlying plaintiff, plaintiff's 42 page memorandum to client, client's motion to withdraw as counsel in underlying representation, client's memorandum to counsel	1.80	195.00	351.00	1.80	195.00	351.00
413594	11/09/2017	JLS Jennifer L. Smiley	Drafted special exceptions related to plaintiff's petition in preparation of drafting answer	0.50	195.00	97.50	0.50	195.00	97.50
413595	11/09/2017	JLS Jennifer L. Smiley	Drafted answer including general denial, affirmative defenses, and special exceptions related to fraud and malpractice claims	2.00	195.00	390.00	2.00	195.00	390.00
413596	11/10/2017	JLS Jennifer L. Smiley	Reviewed plaintiff's 13 page petition for drafting answer	0.50	195.00	97.50	0.50	195.00	97.50

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
413597	11/10/2017	JLS Jennifer L. Smiley	Review rules and secondary sources regarding drafting special exceptions related to form deficiencies	0.50	195.00	97.50	0.50	195.00	97.50
413598	11/10/2017	JLS Jennifer L. Smiley	Drafted special exceptions related to petition's claims of fraud, breach of fiduciary duty, breach of contract, conspiracy, negligent misrepresentation, violations of rules of ethics and rules of civil procedure, and claim for exemplary damages	4.00	195.00	780.00	2.50	195.00	487.50
413599	11/10/2017	JLS Jennifer L. Smiley	Reviewed elements of causes of action of civil conspiracy, negligent misrepresentation for special exceptions	0.30	195.00	58.50	0.30	195.00	58.50
413600	11/10/2017	JLS Jennifer L. Smiley	Revised 21 page answer, affirmative defenses and special exceptions	1.00	195.00	195.00	1.00	195.00	195.00
413751	11/13/2017	CJP Carrie J. Phaneuf	Phone conference and emails with client regarding answer and special exceptions a[redacted]	0.50	260.00	130.00	0.50	260.00	130.00
413752	11/13/2017	CJP Carrie J. Phaneuf	Phone conference and email w[redacted]	0.60	260.00	156.00	0.60	260.00	156.00
413753	11/13/2017	CJP Carrie J. Phaneuf	Revise answer [21 pages] to petition including special exceptions to plaintiff's allegations citing to over 16 different cases, and asserting affirmative defenses	0.90	260.00	234.00	0.90	260.00	234.00
413754	11/13/2017	CJP Carrie J. Phaneuf	Continue review of plaintiff prose's voluminous other court filings and orders issued against her [6] i[redacted]	0.80	260.00	208.00	0.80	260.00	208.00
413801	11/13/2017	JLS Jennifer L. Smiley	Reviewed issue o[redacted]	0.50	195.00	97.50	0.50	195.00	97.50
413899	11/14/2017	CJP Carrie J. Phaneuf	Receipt and review of documents and pleadings from underlying lawsuit f[redacted] in preparation for drafting discovery to Amrhein; r[redacted]	0.40	260.00	104.00	0.40	260.00	104.00
413900	11/14/2017	CJP Carrie J. Phaneuf	Phone call to client to discuss draft answer	0.10	260.00	26.00	0.10	260.00	26.00
414204	11/15/2017	CJP Carrie J. Phaneuf	Revise answer to include special exceptions regarding allegations of civil rights and dicrimination violations	0.30	260.00	78.00	0.30	260.00	78.00
414205	11/15/2017	CJP Carrie J. Phaneuf	Phone conference with client regarding revised answer a[redacted] draft email regarding same	0.20	260.00	52.00	0.20	260.00	52.00
414920	11/25/2017	CJP Carrie J. Phaneuf	Review and analyze documents obtained from underlying defendant David Schroeder regarding federal court injunctions against Amrhein to filing suit in both the Eastern District and Northern District of Texas and analyze additional documents referenced therein for possible vexatious litigant motion against Amrhein	0.90	260.00	234.00	0.90	260.00	234.00
414921	11/25/2017	CJP Carrie J. Phaneuf	Review and analyze documents from client, including communications with plaintiff [10 emails, 5 pleadings/orders, and 42 page memo from Amrhein] from underlying case and assess defenses including rule 91a motion, vexatious litigant motion and discovery to plaintiff	1.00	260.00	260.00	1.00	260.00	260.00
414922	11/25/2017	CJP Carrie J. Phaneuf	Draft lengthy email to client regarding additional documents needed from underlying case to prepare defenses, rule 91a motion, vexatious litigant motion, as well as discovery to plaintiffs	0.30	260.00	78.00	0.30	260.00	78.00
415091	11/26/2017	JLS Jennifer L. Smiley	Responded to email regarding plaintiff's hearing	0.10	195.00	19.50	0.10	195.00	19.50

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
415122	11/27/2017	CJP Carrie J. Phaneuf	Review and analyze plaintiff's motion to recuse judge because underlying case also pending in same court and assess response to same considering statutory grounds for recusal and possible motion for sanctions	0.40	260.00	104.00	0.40	260.00	104.00
415123	11/27/2017	CJP Carrie J. Phaneuf	Review and analyze plaintiff's motion for leave to amend petition	0.20	260.00	52.00	0.20	260.00	52.00
415124	11/27/2017	CJP Carrie J. Phaneuf	Review and analyze plaintiffs 64 page amended petition attempting to clarify allegations and assert new claims and assess special exceptions to new pleading as well as whether case can be removed based on new constitutional allegations	1.00	260.00	260.00	1.00	260.00	260.00
415125	11/27/2017	CJP Carrie J. Phaneuf	Draft correspondence to Prose plaintiff regarding fact that she improperly served Bollinger with pleadings even though she has notice that our firm is representing Bollinger	0.10	260.00	26.00	0.10	260.00	26.00
415126	11/27/2017	CJP Carrie J. Phaneuf	Draft email and phone conference with client regarding new pleadings from prose plaintiff and response to same	0.30	260.00	78.00	0.30	260.00	78.00
415127	11/27/2017	CJP Carrie J. Phaneuf	Review and assess court setting hearing on pre-trial conferneca	0.10	260.00	26.00	0.10	260.00	26.00
415099	11/27/2017	JLS Jennifer L. Smiley	Briefly reviewed new amended petition	0.10	195.00	19.50	0.10	195.00	19.50
415238	11/27/2017	JLS Jennifer L. Smiley	Reviewed 22 pages of amended petition to assess for additional special exceptions	0.50	195.00	97.50	0.50	195.00	97.50
415370	11/28/2017	CJP Carrie J. Phaneuf	Draft communications with prose plaintiff regarding service of answer	0.20	260.00	52.00	0.20	260.00	52.00
415371	11/28/2017	CJP Carrie J. Phaneuf	Assess grounds for vexatious litigant motion and argument as to why plaintiff has no reasonable probability of prevailing on her claims	0.40	260.00	104.00	0.40	260.00	104.00
415382	11/28/2017	CJP Carrie J. Phaneuf	Draft correspondence with client regarding plan to confer with David Schroeder's counsel on possible joint defense	0.10	260.00	26.00	0.10	260.00	26.00
415551	11/28/2017	CJP Carrie J. Phaneuf	Review notes by court regarding setting of pre trial conference	0.10	260.00	26.00	0.10	260.00	26.00
416817	12/04/2017	CJP Carrie J. Phaneuf	Receipt and review of correspondence from court regarding hearing on pre trial conference and proposed order governing pre trial deadlines	0.20	260.00	52.00	0.20	260.00	52.00
416818	12/04/2017	CJP Carrie J. Phaneuf	Receipt and review of order regarding recusal of judge and transfer to different court; forward to client with comment	0.20	260.00	52.00	0.20	260.00	52.00
416819	12/04/2017	CJP Carrie J. Phaneuf	Phone call to client regarding case status	0.10	260.00	26.00	0.10	260.00	26.00
417489	12/06/2017	CJP Carrie J. Phaneuf	Draft emails with client regarding draft responses to Request for Admissions	0.20	260.00	52.00	0.20	260.00	52.00
417490	12/06/2017	CJP Carrie J. Phaneuf	Revise responses to Request for Admissions	0.20	260.00	52.00	0.20	260.00	52.00
418258	12/06/2017	JLS Jennifer L. Smiley	Prepared Defendants' responses to plaintiff's request for disclosures	1.00	195.00	195.00	1.00	195.00	195.00
418259	12/06/2017	JLS Jennifer L. Smiley	Prepared Defendant's responses for request for admission	1.20	195.00	234.00	1.20	195.00	234.00

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
417495	12/07/2017	CJP Carrie J. Phaneuf	Draft email to client asking for information needed to respond to Request for Disclosure and receive response	0.10	260.00	26.00	0.10	260.00	26.00
417496	12/07/2017	CJP Carrie J. Phaneuf	Draft email to Michelle Morrell regarding [redacted]	0.10	260.00	26.00	0.10	260.00	26.00
417500	12/07/2017	CJP Carrie J. Phaneuf	Revise responses to Request for Disclosure	0.20	260.00	52.00	0.20	260.00	52.00
417501	12/07/2017	CJP Carrie J. Phaneuf	Review client revisions to Request for Admissions and draft revisions in accordance with same	0.30	260.00	78.00	0.30	260.00	78.00
417502	12/07/2017	CJP Carrie J. Phaneuf	Draft email with client regarding final approval for responses to Request for Admissions	0.10	260.00	26.00	0.10	260.00	26.00
418268	12/07/2017	JLS Jennifer L. Smiley	Further revised Defendants' responses to Request for Admissions and Request for Disclosure	0.20	195.00	39.00	0.20	195.00	39.00
417811	12/11/2017	CJP Carrie J. Phaneuf	Draft final revisions to responses to Request for Admissions and Request for Disclosure and forward to plaintiff with correspondence	0.30	260.00	78.00	0.30	260.00	78.00
417824	12/12/2017	CJP Carrie J. Phaneuf	Review phone recordings [redacted]	0.10	260.00	26.00	0.10	260.00	26.00
417828	12/12/2017	CJP Carrie J. Phaneuf	Draft email to client regarding responses to Request for Admissions and Request for Disclosure	0.10	260.00	26.00	0.10	260.00	26.00
418289	12/12/2017	JLS Jennifer L. Smiley	Begin drafting vexatious litigant motion, including facts section and section on plaintiff's past litigations	2.00	195.00	390.00	2.00	195.00	390.00
418290	12/12/2017	JLS Jennifer L. Smiley	Reviewed and analyzed plaintiff's past cases for use in vexatious litigant motion	2.20	195.00	429.00	2.20	195.00	429.00
417946	12/13/2017	CJP Carrie J. Phaneuf	Phone conference with Jerry Jarzombek, [redacted], regarding plan to respond to Amrhein lawsuits and possible vexatious litigant motion	0.10	260.00	26.00	0.10	260.00	26.00
418070	12/14/2017	CJP Carrie J. Phaneuf	Draft emails with client regarding hearing in Amrhein v. Schroeder case and dismissal of same	0.10	260.00	26.00	0.10	260.00	26.00
418299	12/14/2017	JLS Jennifer L. Smiley	Attended hearing in Collin County regarding pre-trial conference and plea to jurisdiction in Amrhein's underlying case and Justice Court appeal (underlying case in this matter) at client request	3.00	195.00	585.00	3.00	195.00	585.00
418300	12/14/2017	JLS Jennifer L. Smiley	Communicated with client regarding [redacted]	0.10	195.00	19.50	0.10	195.00	19.50
418496	12/19/2017	CJP Carrie J. Phaneuf	Draft email with client regarding conference to discuss possible rule 91a motion to dismiss	0.10	260.00	26.00	0.10	260.00	26.00
418703	12/20/2017	CJP Carrie J. Phaneuf	Phone conference with client to discuss plan for Rule 91a motion to dismiss and vexatious litigant motion	0.20	260.00	52.00	0.20	260.00	52.00
418704	12/20/2017	CJP Carrie J. Phaneuf	Review legal authority regarding [redacted]	0.80	260.00	208.00	0.80	260.00	208.00
418705	12/20/2017	CJP Carrie J. Phaneuf	Review and make critical assessment of possible grounds for Rule 91a motion to dismiss based on plaintiff petition	0.90	260.00	234.00	0.90	260.00	234.00

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419267	12/20/2017	JLS Jennifer L. Smiley	Reviewed and analyzed 30 cases on whether a non-attorney plaintiff can bring claims in her representative capacity of a deceased person or his estate in preparation of drafting rule 91a motion to dismiss on plaintiff's claims	2.80	195.00	546.00	2.80	195.00	546.00
419268	12/20/2017	JLS Jennifer L. Smiley	Prepared argument section on whether a non-attorney plaintiff can bring claims in a representative capacity of a party or his estate	2.00	195.00	390.00	2.00	195.00	390.00
420079	12/20/2017	JLS Jennifer L. Smiley	Prepared factual and procedural history section of Rule 91a motion to dismiss	1.00	195.00	195.00	1.00	195.00	195.00
420080	12/20/2017	JLS Jennifer L. Smiley	Prepared argument section addressing each of plaintiff's claims and incorporating case law into analysis for Rule 91a motion to dismiss (19 pages)	4.30	195.00	838.50	4.30	195.00	838.50
420083	12/21/2017	JLS Jennifer L. Smiley	Revised Rule 91a motion to dismiss argument section (19 pages)	1.90	195.00	370.50	1.90	195.00	370.50
420088	12/21/2017	JLS Jennifer L. Smiley	Prepared/Revised argument section including case law regarding plaintiff's fraud claim in Rule 91a motion to dismiss (19 pages)	1.00	195.00	195.00	1.00	195.00	195.00
420090	12/21/2017	JLS Jennifer L. Smiley	Prepared/Revised argument section including case law regarding plaintiff's breach of contract claim and impermissible fracturing of a legal malpractice claim in Rule 91a motion to dismiss (19 pages)	2.00	195.00	390.00	2.00	195.00	390.00
420091	12/21/2017	JLS Jennifer L. Smiley	Prepared/Revised argument section including case law regarding plaintiff's discrimination and civil rights violations claims in Rule 91a motion to dismiss (19 pages)	2.00	195.00	390.00	2.00	195.00	390.00
418873	12/22/2017	CJP Carrie J. Phaneuf	Finalize Rule 91a motion to dismiss arguing for dismissal of all plaintiff's causes of action except legal malpractice on the Schroeder matter because claims have no basis in law or in fact	1.50	260.00	390.00	1.50	260.00	390.00
418874	12/22/2017	CJP Carrie J. Phaneuf	Draft emails with client regarding rule 91a motion for his review and regarding deadlines to set hearing and for court ruling according to statute	0.20	260.00	52.00	0.20	260.00	52.00
418875	12/22/2017	CJP Carrie J. Phaneuf	Draft letter to prose plaintiff regarding rule 91a motion to dismiss	0.10	260.00	26.00	0.10	260.00	26.00
419242	12/27/2017	CJP Carrie J. Phaneuf	Attend to repeated efforts to obtain hearing from court on Rule 91a motion to dismiss in accordance with statutory deadlines	0.10	260.00	26.00	0.10	260.00	26.00
419244	12/27/2017	CJP Carrie J. Phaneuf	Assess amendments to answer based on allegations in Rule 91a motion to dismiss as well as additional special exceptions to plaintiff amended petition	0.10	260.00	26.00	0.10	260.00	26.00
420101	12/27/2017	JLS Jennifer L. Smiley	Prepared 15 page amended answer to comport with defenses asserted in Rule 91a motion to dismiss and addressing the defects in plaintiff's 64 page amended petition	3.90	195.00	760.50	3.90	195.00	760.50
419344	12/28/2017	CJP Carrie J. Phaneuf	Draft email to client regarding s[redacted]	0.10	260.00	26.00	0.10	260.00	26.00
419481	12/29/2017	CJP Carrie J. Phaneuf	Analysis of issues of standing and capacity of Prose to assert claims in representative capacity to determine affirmative defenses for amended answer	0.40	260.00	104.00	0.40	260.00	104.00
419482	12/29/2017	CJP Carrie J. Phaneuf	Draft emails with client regarding status of hearing on rule 91a motion to dismiss and plaintiff request for continuance due to alleged medical issues despite voluminous filing in separate case	0.20	260.00	52.00	0.20	260.00	52.00

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419483	12/29/2017	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.10	260.00	26.00
			Receipt and review of plaintiff prose email claiming need for continuance due to medical issues						
419484	12/29/2017	CJP	Carrie J. Phaneuf	0.90	260.00	234.00	0.90	260.00	234.00
			Draft revisions to amended answer asserting arguments regarding standing and other defensive issues raised in rule 91a motion to dismiss						
419784	01/02/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Continue drafting revisions to amended answer, special exceptions and affirmative defenses to comport with rule 91 a motion to dismiss						
419785	01/02/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Receipt and review of Amrhein's motion to continue response deadline to rule 91 a despite fact that no deadline exists						
419786	01/02/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Draft email to client regarding revised answer, Amrhein's motion for continuance and status of hearing on rule 91a						
419787	01/02/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Receipt and review of appeal Amrhein filed in lawsuit against USA for support of vexatious litigant motion						
420127	01/03/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Finalize amended answer for filing with court						
420128	01/03/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Draft pleading required by court regarding earing on motion to dismiss						
420129	01/03/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Assess filing by plaintiff of 200 page response to motion to dismiss						
420130	01/03/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Review correspondence from court regarding pre trial conference and available trial dates for scheduling order required to be filed in advance of hearing						
420131	01/03/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Draft email to client regarding available trial dates communicated by court for pre trial conference						
420435	01/04/2018	CJP	Carrie J. Phaneuf	0.30	260.00	78.00	0.00	0.00	0.00
			Review court's communication regarding available trial dates and attend to discovery and expert deadlines in preparation for communicating with prose plaintiff regarding same as ordered by court						
420436	01/04/2018	CJP	Carrie J. Phaneuf	0.40	260.00	104.00	0.00	0.00	0.00
			Draft multiple communications with client regarding assessment of trial date and pre trial deadlines in preparation for court ordered conference as well as regarding plaintiff prose claim she has conflict with hearing on motion to dismiss						
420437	01/04/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Draft correspondence with plaintiff prose regarding her alleged conflicts with hearing on motion to dismiss						
420666	01/05/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Assess request from plaintiff to move hearing on rule 91a and options from court regarding same in light of statute that dicates court must rule on motion within a certain period of time						
420667	01/05/2018	CJP	Carrie J. Phaneuf	0.30	260.00	78.00	0.00	0.00	0.00
			Emails and phone conference with client regarding hearing on rule 91a motion to dismiss and plaintiff's response to motion						
420668	01/05/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Draft email to plaintiff Prose with proposed order on pre trial deadlines as required by court in advance of pretrial conference and make inquiry regarding mediators as required by court						
421230	01/09/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Draft correspondence to prose plaintiff regarding continued efforts to conference with her in advance of pre trial conference as required by court						

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421697	01/12/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Draft email to prose plaintiff with continued effort to conference with her regarding proposed pre trial requirements as ordered by court in advance of pre trial conference						
421698	01/12/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Receipt and review of court communication regarding pre trial conference and prepare for same by reviewing proposed trial dates and efforts to communicate with prose plaintiff regarding same						
421699	01/12/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Draft email with client regarding production of underlying file materials						
422317	01/12/2018	JLS	Jennifer L. Smiley	1.00	195.00	195.00	0.00	0.00	0.00
			Reviewed and analyzed 107 pages of client emails between Bollinger and Amrhein concerning underlying case strategy in preparation of preparing chronology of case and status report						
422318	01/12/2018	JLS	Jennifer L. Smiley	1.40	195.00	273.00	0.00	0.00	0.00
			Prepared chronology of underlying case based on attorney's emails to Amrhein and underlying case docket sheet						
421928	01/15/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Phone call and email to prose plaintiff regarding continued efforts to conference with her as required by court in advance of hearing on pre trial conference						
422321	01/15/2018	JLS	Jennifer L. Smiley	1.10	195.00	214.50	0.00	0.00	0.00
			Continued preparing vexatious litigant motion including drafting section concerning Amrhein's other pro se cases as required by statute						
422325	01/15/2018	JLS	Jennifer L. Smiley	2.10	195.00	409.50	0.00	0.00	0.00
			Reviewed and analyzed 150 pages of client's file, including photos of Amrhein's underlying case damages, pleadings and orders in the underlying case, letters and notes Amrhein sent to Bollinger, and updated the chronology regarding these documents						
422327	01/15/2018	JLS	Jennifer L. Smiley	1.00	195.00	195.00	0.00	0.00	0.00
			Prepared vexatious litigant motion argument section regarding defenses to plaintiff's causes of action						
422036	01/16/2018	CJP	Carrie J. Phaneuf	0.70	260.00	182.00	0.00	0.00	0.00
			Receipt and review of prose plaintiff motion to stay and continue case and hearing on rule 91a motion to dismiss and plan response to same considering allegations of plaintiff regarding medical issues and rules that require ruling by court in 45 days from filing of motion						
422037	01/16/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Draft communications with client regarding response to plaintiff request to stay and continue hearing on rule 91a motion to dismiss						
422038	01/16/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Phone conference with court regarding plaintiff request to continue hearing and request that matter be heard by court by submission to comply with rule deadlines						
422039	01/16/2018	CJP	Carrie J. Phaneuf	0.30	260.00	78.00	0.00	0.00	0.00
			Draft response in opposition to plaintiff request to continue hearing on rule 91a motion to dismiss and request court hear matter by submission to comply with rule deadlines regarding same						
422040	01/16/2018	CJP	Carrie J. Phaneuf	1.00	260.00	260.00	0.00	0.00	0.00
			Begin review and analysis of 225 page response from prose plaintiff to rule 91a motion to dismiss and plan reply to same						
422329	01/16/2018	JLS	Jennifer L. Smiley	3.00	195.00	585.00	0.00	0.00	0.00
			Continued preparing vexatious litigant motion argument section on defenses to her legal malpractice cause of action and other causes of action including inserting relevant case law to support defense						
422330	01/16/2018	JLS	Jennifer L. Smiley	0.60	195.00	117.00	0.00	0.00	0.00
			Reviewed and analyzed Amrhein's 13 page notice to the court to continue the motion to dismiss hearing and prepared response in opposition and propsed order						
422332	01/16/2018	JLS	Jennifer L. Smiley	1.20	195.00	234.00	0.00	0.00	0.00
			Reviewed and analyzed 20 legal malpractice cases for argument section of vexatious litigant motion regarding claims asserted when a lawyer withdraws from representation during litigation						

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422259	01/17/2018	CJP Carrie J. Phaneuf	Assess status of court ruling on plaintiff request to continue hearing on motion to dismiss	0.10	260.00	26.00	0.00	0.00	0.00
422260	01/17/2018	CJP Carrie J. Phaneuf	Receipt and review of court's order denying plaintiff request to continue hearing and granting defendant relief on hearing by submission	0.10	260.00	26.00	0.00	0.00	0.00
422261	01/17/2018	CJP Carrie J. Phaneuf	Draft email to Prose plaintiff regarding court order on plaintiff request to continue and stay proceedings	0.10	260.00	26.00	0.00	0.00	0.00
422262	01/17/2018	CJP Carrie J. Phaneuf	Draft email to client regarding court order on plaintiff request to continue and stay proceedings	0.10	260.00	26.00	0.00	0.00	0.00
422263	01/17/2018	CJP Carrie J. Phaneuf	Plan for reply to response to motion to dismiss and draft outline for same due to court hearing motion by submission	0.90	260.00	234.00	0.00	0.00	0.00
422264	01/17/2018	CJP Carrie J. Phaneuf	Draft affidavit in support of request for attorneys' fees and review billing in support of same	1.50	260.00	390.00	0.00	0.00	0.00
422334	01/17/2018	JLS Jennifer L. Smiley	Reviewed and analyzed Amrhein's 225 page response to motion to dismiss in preparation for drafting Reply to Amrhein's response	0.70	195.00	136.50	0.00	0.00	0.00
422335	01/17/2018	JLS Jennifer L. Smiley	Prepared Reply to Plaintiff's response to motion to dismiss, including background section, argument on Plaintiff's claims in a representative capacity, and argument regarding plaintiff's use of extrinsic evidence in her Response	3.40	195.00	663.00	0.00	0.00	0.00
422337	01/17/2018	JLS Jennifer L. Smiley	Prepared Reply to Amrhein's Response to motion to dismiss under Rule 91 including asserting defenses to each of her 12 causes of action and argument how Plaintiff failed to response with authority to contradict each defense asserted in motion to dismiss (8 pages)	3.10	195.00	604.50	0.00	0.00	0.00
422630	01/18/2018	CJP Carrie J. Phaneuf	Draft revisions to reply to response to rule 91a motion to dismiss	0.90	260.00	234.00	0.00	0.00	0.00
422631	01/18/2018	CJP Carrie J. Phaneuf	Draft email with client regarding reply to response to motion to dismiss for his review and in response to his inquiry and regarding affidavit on fees	0.10	260.00	26.00	0.00	0.00	0.00
422632	01/18/2018	CJP Carrie J. Phaneuf	Finalize Phaneuf affidavit to support request for an award of attorneys fees for motion to disimss with billing statements in support	0.50	260.00	130.00	0.00	0.00	0.00
422338	01/18/2018	JLS Jennifer L. Smiley	Prepared affidavit on reasonable attorneys fees incurred in defense of Plaintiff's baseless claims	0.70	195.00	136.50	0.00	0.00	0.00
422690	01/18/2018	JLS Jennifer L. Smiley	Prepared vexatious litigation motion, including summarizing plaintiff's past cases to comply with statutory requirements, and argument section (30 pages)	2.40	195.00	468.00	0.00	0.00	0.00
422893	01/19/2018	CJP Carrie J. Phaneuf	Draft final revisions to reply to response to motion to dismiss for submission to the court	0.30	260.00	78.00	0.00	0.00	0.00
422894	01/19/2018	CJP Carrie J. Phaneuf	Review communication from court regarding plaintiff filing of supplement and assess substance of filing	0.10	260.00	26.00	0.00	0.00	0.00
424887	01/19/2018	JLS Jennifer L. Smiley	Prepared legal malpractice elements section of vexatious litigant motion	0.10	195.00	19.50	0.00	0.00	0.00
424894	01/19/2018	JLS Jennifer L. Smiley	Prepared proposed order regarding rule 91a motion to dismiss for judge	0.70	195.00	136.50	0.00	0.00	0.00

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424908	01/22/2018	JLS	Jennifer L. Smiley	0.20	195.00	39.00	0.00	0.00	0.00
			Briefly reviewed Amrhein's second response to rule 91a motion						
424909	01/22/2018	JLS	Jennifer L. Smiley	1.00	195.00	195.00	0.00	0.00	0.00
			Continued drafting amended answer including DTPA exemption and affirmative defenses						
423244	01/23/2018	CJP	Carrie J. Phaneuf	0.50	260.00	130.00	0.00	0.00	0.00
			Review and analyze plaintiff's first supplement [32 pages] to response to motion to dismiss with exhibits in preparation for drafting additional reply						
423245	01/23/2018	CJP	Carrie J. Phaneuf	1.50	260.00	390.00	0.00	0.00	0.00
			Review and study plaintiff's voluminous second supplement with exhibits [176 pages] to defendants' motion to dismiss in preparation for drafting additional reply						
423246	01/23/2018	CJP	Carrie J. Phaneuf	0.80	260.00	208.00	0.00	0.00	0.00
			Review and analyze plaintiff amended petition to compare allegations to first and second supplement and in preparation for additional reply to response to motion to dismiss						
423247	01/23/2018	CJP	Carrie J. Phaneuf	2.80	260.00	728.00	0.00	0.00	0.00
			Draft additional reply to first and second supplemental response by plaintiff to motion to dismiss in advance of court hearing by submission [15 pages]						
423248	01/23/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Draft email with client regarding plaintiff's supplemental responses, plan to reply and proposed order filed with court						
423421	01/24/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Review and assess status of hearing by submission on motion to dismiss						
423425	01/24/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Phone conference with client regarding plaintiff allegations of cover up a[redacted]						
423594	01/25/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Draft Request for Disclosure to plaintiff						
424927	01/25/2018	JLS	Jennifer L. Smiley	4.30	195.00	838.50	0.00	0.00	0.00
			Drafted vexatious litigant motion, including section on Amrhein's previous lawsuits and summary of her old cases, and no reasonable probability of prevailing on legal malpractice case section (33 pages)						
423781	01/26/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Draft correspondence to court regarding hearing by submission on motion to dismiss and advising that court must rule on same by February 5 in accordance with statute						
424312	01/30/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Receipt and review of order granting motion to dismiss						
424313	01/30/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Draft email to client regarding order granting motion to dismiss						
424314	01/30/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Phone conference with Lennie Bollinger regarding order on motion to dismiss and regarding vexatious litigant motion						
424315	01/30/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Draft letter to prose plaintiff regarding order on motion to dismiss						
425216	01/30/2018	JLS	Jennifer L. Smiley	1.60	195.00	312.00	0.00	0.00	0.00
			Prepared vexatious litigant to include ruling after rule91a motion and changes to plaintiff's claims because rule 91a motion was granted, argument section on Amrhein's previous litigations; and argument section that there is no reasonable probability of prevailing because of withdrawal						
424563	01/31/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Review email from attorney in separate Amrhein litigation r[redacted]						

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425220	01/31/2018	JLS Jennifer L. Smiley		3.10	195.00	604.50	0.00	0.00	0.00
			Reviewed and analyzed deposition transcript of Amrhein in Prosperity Bank case from Oct. 2017 for use in vexatious litigant motion (316 pages)						
425221	01/31/2018	JLS Jennifer L. Smiley		5.60	195.00	1,092.00	0.00	0.00	0.00
			Continued drafting vexatious litigant motion (23 pages), such as including relevant deposition sections, argument regarding the difference between Bollinger's petition and Amrhein's amended petition, and argument regarding no reasonable probability of prevailing on legal malpractice claim (that Bollinger's actions and omissions did not cause the case to be dismissed, that Amrhein's actions and amended petition was the cause of the dismissal, and that Bollinger did not fail to communicate during his representation)						
425222	01/31/2018	JLS Jennifer L. Smiley		0.70	195.00	136.50	0.00	0.00	0.00
			Reviewed 10 vexatious litigant cases involving professional malpractice for example of when there was no reasonable probability of plaintiff prevailing on legal malpractice case						
424869	02/01/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
			Draft email to clients regarding whether plaintiff prose has responded to order of dismissal						
425223	02/01/2018	JLS Jennifer L. Smiley		2.00	195.00	390.00	0.00	0.00	0.00
			Prepared affidavit of Lennie F. Bollinger for support of vexatious litigant motion						
425224	02/01/2018	JLS Jennifer L. Smiley		3.00	195.00	585.00	0.00	0.00	0.00
			Continued drafting vexatious litigant motion (28 pages) including addition of argument establishing her 8 previous cases filed in the last 7 years, argument regarding the withdrawal, how Defendants' actions were removed from final dismissal, and how the petition drafted by defendants was within the jurisdictional limits of justice court						
425225	02/01/2018	JLS Jennifer L. Smiley		3.00	195.00	585.00	0.00	0.00	0.00
			Continued drafting vexatious litigant motion (28 pages) argument section, such as argument on the alleged failure to conduct discovery, the jurisdictional limits of justice court, the alleged conflict of interest with David Schroeder, and how Amrhein repeatedly litigates the same causes of action against the same defendants						
425256	02/02/2018	CJP Carrie J. Phaneuf		0.20	260.00	52.00	0.00	0.00	0.00
			Phone conference with client regarding vexatious litigant motion and proof needed to support same as well as possible offer to plaintiff prose to not pursue fees if she dismisses case						
425226	02/02/2018	JLS Jennifer L. Smiley		1.00	195.00	195.00	0.00	0.00	0.00
			Revised and edited vexatious litigant motion (30 pages)						
425227	02/02/2018	JLS Jennifer L. Smiley		1.00	195.00	195.00	0.00	0.00	0.00
			Selected and reviewed 25 exhibits for inclusion into vexatious litigant motion, including selecting relevant emails from 107 pages of emails and redacting selected emails						
425228	02/02/2018	JLS Jennifer L. Smiley		1.00	195.00	195.00	0.00	0.00	0.00
			Prepared affidavit of Lennie Bollinger for support of vexatious litigant motion						
425229	02/02/2018	JLS Jennifer L. Smiley		2.00	195.00	390.00	0.00	0.00	0.00
			Reviewed and analyzed 10 of Schroeder's, Amrhein's, and Court's pleadings in underlying JP and JP appeal case, for inclusion into vexatious litigant motion as exhibits and support of argument that there is no reasonable probability that Amrhein will prevail on legal malpractice claim						
425230	02/02/2018	JLS Jennifer L. Smiley		1.20	195.00	234.00	0.00	0.00	0.00
			Added facts of underlying JP case and JP appeal to fact section of vexatious litigant motion						
425231	02/02/2018	JLS Jennifer L. Smiley		1.00	195.00	195.00	0.00	0.00	0.00
			Drafted argument regarding how Amrhein's past cases have been declared frivolous and groundless by other courts for inclusion into vexatious litigant motion						
426263	02/05/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
			Phone call to Michelle Morrell re[redacted]						
426268	02/05/2018	CJP Carrie J. Phaneuf		1.00	260.00	260.00	0.00	0.00	0.00
			Draft revisions to vexatious litigant motion						

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426269	02/05/2018	CJP	Carrie J. Phaneuf	0.90	260.00	234.00	0.00	0.00	0.00
			Review and assess client documents and chronology of underlying case for support for vexatious litigant motion						
426270	02/05/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Draft email to client regarding underlying communications needed for vexatious litigant motion						
426271	02/05/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Draft revisions to Bollinger affidavit for support of vexatious litigant motion						
426600	02/06/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Phone conference with Michelle Morrell r[redacted]						
426601	02/06/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Emails with Lennie Bollinger regarding recent Amrhein filings and regarding settlement offer to Amrhein						
426602	02/06/2018	CJP	Carrie J. Phaneuf	1.50	260.00	390.00	0.00	0.00	0.00
			Review and analyze prior Amrhein deposition testimony regarding prior litigations and regarding alleged mental anguish to support vexatious litigant motion						
426603	02/06/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Draft email to attorney from Prosperity Bank lawsuit t[redacted]						
426604	02/06/2018	CJP	Carrie J. Phaneuf	1.10	260.00	286.00	0.00	0.00	0.00
			Continue revisions to vexatious litigant motion and assess emails from underlying case to use as evidence in support of motion						
426737	02/07/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Draft emails with client a[redacted]						
426738	02/07/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Draft settlement offer to plaintiff						
426739	02/07/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Review client email with causation argument and additional documents to review for vexatious litigant motion						
426740	02/07/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Phone conference with client regarding recent plaintiff filings and need to move forward with vexatious litigant motion						
426741	02/07/2018	CJP	Carrie J. Phaneuf	3.40	260.00	884.00	0.00	0.00	0.00
			Critical review and analysis of seven different matters plaintiff filed Prose that were disposed of against her for vexatious litigant motion including opinions and orders from courts of appeal and supreme courts in federal and state courts						
426742	02/07/2018	CJP	Carrie J. Phaneuf	1.00	260.00	260.00	0.00	0.00	0.00
			Review and analysis of underlying pleadings and emails between Bollinger and Amrhein to determine evidence in support of vexatious litgant motion						
426743	02/07/2018	CJP	Carrie J. Phaneuf	2.00	260.00	520.00	0.00	0.00	0.00
			Continue drafting motion to declare plaintiff a vexatious litigant						
426849	02/08/2018	CJP	Carrie J. Phaneuf	1.00	260.00	260.00	0.00	0.00	0.00
			Review and analyze plaintiff prose 51 page response to order granting rule 91a motion and threat for further litigation against judge and defense attorneys						
426850	02/08/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Review and analyze plaintiff prose request to stay proceedings due to medical condition and contemplate response to same						
426851	02/08/2018	CJP	Carrie J. Phaneuf	0.20	260.00	52.00	0.00	0.00	0.00
			Email and phone conference with client regarding possible response to request for stay and status of vexatious litigant motion						
426852	02/08/2018	CJP	Carrie J. Phaneuf	0.90	260.00	234.00	0.00	0.00	0.00
			Review and analyze legal authority regarding judicial admissions for vexatious litigant motion						

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426853	02/08/2018	CJP	Carrie J. Phaneuf	0.80	260.00	208.00	0.00	0.00	0.00
			Review and anlayze legal authority regarding superceding cause for vexatious litigant motion						
426854	02/08/2018	CJP	Carrie J. Phaneuf	2.40	260.00	624.00	0.00	0.00	0.00
			Continue drafting motion to declare plaintiff a vexatious litigant [30+ pages]						
426855	02/08/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Review status of plaintiff prose 5th circuit appeal for vexatious litgiant motion						
426989	02/09/2018	CJP	Carrie J. Phaneuf	2.00	260.00	520.00	0.00	0.00	0.00
			Draft affidavit of Lennie Bollinger to support motion to declare Amrhein a vexatious litigant						
426990	02/09/2018	CJP	Carrie J. Phaneuf	3.30	260.00	858.00	0.00	0.00	0.00
			Draft final revisions to motion to declare Amrhein a vexatious litigant and prepare voluminous evidence in support of motion for filing with court [over 350 pages total]						
426991	02/09/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Draft correspondence with client regarding his affidavit to support vexatious litigant motion and draft of motion for his review						
426992	02/09/2018	CJP	Carrie J. Phaneuf	0.10	260.00	26.00	0.00	0.00	0.00
			Draft letter to Amrhein prose regarding motion to declare her a vexatious litigant						

Exhibit C

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
432956	02/09/2018	JLS Jennifer L. Smiley	Continue preparing initial status report, [redacted]	3.30	195.00	643.50	3.30	195.00	643.50
427406	02/11/2018	CJP Carrie J. Phaneuf	Draft email with client regarding motion to declare Amrhein a vexatious litigant	0.10	260.00	26.00	0.10	260.00	26.00
427267	02/12/2018	CJP Carrie J. Phaneuf	Phone conferences [redacted] and vexatious litgant motion and plan for hearing on same	0.40	260.00	104.00	0.40	260.00	104.00
427268	02/12/2018	CJP Carrie J. Phaneuf	Receipt and review of fax from Amrhein to Collin County making threat against Judge regarding his alleged violations of ADA	0.20	260.00	52.00	0.20	260.00	52.00
427269	02/12/2018	CJP Carrie J. Phaneuf	Receipt and review of proposed order [redacted] regarding findings on vexatious litigant motion	0.10	260.00	26.00	0.10	260.00	26.00
427270	02/12/2018	CJP Carrie J. Phaneuf	Receipt and review of motion to recuse filed by Amrhein seeking recusal of judge based on alleged ADA violations	0.60	260.00	156.00	0.60	260.00	156.00
427271	02/12/2018	CJP Carrie J. Phaneuf	Phone conference with client [redacted] hearing on vexatious litigant motion	0.10	260.00	26.00	0.10	260.00	26.00

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
427272	02/12/2018	CJP Carrie J. Phaneuf	Draft Affidavit to support request for plaintiff to post security in connection with vexatious litigant motion	2.00	260.00	520.00	2.00	260.00	520.00
427273	02/12/2018	CJP Carrie J. Phaneuf	Draft supplement to vexatious litigant motion with affidavit on fees in support of request that plaintiff post security with respect to vexatious litigant motion	0.60	260.00	156.00	0.60	260.00	156.00
427274	02/12/2018	CJP Carrie J. Phaneuf	Draft pleading required by court regarding hearing on motion to declare plaintiff a vexatious litigant	0.10	260.00	26.00	0.10	260.00	26.00
427275	02/12/2018	CJP Carrie J. Phaneuf	Draft letter to plaintiff prose regarding hearing on motion to declare her a vexatious litigant	0.10	260.00	26.00	0.10	260.00	26.00
427276	02/12/2018	CJP Carrie J. Phaneuf	Review and analysis legal authority regarding recusal motion and fact that judge has to recuse or refer for hearing before any further proceedings and impact on vexatious litigant motion in preparation for advising client regarding same	0.40	260.00	104.00	0.40	260.00	104.00
427277	02/12/2018	CJP Carrie J. Phaneuf	Draft emails with client regarding status of hearing on vexatious litigant motion and filings by Amrhein indicating attempts at recusal and plan for responding to same	0.40	260.00	104.00	0.40	260.00	104.00
428756	02/12/2018	JLS Jennifer L. Smiley	Continued preparing initial status report, in[redacted]	2.20	195.00	429.00	0.00	195.00	0.00
428757	02/12/2018	JLS Jennifer L. Smiley	Continued preparing initial status report (10 pages), in[redacted]	2.50	195.00	487.50	2.50	195.00	487.50
427414	02/13/2018	CJP Carrie J. Phaneuf	Phone conferences with [redacted] regarding new Amrhein ADA complaints and plan for responding to same in connection with Amrhein motion to recuse judge and plan for responding to recusal	0.30	260.00	78.00	0.30	260.00	78.00
427415	02/13/2018	CJP Carrie J. Phaneuf	Begin review and analyze new Amrhein voluminous filings regarding ADA complaints and new amended pleadings, as well as her purported notices to the court of alleged wrongful conduct in preparation for drafting response to motion to recuse	0.40	260.00	104.00	0.40	260.00	104.00
427416	02/13/2018	CJP Carrie J. Phaneuf	Multiple phone conferences and emails with client regarding new Amrhein filings and motion to recuse and plan for responding to same	0.60	260.00	156.00	0.60	260.00	156.00
427417	02/13/2018	CJP Carrie J. Phaneuf	Receipt and review of order from judge declining to recuse himself and referring matter to regional judge for consideration	0.10	260.00	26.00	0.10	260.00	26.00
427418	02/13/2018	CJP Carrie J. Phaneuf	Begin outline of response to motion to recuse	0.40	260.00	104.00	0.40	260.00	104.00
428761	02/13/2018	JLS Jennifer L. Smiley	Prepared Response to Amrhein's motion to recuse judge, including incorporation of legal standards regarding a recusal and analysis of Amrhein's reasons for her motion to recuse	2.30	195.00	448.50	2.30	195.00	448.50
428762	02/13/2018	JLS Jennifer L. Smiley	Prepared initial status report, in[redacted]	1.20	195.00	234.00	1.20	195.00	234.00
427598	02/14/2018	CJP Carrie J. Phaneuf	Draft emails and phone conferece[redacted] regarding additional Amrhein filings, judge's decision to recuse, and assignment of new judge	0.70	260.00	182.00	0.70	260.00	182.00
427600	02/14/2018	CJP Carrie J. Phaneuf	Receipt and review of amended order from judge recusing himself from case	0.10	260.00	26.00	0.10	260.00	26.00

Exhibit C

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
427601	02/14/2018	CJP	Carrie J. Phaneuf Receipt and review of order from regional judge assigning new court to hear case	0.10	260.00	26.00	0.10	260.00	26.00
427603	02/14/2018	CJP	Carrie J. Phaneuf Draft emails with client regarding judge recusal and reassignment to new court as well as plan to set hearing for vexatious litigant motion	0.50	260.00	130.00	0.50	260.00	130.00
427604	02/14/2018	CJP	Carrie J. Phaneuf Draft amended pleading regarding hearing in new court on vexatious litigant motion as required by court	0.10	260.00	26.00	0.10	260.00	26.00
427605	02/14/2018	CJP	Carrie J. Phaneuf Plan response to anticipated motion by prose plaintiff to stay proceedings in new court	0.10	260.00	26.00	0.10	260.00	26.00
428765	02/14/2018	JLS	Jennifer L. Smiley Continued preparing draft of response to Amrhein's motion to recuse the judge, included argument (1) her motion is solely based on judge's rulings in the case; (2) she has a history of recusing the judges in her vexatious cases; and (3) that the motion is groundless and brought for harassment (11 pages)	3.00	195.00	585.00	3.00	195.00	585.00
428766	02/14/2018	JLS	Jennifer L. Smiley Prepared 100 pages of exhibits, including Amrhein's previous motions to recuse in her other pro se cases, for support of response to motion to recuse	0.50	195.00	97.50	0.50	195.00	97.50
427740	02/15/2018	CJP	Carrie J. Phaneuf Review affidavit filed by Amrhein in response to vexatious litigant motion	0.30	260.00	78.00	0.30	260.00	78.00
427741	02/15/2018	CJP	Carrie J. Phaneuf Review and analyze 121 page response by Amrhein to vexatious litigant motion and plan for response to same	1.20	260.00	312.00	1.20	260.00	312.00
427742	02/15/2018	CJP	Carrie J. Phaneuf Review filing by Amrhein [26 pages] regarding alleged violations by court and opposing counsel	0.50	260.00	130.00	0.50	260.00	130.00
427743	02/15/2018	CJP	Carrie J. Phaneuf Review and analyze 98 page amended pleading by Amrhein and assess impact on vexatious litigant motion	0.90	260.00	234.00	0.90	260.00	234.00
427744	02/15/2018	CJP	Carrie J. Phaneuf Review Amrhein lawsuits and status of appeals in preparation for vexatious litigant hearing and [redacted]	0.70	260.00	182.00	0.70	260.00	182.00
427745	02/15/2018	CJP	Carrie J. Phaneuf Phone conference with client regarding status of hearing on vexatious litigant motion and recent Amrhein filings	0.10	260.00	26.00	0.10	260.00	26.00
428769	02/15/2018	JLS	Jennifer L. Smiley Prepared response to plaintiff's motion for continuance and stay, including analysis of newest pleadings/notices, and analysis of notaries that Amrhein uses to file her pleadings	1.60	195.00	312.00	1.60	195.00	312.00
428770	02/15/2018	JLS	Jennifer L. Smiley Reviewed and analyzed 15 cases regarding the applicability of cases that were maintained as an appeal and [redacted] for support of vexatious litigant motion and further analysis of Amrhein's previous cases in support of motion	1.50	195.00	292.50	1.50	195.00	292.50
428080	02/16/2018	CJP	Carrie J. Phaneuf Review and analyze multiple emails from regional judge Mary Murphy and from Amrhein regarding two week stay of the lawsuit in response to her demands regarding same	0.50	260.00	130.00	0.50	260.00	130.00
428081	02/16/2018	CJP	Carrie J. Phaneuf Review and analyze court's orders regarding stay of lawsuit for two weeks	0.20	260.00	52.00	0.20	260.00	52.00
428082	02/16/2018	CJP	Carrie J. Phaneuf Draft email to client regarding Judge Murphy and Amrhein correspondence and orders from court staying lawsuit for two weeks	0.10	260.00	26.00	0.10	260.00	26.00
428613	02/21/2018	CJP	Carrie J. Phaneuf Review and analyze emails [redacted] regarding recent filings and positions by her [redacted]	0.40	260.00	104.00	0.40	260.00	104.00

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428910	02/22/2018	CJP Carrie J. Phaneuf	Receipt and review of Amrhein's filing of additional objections to judge and case settings despite stay ordered by Judge Murphy; review client email regarding same	0.30	260.00	78.00	0.30	260.00	78.00
430201	02/22/2018	JLS Jennifer L. Smiley	Briefly reviewed Amrhein's objection to motion to transfer (15 pages)	0.20	195.00	39.00	0.20	195.00	39.00
428911	02/23/2018	CJP Carrie J. Phaneuf	Draft emails [redacted]	0.30	260.00	78.00	0.30	260.00	78.00
429428	02/27/2018	CJP Carrie J. Phaneuf	Receipt and review of email from client regarding voluminous filing by prose in other matter despite her claim she is too disabled to participate in litigation and respond to client email	0.20	260.00	52.00	0.20	260.00	52.00
429429	02/27/2018	CJP Carrie J. Phaneuf	Draft email [redacted]	0.10	260.00	26.00	0.10	260.00	26.00
430232	02/27/2018	JLS Jennifer L. Smiley	Briefly reviewed Amrhein's most recent pleading in Prosperity bank case	0.10	195.00	19.50	0.10	195.00	19.50
430263	03/02/2018	CJP Carrie J. Phaneuf	Receipt and review of order from Judge Murphy lifting abatement on March 5 and plan for hearing on vexatious litigant motion	0.20	260.00	52.00	0.00	0.00	0.00
430658	03/04/2018	CJP Carrie J. Phaneuf	Draft email with client regarding plan to set hearing on vexatious litigant motion given fact that abatement is lifted on March 5	0.10	260.00	26.00	0.00	0.00	0.00
431263	03/05/2018	CJP Carrie J. Phaneuf	Receipt and review of Amrhein motion requesting another stay of proceedings	0.10	260.00	26.00	0.00	0.00	0.00
431264	03/05/2018	CJP Carrie J. Phaneuf	Draft multiple emails with client regarding new motion by Amrhein to stay proceedings and hearing set by court on continuance	0.50	260.00	130.00	0.00	0.00	0.00
431265	03/05/2018	CJP Carrie J. Phaneuf	Plan argument for response to new Amrhein request for postponement	0.10	260.00	26.00	0.00	0.00	0.00
431266	03/05/2018	CJP Carrie J. Phaneuf	Review setting by court for hearing on continuance	0.10	260.00	26.00	0.00	0.00	0.00
431379	03/06/2018	CJP Carrie J. Phaneuf	Revise response to Amrhein motion for continuance in preparation for hearing on same set by the court	1.00	260.00	260.00	0.00	0.00	0.00
431381	03/06/2018	CJP Carrie J. Phaneuf	Review and assess pleadings in three other cases by Amrhein and whether courts have granted her stays in response to her requests in preparation for hearing on Amrhein motion for continuane	0.30	260.00	78.00	0.00	0.00	0.00
433202	03/06/2018	JLS Jennifer L. Smiley	Prepared response to plaintiff's motion for continuance, including reviewing plaintiff's unclear pleadings recently filed asking for continuance and attached medical documents, preparing analysis for judge of plaintiff's possibly forged notarizations (10 pages)	3.70	195.00	721.50	0.00	0.00	0.00
433203	03/06/2018	JLS Jennifer L. Smiley	Continued preparing response to motion for continuance regarding client's suggestions and inclusion of analysis of plaintiff's other motions for continuance in her other cases and court's denial of other motions for stay/continuance (11 pages)	3.00	195.00	585.00	0.00	0.00	0.00
431602	03/07/2018	CJP Carrie J. Phaneuf	Finalize response to Amrhein motion to continuance	0.60	260.00	156.00	0.00	0.00	0.00
431603	03/07/2018	CJP Carrie J. Phaneuf	Receipt and review of Amrhein's cease and desist letter to courts and attorneys	0.10	260.00	26.00	0.00	0.00	0.00
431604	03/07/2018	CJP Carrie J. Phaneuf	Review new filing by Amrhein making additional argument regarding her need for stay of case	0.10	260.00	26.00	0.00	0.00	0.00

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431605	03/07/2018	CJP Carrie J. Phaneuf	Draft emails with client regarding hearing on motion for continuance and Amrhein cease and desist letter	0.20	260.00	52.00	0.00	0.00	0.00
431606	03/07/2018	CJP Carrie J. Phaneuf	Prepare for hearing on motion for continuance	0.30	260.00	78.00	0.00	0.00	0.00
431607	03/07/2018	CJP Carrie J. Phaneuf	Receipt and review of court correspondence regarding hearing on motion for continuance	0.10	260.00	26.00	0.00	0.00	0.00
431617	03/08/2018	CJP Carrie J. Phaneuf	Phone conference and emails [redacted] regarding hearing on motion for continuance and notary issue	0.40	260.00	104.00	0.00	0.00	0.00
431618	03/08/2018	CJP Carrie J. Phaneuf	Phone conference and emails with client regarding hearing on motion for continuance and proof the Amrhein had notice of same	0.40	260.00	104.00	0.00	0.00	0.00
431619	03/08/2018	CJP Carrie J. Phaneuf	Prepare for hearing on motion for continuance and key documents for review by court and in support of argument against continuance	0.20	260.00	52.00	0.00	0.00	0.00
433253	03/08/2018	JLS Jennifer L. Smiley	Prepared for hearing on motion for continuance, including reviewing plaintiff's recent pleadings	0.60	195.00	117.00	0.00	0.00	0.00
431744	03/09/2018	CJP Carrie J. Phaneuf	Prepare for hearing on plaintiff motion for continuance, [redacted], and review of recent memorandum from eastern district denying plaintiff's requested stay in that litigation as additional support for why court should deny plaintiff request for continuance	0.50	260.00	130.00	0.00	0.00	0.00
431745	03/09/2018	CJP Carrie J. Phaneuf	Travel to Collin county for hearing on plaintiff's motion for continuance	0.70	260.00	182.00	0.00	0.00	0.00
431746	03/09/2018	CJP Carrie J. Phaneuf	Attend meeting with client prior to hearing on plaintiff's motion for continuance [no travel time included]	0.60	260.00	156.00	0.00	0.00	0.00
431747	03/09/2018	CJP Carrie J. Phaneuf	Attend hearing on plaintiff's motion for continuance and argue to court in opposition of continuance [no travel time included]	1.00	260.00	260.00	0.00	0.00	0.00
431748	03/09/2018	CJP Carrie J. Phaneuf	Return travel to Dallas from Collin county returning from hearing on plaintiff motion for continuance	0.70	260.00	182.00	0.00	0.00	0.00
431749	03/09/2018	CJP Carrie J. Phaneuf	Draft emails with client regarding s[redacted]	0.20	260.00	52.00	0.00	0.00	0.00
433258	03/09/2018	JLS Jennifer L. Smiley	Analyze strategy going forward in light of judge's refusal to grant or deny continuance	2.90	195.00	565.50	0.00	0.00	0.00
433264	03/09/2018	JLS Jennifer L. Smiley	Reviewed and analyzed chapter 11 of Texas Civil Practice and Remedies Code (Vexatious Litigant statute) regarding impact of a potential stay in case [redacted]	0.50	195.00	97.50	0.00	0.00	0.00
431956	03/12/2018	CJP Carrie J. Phaneuf	Receipt and review of another filing by Amrhein claiming need for stay due to medical conditions and forward to client with comment	0.30	260.00	78.00	0.00	0.00	0.00
431957	03/12/2018	CJP Carrie J. Phaneuf	Review email from court that Amrhein doctor has not returned call from judge and status of ; forward to client	0.10	260.00	26.00	0.00	0.00	0.00
431958	03/12/2018	CJP Carrie J. Phaneuf	Phone conference and email with Michelle Morrell regardin[redacted]	0.20	260.00	52.00	0.00	0.00	0.00

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
431959	03/12/2018	CJP Carrie J. Phaneuf	Phone conference and emails with [redacted]	0.90	260.00	234.00	0.00	0.00	0.00
431960	03/12/2018	CJP Carrie J. Phaneuf	Phone conference and emails with client regarding [redacted] notary to determine whether Amrthein has forged documents	0.40	260.00	104.00	0.00	0.00	0.00
431961	03/12/2018	CJP Carrie J. Phaneuf	Review notary statute for requirements to send Deposition on Written Questions to notary to determine whether Amrhein has forged documents and revise Deposition on Written Questions in accordance with same	0.30	260.00	78.00	0.00	0.00	0.00
433277	03/12/2018	JLS Jennifer L. Smiley	Prepared Deposition on Written Questions to Malachi Hackett (notary public) to prove up plaintiff's forgeries of notarized pleadings	0.80	195.00	156.00	0.00	0.00	0.00
433284	03/13/2018	JLS Jennifer L. Smiley	Briefly reviewed and analyzed Plaintiff's pleadings requesting a continuance	0.10	195.00	19.50	0.00	0.00	0.00
432001	03/13/2018	RH Rose Hernandez	Email to Sheila Lazzara at Written Deposition Service requesting DWQ/notary.	0.50	100.00	50.00	0.00	0.00	0.00
432311	03/14/2018	CJP Carrie J. Phaneuf	Phone conference [redacted] regarding hearing on continuance and plan moving forward to obtain evidence to rebut plaintiff claim that she needs continuance	0.40	260.00	104.00	0.00	0.00	0.00
432312	03/14/2018	CJP Carrie J. Phaneuf	Plan and prepare Deposition on Written Questions to medical providers of Amrhein to develop evidence that continuance of hearing on vexatious litigant motion not required	0.20	260.00	52.00	0.00	0.00	0.00
432737	03/14/2018	RH Rose Hernandez	Review email from Carrie Phaneuf requesting additional DWQ records; sent email to Sheila Lazzara at Written Deposition Service requesting same.	0.50	100.00	50.00	0.00	0.00	0.00
432530	03/15/2018	CJP Carrie J. Phaneuf	Draft email [redacted] regarding status of vexatious litigant motion and [redacted]	0.10	260.00	26.00	0.00	0.00	0.00
432531	03/15/2018	CJP Carrie J. Phaneuf	Review draft Deposition on Written Questions to Amrhein medical providers to determine revisions and for approval to send	0.20	260.00	52.00	0.00	0.00	0.00
432532	03/15/2018	CJP Carrie J. Phaneuf	Review draft Deposition on Written Questions to Amrhein notary to determine revisions and for approval to send [redacted]	0.20	260.00	52.00	0.00	0.00	0.00
432645	03/16/2018	CJP Carrie J. Phaneuf	Assess whether plaintiff allegations [redacted]	0.10	260.00	26.00	0.00	0.00	0.00
432740	03/16/2018	RH Rose Hernandez	Review email from Carrie Phaneuf requesting additional records DWQ; email to Sheila Lazzara at Written Deposition Service inquiring on status of the DWQ//notary.	0.50	100.00	50.00	0.00	0.00	0.00
432827	03/19/2018	VC Virginia Cox	Review of Case Law to Determine if [redacted]	1.30	195.00	253.50	0.00	0.00	0.00
432855	03/19/2018	VC Virginia Cox	Research on [redacted]	0.20	195.00	39.00	0.00	0.00	0.00
433215	03/20/2018	CJP Carrie J. Phaneuf	Review client emails regarding Amrhein filings in federal court case and strategy to request hearing on vexatious litigant motion given show cause order by federal magistrate; phone conference with client regarding same and regarding [redacted]	0.60	260.00	156.00	0.00	0.00	0.00

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
433216	03/20/2018	CJP Carrie J. Phaneuf		0.50	260.00	130.00	0.00	0.00	0.00
			Review email communications from [redacted] regarding proceedings in federal court and show cause order requiring Amrhein to appear; draft email with [redacted] regarding same and regarding Amrhein [redacted]						
433217	03/20/2018	CJP Carrie J. Phaneuf		0.90	260.00	234.00	0.00	0.00	0.00
			Review Amrhein filings in federal court [42 pages total] filed in lieu of attending status conference and despite fact of alleged medical condition in preparation for drafting request with state court judge for hearing on vexatious litigant motion						
433218	03/20/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
			Review and analyze federal court rulings and show cause order requiring Amrhein to appear in person despite medical condition in preparation for drafting request to state court judge for hearing						
433219	03/20/2018	CJP Carrie J. Phaneuf		1.50	260.00	390.00	0.00	0.00	0.00
			Draft motion requesting hearing on vexatious litigant motion with evidence showing trial court that federal district court has entered show cause order against Amrhein						
433220	03/20/2018	CJP Carrie J. Phaneuf		0.20	260.00	52.00	0.00	0.00	0.00
			Draft emails with [redacted]						
433450	03/21/2018	CJP Carrie J. Phaneuf		0.20	260.00	52.00	0.00	0.00	0.00
			Phone conference and emails with [redacted] regarding recent determination by court to move forward with hearing on vexatious litigant motion						
433452	03/21/2018	CJP Carrie J. Phaneuf		0.40	260.00	104.00	0.00	0.00	0.00
			Draft emails with client regarding recent determinations by court to move forward with vexatious litigant hearing and review court rulings regarding same						
433453	03/21/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
			Draft pleading in accordance with judge's instruction regarding hearing on vexatious litigant motion						
433454	03/21/2018	CJP Carrie J. Phaneuf		0.30	260.00	78.00	0.00	0.00	0.00
			Assess supplemental pleading to vexatious litigant motion to clarify the five prior cases by Amrhein that have been disposed against her to satisfy statutory requirements to have her declared a vexatious litgiant						
433455	03/21/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
			Assess status of whether Amrhein has been served with notice of Deposition on Written Questions to medical providers and notary in preparation for hearing on vexatious litigant motion						
434165	03/21/2018	JLS Jennifer L. Smiley		1.00	195.00	195.00	0.00	0.00	0.00
			Evaluated procedural history of Plaintiff Amrhein's AHI and Remax appeals for use in Vexatious Litigant Motion by reviewing docket sheet and 10 underlying pleadings from this case						
434166	03/21/2018	JLS Jennifer L. Smiley		1.40	195.00	273.00	0.00	0.00	0.00
			Reviewed and analyzed 5 cases and the statute analyzing which litigations/matters qualify under the vexatious litigant statute						
434167	03/21/2018	JLS Jennifer L. Smiley		5.20	195.00	1,014.00	0.00	0.00	0.00
			Prepared Reply and Supplement to Defendants' Motion to Declare Plaintiff a Vexatious Litigant (7 pages), including argument regarding the litigations that qualify under the statute and explaining Amrhein's past litigations						
433731	03/22/2018	CJP Carrie J. Phaneuf		1.00	260.00	260.00	0.00	0.00	0.00
			Draft revisions to supplement to vexatious litigant motion to add new information about other lawsuits adversely decided against Amrhein as grounds for why she should be declared vexatious litigant						
434168	03/22/2018	JLS Jennifer L. Smiley		1.90	195.00	370.50	0.00	0.00	0.00
			Prepared Reply and Supplement to Plaintiff's Motion to Declare Plaintiff a Vexatious Litigant, including the analysis of the JP appeal of Amrhein v. Schroeder						
434169	03/22/2018	JLS Jennifer L. Smiley		0.50	195.00	97.50	0.00	0.00	0.00
			Prepared chart of Plaintiff's past litigations for use in vexatious litigant hearing as a visual aid for the judge						
433733	03/23/2018	CJP Carrie J. Phaneuf		0.10	260.00	26.00	0.00	0.00	0.00
			Review communications with [redacted] cease and desist letter from Amrhein						

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
433734	03/23/2018	CJP Carrie J. Phaneuf	Draft email with [redacted]	0.10	260.00	26.00	0.00	0.00	0.00
433735	03/23/2018	CJP Carrie J. Phaneuf	Review correspondence from court to all parties regarding hearing on motion to declare Amrhein a vexatious litigant	0.10	260.00	26.00	0.00	0.00	0.00
434180	03/24/2018	JLS Jennifer L. Smiley	Continued preparing Reply and Second Supplement to Plaintiff's Response to Defendants' Motion to declare Plaintiff a Vexatious litigant (19 pages), including argument regarding repeatedly litigates the same causes of action against the same defendants; prepared chart of past litigations for judge as summary	4.70	195.00	916.50	0.00	0.00	0.00
433960	03/26/2018	CJP Carrie J. Phaneuf	Draft email to client regarding [redacted]	0.20	260.00	52.00	0.00	0.00	0.00
433961	03/26/2018	CJP Carrie J. Phaneuf	Draft revisions to reply and supplement of vexatious litigant motion with additional information regarding matters determined adversely to Amrhein and matters she repeatedly litigates	2.50	260.00	650.00	0.00	0.00	0.00
433968	03/26/2018	CJP Carrie J. Phaneuf	Phone conference with [redacted]	0.10	260.00	26.00	0.00	0.00	0.00
434184	03/26/2018	JLS Jennifer L. Smiley	Prepared Reply and Second Supplement to Defendants' Motion to declare plaintiff a vexatious litigant and exhibits	1.10	195.00	214.50	0.00	0.00	0.00
434142	03/27/2018	CJP Carrie J. Phaneuf	Receipt and review of Amrhein 63 page motion to quash Deposition on Written Questions to medical providers and notary and motion for sanctions	0.80	260.00	208.00	0.00	0.00	0.00
434145	03/27/2018	CJP Carrie J. Phaneuf	Draft email with client regarding Amrhein motion to quash and plan for responding to same	0.10	260.00	26.00	0.00	0.00	0.00
434355	03/27/2018	JLS Jennifer L. Smiley	Reviewed and evaluated Plaintiff's Motion for Sanctions and Motion to quash in preparation of vexatious litigant hearing	0.20	195.00	39.00	0.00	0.00	0.00
434258	03/28/2018	CJP Carrie J. Phaneuf	Draft email with client regarding review of newest Amrhein filing	0.10	260.00	26.00	0.00	0.00	0.00
434259	03/28/2018	CJP Carrie J. Phaneuf	Phone conference with Chase Bank regarding status of their response to Deposition on Written Questions for notary information regarding Amrhein's forgery of notary	0.10	260.00	26.00	0.00	0.00	0.00
434260	03/28/2018	CJP Carrie J. Phaneuf	Review and analyze email from client with motion for fees filed by Prosperity Bank against Amrhein and evidence that Amrhein is able to appear at court house for filings	0.20	260.00	52.00	0.00	0.00	0.00
434261	03/28/2018	CJP Carrie J. Phaneuf	Draft email to claims professions regarding [redacted] and status of vexatious litigant hearing	0.10	260.00	26.00	0.00	0.00	0.00
434262	03/28/2018	CJP Carrie J. Phaneuf	Plan and prepare for hearing on vexatious litigant motion including review of affidavit on fees and need to supplement same, key cases for judge review, and other demonstrative materials for court	0.30	260.00	78.00	0.00	0.00	0.00
			Totals:	**248.20**		**54,613.50**	**189.60**		**41,665.00**

Expenses

417697	11/13/2017	E112	Online research via Pacer for court docket report and documents.	6.80	1.00	6.80	6.80	1.00	6.80
417219	11/15/2017	E112	Filetime fee - Defendants Lennie F. Bollinger and Wormington & Bollinger's Original Answer (EFILETX 20741829)	3.33	1.00	3.33	3.33	1.00	3.33

Exhibit C

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
421527	12/12/2017	E112	Online research via Pacer for court docket report and documents.	5.60	1.00	5.60	0.00	1.00	0.00
418981	12/22/2017	E112	Court fees - Defendants Rule 91a Motion to Dismiss (EFILETX21463933)	3.33	1.00	3.33	3.33	1.00	3.33
420013	01/03/2018	E112	Court fees - Defendants' First Amended Answer (EFILETX21575373)	3.33	1.00	3.33	3.33	1.00	3.33
420015	01/03/2018	E112	Court fees - Notice of Hearing (EFILETX21569703)	3.33	1.00	3.33	3.33	1.00	3.33
421176	01/05/2018	E112	Court fees - CJP Vacation Letter (EFILETX21636232)	3.33	1.00	3.33	3.33	1.00	3.33
427062	01/15/2018	E106	Online research via Pacer for court docket report and documents.	2.90	1.00	2.90	0.00	1.00	0.00
422476	01/18/2018	E112	Court fees - Affidavit of Carrie Johnson Phaneuf on Attorney's Fees and Costs in Support of Defendant's Motion to Dismiss (EFILETX21894492)	3.33	1.00	3.33	3.33	1.00	3.33
425093	01/19/2018	E112	Court fees - Defendants Reply to Plaintiffs Response to Motion to Dismiss (EFILETX21931380)	3.33	1.00	3.33	3.33	1.00	3.33
425135	01/22/2018	E112	Court fees - Proposed Order on 91a Motion to Dismiss (EFILETX21981471)	3.33	1.00	3.33	3.33	1.00	3.33
425141	01/23/2018	E112	Court fees - Defendants Further Reply to Plaintiffs Supplemental Filings in Response to Defendants Motion to Dismiss Under Rule 91a (EFILETX22011469)	3.33	1.00	3.33	3.33	1.00	3.33
427061	01/24/2018	E106	Online research via Pacer for court docket report and documents.	13.80	1.00	13.80	0.00	1.00	0.00
428284	01/25/2018	E112	Filetime Defendent's Request for Disclosure to Plaintiff. (#22061823)	3.33	1.00	3.33	3.33	1.00	3.33
432798	02/09/2018	E112	Court fees - Filing of Defendants Motion for an Order (Exhibits A to G-2) (#22437092)	3.33	1.00	3.33	3.33	1.00	3.33
432828	02/09/2018	E112	Court fees - Defendants Motion for an Order [SECOND PART] (Continuation of Submission Identification 22437092 due to size limitations per Brenda at the clerk's office) e-filed 2018-02-09 (ETXFILE22437453)	3.33	1.00	3.33	3.33	1.00	3.33
432820	02/12/2018	E112	Court fees - E-Filing Defendants Notice of Hearing for Defendants Motion for an Oder Determining Plaintiff Darlene Amrhein to Be A Vexatious Litigant and Requesting Security e-filed 2018-02-15 (EFILETX22467154)	3.33	1.00	3.33	3.33	1.00	3.33
432822	02/12/2018	E112	Court fees - Defendants Supplement to Their Motion for an Order Determining Plaintiff Darlene Amrhein to Be A Vexatious Litigant and Requesting Security, e-filed 2018-02-15 (EFILETX22466894)	3.33	1.00	3.33	3.33	1.00	3.33
432802	02/14/2018	E112	Court fees - Filing of First Amended Notice of Hearing for Defendant's Motion. (#22532123)	3.33	1.00	3.33	3.33	1.00	3.33
431832	02/15/2018	E106	Online research via Pacer for court docket report and documents.	34.20	1.00	34.20	0.00	1.00	0.00
431829	02/19/2018	E106	Online research via Pacer for court docket report and documents.	6.10	1.00	6.10	0.00	1.00	0.00

ID	Date	Tkpr/Exp	Activity Description	Worked Values Qty	Worked Values Rate	Worked Values Amount	Billed Values Qty	Billed Values Rate	Billed Values Amount
432784	03/07/2018	E112		3.33	1.00	3.33	0.00	0.00	0.00
	Court fees - Filing of Defendants Response in Opposition to Plaintiff's Motion to Compel (EFILETX22993662)								
431889	03/12/2018	E110		32.70	1.00	32.70	0.00	0.00	0.00
	Travel to Collin County Courthouse for Hearing.								
			Totals:	**155.38**		**155.38**	**56.75**		**56.75**
			Report Totals:			**54,768.88**			**41,721.75**

Exhibit C

CMW
COBB MARTINEZ WOODWARD

Carrie J. Phaneuf
214.220.5206

214.220.5256 | direct fax
cphaneuf@cobbmartinez.com

February 7, 2018

Via Priority Overnight Mail
Darlene Amrhein
112 Winsley Circle
McKinney, TX 75071

Re: *Amrhein v. Bollinger, et al; Cause No. 005-02654-2017 in the Collin County Court at Law No. 2, Collin County, Texas.*

TRE 408 SETTLEMENT COMMUNICATION

Dear Ms. Amrhein:

On behalf of Lennie Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger ("Defendants"), I have been authorized to make the following offer of settlement to you in the above matter:

In an effort to avoid any further expense of the litigation, and without admitting any wrongdoing, Defendants will agree to not pursue collection of the $14,130.60 in fees and costs awarded to them by the Court's January 30, 2018 Order on their Rule 91a Motion to Dismiss in exchange for your agreement that:

1. You will dismiss with prejudice all of your remaining claims in Cause No. 005-02654-2017 currently pending in the County Court at Law No. 5 of Collin County, Texas;
2. You will agree to execute a settlement agreement that releases any and all claims you have asserted or could have asserted against Defendants related to Anthony Balistreri, in your individual and representative capacity, as well as any and all claims you have asserted or could have asserted against Defendants related to the lawsuit against David Schroeder filed as Cause No. 01-SC-16-00165 in the Justice of the Peace, Precinct 1 of Collin County, Texas and later appealed to County Court at Law No. 2, Cause No. 002-2663-2017; and
3. You agree that the terms of the settlement will remain confidential.

This offer will remain open until 5:00 p.m. on February 13, 2018.

If you do not agree to this offer, please send certified funds in the amount of $14,130.60 made out to Cobb Martinez Woodward PLLC IOLTA Trust Account on or before February 28, 2018. The certified funds should be sent to my office address below and to my attention. Please note that if there is a failure to remit these funds, Defendants will use any and all legal remedies available to them to pursue collection of same.

I look forward to your response.

Sincerely,

Carrie Johnson Phaneuf

CJP:klh
CMW176571v1

Exhibit C

VERIFICATION / AFFIDAVIT

NO. 006-03654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Balistreri-Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed Plaintiff's Responses & Objections to Defendants Reply to Plaintiff's Response, Deviations Litigants etc.

This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing.

Darlene C Balistreri-Amrhein

Darlene C. Balistreri- Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON March 24, 2018 to Certify which witness my hand and official seal.

SEAL:

SEAN LOUGHLIN
Notary ID #129595393
My Commission Expires
October 16, 2021

Sean Loughlin

Notary Public of Texas (Printed Name)

Notary Public of Texas (Signature)

Commission Expires 10/16/2021

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Responses & Objections To Defendants' Reply To Plaintiff's Response & Second Supplement To Their Motion For An Order Determining Plaintiff as Vexations Litigant & Requesting Security (Plaintiff's Second Supplement) was served by Certified Mail through the United States Post Office on or about March 28, 2018 to the following:

Collin County Courthouse — Certified 7016 1970 0001 1780 0002

or courier

County Court at Law No. 6

Honorable Judge Jay Bender
2100 Bloomdale Rd., Suite # 30354
McKinney, TX 75071

Cobb, Martinez, Woodward, PLLC — Certified # 7016 1970 0001 1780 0019

Attorney Carrie Johnson Phaneuf

1700 Pacific Avenue, Suite # 3100

Dallas, TX. 75201

Respectfully submitted,

Darlene Balistreri-Amrhein

Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

3/25/18

26.

 original

CAUSE NO. 006-02654-2017

FILED
COUNTY COURT AT LAW
2018 APR 2 AM 8:02
STACEY KEMP
COUNTY CLERK
COLLIN COUNTY, TEXAS
BY: DEPUTY

DARLENE C. AMRHEIN, et al, Plaintiffs,

V.

ATTORNEY LENNIE F. BOLLINGER, AND WORMINGTON BOLLINGER LAW FIRM, Defendants, et al
COLLIN COUNTY, TEXAS

Collin County Court at Law Six (6)
Judge Jay Bender (Criminal Judge Jurisdiction $100,000.00 as invalid)

Plaintiff's Timely Responses & Objections To Show Cause Order, Email Demands Made By Texas & Federal Courts To Destroy these 2 Lawsuits Against Plaintiff, As A Disabled Person In Violations of ADA, By Collusion Against Rule of Law As Discriminations, Bias, Prejudice & Retaliation, Following Cease & Desist Demand Letters, Hearings & Motion For Recusal As Certified, Sent & Filed

COMES NOW, Plaintiff, Darlene C. Balistreri-Amrhein to file Plaintiff's Timely Responses To All Courts Email Demands Made From Texas And Federal Courts To Destroy 2 Lawsuits Against Plaintiff, As a Disabled Person In Violations of ADA, In Collusion Against Rule of Law As Discriminations, Bias & Prejudice Retaliation, Following After Cease & Desist Letters Were Sent to those as follows:

TWO SEPARATE LAWSUITS

1) There are 2 separate lawsuits that are being commingled for express purpose to be sure to " Get Plaintiff Amrhein" in order to destroy 2 separate lawsuits, one Texas case & one Federal Lawsuit, before she has any needed 2 surgeries & medical plans ;

2) This has been orchestrated by Federal & Texas personnel that became more obvious by multiple emails that were sent on March 20, 2018, with demands, scheduling & Orders, followed by multiple certified mail sent to commingle all Plaintiff's lawsuits;

ACTVITIES OF U.S. EASTERN DISTRICT COURT & TEXAS COURT

3) The U.S. Eastern Court Staff is Karen Sessions of the United States Eastern District Court, Sherman Division, Texas & she called Plaintiff on March 19, 2018 & we talked again on March 20, 2019 about this above styled & numbered lawsuit;

4) The Eastern District Court Attorneys & Law Firm are : Law Firm, Muskat, Mahony, Devine, Moses, Attorney Grubb & Specific Attorney Michelle Mahony at 1201

IN THE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

DARLENE C. AMRHEIN, Plaintiff,

VS. CIVIL ACTION NO. 4:18–cv–00018

PROSPERITY BANK, JO'EL ELONY,

KEENA CLIFTON, and NAOMI THAMES, et al Defendants.

Plaintiff's Timely Responses & Objections To Show Cause Order, Email Demands Made By Texas & Federal Courts To Destroy these 2 Lawsuits Against Plaintiff, As A Disabled Person In Violations of ADA, By Collusion Against Rule of Law As Discriminations, Bias, Prejudice & Retaliation, Following Cease & Desist Demand Letters & Motion For Recusal As Certified, Sent & Filed

COMES NOW, Plaintiff, Darlene C. Balistreri-Amrhein to file Plaintiff's Timely Responses To All Courts Email Demands Made From Texas And Federal Courts To Destroy 2 Lawsuits Against Plaintiff, As a Disabled Person In Violations of ADA, In Collusion Against Rule of Law As Discriminations, Bias & Prejudice Retaliation, Following After Cease & Desist Letters Were Sent to those as follows:

TWO SEPARATE LAWSUITS

1) There are 2 separate lawsuits that are being commingled for express purpose to be sure to " Get Plaintiff Amrhein" in order to destroy 2 separate lawsuits, one Texas case & one Federal Lawsuit, before she has any needed 2 surgeries & medical plans ;

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ACTVITIES OF U.S. EASTERN DISTRICT COURT & TEXAS COURT

3) The U.S. Eastern Court Staff is Karen Sessions of the United States Eastern District Court, Sherman Division, Texas & she called Plaintiff on March 19, 2018 & we talked again on March 20, 2019 about this above styled & numbered lawsuit;

4) The Eastern District Court Attorneys & Law Firm are : Law Firm, Muskat, Mahony, Devine, Moses, Attorney Grubb & Specific Attorney Michelle Mahony at 1201

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Louisiana Street, Suite # 850, Houston, TX. 77002; And commingling partners are:

5) State Court Attorneys: Cobb, Martinez, Woodward PLLC, Law Firm, 1700 Pacific Ave , Suite 3100, Dallas, TX. 75201, Attorneys Carrie Johnson. Phaneuf, et al for Attorney Lennie Bollinger & Wormington & Bollinger Law Firm, et al Lawsuit;

6) The following titled two lawsuits, style & case numbers are as follows:

IN THE UNITED STATES EASTERN DISTRICT COURT OF TEXAS
SHERMAN DIVISION – Magistrate Judge Christine Nowak
CIVIL ACTION NO. 4:18–CV–00018

DARLENE C. AMRHEIN, Plaintiff,

v.

PROSPERITY BANK, JO'EL ELONY,

KEENA CLIFTON, and NAOMI THAMES, et al Defendants.

AND

Collin County Court at Law 6
Judge Jay Bender (Criminal Judge Jurisdiction $100,000.00 as invalid)

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al, Plaintiffs,

V.

ATTORNEY LENNIE F. BOLLINGER, AND WORMINGTON &
BOLLINGER LAW FIRM, Defendants, et al
COLLIN COUNTY, TEXAS

7) No One is Above The Laws, but it appears these 2 above Courts, Staffers, Attorneys on behalf of their individual Attorneys believe they are as they try to injure Plaintiff Amrhein, destroy two lawsuits & continue to cover up, conspire, make unreasonable demands to violate laws in both lawsuits to detriment of Plaintiff as bias triers of no fact, while sick, disabled & incapacitated to apply pressure to dismiss these 2 lawsuits;

CEASE AND DESIST ON THIS HARASSMENTS IN TWO LAWSUITS

8) Plaintiff sent out individual certified letters to Cease & Desist this harassing behavior against Plaintiff, which has been ignored making this individual legal issues that can result in lawsuits for defiance for these violations of these letters as they continue to harass Plaintiff, interfere with her medical care, causing delays, damages, pain & suffering to try to force her to dismiss one or both lawsuits, using her health to take advantage of her & by an indirect form of blackmail, threats & pressure by Attorneys, Staff, Judges, Courts & Defendants for their own benefits;

9) If Plaintiff were to die while in surgery as a result of these actions you all individually would be held liable in a lawsuit brought by Plaintiff's family for "wrongful death;"

10) These attorneys & courts' activities within have been unwanted as demanded, refused, illegal with notice & an attempt to interfere with Plaintiff's medical care in violations of HIPPA & ADA Laws. for the purpose or retaliation against a medicated, disable, ill Plaintiff to take advantage of her & that is why the refusal to stay activity;

11) This illegal activity against Plaintiff & these two pending lawsuit by attorneys, courts & judges is very sad & as such will be reported to authorities & turned over to Plaintiff's attorneys;

12) The last three Cease & Desist Letters were mailed on March 21, 2018 with plenty of notice to all parties as certified & others before that, so all received their notices & if you have suffered damages as a result of the other party's disobedience of your cease and desist, such as lost profits, you may be in a position to recover financial damages as well., which is not at anyone's or judge's discretion;

13) In the modern legal system, many unwanted and consistent actions may be deemed as harassment as in these two lawsuits;

DOCTOR'S LETTERS & "GOOD CAUSE" REASONS TO STOP & STAY CASES AND "SHOW CAUSE OBJECTIONS" TO COURT ORDER OF MARCH 19, 2018

14) Plaintiff has provided 3 Doctors letters, about 20 pages of medical needs & medical requirements & yet this is all ignored & refused with demands for Plaintiff to do more work, come to hearings in Sherman Texas, come to Collin County Courthouse when it is impossible to walk, not take narcotic medications that restrict driving & cause Plaintiff more pain & suffering from her spine, legs & head area, which is totally unreasonable & inhumane as none of you are medical doctors & do not have any medical licenses;

15) Plaintiff has "good cause" reasons to not appear at any hearings in either of 2 lawsuits until full recovery from 2 back surgeries, so this is formal notice to both Courts;

16) The fact that all these attorneys with the aid of these two above Courts, Magistrate Christine Nowak & Judge Jay Bender are engaged in behavior that requires recusal as not un bias triers of fact, enforcing the existing written & legislative laws of Texas & the United States Congress.is shown by all activities allowed & all demand hearings set;

17) Only reasons you want hearings is to dismiss & demand money out of Plaintiff at same time with no resolution to any lawsuits in RETALIATION for no attorney;

18) Plaintiff got that information on "good authority" from inside that is the purpose as rigged to aid attorneys against litigants with no attorneys preventing U.S. & Texas Constitutional Rights with "no due process," as blacklisted & this came from one of your own within the Texas legal professionals, so reasons to pressure to dismiss;

19) PLAINTIFF HAS NO INTENTIONS OF DISMISSING ANY FILED & PENDING LAWSUITS OR ANY OTHER LAWSUITS;

20) This became apparent months ago & continued with First Regional Judge Mary Murphy, who cancelled Judge Piper McCraw because of being a family court judge only & then assigned Judge Angela Tucker as a family court judge & before the ink was dry, because of being a black judge the Attorneys moved the case to federal court after more than one year, which is racial discrimination as known by the legal professionals in 2018;

21) It appears that there is a lot of funny business going on while hiding evidence & facts in these two lawsuit with "conflicts of interest;" that is ignored & illegal;

22) On March 19, 2018 Plaintiff has a message left about a hearing in Sherman Texas with Judge Christine Nowak at 3:30 PM that day;

23) Plaintiff was medicated on pain killers & received this phone message at 6:30 PM;

24) Plaintiff never recalled any hearing or notice that was given & could never drive that distance at anytime due to disabilities, let alone drive while medicated unlawfully;

25) Plaintiff explained made a trip to Plano Courthouse unmedicated on March 19, 2018 at about 8AM to turn in some court documents as demanded within 14 days, under the assistance of a walker & assistance from kind federal agents in the court building;

26) Upon leaving the pain was severe & headed home to medication & bed to sleep because of all pain & effort needed for this trip from McKinney to Plano & back home;

27) Plaintiff meet the very nice clerk "Richard," who filed stamped all court documents & claimed they would be filed immediately & timely to Judge Nowak;

28) Plaintiff returned call on March 20, 2018 to Clerk Karen Sessions, who claimed that not all court filed documents were submitted to docket & Judge Nowak did not see all Plaintiff's filings from March 19, 2018 filing;

29) Plaintiff inquired as to why all court filings were not docketed together & Clerk Sessions claimed that some documents were **highly offensive** as recorded during our telephone conversation;

30) Plaintiff's reply was that **one exhibit was highly offensive**, but that was just one fact of this Prosperity Bank Lawsuit before Judge Nowak;

31) Court clerk Karen Sessions indicated that this needs to be sealed to the public, but would be available to the Court of Appeals, if it comes to that, which was not all factually correct as stated & implied as this is a cover up to prevent the facts in this case known;

32) During this conversation Plaintiff indicated that she is not getting all electronic notices, with some coming up as appearance of hacking, which was being examined;

33) This is not the first time that Plaintiff has not gotten timely notices, so the electronic was suppose to correct those issues, which has not as detailed information as to why Plaintiff was not at March 19, 2018 hearing as a secondary reason;

34) Clerk Sessions indicated she was meeting with Judge Nowak that March 20, 2018 for a meeting to inform Judge Nowak about all outstanding situations in this lawsuit;

35) Late afternoon of March 20, 2018 Plaintiff get 4 emails about more demand from federal court with an Order signed by Judge Nowak for Plaintiff to appear & explain why she missed the March 19, 2018 ordered conference before her, which is another example of all confusion, misstatements, violations of ADA & HIPPA Laws, knowing Plaintiff is ill, can't travel on her medicines & under "no work" Order from her doctor for her pending back surgeries;

36) As of today, just like yesterday Plaintiff cannot travel, cannot be without her medications, cannot do work & has tried to the best of her ability, as ignored by this United States Magistrate Judge Nowak & her court with appearance of bias, prejudice, "conflict of interest" & retaliation, after all court filed documentation to show cause;

37) Judge Nowak continues to try to demand that this Prosperity Bank Lawsuit could be dismissed, when she doesn't even have any proper jurisdiction over some claims in this lawsuit that are banned from state removal, as now hiding these court filings, all exhibits & evidence by preventing them on docket in clear view, Exhibits A to K, which shows her "conflict of interest," violations of ADA & HIPPA Law, refusal to examine & address all facts in this lawsuit, while continuing to harass Plaintiff, ignore facts of her medical condition as documented in 10 + pages with Dr. Arakal's 2 detailed & correct letters;

38) Plaintiff is taking appropriate actions of Motion Of Recusal of Judge Christine Nowak & the United States Eastern District Court for not enforcing laws & continuing to harass Plaintiff Amrhein as filed in a separate court filing & as mailed on the same day & same envelope for this filing, as "no one is above the law;"

39) Plaintiff expects Judge Nowak will refuse her recusal as in past for Appeal & formal complaints are against her for those consequences, both in the Court of Appeals, U.S. House Judiciary, U.S. Senate Judiciary & Congress;

40) According to Judge Nowak & United States Eastern District Court she is so "offended by filed exhibits" for the actions taken against Plaintiff as basis of this lawsuit, so she then wants to protect Prosperity Bank, et al, hide evidence & dismiss this lawsuit against rules, statutes, laws & Constitutional Rights, while retaliating against a disabled injured sick Plaintiff for perhaps some motive; which is unreasonable, unlawful & illegal;

41) Magistrate Judge Christine Nowak through this court has violated laws & was complained of, so she should have recused herself from the start in this lawsuit;

42) This is why Judge Nowak does not examine evidence, facts, court filings, medical & Doctor's letters & continues to harass Plaintiff to detriment of her heath to take advantage of her unlawfully;

43) **March 22, 2018** Plaintiff received a message as not paid $732.00 in back wages from Prosperity Bank. So Plaintiff is adding this to list of damages in this lawsuit, that belongs in Texas Courts for unpaid wages that this U.S. Court is refusing to remand back & is trying to dismiss out of bias, prejudice, "conflict of interest," retaliation & revenge.

44) Plaintiff is owed her whole amount of wages that they cheated her out of, lied to Texas State Agencies, under reported wages & activated TWC unemployment, which is part of the cover up, collusion & conspiracy that is present in this Court before Judge Christine Nowak, as stated in prior court filings & stated by laws as banned;

45) This discovery of $732.00 owed by Prosperity Bank was through a wage checker;

46) Plaintiff Darlene C. Amrhein makes claim for this $732.00 of back wages, plus interest from 2015 to be paid immediately & all errors reported to TWC unemployment & worker's compensation;

47) It is against the law for an employer to retaliate against you in any way for filing a suit against the company. There is a statute of limitations of 2 years unless the employer knowingly withheld your pay and it is 3 years, which is the case with Prosperity Bank;

48) If an employer knowingly kept your pay from you, he could face civil consequences, or he could be forced to pay a fine up to $1000. In some cases, criminal prosecution could occur, and the fine could be up to $10,000. If the business repeats these offenses, he could face jail time;

49) It is unfair for you to work and then not get the pay that you deserve. The United States Department of Labor is now involved as this Court & associated parties have been reported, so for Magistrate Judge Nowak to try to dismiss & cover this up is "obstruction of Justice" & "Fraud Upon Courts," including the 199th District Court Collin County;

TWO LAW FIRMS & ATTORNEYS INVOLVED WITH DEFENDANTS

50) The two law firms are **Cobb, Martinez, Woodward PLLC, Law Firm,** 1700 Pacific Ave , Suite 3100, Dallas, TX. 75201, Attorneys Carrie Johnson. Phaneuf, et al for Attorney Lennie Bollinger & Wormington & Bollinger Law Firm, et al; and Law Firm **Muskat, Mahony, Devine, Moses, Attorney Grubb & Specific Attorney Michelle Mahony** at 1201 Louisiana Street, Suite # 850, Houston, TX. 77002;

51) **These attorneys & law firms have colluded together**, shared information to devise a plan to "Get Plaintiff" in both lawsuits to force dismissal due to Plaintiff's serious medical condition for their own benefits with help of Magistrate Nowak & Judge Bender;

52) These court actions & activities are illegal for the benefit of these corrupt Defendants & their attorneys in both lawsuits as Attorneys falsely claim Plaintiff has no surgery date;

53) This why there is an orchestrated effort between the Texas Court, Judge Jay Bender & the Federal Court Magistrate Nowak to "get Plaintiff before her two surgeries any way they can, which is illegal "conflict of interest," bias, prejudice, collusion & retaliation;

OBSTRUCTION OF JUSTICE & FRAUD UPON COURTS BY ATTORNEYS

54) The two law firms are **Cobb, Martinez, Woodward PLLC, Law Firm,** 1700 Pacific Ave , Suite 3100, Dallas, TX. 75201, Attorneys Carrie Johnson. Phaneuf, et al for Attorney Lennie Bollinger & Wormington & Bollinger Law Firm, et al; and Law Firm **Muskat, Mahony, Devine, Moses, Attorney Grubb & Specific Attorney Michelle Mahony** at 1201 Louisiana Street, Suite # 850, Houston, TX. 77002;

55) These attorneys & law firms have colluded together, shared information to devise a plan to "Get Plaintiff" in both lawsuits to force dismissal due to Plaintiff's serious medical condition for their own benefit with help of Magistrate Nowak & Judge Bender;

56) These court actions & activities are illegal for the benefit of these corrupt Defendants & their attorneys in both lawsuits as Attorneys falsely claim Plaintiff has no surgery date;

57) This was obvious as Judge Dan Wilson orders over $14,000 for Attorney Phanuef in the Lennie Bollinger & Wormington & Bollinger lawsuit as apart of rigged system;

58) Judge Wilson recusal was warranted & his Order is Appealable, while Attorney Phanuef threatens Plaintiff with seizure of her money unlawfully as Social Security is protected with more of her harassment & criminal acts;

59) What Attorney Phaneuf fails to mention Plaintiff was hospitalized multiple times since Dec. 26, 2017, medicated on narcotics with compromise thought process & could not file anything without being under influence of drugs & serious pains, making this Judge Wilson Order invalid;

60) Attorney Phaneuf continues falsities against senior, disabled Plaintiff claiming a fake vexatious litigant with no proof, but still defames & discredit her for more attorneys fees, falsely claims Doctor Arakal does not answer court's calls & falsely claims Plaintiff has no surgery date is Obstruction of Justice, "Frauds Upon Courts& "violations of laws to mislead the Courts as a Texas licensed attorney along with her partners;

61) Attorney Phaneuf continues to commit fraud upon the Courts listing addresses that Plaintiff has never been to in life with names of notaries as she lists in court filing on March 7, 2018 court filing is Obstruction of Justice & intent to mislead by frauds;

62) Attorney Phanuef complains about "denied stay" in Fifth Circuit Court of Appeals, when there is "no work required in that Court" & the notice filing was just a courtesy to let the Court know if anything was needed further from Plaintiff, would be unavailable;

63) Actually the Fifth Circuit Court of Appeals granted Plaintiff no additional work at all under the circumstances of the medical notices, so another Attorney Phaneuf falsity;

64) Attorney Phaneuf statement of Plaintiff walking with cane is false because that was in start of medical care, doctors have Plaintiff with a walker, which has now changed to back braces, both leg braces & neck brace, after falling 4 different times, making it impossible to drive as incapacitated, so more falsity to mislead Courts, Judges, Attorneys & Defendants to discredit Plaintiff in these two lawsuits;

65) Plaintiff has been very transparent about her medical condition as stated many times as verified as to her incapacities, yet continued to be ignored or changed by lies;

66) The fact that Plaintiff never travelled to all these Attorney Phaneuf locations is ridiculous & mail services have been hand carried by others if available, just like preparation & couriered documents, so "more falsities to mislead the Courts;"

67) Attorney Phaneuf false claim of "vexatious litigant" is a joke that was never researched just like all her other false statements for her to get free money by rigging;

68) Attorney Phaneuf falsely claims that Plaintiff is continuing to prosecute 3 lawsuits, with hearings, which is totally false as giving written notifications to Courts as demanded only under these incapacitated medical conditions as all stopped as of March 22, 2018;

69) Plaintiff was removed from her home to a safe place that is not an apartment or a home with no address & no computer, so all these harassments are forced to stop, which prevents mail & contacts for this incapacitated senior disabled Plaintiff until 6 months from April 26, 2018 surgery, minus any complications is "not an indefinite time in these lawsuits," so again Attorney Phaneuf is False to mislead, obstruct & fraud upon Courts that is sanctionable conduct by a Texas licensed Attorney;

70) If Plaintiff replies to lawsuits, she has no medical problems to prosecute lawsuits per Attorneys, when done to the best she can under "incapacitated medical circumstances;"

71) If Plaintiff doesn't reply then she is not prosecuting these lawsuits & time is held as "indefinite" in both lawsuits, which is an out right lie, as cut, paste & friends used to file;

72) So now these bad actors within have made it impossible for Plaintiff to function & for her health & safety sake has been removed from her home that will be dealt with after full recovery from April 26, 2018 unless death then charges of 'wrongful death will be filed for all these named participants;

73) Plaintiff received notice Lennie Bollinger lawsuit is set for April 5, 2018 at 1:30 at

Collin County Courthouse & April 2, 2018 at about the same time in Sherman Texas Courthouse, shows their efforts to "Obstruct Justice" against Plaintiff, who will not appear due to her serious medical conditions & all detailed information given with three Doctor's letters & as stated within this court filing;

74) What is amazing out of more than 30 attorneys not one would touch the case due to their "attorneys pack", no matter money paid as they are not to cross each other as rigged, which has been reported to United States Department of Justice & other Authorities;

75) Plaintiff contacted Lawyer.com & in two instances Lennie Bollinger Lawsuit was accepted by same Lennie Bollinger for payment to represent Plaintiff's case; (Rigged !)

76) About a week later, Marie Wormington accepted her own lawsuit by Marie Wormington for their greed of more money, no matter the case, which shows "the fix is always in;" (RICO & Frauds against Litigants.)

77) When Plaintiff declared in the "Cease & Desist letters" that she would go to press over their misconduct & actions taken to expose attorneys & Courts, they ignored it as they think there is a lock down on the press too; (Guess again !)

78) The deals made to get corrupt judges to the bench is unbelievable as examined for over 21 years, including bribes, thefts, created false judgments as covers & authorities that do nothing in so called "Name of Justice" as ordinary person do not stand a chance;

79) This amounts to RICO & Organized Crimes Against United States Litigants;

80) This is why lawsuits are passed to friends or Defendants, or ex-employees for a false result of a fake judgment cover up & "no results" as their "illegal con game;"

81) This is why lawsuits are transferred between colleagues for "conflict of interest" protection of a society of legal professionals getting rich off average citizens by Frauds;

82) **March 21, 2018** Plaintiff has on good authority that there is "a pack among Collin County Attorneys that they will not go against each other," which means Collin County legal system & attorneys are rigged against statutes, civil rules, legislated laws & U.S. & Texas Constitutional Rights to take money from litigants for false representations;

83) This all demonstrates corruption at Collin County Courthouse & ADA compliance under control of First Regional Judge Mary Murphy as she pretends assignments in Prosperity Bank Lawsuit & false "attorneys' fees" given in the Lennie Bollinger & Wormington & Bollinger Lawsuit as normal course of business & court practices in Collin County, Texas;

84) The Courts & Attorneys blacklist Plaintiff, prevent all attorneys, hit her with every possible Attorneys fees & sanction to silence her, discredit, ruin her reputation & she still won't go away, so now it is denied health issues for pressure to stop her, that too is not

working as they step it up as Plaintiff is exposing their crimes & greed;

85) So alternative is to make this all public through media to be examined for facts that "ordinary people" are being duped for money & illegal acts as a pack of protection by attorneys, law firms, judges & courts corruption committing "Fraud Upon The Court," Plaintiffs, Defendants & Litigants of all types for money much like other authorities for greed & false retainers, when decisions are not based on facts or evidence, but on the "Collin County Buddy System" to extort money called "attorneys fees;

86) There is a book "Under the Bench" to be published on all these above facts by manuscripts submitted;

87) If you notice these Recusal Motions were dated at an earlier, because "good cause" reasons were evident back then & held, so Defendants Attorneys could not falsely accuse Plaintiff of Motions To Recuse based on any specific Orders, but based on violations of legislated laws, confusions, attitudes, cover up, collusion, conspiracy, bias, prejudice, ADA & retaliations as exhibited in hiding all Defendants' illegal acts with aid of Texas licensed Attorneys, Texas & United States Judges to promote "corruption & frauds;"

88) "Plaintiff will Not be at Any Court Hearings until after full recovery from two back surgeries as filed before for "good cause" reasons, so all parties can stop interfering with all medical as you all are not practicing physicians & actions as such are illegal;

89) March 23, 2018, Plaintiff is being removed from her home due to these various harassments, interferences to obstruct her serious health care conditions & needed medical care for her own safety, due to these illegal acts, as defamations need to be exposed as these shameful cover up, collusion, frauds & conspiracies that exist in both lawsuits protected by Judges Bender & Nowak with aid of their named clerks, all named Attorneys & Law Firms as listed within this timely court filed document & all associated documents;

90) Plaintiff confirmed false stories, medical interferences, Cease & Desist letters as giving fair notice of harms being caused to Plaintiff.;

91) Plaintiff's proof is Text Messages. Emails. Conversations & All Court filings;

92) Harassment is unwanted, unwelcome, and uninvited behavior which annoys, threatens, intimidates, alarms, or puts one in fear for his or her safety.

93) The behavior is offensive and has an intention to disturb, upset, or annoy the individual being subjected to harassment by Bullying, Stalking, Cyberstalking, Intimidation, Invasion of privacy, Breach of contract, Libel or slander of defamation;
94) You can file a civil action claiming infringement, and request an injunction which would result in a demand from the court ordering the infringing party to stop using your protected materials, except they are all involved in the infringements, as rigged;

95) How plain does English have to be & how many times must it be told before all within "gets it," so now maybe you can hear Plaintiff's voice & stop it, while Plaintiff takes care of her health & life to resume back in 6 months without complications;

96) Plaintiff plans to sue each & every offender with an out of state Attorneys & Law Firm & publish "Under The Bench," Book, so people are aware of what Courts & Attorneys are all about in working against American Citizens & against Justice !

97) **One question** how much were you paid to violate your duty, oath of office & legal licenses to hide illegal acts & how many people were cheated to date as being reported ?

98) Motions for Recusal have been filed against Magistrate Judge Christine Nowak, United States Eastern District Court of Texas and Judge Jay Bender in the County Court at Law No. 6 Collin County Texas;

IN CONCLUSION AND PRAYER

99) What happened to the Rule of Law ????

100) Plaintiff has asked the Doctor for a third medical letter as very busy saving & repairing lives as licensed physician, that Attorney Phaneuf falsely claims does not respond, so I checked, apologized for her misconduct & interference as claimed & learned it was all false, phony & used to mislead the Court in her false court filings;

101) Time to stop all this medical interference crap & start acting like reasonable adults;

102) The 2 Court & 2 Judges should not be breaking laws / rights & are "good cause" reasons for Judges' Motions To Recuse Judge Bender & Judge Nowak, who are without proper jurisdictions in both lawsuits, discriminative & engaging in corruption in lawsuits;

103) So how disabled is Plaintiff ? Including all medical that has been submitted to these Courts, Plaintiff has now been fitted for two leg braces & an additional back brace now before April 26, 2018 surgery with multiple doctor appointment for surgery clearances.

104) Plaintiff has been removed from her home for health & safety with protection to stop all harassments, to prevent affecting my Medical Care, so lies can stop. Shameful !

105) No hearings to attend as shows "good cause" reasons with knowledge of all the facts as correct & current to date, along with sworn affidavit. **(Incapacitated Totally!)**

106) If anyone proceeds having this knowledge knowingly & two recusal motions then Plaintiff will Appeal for reversal & all these damages caused, since start of lawsuits!

107) All Plaintiff's Objections & Responses stand as filed within for all timely notices given, along with Plaintiff's sworn affidavit as true & correct as to my current status that applies to both styled & numbered lawsuit as stated within this & all Plaintiff's filings;

//.

108) All this discriminations, bias, prejudice, "conflict of interest," retaliation, false filings, known false accusations, threats, demands, frauds, obstructions, denied ADA, prevented stay, blacklisting to prevent all legal representation is not "due process," but violations of my U.S. & Texas Constitutional Rights as reported criminal & "Fraud upon Courts," by conspiracy, cover up, retaliation & collusion;

109) "Legal pack between Attorneys & Judges are illegal, obvious & exposed now;"

110) Plaintiff knows down deep you all wish her well & will be praying for her good & quick recovery as once a month after April 26, 2018,starting May 30, 2018 a notice will be sent at the end of month to Courts, when Plaintiff can lift her head again to live.

111) Time to "get the message & follow the U.S. Federal Rules of Civil Procedure & Texas Rules of Civil Procedure, United States Constitution & The Texas Constitution on the judicial process, all rights, "due process," ethics & case law, to lift all blacklisting, which is a violation of laws & criminal along with "conspiracy, & cover up for unfair advantages against an ill, disabled, senior Plaintiff as stated within timely & transparent.

112) Plaintiff's legal source as to the unethical acts of these Courts, Judges & Attorneys is a well respected one of your own top Attorneys & Staff that was exposed & revealed to Plaintiff as to the true picture of all discriminations that have been on going with fraudulent Court Orders to funnel money to Attorneys in violation of laws by corruption;

113) These discriminations did not start & stop at ADA & Plaintiff's health, but has been on going since the filing of the first lawsuit at the Collin County Courthouse under the authority of First Regional Administrative Judge Mary Murphy's questionable conduct;

114) Magistrate Judge Christine Nowak as a United States Federal Judge does not have any discretion to violated United States legislated laws, deny "due process," & deny Plaintiff or any litigant proper jurisdiction & deny any U.S. Constitutional Rights;

115) Judge Bender does not have the discretion to not have proper jurisdiction to decide this lawsuit of $200,000.00 or more & to award any attorneys fees like Judge Wilson that is cover up, false & conspiracy against Plaintiff or any litigant by **"Corruption;"**

116) Everything that has been done thus far in the Collin County Courthouse lawsuits & Federal United States Eastern District Court lawsuit within has been done unethically, while breaching sworn oath of office, all duties & existing Texas & Federal laws;

117) No one is above the laws, Rules of Civil Procedure, legal process, including Judges, Attorneys, Defendants, Clerks & others & there is no discretion for this CORRUPTION !

(Exhibit B)
DA

Respectfully submitted,

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

3/21/18

12.

Texas Back Institute®

March 27, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a patient of mine who is scheduled to undergo a Posterior Cervical Fusion from C3-4 with Laminectomy and Allograft on 4/26/18; no court work is to be done at that time. Currently, pt is to remain off work as she cannot complete her usual work duties secondary to the severity of her cervical and lumbar pahtology; pt is to remain off work in light of the fact that we are preparing for surgical intervention and continued work could exacerbate her pain and lead towards further deterioration. Please keep pt off of work. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

Exhibit A
B

VERIFICATION / AFFIDAVIT

Cause No. 006-02654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Balistreri-Amrhein, who swore in her capacity & individually on her sworn oath, deposed & said she prepared and signed Plaintiff's Timely Responses To All Courts Email Demands Made From Texas And Federal Courts To Destroy 2 Lawsuits Against Plaintiff, As a Disabled Person In Violations of ADA, In Collusion Against Rule of Law As Discriminations, Bias & Prejudice Retaliation, Following After Cease & Desist Letters, Hearings& Motion For Recusal As Certified Were Sent & Filed.

This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This Texas State filing is for purpose of "due process," fairness, Justice under State Laws & Rights presented in applicable Court attached as sited for this Court filing.

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON March 24, 2018 to Certify which witness my hand and official seal.

SEAL:

Sean Loughlin

Notary Public of Texas (Printed Name)

SEAN LOUGHLIN
Notary ID #129595393
My Commission Expires
October 16, 2021

Notary Public of Texas (Signature)

Commission Expires 10/16/2021

13.

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Timely Responses & Objections To Show Cause Order, Email Demands Made From Texas And Federal Courts To Destroy 2 Lawsuits Against Plaintiff, As a Disabled Person In Violations of ADA, In Collusion Against Rule of Law As Discriminations, Bias & Prejudice Retaliation, Following After Cease & Desist Letters, Hearings & Motion For Recusal As Certified Were Sent & Filed was served by Certified Mail through the United States Post Office on or about March 26, 2018 to the following:

Collin County Courthouse — Certified 7016 1970 0001 1780 0002

County Court at Law No. 6

Honorable Judge Jay Bender
2100 Bloomdale Rd., Suite # 30354
McKinney, TX 75071

Cobb, Martinez, Woodward, PLLC — Certified # 7016 1970 0001 1780 0019

Attorney Carrie Johnson Phaneuf

1700 Pacific Avenue, Suite # 3100

Dallas, TX. 75201

Respectfully submitted,

Darlene C. Balistreri-Amrhein

Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

3/21/18

original

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al, Plaintiffs,

V.

ATTORNEY LENNIE F. BOLLINGER, AND WORMINGTON & BOLLINGER LAW FIRM, Defendants, et al

Collin County Court at Law Six (6)
COLLIN COUNTY, TEXAS

FILED
COUNTY COURT AT LAW
2018 APR 2 AM 8:03
STACEY KEMP
COUNTY CLERK
COLLIN COUNTY, TEXAS
BY: DEPUTY

PLAINTIFF'S SWORN AFFIDAVIT

Comes now, Plaintiff Darlene C. Balistreri-Amrhein to file Plaintiff's Sworn Affidavit as follows:

1) I, Darlene C. Balistreri-Amrhein, am over the age of eighteen years old;

2) I, Darlene C. Balistreri-Amrhein, make this Plaintiff's Sworn Affidavit of my own free will, being of sound mind without confusion & no medications at this moment;

3) I am disabled with diabetes & other health problems needing medical care;

4) I am in need of two back operations with first one on April 26, 2018;

5) More than one surgeon will be involved in my surgeries as hospitalized & rehabilitation with about 2 months of recovery if no complications;

6) I will have my second surgery following recovery from first surgery & very necessary;

7) I have to go through several tests, labs & examinations for diabetes, heart problems & complete physicals for clearance to have these 2 surgeries to prevent loss of life at senior age as a "high risk patient & well over the age of 50 years old;

8) I am wearing braces for back, neck, both legs & limited support with a walker & cane;

9) I have fallen 4 times in the past month causing additional injuries;

10) I have filed court documents to the best of my ability in the pending lawsuits;

11) I have problems driving & cannot take pain medications, causing extreme pain;

12) The extreme pain prevents sleeping, walking, & very low exhaustive no energy;

13) I cannot come to any court hearings because of incapacitated health circumstances;

14) I have been removed from my home for my health & safety sake with no contacts;

15) I have no mailing address to receive any court documents & no access to a computer;

16) I am on various medications that change with the amount & types of pain suffered;

17) I know what my medical restrictions are as briefed on what to expect medically;

18) I have used help of friends for assistance as unable, when needed to answer in past;

19) I am waiting for health insurance approval for all these high expensive medical bills;

20) I have been transparent about my medical condition to the Courts, et al;

21) I cannot concentrate as confusion from pain & medications due to conditions;

22) I have experienced intense pain, upset, confusion, pressure from all demands made by Courts, Judges, Attorneys & Defendants, since December 26, 2017 hospitalization;

23) I have been denied the American With Disabilities Act / ADA since December 26, 2017 that has resulted in more pain & personal affects upon my body & health unjustly;

24) I have asked all parties to these pending lawsuits to grant me a 6 month stay from due to my serious health conditions & circumstances, but have been denied with additional pressures, demands & activities that I either can't do or cause more struggles;

25) I have had to deal with false statements & out right lies about me, vexatious litigant, etc. & these pending lawsuits as collusion has continued based on frauds upon the courts & obstructions of justice with RICO pack of bias, prejudice, conflict of interest & retaliations by Judges, Courts, Attorneys & Defendants causing damages & recusal;

26) I have felt & am aware of the "conflict of interest," bias, prejudice, retaliation against me & my pending lawsuits from the Courts, Judges, Attorneys & Defendants since 2017;

27) I am aware of the theft of my wages from Prosperity Bank & have reported that to authorities, which is a valid claim & not under the jurisdiction of the Federal Court & Judge Nowak as banned from removal from Texas Courts, but has been refused;

28) I am aware of the fraudulent demand for responses to Court documents in the Lennie Bollinger Lawsuit, while I was hospitalized & continually medicated that affected all responses to the 26f or 91a that prevented a complete & valid response to which I was ordered to pay a attorneys fees of over $14,000.00 & the threats made by their attorneys, which was prejudicial, conspiracy, cover up & APPEALABLE;

29) I am aware of the prejudice, bias, retaliation & "conflict of interest" of Judge Dan Wilson, Magistrate Judge Christine Nowak, Regional Judge Mary Murphy & Judge Jay Bender for a number of reasons for Motions To Recuse as not based on Orders or for delay, but based on those issues & lack of enforcement of laws, civil rules, statutes & my U.S. & Texas Constitutional Rights as promised to me & especially all "due process;"

30) I have been informed about the cover up & corruption at the Collin County Courthouse against well settled laws, Texas & United States Constitution with right to

J.

legal representation, un-bias triers of fact, to be heard, examination of factual evidence & "due process" for a fair & just decision before a jury as "denied to me" & reported;

31) I was informed the reason for # 30 is because "attorneys back each other no matter what by pack from all judges to all attorneys, leaving me with no chance for any Justice;

32) I was informed that there is money changing hands between judges & attorneys for favorable decisions that are purchased through friendships, etc. as RICO admiration society in Collin County, Texas & some United State Federal Judges against sworn oath of office, etc. while not enforcing Texas & United States existing laws, rules, statutes, & U.S. & Texas Constitutional Rights to cause injuries to Plaintiff as litigant in these lawsuits unlawfully to serve their own purposes by frauds in judicial system;

33) This corruption exists in both Collin County Texas Courts & United States Federal Courts as witnessed by activities, demands, instructions, conflicts of interest & bias, etc.

34) I have been taken advantage of on many levels & now it is obvious as to my medical health circumstances for the purpose to cause a dismissal to give all attorneys wins for more money & fraudulent Attorneys' fees. This is RICO & illegal conspiracy, collusion & cover up to prevent fairness, due process & Justice against well settled laws & frauds to pretend that is their duty to collect wages against litigants & taxpayers as no un bias triers of fact & no due process as promised, but criminal acts against me;

35) After 75 contacts for Attorneys to represent these cases I was informed I was black-listed & no attorneys will touch these cases unless they want to commit career suicide, so I went to a legal reliable professional source, who informed me of the "legal pack against litigants & true workings of judicial system style of "no justice:& frauds;" (RICO)

36) My medical condition is not a sore toe. I have a right to expect reason in dealing with this from authorities that have decided to break laws for their own benefits, while being denied all my U.S. & Texas Constitutional Rights as a U.S. natural born citizen;

37) I am being retaliated against by these Courts, Judges, Attorneys & Defendants in this conspiracy cover up & was a "good cause" reason to be removed from my home for safety, healthcare & to prepare for 2 spine back surgeries with removal of bone & nerves;

38) I cannot attend any court hearings, can't receive any mail, can't be contacted by internet of telephone messages, or in person & have no ailing address, so everything has been stayed that affects all Judges, all Courts Texas & Federal, all Attorneys, All Clerks & All Defendants effective as immediately on March 22, 2018;

39) This "Stay for all Court proceedings is in affect now & the 6 months of medical is from April 26, 2018 barring any medical complications, so no indefinite & every month an update will be provided to each Court as a guide to time activity for pending lawsuits.

40) There is no prejudice for Courts, Judges, Attorneys & Defendants to wait the 8 months, but there is plenty of prejudice to me, Darlene C. Balistreri-Amrhein & all pending lawsuit, as I wish I did not have to go through this all; (Exhibit B)

41) I, Darlene C. Balistreri-Amrhein make these above true statements based on facts, my own personal knowledge as documented within & to give full timely sworn notice.

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Balistreri-Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed Plaintiff's Sworn Affidavit as stated within & above.

This information as referenced and stated within is true and correct and of Darlene C. Balistreri-Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing.

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON March 24, 2018 to Certify which witness my hand and official seal.

SEAL:

SEAN LOUGHLIN
Notary ID #129595393
My Commission Expires
October 16, 2021

Sean Loughlin

Notary Public of Texas (Printed Name)

Notary Public of Texas (Signature)

Commission Expires 10/16/2021

4.

Texas Back Institute®

March 27, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a patient of mine who is scheduled to undergo a Posterior Cervical Fusion from C3-4 with Laminectomy and Allograft on 4/26/18; no court work is to be done at that time. Currently, pt is to remain off work as she cannot complete her usual work duties secondary to the severity of her cervical and lumbar pahtology; pt is to remain off work in light of the fact that we are preparing for surgical intervention and continued work could exacerbate her pain and lead towards further deterioration. Please keep pt off of work. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

Exhibit A
B

VERIFICATION / AFFIDAVIT

Cause No. 006-02654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Balistreri-Amrhein, who swore in her capacity & individually on her sworn oath, deposed & said she prepared and signed Plaintiff's Sworn Affidavit.

This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This Texas State filing is for purpose of "due process," fairness, Justice under State Laws & Rights presented in applicable Court attached as sited for this Court filing.

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON March 24, 2018 to Certify which witness my hand and official seal.

SEAL:

SEAN LOUGHLIN
Notary ID #129595393
My Commission Expires
October 16, 2021

Sean Loughlin

Notary Public of Texas (Printed Name)

Notary Public of Texas (Signature)

Commission Expires 10/16/2021

5.

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Sworn Affidavit was served by Certified Mail through the United States Post Office on or about March 26, 2018 to the following:

Collin County Courthouse — Certified 7016 1970 0001 1780 0002

County Court at Law No. 6

Honorable Judge Jay Bender
2100 Bloomdale Rd., Suite # 30354
McKinney, TX 75071

Cobb, Martinez, Woodward, PLLC — Certified # 7016 1970 0001 1780 0019

Attorney Carrie Johnson Phaneuf

1700 Pacific Avenue, Suite # 3100

Dallas, TX. 75201

Respectfully submitted,

Darlene C. Balistreri-Amrhein

Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

3/21/18

original

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al, Plaintiffs,

V.

ATTORNEY LENNIE F. BOLLINGER, AND WORMINGTON BOLLINGER LAW FIRM, Defendants, et al
COLLIN COUNTY, TEXAS

Collin County Court at Law Six (6)
Judge Jay Bender (Criminal Judge Jurisdiction $100,000.00 as invalid)

FILED
COUNTY COURT AT LAW
2018 APR 2 AM 8:03
STACEY KEMP
COUNTY CLERK
COLLIN COUNTY, TEXAS
BY: DEPUTY

PLAINTIFF'S MOTION TO RECUSE JUDGE JAY BENDER FOR "GOOD CAUSE" REASONS

Comes Now, Plaintiff, Darlene C. Balistreri-Amrhein to file Plaintiff's Motion To Recuse Judge Jay Bender For "Good Cause" Reasons as follows:

1) Judge Jay Bender was assigned to this case following the agreed recusal of Judge Dan Wilson in County Court at Law No. 5;

2) Judge Jay Bender is a criminal Court & this is not a criminal case, but civil suit;

3) Judge Jay Bender Court jurisdiction is no more than $100,000.00;

4) Plaintiff's lawsuit is up to $200,000, which could have been six figures if not for the corruption of Defendants Lennie Bollinger, Marie Wormington & entire law firm, et al;

5) Plaintiff filed timely objections to this County Court at Law No. 6 as filed, but Judge Mary Murphy did not reassign this lawsuit knowing these jurisdiction objections;

6) Plaintiff also filed objections due to her Americans With Disabilities Act / ADA, which was not enforced by Judge Mary Murphy & Judge Jay Bender as required;

7) Plaintiff also objects to the following actions taken in this Court & by these associated Attorneys that concern this lawsuit, Plaintiff's health & other actions taken as follows:

8) There are 2 separate lawsuits that are being commingled for express purpose to be sure to " Get Plaintiff Amrhein" in order to destroy 2 separate lawsuits, one Texas case & one Federal Lawsuit, before she has any needed 2 surgeries & medical plans ;

9) This has been orchestrated by Federal & Texas personnel that became more obvious by multiple emails that were sent on March 20, 2018, with demands, scheduling & Orders, followed by multiple certified mail sent to commingle all Plaintiff's lawsuits;

10) Two law firms are comingling this lawsuit & a federal lawsuit with the following:

The Eastern District Court Attorneys & Law Firm are : Law Firm, Muskat, Mahony, Devine, Moses, Attorney Grubb & Specific Attorney Michelle Mahony at 1201 Louisiana Street, Suite # 850, Houston, TX. 77002; And commingling partners are:

State Court Attorneys: Cobb, Martinez, Woodward PLLC, Law Firm, 1700 Pacific Ave , Suite 3100, Dallas, TX. 75201, Attorneys Carrie Johnson. Phaneuf, et al for Attorney Lennie Bollinger & Wormington & Bollinger Law Firm, et al Lawsuit;

11) **IN THE UNITED STATES EASTERN DISTRICT COURT OF TEXAS**
SHERMAN DIVISION – Magistrate Judge Christine Nowak
CIVIL ACTION NO. 4:18-CV-00018

DARLENE C. AMRHEIN, Plaintiff,

v.

PROSPERITY BANK, JO'EL ELONY,

KEENA CLIFTON, and NAOMI THAMES, et al Defendants.

AND

Collin County Court at Law 6
Judge Jay Bender (Criminal Judge Jurisdiction $100,000.00 as invalid)

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al, Plaintiffs,

V.

ATTORNEY LENNIE F. BOLLINGER, AND WORMINGTON &
BOLLINGER LAW FIRM, Defendants, et al
COLLIN COUNTY, TEXAS

12) **No One is Above The Laws**, but it appears these 2 above Courts, Staffers, Attorneys on behalf of their individual Attorneys believe they are as they try to injure Plaintiff Amrhein, destroy two lawsuits & continue to cover up, conspire, make unreasonable demands to violate laws in both lawsuits to detriment of Plaintiff as bias triers of no fact, while sick, disabled & incapacitated to apply pressure to dismiss these 2 lawsuits;

CEASE AND DESIST ON THIS HARASSMENTS IN TWO LAWSUITS

13) Plaintiff sent out individual certified letters to Cease & Desist this harassing behavior against Plaintiff, which has been ignored making this individual legal issues that can result in lawsuits for defiance for these violations of these letters as they continue to harass Plaintiff, interfere with her medical care, causing delays, damages, pain & suffering to try to force her to dismiss one or both lawsuits, using her health to take advantage of her & by an indirect form of blackmail, threats & pressure by Attorneys, Staff, Judges, Courts & Defendants for their own benefits; (Cruel Activities!)

14) Plaintiff were to die while in surgery as result of these actions you all individually

would be held liable in lawsuit brought by Plaintiff's family for "wrongful death;"

15) These attorneys & courts' activities within have been unwanted as demanded, refused, illegal with notice & an attempt to interfere with Plaintiff's medical care in violations of HIPPA & ADA Laws. for the purpose or retaliation against a medicated, disable, ill Plaintiff to take advantage of her & that is why the refusal to stay activity;

16) This illegal activity against Plaintiff & these two pending lawsuit by attorneys, courts & judges is very sad & as such will be reported to authorities & turned over to Plaintiff's attorneys;

17) The last three Cease & Desist Letters were mailed on March 21, 2018 with plenty of notice to all parties as certified & others before that, so all received their notices & if you have suffered damages as a result of the other party's disobedience of your cease and desist, such as lost profits, you may be in a position to recover financial damages as well., which is not at anyone's or judge's discretion;

18) In the modern legal system, many unwanted and consistent actions may be deemed as harassment as in these two lawsuits;

DOCTOR'S LETTERS & "GOOD CAUSE" REASONS TO STOP & STAY CASES AND "SHOW CAUSE OBJECTIONS" TO COURT ORDER OF MARCH 19, 2018

19) Plaintiff has provided 3 Doctors letters, about 20 pages of medical needs & medical requirements & yet this is all ignored & refused with demands for Plaintiff to do more work, come to hearings in Sherman Texas, come to Collin County Courthouse when it is impossible to walk, not take narcotic medications that restrict driving & cause Plaintiff more pain & suffering from her spine, legs & head area, which is totally unreasonable & inhumane as none of you are medical doctors & do not have any medical licenses;

20) Plaintiff has "good cause" reasons to not appear at any hearings in either of 2 lawsuits until full recovery from 2 back surgeries, so this is formal notice to both Courts;

21) The fact that all these attorneys with the aid of these two above Courts, Magistrate Christine Nowak & Judge Jay Bender are engaged in behavior that requires recusal as not un bias triers of fact, enforcing the existing written & legislative laws of Texas & the United States Congress.is shown by all activities allowed & all demand hearings set;

22) Only reasons you want hearings is to dismiss & demand money out of Plaintiff at same time with no resolution to any lawsuits in RETALIATION for no attorney;

23) Plaintiff got that information on "good authority" from inside that is the purpose as rigged to aid attorneys against litigants with no attorneys preventing U.S. & Texas Constitutional Rights with "no due process," as blacklisted & this came from one of your own within the Texas legal professionals, so reasons to pressure to dismiss;

24) PLAINTIFF HAS NO INTENTIONS OF DISMISSING ANY FILED & PENDING LAWSUITS OR ANY OTHER LAWSUITS;

25) This became apparent months ago & continued with First Regional Judge Mary Murphy, who cancelled Judge Piper McCraw because of being a family court judge only & then assigned Judge Angela Tucker as a family court judge & before the ink was dry, because of being a black judge the Attorneys moved the case to federal court after more than one year, which is racial discrimination as known by the legal professionals in 2018;

26) It appears that there is a lot of funny business going on while hiding evidence & facts in these two lawsuit with "conflicts of interest;" that is ignored & illegal;

27) Plaintiff cannot travel, cannot be without her medications, cannot do work & has tried to the best of her ability, as ignored

TWO LAW FIRMS & ATTORNEYS INVOLVED WITH DEFENDANTS

28) The two law firms are **Cobb, Martinez, Woodward PLLC, Law Firm,** 1700 Pacific Ave , Suite 3100, Dallas, TX. 75201, Attorneys Carrie Johnson. Phaneuf, et al for Attorney Lennie Bollinger & Wormington & Bollinger Law Firm, et al; and Law Firm **Muskat, Mahony, Devine, Moses, Attorney Grubb & Specific Attorney Michelle Mahony** at 1201 Louisiana Street, Suite # 850, Houston, TX. 77002;

29) **These attorneys & law firms have colluded together**, shared information to devise a plan to "Get Plaintiff" in both lawsuits to force dismissal due to Plaintiff's serious medical condition for their own benefits with help of Magistrate Nowak & Judge Bender;

30) These court actions & activities are illegal for the benefit of these corrupt Defendants & their attorneys in both lawsuits as Attorneys falsely claim Plaintiff has no surgery date;

31) This why there is an orchestrated effort between the Texas Court, Judge Jay Bender & the Federal Court Magistrate Nowak to "get Plaintiff before her two surgeries any way they can, which is illegal "conflict of interest," bias, prejudice, collusion & retaliation;

OBSTRUCTION OF JUSTICE & FRAUD UPON COURTS BY ATTORNEYS

32) The two law firms are **Cobb, Martinez, Woodward PLLC, Law Firm,** 1700 Pacific Ave , Suite 3100, Dallas, TX. 75201, Attorneys Carrie Johnson. Phaneuf, et al for Attorney Lennie Bollinger & Wormington & Bollinger Law Firm, et al; and Law Firm **Muskat, Mahony, Devine, Moses, Attorney Grubb & Specific Attorney Michelle Mahony** at 1201 Louisiana Street, Suite # 850, Houston, TX. 77002;

33) These attorneys & law firms have colluded together, shared information to devise a plan to "Get Plaintiff" in both lawsuits to force dismissal due to Plaintiff's serious medical condition for their own benefit with help of Magistrate Nowak & Judge Bender;

34) These court actions & activities are illegal for the benefit of these corrupt Defendants & their attorneys in both lawsuits as Attorneys falsely claim Plaintiff has no surgery date;

35) This was obvious as Judge Dan Wilson orders over $14,000 for Attorney Phaneuf in the Lennie Bollinger & Wormington & Bollinger lawsuit as apart of rigged system;

36) Judge Wilson recusal was warranted & his Order is Appealable, while Attorney Phaneuf threatens Plaintiff with seizure of her money unlawfully as Social Security is protected with more of her harassment & criminal acts;

37) What Attorney Phaneuf fails to mention Plaintiff was hospitalized multiple times since Dec. 26, 2017, medicated on narcotics with compromise thought process & could not file anything without being under influence of drugs & serious pains, making this Judge Wilson Order invalid;

38) Attorney Phaneuf continues falsities against senior, disabled Plaintiff claiming a fake vexatious litigant with no proof, but still defames & discredit her for more attorneys fees, falsely claims Doctor Arakal does not answer court's calls & falsely claims Plaintiff has no surgery date is Obstruction of Justice, "Frauds Upon Courts& "violations of laws to mislead the Courts as a Texas licensed attorney along with her partners;

39) Attorney Phaneuf continues to commit fraud upon the Courts listing addresses that Plaintiff has never been to in life with names of notaries as she lists in court filing on March 7, 2018 court filing is Obstruction of Justice & intent to mislead by frauds;

40) Attorney Phaneuf complains about "denied stay" in Fifth Circuit Court of Appeals, when there is "no work required in that Court" & the notice filing was just a courtesy to let the Court know if anything was needed further from Plaintiff, would be unavailable;

41) Actually the Fifth Circuit Court of Appeals granted Plaintiff no additional work at all under the circumstances of the medical notices, so another Attorney Phaneuf falsity;

42) Attorney Phaneuf statement of Plaintiff walking with cane is false because that was in start of medical care, doctors have Plaintiff with a walker, which has now changed to back braces, both leg braces & neck brace, after falling 4 different times, making it impossible to drive as incapacitated, so more falsity to mislead Courts, Judges, Attorneys & Defendants to discredit Plaintiff in these two lawsuits;

43) Plaintiff has been very transparent about her medical condition as stated many times as verified to her incapacities, yet continued to be ignored or changed by attorneys lies;

44) The fact that Plaintiff never travelled to all these Attorney Phaneuf locations is ridiculous & mail services have been hand carried by others if available, just like preparation & couriered documents, so "more falsities to mislead the Courts;"

45) Attorney Phaneuf false claim of "vexatious litigant" is a joke that was never researched just like all her other false statements for her to get free money by rigging;

46) Attorney Phaneuf falsely claims that Plaintiff is continuing to prosecute 3 lawsuits, with hearings, which is totally false as giving written notifications to Courts as demanded only under these incapacitated medical conditions as all stopped as of March 22, 2018;

47) Plaintiff was removed from her home to a safe place that is not an apartment or a home with no address & no computer, so all these harassments are forced to stop, which prevents mail & contacts for this incapacitated senior disabled Plaintiff until 6 months from April 26, 2018 surgery, minus any complications is "not an indefinite time in these lawsuits," so again Attorney Phaneuf is False to mislead, obstruct & fraud upon Courts that is sanctionable conduct by a Texas licensed Attorney;

48) If Plaintiff replies to lawsuits, she has no medical problems to prosecute lawsuits per Attorneys, when done to the best she can under "incapacitated medical circumstances;"

49) If Plaintiff doesn't reply then she is not prosecuting these lawsuits & time is held as "indefinite" in both lawsuits, which is an out right lie, as cut, paste & friends used to file;

50) So now these bad actors within have made it impossible for Plaintiff to function & for her health & safety sake has been removed from her home that will be dealt with after full recovery from April 26, 2018 unless death then charges of 'wrongful death will be filed for all these named participants;

51) Plaintiff received notice Lennie Bollinger lawsuit is set for April 5, 2018 at 1:30 at

Collin County Courthouse & April 2, 2018 at about the same time in Sherman Texas Courthouse, shows their efforts to "Obstruct Justice" against Plaintiff, who will not appear due to her serious medical conditions & all detailed information given with three Doctor's letters & as stated within this court filing;

52) What is amazing out of more than 30 attorneys not one would touch the case due to their "attorneys pack", no matter money paid as they are not to cross each other as rigged, which has been reported to United States Department of Justice & other Authorities;

53) Plaintiff contacted Lawyer.com & in two instances Lennie Bollinger Lawsuit was accepted by same Lennie Bollinger for payment to represent Plaintiff's case; (Rigged !)

54) About a week later, Marie Wormington accepted her own lawsuit by Marie Wormington for their greed of more money, no matter the case, which shows "the fix is always in; (RICO & Frauds against Litigants.)(Must not have work for more corruption.)

55) When Plaintiff declared in the "Cease & Desist letters" that she would go to press over their misconduct & actions taken to expose attorneys & Courts, they ignored it as they think there is a lock down on the press too; (Guess again !)

56) The deals made to get corrupt judges to the bench is unbelievable as examined for over 21 years, including bribes, thefts, created false judgments as covers & authorities that do nothing in so called "Name of Justice" as ordinary person do not stand a chance;

57) This amounts to RICO & Organized Crimes Against United States Litigants;

58) This is why lawsuits are passed to friends or Defendants, or ex-employees for a false result of a fake judgment cover up & "no results" as their "illegal con game;"

59) This is why lawsuits are transferred between colleagues for "conflict of interest" protection of a society of legal professionals getting rich off average citizens by Frauds;

60) **March 21, 2018** Plaintiff has on good authority that there is "a pack among Collin County Attorneys that they will not go against each other," which means Collin County legal system & attorneys are rigged against statutes, civil rules, legislated laws & U.S. & Texas Constitutional Rights to take money from litigants for false representations;

61) This all demonstrates corruption at Collin County Courthouse & ADA compliance under control of First Regional Judge Mary Murphy as she pretends assignments in Prosperity Bank Lawsuit & false "attorneys' fees" given in the Lennie Bollinger & Wormington & Bollinger Lawsuit as normal course of business & court practices in Collin County, Texas;

62) The Courts & Attorneys blacklist Plaintiff, prevent all attorneys, hit her with every possible Attorneys fees & sanction to silence her, discredit, ruin her reputation & she still won't go away, so now it is denied health issues for pressure to stop her, that too is not working as they step it up as Plaintiff is exposing their crimes & greed;

63) So alternative is to make this all public through media to be examined for facts that "ordinary people" are being duped for money & illegal acts as a pack of protection by attorneys, law firms, judges & courts corruption committing "Fraud Upon The Court," Plaintiffs, Defendants & Litigants of all types for money much like other authorities for greed & false retainers, when decisions are not based on facts or evidence, but on the "Collin County Buddy System" to extort money called "attorneys' fees;

64) There is a book "Under the Bench" to be published on all these real judicial acts by manuscripts submitted;

65) If you notice these Recusal Motions were dated at an earlier, because "good cause" reasons were evident back then & held, so Defendants Attorneys could not falsely accuse Plaintiff of Motions To Recuse based on any specific Orders, but based on violations of legislated laws, confusions, attitudes, cover up, collusion, conspiracy, bias, prejudice, ADA & retaliations as exhibited in hiding all Defendants' illegal acts with aid of Texas licensed Attorneys, Texas & United States Judges to promote "corruption & frauds;"

66) "Plaintiff will Not be at Any Court Hearings until after full recovery from two back surgeries as filed before for "good cause" reasons, so all parties can stop interfering with all medical as you all are not practicing physicians & actions as such are illegal;

67) March 23, 2018, Plaintiff is being removed from her home due to these various harassments, interferences to obstruct her serious health care conditions & needed medical care for her own safety, due to these illegal acts, as defamations need to be exposed as these shameful cover up, collusion, frauds & conspiracies that exist in both lawsuits protected by Judges Bender & Nowak with aid of their named clerks, all named Attorneys & Law Firms listed within timely court filings & associated documents;

68) Plaintiff confirmed false stories, medical interferences, Cease & Desist letters giving "fair notice of harms being caused to Plaintiff.;"(No surgery has been April 26, 2018 for a month with other medical test, labs examination for medical surgery clearances.)

69) Plaintiff's proof is Text Messages. Emails. Conversations & All Court filings;

70) Harassment is unwanted, unwelcome, and uninvited behavior which annoys, threatens, intimidates, alarms, or puts one in fear for his or her safety.

71) The behavior is offensive and has an intention to disturb, upset, or annoy the individual being subjected to harassment by Bullying, Stalking, Cyberstalking, Intimidation, Invasion of privacy, Breach of contract, Libel or slander of defamation;

72) You can file a civil action claiming infringement, and request an injunction which would result in a demand from the court ordering the infringing party to stop using your protected materials, except they are all involved in the infringements, as rigged;

73) How plain does English have to be & how many times must it be told before all within "gets it," so now maybe you can hear Plaintiff's voice & stop it, while Plaintiff takes care of her health & life to resume back in 6 months without complications;

74) Plaintiff plans to sue each & every offender with an out of state Attorneys & Law Firm & publish "Under The Bench," Book, so people are aware of what Courts & Attorneys are all about in working against American Citizens & against Justice !

75) One question how much were paid to violate your duty, oath of office & legal licenses to hide illegal acts & how many people were cheated to date as being reported ?

76) Motions for Recusal have been filed against Magistrate Judge Christine Nowak, United States Eastern District Court of Texas and Judge Jay Bender in the County Court at Law No. 6 Collin County Texas, which is not based for delays, but needed medical;

77) What happened to the Rule of Law, Honesty, Proof & Evidence ????

78) Plaintiff has asked the Doctor for a third medical letter as very busy saving & repairing lives as licensed physician that Attorney Phanuef falsely claims does not respond to calls, so I checked & apologized for her misconduct & learned it was all false;

79) Time to stop all this medical interference crap & start acting like reasonable adults;

80) The 2 Court & 2 Judges should not be acting this way & are "good cause" reasons for their Motions To Recuse & also without proper jurisdictions in both lawsuits;

81) So how disabled is Plaintiff ? Including all medical that has been submitted to this Court, Plaintiff has now been fitted for two leg braces & an additional back brace now before April 26, 2018 with multiple doctor appointment for clearance & removed from her home for safety with protection & to stop all harassments to prevent affecting her Medical Care, so lies can stop & no hearings to attend as "show cause" with knowledge of all the facts as correct & current to date. **(Incapacitated Totally!)**

82) If anyone proceeds having this knowledge knowingly & two recusal motions then Plaintiff will Appeal for reversal & all damages !

83) All Plaintiff's Objections & Responses stand as filed within for all notices given;

84) Plaintiff knows down deep you all wish her well & will be praying for her good & quick recovery as once a month after April 26, 2018, a notice will be sent at the end of the following month when Plaintiff can lift her head to move.

85) Motion For Recusal is proper & this Court needs to rein in Attorney Phaneuf from all her false stories to mislead Courts as unlawful "Fraud Upon the Court;"

86) Attorney Phaneuf crazy story of vexatious litigant is being used by Attorneys to discredit & damage Plaintiff's reputation fraudulently for more free money with aid of this Court & Judge Bender, which is "Fraud Upon Courts" & "Obstruction of Justice;"

87) Plaintiff is now forced stayed due to total incapacity & removed from the home to stop all mail & contact harassments that has gone on for months with aid of Judges.

88) Plaintiff will not be able to attend any court hearings with any judges until after full recovery from 2 back surgeries 6 months from April 26, 2018 unless there are some bad complications, so we have no choice, due to unexpected event circumstances, which are allowed to be stayed under the Texas Rules of Civil Procedure that is not enforced & all "good cause" reason to file Motion To Recuse.

Respectfully submitted,

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

3/21/18

VERIFICATION / AFFIDAVIT

Cause No. 006-02654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Balistreri-Amrhein, who swore in her capacity & individually on her sworn oath, deposed & said she prepared and signed Plaintiff's Motion To Recuse Judge Jay Bender For "Good Cause" Reasons.

This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This Texas State filing is for purpose of "due process," fairness, Justice under State Laws & Rights presented in applicable Court attached as sited for this Court filing.

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON March 24, 2018 to Certify which witness my hand and official seal.

SEAL:

SEAN LOUGHLIN
Notary ID #129595393
My Commission Expires
October 16, 2021

Sean Loughlin

Notary Public of Texas (Printed Name)

Notary Public of Texas (Signature)

Commission Expires 10/16/2021

10.

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Motion To Recuse Judge Jay Bender was served by Certified Mail through the United States Post Office on or about March 26, 2018 to the following:

Collin County Courthouse — Certified 7016 1970 0001 1780 0002

County Court at Law No. 6

Honorable Judge Jay Bender
2100 Bloomdale Rd., Suite # 30354
McKinney, TX 75071

Cobb, Martinez, Woodward, PLLC — Certified # 7016 1970 0001 1780 0019

Attorney Carrie Johnson Phaneuf

1700 Pacific Avenue, Suite # 3100

Dallas, TX. 75201

Respectfully submitted,

Darlene Balistreri-Amrhein

Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

3/21/18

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Collin County, Texas
By: Dianna Shine, Deputy
Envelope ID: 23612228

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,	COUNTY COURT AT LAW
Plaintiffs,	NO. 6
v.	[Hon. Jay Bender]
ATTORNEY LENNIE F. BOLLINGER, AND WORMINTON & BOLLINGER LAW FIRM,	
Defendants.	COLLIN COUNTY, TEXAS

DEFENDANTS' RESPONSE TO PLAINTIFF'S TERTIARY (THIRD) MOTION TO RECUSE IN THIS CASE

Defendants Lennie F. Bollinger and Wormington Law Group, PLLC d/b/a Wormington and Bollinger ("Defendants") file this Response to Plaintiff Darlene C. Amrhein's ("Plaintiff" or "Amrhein") ***Third*** Motion to Recuse a Judge in this Case, as follows:

I. SUMMARY OF ARGUMENT

Plaintiff's Motion to Recuse is a **tertiary recusal motion**, as defined and controlled by Tex. Civ. Prac. & Rem. Code § 30.016.[1] Meaning this is her THIRD motion to recuse filed in this case. As such, if Judge Bender declines to recuse himself, which Defendants would respectfully ask him to do, then pursuant to § 30.016, the judge ***shall*** continue to (1) preside over the case, (2) sign orders in the case, and (3) move the case to final disposition as though a motion had not been filed. *See* Tex. Civ. Prac. & Rem. Code § 30.016(b); *see also, Sibley v. Seminole Pipeline Co.*, LLC, 2017 Tex.App. LEXIS 1026 *17-18 (Tex.App.—Houston [1st Dist.] Feb. 7, 2017)(mem.op).[2] **Thus, the hearing on Defendants' Motion for an Order Determining Plaintiff to Be a Vexatious Litigant, set for April 5, 2018, shall go forward and Judge Bender is allowed to rule on Defendants' Motion, despite the recusal motion.**

Additionally, Plaintiff's Motion to Recuse must be denied, pursuant to Rule 18b, because Plaintiff's motion is based solely on the rulings in the case, and Plaintiff does not satisfy the burden of proving bias or impartiality to such an extent that Plaintiff was deprived of a fair trial.

[1] See Tex. Civ. Prac. & Rem. Code § 30.016 attached hereto as Exhibit A.
[2] Attached as Exhibit B.

II. RELEVANT BACKGROUND FACTS

Amrhein originally filed this professional negligence lawsuit against Defendants on October 26, 2017. The case was assigned to County Court at Law No. 2. One month later, Amrhein filed a Motion to Recuse Judge Walker, which was granted.[3] On December 4, 2017, the case was transferred to the Honorable Dan K. Wilson in County Court at Law No. 5. On February 13, 2018, Plaintiff filed a motion to recuse Judge Wilson, which was granted on February 14, 2018,[4] and the case was transferred to County Court of Law No. 6 on February 15, 2018. Amrhein's current Motion to Recuse, filed on or about April 2, 2018, is the **third** motion to recuse in this case. As shown in the record, each of Amrhein's three recusal motions was filed by her (i.e., the same party) in this case.

Defendants now file this Response opposing Plaintiff's tertiary Motion to Recuse.

III. LEGAL STANDARDS

A motion to recuse seeks to prevent a judge from hearing a case for a non-constitutional reason. Tex. R. Civ. P. 18b(b). A motion to recuse must identify the specific legal grounds for recusal, must not be based solely on the judge's rulings in the case, and must state with detail and particularity facts that are within the affiant's personal knowledge. Tex. R. Civ. P. 18a(a)(2-4). As listed in Rule 18b(b), the specific grounds for the recusal of a judge are

> (1) the judge's impartiality might reasonably be questioned;
>
> (2) the judge has a personal bias or prejudice concerning the subject matter or a party;
>
> (3) the judge has personal knowledge of disputed evidentiary facts concerning the proceeding;
>
> (4) the judge or a lawyer with whom the judge previously practiced law has been a material witness concerning the proceeding;

[3] Exhibit C.
[4] Exhibit D.

(5) the judge participated as counsel, adviser, or material witness in the matter in controversy, or expressed an opinion concerning the merits of it, while acting as an attorney in government service;

(6) the judge knows that the judge, individually or as a fiduciary, or the judge's spouse or minor child residing in the judge's household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(7) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(A) is a party to the proceeding or an officer, director, or trustee of a party;

(B) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; or

(C) is to the judge's knowledge likely to be a material witness in the proceeding.

(8) the judge or the judge's spouse, or a person within the first degree of relationship to either of them, or the spouse of such a person, is acting as a lawyer in the proceeding.

Tex. R. Civ. P. 18b(b)(1-8).

A response must be filed before the motion is heard. Tex. R. Civ. P. 18a(c)(1). The movant bears the burden of proving recusal is warranted, and the burden is met only through a showing of bias or impartiality to such an extent that the movant was deprived of a fair trial. The test for recusal is "whether a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge's conduct, would have a reasonable doubt that the judge is actually impartial." *Drake v. Walker*, No. 05-16-00306-CV, __ S.W.3d __ (Tex. App.—Dallas 2017 no pet. h.).

IV. ARGUMENT AND AUTHORITIES

As noted above, this is a **tertiary** recusal motion and is governed by Texas Civil Practice & Remedies Code § 30.016, which states that a "judge who declines recusal after a tertiary recusal motion is filed shall comply with applicable rules of procedure for recusal and disqualification

except that the judge shall continue to: (1) preside over the case; (2) sign orders in the case; and (3) move the case to final disposition as though a tertiary recusal motion had not been filed." Tex. Civ. Prac. & Rem. Code § 30.016(b) (emphasis added). Thus, Defendants ask that Judge Bender decline to recuse himself in this case and continue presiding over this case as if Plaintiff's tertiary motion had not been filed. Further, Defendants ask that reasonable and necessary attorney fees be awarded to Defendants pursuant to § 30.016(c).

Because § 30.016 controls over this tertiary recusal motion, the hearing on Defendants' Motion for an Order Determining Plaintiff to Be a Vexatious Litigant must go forward on April 5, 2018 – despite the recusal motion. *See* § 30.016(b). Further, Judge Bender is allowed to rule on Defendants' Motion if he declines to recuse himself.

A. Plaintiff's Motion to Recuse Must Be Denied

The crux of Amrhein's 11 page tertiary Motion to Recuse appears to be (1) her misguided arguments regarding Judge Bender's alleged lack of jurisdiction over her case and (2) another attempt to stall this case indefinitely and/or postpone the upcoming hearing on Defendants' Vexatious Litigant Motion.

Plaintiff's reasons for recusal are improper.

Plaintiff alleges that Judge Bender only has jurisdiction to hear cases with damages up to $100,000. This is incorrect. Although Defendants dispute that a motion to recuse is the proper vehicle to challenge jurisdiction, County Court at Law No. 6 and Judge Bender have jurisdiction over this case because Plaintiff judicially admits that her damages are "up to $200,000." (Motion to Recuse, page 1). As such, and as shown below, Plaintiff's alleged damages are within the jurisdiction of County Court at Law No. 6.

First, this Court has jurisdiction because "[a] statutory county court has jurisdiction over all causes and proceedings, civil and criminal, original and appellate, prescribed by law for county courts." Tex. Gov't Code § 25.0003(a). Second, this Court has jurisdiction over Plaintiff's suit because County Court of Law No. 6 has jurisdiction over "civil cases in which the matter in controversy exceeds $500 but does not exceed $200,000, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition." Tex. Gov't Code § 25.0003(c). Plaintiff's claim that the Judge must be recused because he does not have jurisdiction to hear the case is without merit and further does not meet Plaintiff's burden for proving that the judge is biased or impartial.

Plaintiff's second reason for seeking recusal are clearly based on her displeasure with the rulings in this case—from granting Defendants' Rule 91a Motion to Dismiss to denying her requests for continuance. Plaintiff's attempt to stop the hearing on Defendants' Vexatious Litigant Motion and/or to stay this case are improper reasons to seek recusal because they are based on Judge Bender's prior ruling of denying her motion for continuance and setting the hearing on Defendants' vexatious litigant motion. A recusal sought based solely on a judge's rulings is an impermissible ground for recusal. Tex. R. Civ. P. 18(a)(3). Therefore, Plaintiff's Motion to Recuse must be denied because her grounds for recusal are impermissible.

V. CONCLUSION AND PRAYER

For the above reasons, Defendants respectfully request that Judge Bender decline to recuse himself; that the hearing on Defendants' vexatious litigant motion set for April 5, 2018 go forward and that Judge Bender rule on same; and that Plaintiff's tertiary Motion to Recuse be denied. Defendants request that this matter be set for an oral hearing or a hearing by written submission as

soon as possible. After the Motion is denied, Defendants ask that reasonable and necessary attorney fees be awarded to Defendants pursuant to § 30.016(c).

Respectfully submitted,

By: */s/ Carrie J. Phaneuf*
CARRIE JOHNSON PHANEUF
Texas Bar No. 24003790
cphaneuf@cobbmartinez.com
JENNIFER SMILEY
Texas Bar No. 24082004
jsmiley@cobbmartinez.com

COBB MARTINEZ WOODWARD PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
Phone: 214.220.5206
Facsimile: 214.220.5256
ATTORNEYS FOR LENNIE F. BOLLINGER
AND WORMINGTON & BOLLINGER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to Darlene Amrhein, *pro se*, by via electronic service through FileTime, e-mail, and priority mail on April 3, 2018.

Darlene Amrhein
112 Winsley Circle
McKinney, Texas 75071
Winsley112@yahoo.com

/s/ Carrie Johnson Phaneuf
CARRIE PHANEUF

EXHIBIT A

Tex. Civ. Prac. & Rem. Code § 30.016

This document is current through the 2017 Regular Session and 1st C.S., 85th Legislature

Texas Statutes & Codes Annotated by LexisNexis® > Civil Practice and Remedies Code > Title 2 Trial, Judgment, and Appeal > Subtitle B Trial Matters > Chapter 30 Miscellaneous Provisions

Sec. 30.016. Recusal or Disqualification of Certain Judges.

(a) In this section, "tertiary recusal motion" means a third or subsequent motion for recusal or disqualification filed against a district court or statutory county court judge by the same party in a case.

(b) A judge who declines recusal after a tertiary recusal motion is filed shall comply with applicable rules of procedure for recusal and disqualification except that the judge shall continue to:

(1) preside over the case;

(2) sign orders in the case; and

(3) move the case to final disposition as though a tertiary recusal motion had not been filed.

(c) A judge hearing a tertiary recusal motion against another judge who denies the motion shall award reasonable and necessary attorney's fees and costs to the party opposing the motion. The party making the motion and the attorney for the party are jointly and severally liable for the award of fees and costs. The fees and costs must be paid before the 31st day after the date the order denying the tertiary recusal motion is rendered, unless the order is properly superseded.

(d) The denial of a tertiary recusal motion is only reviewable on appeal from final judgment.

(e) If a tertiary recusal motion is finally sustained, the new judge for the case shall vacate all orders signed by the sitting judge during the pendency of the tertiary recusal motion.

History

Enacted by Acts 1999, 76th Leg., ch. 608 (S.B. 788), § 1, effective September 1, 1999; am. Acts 2007, 80th Leg., ch. 1297 (S.B. 406), § 3, effective September 1, 2007.

Annotations

Notes

STATUTORY NOTES

1999 Note:

(a) Ch. 608 takes effect September 1, 1999, and applies to all cases:

(1) filed on or after the effective date of this Act; or

(2) pending on the effective date of this Act and in which the trial, or any new trial or retrial following motion, appeal, or otherwise, begins on or after that date.

EXHIBIT B

Neutral
As of: April 2, 2018 5:57 PM Z

Sibley v. Seminole Pipeline Co., LLC

Court of Appeals of Texas, First District, Houston

February 7, 2017, Opinion Issued

NO. 01-15-00775-CV

Reporter
2017 Tex. App. LEXIS 1026 *; 2017 WL 491290

ADRIENE SIBLEY, Appellant v. SEMINOLE PIPELINE COMPANY, LLC, ENTERPRISE PRODUCTS OPERATING, LLC, FIRST CALL FIELD SERVICES CORP., AND TDW SERVICES, INC., Appellees

Prior History: [*1] On Appeal from the County Court at Law No. 3, Brazoria County, Texas. Trial Court Case No. CI50979.

In re Sibley, 2014 Tex. App. LEXIS 1731 (Tex. App. Houston 1st Dist., Feb. 14, 2014)

Core Terms

recusal motion, trial court, sanctions, motion to recuse, recusal, notice, contends, easement, removal, motions, pet, temporary restraining order, federal court, disqualified, parties, void, lack of standing, district court, state court, issues, hear, attorney's, discovery, ownership interest, summary judgment, good cause, third-party, injunction, complain, overrule

Case Summary

Overview
HOLDINGS: [1]-Appellant failed to show the judge was disqualified from hearing the suit because the complained of action, directing the court's administrative personnel to notify a party of hearings, was a legitimate judicial function; [2]-Appellant failed to show that the monetary sanctions incorporated into the court's final judgment could not stand because the judges' authority to sanction appellant for her own misconduct was not dependent on the company's standing to bring a contract claim, and the order denying apellant's first recusal motion was not void by virtue of having been signed and entered after removal; [3]-Appellant lacked standing to assert claims relating to the easements and the property on which they were located because the record did not contain any evidence that appellant had an ownership interest in the particular part of the property where the easements lied.

Outcome
Judgment affirmed.

LexisNexis® Headnotes

Civil Procedure > Appeals > Standards of Review > De Novo Review

Civil Procedure > ... > Judges > Inability to Proceed > Disqualification & Recusal

HN1[] **Standards of Review, De Novo Review**

When a party does not assert the grounds for disqualification in either the motion to recuse, motion to vacate the judgment, or in any other filing in the trial court, the appellate court reviews the issue de novo.

Civil Procedure > ... > Disqualification & Recusal > Grounds for Disqualification & Recusal > Financial Interests

Civil Procedure > ... > Disqualification & Recusal > Grounds for Disqualification & Recusal > Prior Involvements

HN2[] **Grounds for Disqualification & Recusal, Financial Interests**

A judge is disqualified by virtue of having been counsel in a case only if he represented parties in the litigation. A judge has a disqualifying pecuniary interest in a suit only if he will directly incur financial gain or loss as a result of the judgment. Directing the court's administrative personnel to

notify a party of hearings is a legitimate judicial function.

Civil Procedure > Sanctions > Misconduct & Unethical Behavior

HN3[] Sanctions, Misconduct & Unethical Behavior

A trial court may sanction any party who appears before it and engages in litigation misconduct prohibited by rule or statute. Under its inherent authority, a trial court also may sanction parties for abusing the legal process in a manner not expressly prohibited by rule or statute.

Civil Procedure > ... > Judges > Inability to Proceed > Disqualification & Recusal

Civil Procedure > Sanctions

Civil Procedure > Appeals > Standards of Review > Reversible Errors

HN4[] Inability to Proceed, Disqualification & Recusal

In general, a trial court commits reversible error by imposing sanctions or entering other orders while a motion to recuse is pending.

Civil Procedure > Preliminary Considerations > Removal

HN5[] Preliminary Considerations, Removal

State courts are to proceed no further after a notice of removal. *28 U.S.C.S. § 1446(d)*.

Civil Procedure > Appeals > Reviewability of Lower Court Decisions > Preservation for Review

HN6[] Reviewability of Lower Court Decisions, Preservation for Review

A party cannot complain on appeal that the trial court took a specific action that the complaining party requested. Nor can a party complain on appeal about errors she did not raise below. *Tex. R. App. P. 33.1(a)*.

Civil Procedure > ... > Judges > Inability to Proceed > Disqualification & Recusal

HN7[] Inability to Proceed, Disqualification & Recusal

When a motion to recuse is filed before the evidence is offered at trial, the judge must take no further action in the case until the motion has been decided, except for good cause stated in writing or on the record. *Tex. R. Civ. P. 18a(f)(2)(A)*.

Civil Procedure > ... > Judges > Inability to Proceed > Disqualification & Recusal

HN8[] Inability to Proceed, Disqualification & Recusal

By its plain language, the statute regarding tertiary recusal motions applies whenever a party has filed three or more recusal motions against any judge. *Tex. Civ. Prac. & Rem. Code § 30.016(a)*.

Civil Procedure > ... > Justiciability > Standing > Burdens of Proof

Civil Procedure > Appeals > Standards of Review > De Novo Review

HN9[] Standing, Burdens of Proof

The appellate court reviews de novo whether a party has standing to assert claims for affirmative relief. Because standing is jurisdictional in nature, a trial court should hear evidence on this issue, if necessary, before allowing a suit to proceed. The burden of proof is on the party asserting standing. If the party fails to establish her standing, then her claims must be dismissed.

Civil Procedure > Remedies > Injunctions > Temporary Restraining Orders

HN10[] Injunctions, Temporary Restraining Orders

A temporary restraining order preserves the status quo between the parties for a short duration of time until the court has the opportunity to decide whether the facts support temporary injunctive relief. *Tex. R. Civ. P. 680*.

Judges: Panel consists of Justices Bland, Massengale, and Lloyd.

Opinion by: Michael Massengale

Opinion

MEMORANDUM OPINION

This is a dispute about access to an easement for maintenance of a pipeline. In eight issues, Adriene Sibley seeks reversal of the trial court's judgment in whole or part. She contends that her claims should not have been dismissed, and that the judgment is void because the trial judge was disqualified. She also raises various objections to sanctions imposed against her.

We affirm.

Background

On February 6, 2014, Seminole Pipeline Company, LLC filed suit against Adriene Sibley and several others in the Brazoria County court at law. Seminole alleged that the defendants' predecessors in interest had granted it easements to access and maintain its pipeline, but that the defendants were interfering with its right to do so. Seminole alleged that the defendants installed a lock on an access gate to the property and that Sibley, acting as the defendants' representative, threatened to file suit against the company for trespassing outside of the easement unless it paid them $120,000. Seminole alleged breach **[*2]** of contract and it sought an injunction restraining the defendants from interfering with its maintenance and repairs.

The trial court issued a temporary restraining order the day the suit was filed. The order required the defendants to refrain from denying access to the easement and to refrain from interfering with Seminole's maintenance and repairs.

On February 12, 2014, Sibley, representing herself, filed a petition for a writ of mandamus contending that the trial court erred by entering the temporary restraining order. She also filed a motion for emergency stay and a motion to review the amount of Seminole's bond for the temporary restraining order. Two days later this court denied her petition and motions. *See In re Sibley, No. 01-14-00134-CV, 2014 Tex. App. LEXIS 1731, 2014 WL 689692 (Tex. App.—Houston [1st Dist.] Feb. 14, 2014, orig. proceeding)* (per curiam) (mem. op.).

The trial court was scheduled to hear Seminole's request for a temporary injunction on February 18, 2014, but that morning Sibley removed the suit to the United States District Court for the Southern District of Texas. Seminole moved to remand the suit to state court, and on March 31, 2014, the federal district court did so. Sibley appealed from the district court's remand order, and the United States Court of Appeals for the Fifth Circuit dismissed **[*3]** her appeal for lack of jurisdiction on July 28, 2014.

After the remand, Seminole filed an amended petition in which it named only Sibley as a defendant. That pleading alleged breach of contract, but it did not seek injunctive relief. Seminole also filed a motion for summary judgment, which was set for hearing on August 21, 2014.

On August 1, 2014, Sibley removed the suit to the United States District Court for the Southern District of Mississippi. She based this second notice of removal in part on her alleged relocation to Mississippi.

Despite having removed the case to federal court, Sibley continued filing documents in the Brazoria County court. On August 14, 2014, Sibley responded to Seminole's summary-judgment motion. That same day she filed a motion to recuse the judge presiding over the Brazoria County court at law, Judge Jeremy Warren. In her recusal motion, Sibley alleged that Judge Warren had an ex parte communication with Seminole's counsel about the filing of the original remand order and that this communication showed bias in the company's favor. She alleged additional irregularities, including an allegation that the court coordinator told her that Judge Warren intended to **[*4]** proceed with the case despite the removal. Judge Warren immediately referred Sibley's recusal motion to the presiding judge of the Second Administrative Judicial Region, Judge Olen Underwood. On August 20, 2014, Judge Underwood denied the recusal motion because it complained "of the trial judge's rulings and actions in the case," but it did not allege "extrajudicial conduct on the part of the trial judge that would constitute a basis for recusal."

On January 16, 2015, the United States District Court for the Southern District of Mississippi remanded the suit to Judge Warren. It denied Seminole's request for its attorney's fees as sanctions.

After the suit was remanded back to Judge Warren, Sibley filed her answer, a counter-petition, and a third-party petition on February 19, 2015. She asserted several causes of action against Seminole and named Enterprise Products Operating, LLC as a third-party defendant. On February 27, 2015, Sibley filed an amended third-party petition in which she additionally named First Call Field Services Corp. and TDW Services, Inc. as third-party defendants. On that same date she also filed a plea to the jurisdiction, a motion to dismiss Seminole's breach of **[*5]** contract claim, and a motion to

transfer venue.

On March 3, 2015, Sibley filed a petition for a writ of prohibition or mandamus and a motion for emergency stay of the trial court proceedings, contending that the trial court had no jurisdiction over the suit because Seminole had no contract with her, it had voluntarily ceased its maintenance and repair operations, and its claims were not ripe. She also requested an order directing the trial court to act on her motion to transfer venue. This court denied her petition and dismissed her emergency motion as moot. *See In re Sibley, No. 01-15-00196-CV, 2015 Tex. App. LEXIS 2423, 2015 WL 1244317 (Tex. App.—Houston [1st Dist.] Mar. 13, 2015, orig. proceeding)* (per curiam) (mem. op.).

In March and April 2015, Sibley amended her pleadings several times. Her final operative pleadings were her fifth amended counterclaim and amended answer and her amended third-party petition. In the former, she sought declaratory relief and alleged causes of action against Seminole for civil conspiracy, intentional invasion or interference with property rights, abuse of process, and negligence. In the latter, she alleged intentional infliction of emotional distress against Enterprise and unjust enrichment against First Call and TDW. She also served discovery directly on several nonparty employees of **[*6]** the defendants. During this same period of time, Seminole filed its second amended petition and answer, and Enterprise, First Call, and TDW answered. These parties also filed several motions, including:

- Seminole's motion to sanction Sibley for improperly removing the case twice to prevent hearings on its request for a temporary injunction and motion for summary judgment;
- Seminole and Enterprise's motion to require Sibley to file proof of service of all filings based on her alleged failure to serve multiple filings on counsel of record;
- Seminole and Enterprise's motion to quash Sibley's discovery requests served on nonparty employees;
- Seminole and Enterprise's motion to show cause why Sibley's claims should not be dismissed for lack of standing, which TDW joined; and
- First Call's motion to show cause why Sibley's claims should not be dismissed for lack of standing.

The motions concerning Sibley's standing, her nonparty discovery requests, and sanctions were set for hearing on April 24, 2015. In the interim, however, Sibley filed a second motion to recuse Judge Warren. In her April 13, 2015 recusal motion, Sibley alleged that Judge Warren should recuse himself because she intended [*7] to call him as "as a material witness concerning the hearing for an ex parte temporary restraining order." She also sought his recusal on the basis that he did not refer an Enterprise employee to the district attorney for allegedly making a false affidavit in support of the temporary restraining order.

Judge Warren did not learn of this second recusal motion until the April 24 hearing was underway. Counsel for Seminole and Enterprise represented that they had not been served with the second recusal motion, which they apparently discovered in the court's file on the day before the hearing. Judge Warren found that sparing counsel the burden of coming to court a second time constituted good cause to allow them to argue their motions on the record, but he stated that he would not rule or take any further action until the second recusal motion had been decided. Sibley was not present for argument. Two days before the hearing, she had filed a "notice of nonappearance," in which she stated that she would not attend any hearings noticed by Seminole because it had not served her with process.

Judge Warren referred the second recusal motion to Judge Underwood on April 24, 2015. On May 4, 2015, **[*8]** Judge Underwood assigned the motion to Judge Ed Denman of the 412th District Court. The following day, Judge Denman's court coordinator notified the parties that the court would hear the second recusal motion on May 11, 2015.

On May 11, 2015, approximately an hour and a half before the hearing on Sibley's second motion to recuse Judge Warren, she filed a motion to recuse or disqualify Judge Denman. Sibley alleged that Judge Denman was presiding over a lawsuit between her and other parties regarding the ownership of the same tract of land at issue in the Seminole easement dispute, and that the judge had held an "ex parte status hearing and communications with attorneys" in that suit, which she contended made him "a material witness." She also alleged that, as a resident of Brazoria County, Judge Denman had an interest in the easement dispute due to Seminole and Enterprise's alleged release of "an unidentified hazardous chemical substance into the atmosphere or environment" of the county.

Judge Denman declined to recuse himself and referred Sibley's motion to recuse or disqualify him to Judge Underwood. Judge Denman also ruled that the recusal statute allowed him to resolve Sibley's motion **[*9]** to recuse Judge Warren, because she had filed three recusal motions in this suit. He then denied Sibley's second motion to recuse Judge Warren for lack of supporting proof. He further found that her second recusal motion was "groundless and filed for the purpose of harassment, and was clearly brought for unnecessary delay in this case," and sanctioned her for $4,000 for the attorney's fees incurred by Seminole. Sibley did not attend this hearing.

Subsequently, on the afternoon on May 11, 2015, Judge

Warren granted Seminole's motion for sanctions. The trial court found that Sibley's removals were filed for the improper purpose of preventing hearings on Seminole's motions and imposed $3,750 in sanctions for the attorney's fees incurred by Seminole. Judge Warren also granted Seminole and Enterprise's motion to quash Sibley's discovery and their motion to require her to file proof of service of all filings.

On May 12, 2015, Judge Underwood denied Sibley's motion to recuse or disqualify Judge Denman. He found that Sibley's motion failed to state facts with the detail and particularity required to support a motion for recusal or disqualification. He also found that her motion was "clearly [*10] brought for unnecessary delay."

On May 22, 2015, Seminole and Enterprise filed a motion to strike Sibley's pleadings based on her obstruction and delay of the suit, including but not limited to her improper removals to federal court. Four days later, Seminole moved to nonsuit its own claims.

The trial court held a hearing on May 26, 2015. Sibley once again did not attend. At the hearing, the trial court invoked its inherent authority to strike Sibley's claims against Seminole and Enterprise based on her "bad faith abuse of the judicial process," which could not be deterred by lesser sanctions. The court also dismissed all of Sibley's claims for lack of standing because they were premised on possession of an ownership interest in the property subject to the easements, but she had "failed to submit competent evidence sufficient to establish an ownership interest." The trial court memorialized both of these rulings in written orders and entered an order granting Seminole's nonsuit. It then entered a final judgment which provided that Sibley take nothing on her claims.

Sibley filed a motion to vacate, modify, reform, or correct the judgment, which was denied by operation of law. She appealed. [*11]

Analysis

I. Trial court's disqualification

In her eighth issue, Sibley contends that the trial court's judgment is void because Judge Warren was disqualified from hearing the suit. *See Tex. Const. art. 5, § 11*; *Tex. R. Civ. P. 18b(a)(1)—(2)*. Sibley argues that the judge assumed the role of counsel in the case by directing the court clerk to serve hearing notices on her and that he developed a pecuniary interest in the suit when the court incurred costs by issuing these notices to her via certified mail. ***HN1***[↑] As Sibley did not assert these grounds for disqualification in either of her motions to recuse Judge Warren, in her motion to vacate the judgment, or in any other filing in the trial court, we review this issue de novo. *McElwee v. McElwee, 911 S.W.2d 182, 185 (Tex. App.—Houston [1st Dist.] 1995, writ denied)*.

As a matter of law, Judge Warren was not disqualified. ***HN2***[↑] A judge is disqualified by virtue of having been counsel in a case only if he represented parties in the litigation. *F.S. New Prods. v. Strong Indus., 129 S.W.3d 594, 600 (Tex. App.—Houston [1st Dist.] 2003, no pet.)* (en banc). A judge has a disqualifying pecuniary interest in a suit only if he will directly incur financial gain or loss as a result of the judgment. *Id. at 599*. Sibley does not assert that Judge Warren represented a party to this suit in this matter or that any judgment rendered would directly affect him financially. The action she complains of—directing the [*12] court's administrative personnel to notify a party of hearings—is a legitimate judicial function. *See, e.g., Valdez v. Valdez, 930 S.W.2d 725, 729 (Tex. App.—Houston [1st Dist.] 1996, no writ)* (trial court directed clerk to notify party of hearing).

We overrule Sibley's eighth issue.

II. Sanctions, Seminole's standing, and Sibley's recusal motions

On appeal, Sibley does not assert that the trial court abused its discretion by sanctioning her. Instead, in her first, third, fourth, and fifth issues, she contends that the monetary sanctions incorporated into the trial court's final judgment cannot stand for three distinct reasons. She argues that: (1) Seminole had no standing to bring its claim for breach of contract and thus could not seek sanctions; (2) both underlying sanctions orders were void because Judges Denman and Warren had recusal motions pending against them when they sanctioned her; and (3) Judge Denman's sanctions order also was void because Sibley had no notice of the hearing and because Judge Warren participated in Judge Denman's hearing. Sibley additionally appears to contend in her third issue that the judgment itself is void in its entirety because it was rendered while one of her motions to recuse Judge Warren was pending. These issues present questions [*13] of law, which we review de novo. *See In re Humphreys, 880 S.W.2d 402, 404 (Tex. 1994)*.

A. Seminole's standing

Seminole's standing to bring a contract claim is immaterial to the sanctions imposed on Sibley. Judges Denman and Warren imposed sanctions on Sibley on May 11, 2015. By that time Sibley had appeared in the suit as a party and alleged causes

of action against Seminole, Enterprise, First Call, and TDW. *HN3*[] A trial court may sanction any party who appears before it and engages in litigation misconduct prohibited by rule or statute. *See, e.g.*, Tex. R. Civ. P. 13; Tex. Civ. Prac. & Rem. Code §§ 10.001-.002. Under its inherent authority, a trial court also may sanction parties for abusing the legal process in a manner not expressly prohibited by rule or statute. *See* Metzger v. Sebek, 892 S.W.2d 20, 50-51 (Tex. App.—Houston [1st Dist.] 1994, writ denied). The judges' authority to sanction Sibley for her own misconduct was not dependent on Seminole's standing to bring a contract claim.

We overrule Sibley's first issue.

B. Pending recusal motions

HN4[] In general, a trial court commits reversible error by imposing sanctions or entering other orders while a motion to recuse is pending. *See* Metzger, 892 S.W.2d at 49-50. This general rule, however, is not dispositive on the particular facts of this case.

Judge Warren did not impose sanctions while a motion to recuse him was pending. He signed his sanctions order at 2:55 **[*14]** p.m. on the afternoon of May 11, 2015, and he signed the final judgment on May 26, 2015. Judge Underwood had denied Sibley's first motion to recuse Judge Warren nearly a year earlier, on August 20, 2014. Judge Denman denied Sibley's second motion to recuse Judge Warren during a hearing held on the morning of May 11, 2015. Thus, both recusal motions directed at Judge Warren had been denied when he sanctioned Sibley and signed the final judgment. Sibley disputes this conclusion on two separate grounds. She contends that her first recusal motion remained pending because Judge Underwood's order denying it was void, given that he signed it after she removed the case to federal court. Sibley also contends that regardless of when he imposed sanctions, Judge Warren heard Seminole's motion for sanctions on April 24, 2015, while her second recusal motion against him was pending.

Regarding Judge Underwood's denial of Sibley's first recusal motion, it is true that he did so on August 20, 2014, while her suit was in federal court. This court recognizes that *HN5*[] state courts are to proceed no further after a notice of removal. 28 U.S.C. § 1446(d); In re Sw. Bell Tel. Co., 235 S.W.3d 619, 624 (Tex. 2007). But because Sibley filed her recusal motion after she had removed the **[*15]** suit to federal court, Judges Warren and Underwood did not err by acting on her motion when they did; the rules of procedure required them to do so promptly. *See* Tex. R. Civ. P. 18a(f)-(g) (requiring respondent judge to recuse himself or refer motion to presiding judge within three business days; requiring presiding judge to rule on motion or assign it to another judge; and mandating that motion "must be heard as soon as practicable"); *see also* Hudson v. Tex. Children's Hosp., 177 S.W.3d 232, 235 (Tex. App.—Houston [1st Dist.] 2005, no pet.) ("The Texas Supreme Court has held that the recuse or refer procedure is mandatory."). Under these circumstances, we hold that Judge Underwood's order denying Sibley's first recusal motion is not void by virtue of having been signed and entered after removal, given that it did not affect the merits of the removed suit or interfere with the federal court's exercise of jurisdiction over the suit. *Compare* In re Bennett, 960 S.W.2d 35, 39-40 (Tex. 1997) (state court may sanction counsel after removal for pre-removal misconduct so long as sanctions do not affect merits of removed case despite 28 U.S.C. § 1446(d)), *with* Meyerland Co. v. F.D.I.C., 848 S.W.2d 82, 83 (Tex. 1993) (appellate court's order dismissing appeal after removal to federal court held void under 28 U.S.C. § 1446(d)).

Moreover, even if Judge Underwood's post-removal consideration of Sibley's recusal motion were error, *HN6*[] a "party cannot complain **[*16]** on appeal that the trial court took a specific action that the complaining party requested." Tittizer v. Union Gas, 171 S.W.3d 857, 862 (Tex. 2005). Nor can a party complain on appeal about errors she did not raise below. Tex. R. App. P. 33.1(a). Judges Warren and Underwood did no more than Sibley requested when they acted on her first recusal motion in the timeframe required by the rules. Sibley did not withdraw her motion or seek to enjoin the state court from acting on it. *See* Frith v. Blazon-Flexible Flyer, 512 F.2d 899, 901 (5th Cir. 1975) (federal courts may enjoin state proceedings after removal). Nor did she object to the timing of Judge Warren's referral or Judge Underwood's consideration of or ruling on her motion after the case was remanded back to the state trial court. Therefore, Sibley may not complain on appeal that Judges Warren or Underwood erred by acting on her first recusal motion when they did.

Regarding the April 24, 2015 hearing, it is true that Judge Warren held it while Sibley's second motion to recuse him was undecided, but he did not err in doing so under the circumstances. *HN7*[] When a motion to recuse is filed before the evidence is offered at trial, the judge "must take no further action in the case until the motion has been decided, except for good cause stated in writing or on the record." Tex. R. Civ. P. 18a(f)(2)(A). Judge **[*17]** Warren found that good cause existed to allow the hearing to go forward. Seminole and Enterprise's attorneys represented that they had not been served with the second motion to recuse Judge Warren and only learned of its existence the day before the hearing. Judge Warren allowed counsel to present argument on the motions set for April 24 so that counsel did not have to return to court

on a later date, but he advised that he that would not rule on any motions until the recusal issue was resolved. Given Judge Warren's explicit finding of good cause, which Sibley does not challenge on appeal, he was entitled to proceed with the hearing. *Cf.* Carson v. Gomez, 841 S.W.2d 491, 493 (Tex. App.—Houston [1st Dist.] 1992, no writ) (reversing where no finding of good cause was made).

In contrast, Judge Denman did impose sanctions on Sibley while her motion to recuse him was pending, but we hold that he did not err by doing so because this was Sibley's third recusal motion in the suit. *See* Tex. Civ. Prac. & Rem. Code § 30.016(b) (permitting judge to decline to recuse and continue to preside, sign orders, and move case to final disposition as if recusal motion had not been filed when same party files three or more recusal motions). Sibley contends that her motion to recuse Judge Denman did not qualify as a tertiary **[*18]** recusal motion. She argues that her first motion to recuse Judge Warren was a nullity, because she inadvertently filed it after she already had removed the suit to federal court, and that it therefore cannot be included in the tally of her motions. ***HN8***[] By its plain language, however, the statute regarding tertiary recusal motions applies whenever a party has "filed" three or more recusal motions against any judge. *Id.* § 30.016(a); ***Gonzalez v. Guilbot, 315 S.W.3d 533, 539-41 (Tex. 2010)***. That Sibley should not have filed her first recusal motion in state court when she did does not alter the fact that she did so. *Cf.* Henke Grain Co. v. Keenan, 658 S.W.2d 343, 346 (Tex. App.—Corpus Christi 1983, no writ) (removal did not affect party's ability to file motion for new trial in state court or negate effectiveness of that filing; it merely prevented state court from ruling on motion until remand).

We overrule Sibley's third and fourth issues.

C. Notice and Judge Warren's participation

Sibley contends that she did not receive proper notice of Judge Denman's May 11, 2015 hearing on her second motion to recuse Judge Warren because she was only notified by email. Judge Denman stated on the record that his court coordinator sent Sibley notice of the hearing on May 5, 2015. In addition to sending this notice by mail, his court coordinator emailed it **[*19]** to Sibley at the email address she provided in her motion. This is adequate proof of service absent allegations and evidence of nonreceipt. *See* Tex. R. Civ. P. 21a. Sibley does not assert nonreceipt and there is no evidence suggesting nonreceipt. To the contrary, the record shows that Sibley knew of the hearing and requested permission to attend by telephone. To the extent that Sibley contends that she was entitled to separate notice that sanctions were possible for filing a recusal motion without sufficient cause in order to delay proceedings, the recusal rule itself provides for sanctions without imposing any notice requirements other than notice of the hearing on the motion. Tex. R. Civ. P. 18a(g)(6), (h).

Sibley further contends that Judge Warren "acted as counsel and aligned himself" with Seminole in opposition to her second recusal motion and thereby improperly participated in the hearing held by Judge Denman. The hearing transcript shows that Judge Warren was not present and Sibley does not contend otherwise. Instead, she argues that the trial court's case summary shows that Judge Warren sent "a note with legal advice" to Seminole's attorneys. The case summary, which is the trial court's electronic docket sheet, indicates **[*20]** that Seminole filed a proposed order denying Sibley's second recusal motion and sanctioning her. The docket entry for this filing contains the following notation: "Unsigned; Returned from Judge with Note to Bring to Court with Judge Denman at 9:30 am 5/11/15." The actual note from the judge is not in the record, and this cursory docket entry made by a member of the court's administrative staff is not evidence. *See* In re Bill Heard Chevrolet, 209 S.W.3d 311, 315 (Tex. App.—Houston [1st Dist.] 2006, orig. proceeding). At any rate, the docket entry is nothing more than an instruction to counsel to present the proposed order to the judge hearing the recusal motion, rather than the judge who is the subject of the motion. That instruction is not legal advice and does not constitute participation in the hearing.

We overrule Sibley's fifth issue.

III. Dismissal and take-nothing judgment

In her second issue, Sibley contends that the trial court erred by dismissing her claims and entering a take-nothing judgment against her for lack of standing. In her sixth and seventh issues, she contends that the trial court erred at least to the extent of dismissing her claims against First Call and TDW Services as they did not seek this dismissal and admitted liability by failing to answer requests for admissions. **[*21]**

HN9[] We review de novo whether Sibley had standing to assert her claims for affirmative relief. Tran v. Hoang, 481 S.W.3d 313, 316 (Tex. App.—Houston [1st Dist.] 2015, pet. denied). Because standing is jurisdictional in nature, a trial court should hear evidence on this issue, if necessary, before allowing a suit to proceed. Wheelbarger v. City of El Lago, 454 S.W.3d 55, 59 (Tex. App.—Houston [1st Dist.] 2014, pet. denied). The burden of proof is on the party asserting standing. Country Cmty. Timberlake Village v. HMW Special Util. Dist. of Harris & Montgomery Ctys., 438 S.W.3d 661,

667 (Tex. App.—Houston [1st Dist.] 2014, pet. denied). If the party fails to establish her standing, then her claims must be dismissed. Compton v. Pfannenstiel, 428 S.W.3d 881, 885 (Tex. App.-Houston [1st Dist.] 2014, no pet.).

In the trial court, Seminole, Enterprise, First Call, and TDW each asserted that Sibley's claims for affirmative relief depended on her possession of a property interest in the land subject to the easements and that she could not show that she possessed one. Sibley did not dispute below and does not dispute on appeal that all of her claims in this litigation are predicated on her possession of "an ownership interest in the tract of land where Seminole's easement is located." Instead she argues that she has shown that she has the requisite property interest necessary to confer standing. We disagree.

As proof of her interest in the property, Sibley primarily relies on a summary judgment rendered by the 239th District Court of Brazoria County in an unrelated lawsuit that decreed she possessed a property interest in **[*22]** the subject real property. Sibley, however, appealed from that summary judgment and secured its reversal. *See* Sibley v. Robinson, No. 01-14-00454-CV, 2015 Tex. App. LEXIS 7195, 2015 WL 4260361, at *2-3 (Tex. App.—Houston [1st Dist.] July 14, 2015, no pet.) (mem. op.). Of significance to this lawsuit, the *Robinson* litigation showed that ownership of the subject property was in dispute. That lawsuit concerned the partition of the real property in question and the 239th District Court's now-reversed summary judgment in that suit decreed that Sibley and several other people had an undivided interest in one portion of the property and that another portion of the property belonged to others. *See* 2015 Tex. App. LEXIS 7195, [WL]at *1. Sibley, however, did not introduce any proof in this dispute that Seminole's easements were located on the portion of the property in which the 239th District Court formerly decreed she had an interest. In addition, the record does not indicate that the *Robinson* parties have resolved their dispute over the division of the property.

Sibley additionally relies on the temporary restraining order entered by the trial court in this suit as proof of her standing. In that order, the trial court stated that Sibley and others were "the owners of or possess some interest in or title to" the land where Seminole's pipeline was located. The temporary **[*23]** restraining order, however, was based on Seminole's pleading, which alleged that Sibley and the others claimed ownership of the property as successors, assigns, and heirs. ***HN10***[↑] A temporary restraining order preserves the status quo between the parties for a short duration of time until the court has the opportunity to decide whether the facts support temporary injunctive relief. *See* Tex. R. Civ. P. 680; Airgas-Sw., Inc. v. IWS Gas & Supply of Tex., 390 S.W.3d 472, 484 (Tex. App.—Houston [1st Dist.] 2012, pet. denied). By its terms the trial court's order dissolved no later than 14 days after it was signed. Thus, the trial court did not find that Sibley had an ownership interest in the property by this order.

With respect to First Call and TDW in particular, the record shows that, like Seminole and Enterprise, they asserted that Sibley lacked standing. The record likewise refutes Sibley's contention that they admitted liability by failing to answer requests for admissions. The trial court quashed the discovery requests on which Sibley relies, and she has not assigned any error to the trial court's discovery rulings on appeal.

In sum, the record does not contain any evidence that Sibley had an ownership interest in the particular part of the property where Seminole's easements lie. Given the absence of this essential proof, **[*24]** the trial court correctly concluded that Sibley lacked standing to assert claims relating to the easements and the property on which they are located. *See* Exxon Corp. v. Emerald Oil & Gas Co., 331 S.W.3d 419, 424 (Tex. 2010) (right to sue for injury to real property belongs to its owner); Gleason v. Taub, 180 S.W.3d 711, 713-15 (Tex. App.—Fort Worth 2005, pet. denied) (treating trespass claim as one asserting injury to real property and concluding property owners had standing to assert claim). Because Sibley lacked standing, we affirm the dismissal of her claims for affirmative relief.

Finally, the court notes that with the exception of her disqualification and recusal arguments, which we have overruled, Sibley does not challenge the trial court's order striking her claims against Seminole and Enterprise for bad-faith abuse of the judicial process. Thus, we alternatively affirm the take-nothing judgment in favor of Seminole and Enterprise on this additional, unchallenged basis.

We overrule Sibley's second, sixth, and seventh issues.

Conclusion

We affirm the trial court's judgment and dismiss all pending motions as moot.

Michael Massengale

Justice

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User Name: Carrie Johnson Phaneuf
Date and Time: Monday, April 2, 2018 1:57:00 PM EDT
Job Number: 64212219

Document (1)

1. *Sibley v. Seminole Pipeline Co., LLC, 2017 Tex. App. LEXIS 1026*
   Client/Matter: 0032.00043

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EXHIBIT C

original

Cause No. 02-02654-2017

DARLENE C. AMRHEIN
Plaintiff

v.

LENNIE BOLINGER

WORMINGTON & BOLLINGER LAW FIRM, Defendants,

COUNTY COURT AT LAW

NO. 2 (JUDGE WALKER)

COLLIN COUNTY, TEXAS

FILED
COUNTY COURT AT LAW
2017 NOV 27 AM 11:05
STACEY KEMP
COUNTY CLERK
COLLIN COUNTY, TEXAS
BY: DEPUTY

PLAINTIFF'S MOTION TO RECUSE JUDGE WALKER AND COURT

To the Honorable Court & Judge Barnett Walker:

Comes Now, Plaintiff Darlene C. Amrhein, to file Plaintiff's Motion To Recuse Judge Walker And Court from above styled and numbered lawsuit under Cause No. 02-02654-2017 for the following "good cause" reasons:

1. Cause No. 02-02654-2017 was filed with jury trial & is related to another lawsuit in this same Court, which gives appearance of "conflict of interest;"

2. The two lawsuits created both cases that were assigned to this same County Court at Law No. 2 with Honorable Judge Barnett Walker, which was not done on purpose, but does pose appearance of "conflict of interest" that could affect rulings, orders, with effects from either or both lawsuits, commingling decisions;

3. For that reason Plaintiff believes it is in the best interest of fairness, "due process" & justice that this Court voluntarily recuse itself or Plaintiff's motion is accepted for reassignment of this case to another County Court at Law Judge;

4. Cause No. 02-02663-2017 has already been scheduled for a pre-trial conference, which came to this Court as Notice of Appeal from Justice Court;

5. While Judge Barnett Walker knows only some of the facts in the two cases it

would be difficult to separate two cases once in the middle of this lawsuit;

6. This "new lawsuit," is partially based on the lawsuit from Notice of Appeal case that could affect the outcome of both cases & issues as unknown bias or prejudice; (Plaintiff means no disrespect by this motion as unknown to all.)

7. Plaintiff believes that this would not be intentional, but can give an appearance;

8. If this Court would rather recuse itself from the other lawsuit then that would be fine with Plaintiff as long as same judge not hearing both lawsuits by jury trial;

9. This lawsuit is just starting "due process procedures & discovery;"

10. Plaintiff is asking this Court to voluntarily recuse this Court to another Court;

11. If a recusal hearing is necessary Plaintiff will be available to attend with Judge Barnett Walker for further information as to "good cause" reasons for this motion.

Plaintiff prays for fairness, "due process" and Justice in both lawsuits.

Not meant for delay. DA

Respectfully submitted,

Darlene C. Amrhein

Darlene C. Amrhein, Plaintiff, Pro Se

11/26/2017

VERIFICATION / AFFIDAVIT

CASE NO. 02-02654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff / Appellant Darlene C. Balistreri-Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed Plaintiff's Motion To Recuse Judge Walker And Court

This information as referenced and stated within is true and correct and of Darlene C. Balistreri-Amrhein's own personal knowledge to the best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for consideration of this Court filing.

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se and

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON 11/21, 2017 to certify which witness my hand and official seal.

SEAL:

EUGENIA SERRATTI
Notary ID # 128994294
My Commission Expires
May 24, 2020

EUGENIA SERRATTI

Notary Public of Texas (Printed Name)

Eugenia Serratti

Notary Public of Texas (Signature)

Commission Expires May 24, 2020

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiffs' Motion To Recuse Judge Walker And Court was served in person or by Certified Mail through the United States Post Office on Nov. 27, 2017 to the following:

Collin County Courthouse & County Court at Law — In Person
Collin County District Clerk's Office
2100 Bloomdale Rd.
McKinney, TX 75071

Wormington Law Firm (W & B) — Certified # 7017 0530 0000 6416 6167
212 East Virginia Street
McKinney, TX. 75069

Attorney Lennie Bollinger — Certified # 7017 0530 0000 6416 6167
212 East Virginia Street
McKinney, TX. 75069

Respectfully submitted,

Darlene Balistreri-Amrhein

Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

11/27/17

4.

CERTIFICATE OF CONFERENCE

There was no conference Plaintiffs' Motion To Recuse Judge Walker And Court with Defendants Bollinger & Wormington due to prepared during Thanksgiving weekend when no one was available & filed early Nov. 27, 2017 as Courthouse was closed for holiday too.

Respectfully submitted,

Darlene Balistreri-Amrhein, et al

Darlene Balistreri-Amrhein, Plaintiff, Pro Se

& Representative for Deceased Anthony J. Balistreri

EXHIBIT D

RECEIVED
FEB 12 2018

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al COUNTY COURT AT LAW

Plaintiffs,

V. NO. FIVE (5) JUDGE WILSON

ATTORNEY LENNIE F. BOLLINGER, AND
WORMINGTON & BOLLINGER LAW FIRM COLLIN COUNTY, TEXAS
Defendants, et al Defendants

PLAINTIFF'S MOTION FOR RECUSAL OF JUDGE DAN WILSON

Comes Now, Plaintiff Darlene C. Amrhein to file Plaintiff's Motion For Recusal of Judge Dan Wilson in above named & titled Cause No. 005-02654-2017. Plaintiff does not file this Motion For Recusal of Judge Dan Wilson for any delay, bad faith or based on any Orders, but based on activities, actions, violations of laws. Plaintiff filed Motion To Stay & Continue this lawsuit after 2 emergencies in the hospital on 12/26/2017(Baylor Scott White Hospital) and 1/ 5/ 2018, (Medical Center of Plano) due to serious illness, 2 needed surgeries as disabled person, attached medical information as stated with medical proof, but still "denied." During this period of time this Court, Defendants & Attorneys demanded court filings on 1/02/2018 that contributed to this second emergency care & admission on 1/5/2018 & continued to make demands for court filings of documents to harass & injure Plaintiff Amrhein, which is a violation of ADA knowing who is unable to work, without additional injuries, illness as stated, unable to walk, stand or sit due to these disabilities, unstable spine, medicated & in extreme pain affecting function I filed notice of medical on 1/3/2018 for "good cause" reasons for medical needs & sworn affidavit of the needs for medical healthcare treatment 1/10/2018. Plaintiff filed Motion To Stay & Continue this lawsuit on 1/10/2018 & court file stamped 1/16/2018 with more attached medical documentation as sick & disabled, which was denied by Court Order signed by Judge Wilson & supported by Cobb,

Martinez, Woodland, all these Attorneys & all 4 Defendants.

On January 22, 2018 as last day necessary demanded court filing caused another complication to Plaintiff along with nausea from the extreme pain and on January 26, 2018 Plaintiff ended back in the Medical Center of Plano again, seriously ill with pain & infection requiring stay until January 31, 2018, which was filed 2/3/2018 with Court as **Second Motion To Stay & Continue this Lawsuit** for medical reasons again with no response, except an Order 1/30/18 to destroy this lawsuit with prejudice to lawsuit & Plaintiff because of illness, disability, more demanded court filings, with $14,000.00 plus fine Order of attorneys' fees & then threats to Plaintiff by seizures & continued harassments if not paid by February 23, 2018, which is retaliation, while ill, sick, medicated, in pain & 3 times hospitalized as disabled person with "good cause" reasons for lack of function as continued by this Court, Defendants, Judge & Attorneys. Jury trial dates of February 19, 2018 or March 19, 2018 knowing that Plaintiff needed 2 high risk back operations, 6 months of full recovery with no court & suit activities for more pressure / harassment to prevent Plaintiff's medical treatments, several medications / narcotics & against Physicians medical instructions for Plaintiff's medical care is unconscionable to any reasonable person. Judge Dan Wilson is aware Plaintiff as in forma pauperis, so this was deliberate retaliation & harassment by his Court with only a social security monthly income for need of necessary support to live, more discrimination, knowing Plaintiff is disabled senior, unable to work, to affect my home, one automobile & needed healthcare. January 18, 2018 demand for hearing, demand for disclosures on January 25, 2018, with email of threats on or about February 7, 2018, which has continued to affect Plaintiff health, disability & illness discrimination of disability, American With Disabilities (ADA) protected rights are denied & refused by Court Order in the County Court at Law No. 5, by Judge Dan

Wilson, Defendants of Wormington Law Firm, Lennie Bollinger & 3 other Wormington attorneys, including Cobb, Martinez, Woodland & Attorney Carrie Johnston Phaneuf. (Email Harassment & Pressure with Retaliation to take advantages of these situation is unreasonable torture in this lawsuit that can cause addition able permanent disabilities affecting Plaintiff's life.)

IN CONCLUSION AND PRAYER

Plaintiff does not believe that a fair outcome could be attained in this case, due to "conflict of interest," basic Texas & federal laws & ADA violated, so a just outcome is not likely in this lawsuit with Judge Wilson presiding with confusions, discriminations, demands, prejudice & retaliations against due process, fairness & interest of Justice against ill needed medical care, Plaintiff Amrhein.

Judge Wilson has denied Plaintiff the right for healthcare as a disabled person, which is discrimination, therefore causing all lack of "trust for basic human & financial needs," which was reported to Department of Justice, Washington, D.C. by complaint, violations of my U.S. & Texas Constitutional Rights & by all these injustices. It appears that protecting the Defendants & their attorneys was more important then Plaintiff's healthcare, 3 hospitalizations & filed Motion to Stay & Continue this lawsuit on January 10, 2018. No person sick or well facing 2 high risk back operations, or any illness should be put under this kind of pressure as it has affected Plaintiff's health making it much worse & causing infectious disease delaying the 2 surgeries as complications & thousands of dollars of medical bills to Medicare ($100,000) that would threaten my life if surgery was done with any complications, which starts as "high risk" to begin with, but very necessary. The tracking of affects prior to each hospitalization, was court filings, demand, threats affecting Plaintiff health & well-being as personal injuries allowed to continue. The law clearly states that a reason to grant Motion To Stay & Continue a lawsuit

is for "illness or death," so no excuse to deny Plaintiff 1/10/18 stay court filing. Plaintiff believes this is hateful retaliations, discrimination, unnecessary & unfair, that no one should have to experience under these events & circumstances against federal ADA & Texas laws as a "protected class" with existing rules, statutes & laws, which is out of Plaintiff's control & would rather not have this all happen. Plaintiff requested the recusal voluntary, but after consideration of all activities, it appears that would never happen, so this Motion For Recusal of Judge Dan Wilson is necessary into this Court Record & well being of Plaintiff with a Stay & Continuance of this lawsuit following 2 back surgeries & release by Plaintiff's surgeons & primary doctors. Americans With Disabilities Act is federal law enforceable in all states, including Texas & very important, not to be refused or ignored making all activities & Orders "void" from January 10, 2018 to 1/16/2018. Plaintiff prays the original Motion To Stay & Continue this lawsuit as filed on January 10, 2018 & received through United States Post Office stands. All court actions taken beyond January 16, 2018 is "voided & reversed as legal nullity to have no affect & not be enforceable as prejudicial to Plaintiff, this lawsuit & all state & federal laws." Judge Dan Wilson & all other participants must be held responsible for violations of ADA & other laws. All harassments, demands & threats must be stopped immediately. Judge Dan Wilson must be recused in this lawsuit as a matter of law, against equal protection, appealable, against Rule of Law & intentional miscarriage of justice to discriminate against Plaintiff. (Exhibits 1 to 5) Emails received from January 15, 2018 to January 23, 2018 from Court & Attorneys was 22 notices. cc: United States Department of Justice

Respectfully submitted,

Darlene C. Amrhein

Darlene C. Amrhein, Plaintiff, Pro Se

2/8/18

4.

VERIFICATION / AFFIDAVIT

NO. 005-02654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed Plaintiff's Motion for Recusal of Judge Don Wilson - ADA Complaint with Dept of Justice

This information as referenced and stated within is true and correct and of Darlene C. Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing.

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri- Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON February 3, 2018 to Certify which witness my hand and official seal.

SEAL:

NOTARY PUBLIC STATE OF TEXAS
TREVOR HILZ
My Commission Expires
May 1, 2019

Trevor L. Hilz

Notary Public of Texas (Printed Name)

Trevor L. Hilz

Notary Public of Texas (Signature)

Commission Expires May 1, 2019

5.

CERTIFICATE OF SERVICE

A true and correct copy of Plaintiff's Motion For Recusal Of Judge Dan Wilson was served in person or by Certified Mail through the United States Post Office on or about Feb. 8, 2018 to the following:

Collin County Courthouse — Certified 7017 0530 0000 6020

County Court at Law No. 5

Honorable Dan K. Wilson
Attn: Collin County District Clerk's Office
2100 Bloomdale Rd.
McKinney, TX 75071

Cobb, Martinez, Woodward, PLLC — Certified # 7017 0530 0000 6416 5948

Attorney Carrie Johnson Phaneuf

1700 Pacific Avenue, Suite 3100

Dallas, TX. 75201

CERTIFICATE OF CONFERENCE

There was no conference filed & served because Plaintiff is too sick, in pain & medicated from hospital discharge.

Respectfully submitted,

Darlene C. Balistreri-Amrhein

Darlene Balistreri-Amrhein, Plaintiff, Pro Se and

Representative for Deceased Anthony J. Balistreri

2/8/18

FILED
COUNTY COURT AT LAW

CAUSE NO. 05-02654-2017

2018 JAN 16 AM 11:06

DARLENE C. AMRHEIN, et al

COUNTY COURT AT LAW

STACEY KEMP
COUNTY CLERK
COLLIN COUNTY, TEXAS

Plaintiffs,

V.

NO. FIVE (5) JUDGE

BY DEPUTY L. Howard

ATTORNEY LENNIE F. BOLLINGER, AND
WORMINGTON & BOLLINGER LAW FIRM

COLLIN COUNTY, TEXAS

Defendants,

PLAINTIFF'S NOTICE TO THE COURT, SAID JUDGES, TO ALL DEFENDANTS AND THEIR COUNSELS TO STAY & CONTINUE THIS LAWSUIT REMOVING IT OFF THE ACTIVE DOCKET SHEETS FOR "GOOD CAUSE" REASONS

Plaintiff's Notice To The Court, Said Judges, To All Defendants And Their Counsels To Stay & Continue This Lawsuit Removing It Off The Active Docket Sheets For "Good Cause" Reasons as follows:

1. Plaintiff Darlene Balistreri-Amrhein has been in the Medical Center of Plano Hospital Emergency Room since January 4, 2018 & then admitted to present for multiple testing, examinations, various medications with a result of unable to walk & function normally with these disabilities;

2. Plaintiff Darlene Balistreri-Amrhein is required to have two serious back surgeries with various recovery periods from 6 weeks to 6 months depending upon the procedures used, which are necessary as demanded per medical evaluations;

3. Plaintiff Darlene C. Balistreri-Amrhein have the three best surgeons possible for these two operations that must be done separately to protect all regular & necessary functions, sitting, standing, walking, recovery & rehabilitations as removed for all caregiving as needed as shocked as to these results;

4. There were no prior notices for these two needed back operations;

5. See attached **Exhibit A** from the Medical City of Plano Doctor about these existing medical conditions that will be examined further with definite surgery

188 Exhibit A

dates, procedures & pending additional evaluations on Tuesday, January 16, 2018 as Plaintiff is acting with "due diligence" & completely moved out of home on 1/17/18;

6. Plaintiff Balistreri-Amrhein cannot ignore this, be reduced to no walking & put health at risk, so it is impossible to continue this lawsuit, which must be stayed in the interest of justice as this is timely, fair notice to all parties until full recovery;

7. The Court, Judge Parties & counsels will be given updates as available every 30 to 45 days to project into future of this lawsuit;

8. There are many outstanding issues is this lawsuit & pending judicial work that cannot be completed at this time due to Plaintiff's medical conditions & surgeries;

9. All necessary steps will be taken to make Plaintiff as comfortable as possible, so the schedule is unknown along with all caregivers;

10. Plaintiff is sorry for any inconveniences & delays in this matter, which was out of any ones control. We cannot answer, proceed or rule in any manner effective immediately in this lawsuit;

11. Plaintiff is drugged most of the time due to intense pain & affects;

12. Plaintiff is asking the court to remove this lawsuit from the active docket sheet lists until I am able to proceed due to these 2 needed back surgeries & recovery with prompt notice to all parties; (Asking for prayers.)

13. Plaintiff is working hard to get back on her feet without any life long Disability or permanent harms caused as there is no other way except 2 surgeries; so please "stay all pending actions in this lawsuit until further notice;" (Exhibit A)

(Exhibit A, B)

Respectfully submitted,

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

1/9/18

Exhibit P
188

Medical City Plano

3901 West 15th Street, Plano TX 75075
972-596-1505

WORK / SCHOOL / SPORTS RELEASE

PATIENT NAME: Darlene Balistreri-Amphein

DATE: 1/9/18

☐ THE PATIENT IS ABLE TO RETURN TO WORK/SCHOOL/SPORTS ON: _____

☐ THE PATIENT MAY RETURN TO WORK WITHOUT RESTRICTIONS.

☒ THE PATIENT MAY RETURN TO WORK ONCE RELEASED BY FOLLOW-UP PROVIDER. Spine surgeon.

☐ OFF WORK/SCHOOL/SPORTS FOR _____ DAYS.

SIGNATURE: _____

To who it may concern,
Darlene Balistreri-Amphein was admitted to Medical City Plano on 1/4/2018 through the Emergency Department, for treatment, medications, testing with need for one or more unknown at this time, while under surgeries. [illegible] medical care of several medical professionals. [illegible] all activity until further notice.

Exhibit A

Exhibit 1

COPY

Electronically Filed 1/3/2018 9:52 AM
Stacey Kemp County Clerk
Collin County, Texas
By: Linda Patrizio, Deputy
Envelope ID: 21569703

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al,	COUNTY COURT AT LAW
Plaintiffs,	NO. 5
v.	[Hon. Dan K. Wilson]
ATTORNEY LENNIE F. BOLLINGER, WORMINGTON & BOLLINGER LAW FIRM,	
Defendants.	COLLIN COUNTY, TEXAS

NOTICE OF HEARING FOR DEFENDANT'S MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

PLEASE TAKE NOTICE that Defendant's Motion to Dismiss, filed on December 22, 2017, is set for hearing on **Thursday, January 25, 2018 at 1:30 p.m.** in the 5th County Court at Law of Collin County, Texas.

Dated: January 3, 2018

Respectfully submitted,

By: */s/ Carrie J. Phaneuf*

CARRIE JOHNSON PHANEUF
Texas Bar No. 24003790
cphaneuf@cobbmartinez.com
JENNIFER SMILEY
Texas Bar No. 24082004
jsmiley@cobbmartinez.com

COBB MARTINEZ WOODWARD PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
Phone: 214.220.5201
Facsimile: 214.220.5251

ATTORNEYS FOR DEFENDANTS

Exhibit B

1884 1884

COPY

CAUSE NO. 05-02654-2017

DARLENE C. AMRHEIN, et al Plaintiffs,	COUNTY COURT AT LAW
V.	NO. FIVE (5) JUDGE DAVIS
ATTORNEY LENNIE F. BOLLINGER, AND WORMINGTON & BOLLINGER LAW FIRM Defendants,	COLLIN COUNTY, TEXAS

Plaintiff's Motion For Continuance for "Good Cause" Reasons to Respond to Defendants' Motion To Dismiss

Comes Now, Plaintiff, Darlene C. Amrhein, pro se to file Plaintiff's Motion For Continuance for "Good Cause" Reasons to Respond to Defendants' Motion To Dismiss for the following:

1. Plaintiff received notice of Defendants' Motion To Dismiss on or about December 22, 2017, out of town for the holidays, family until December 25, 2017;

2. Plaintiff was then taken to Baylor, Scott, White Hospital in McKinney, Texas Emergency Room on or about December 26, 2017 & placed on 3 medications that affected capacity & driving causing numerous bouts of sleeping from pain killers, until all testing could continue & be completed with 24 to 48 hour turn around;

3. Plaintiff wants to respond & object to Defendants' Motion to Dismiss timely & is requesting an extension / continuance of 7 days to do so with a due date on January 4, 2018;

4. This 7 day continuance should cause no prejudice to Defendants & it would allow Plaintiff to function in full capacity for January 4, 2018 deadline;

5. Plaintiff contacted Attorney Carrie Johnson Phaneuf about motion for continuance for "good cause" reasons also affecting disabilities & diabetes.

Plaintiff prays for understanding & consideration in this matter, which was out of Plaintiff's control & serious.

FILED
COUNTY COURT AT LAW
2018 JAN -3 AM 10: 39
STACEY KEMP
COUNTY CLERK
COLLIN COUNTY, TEXAS
DEPUTY

Respectfully submitted,

Darlene C. Amrhein

Darlene C. Amrhein, Plaintiff, Pro Se 12/29/17

Exhibit C

Ex 1

FALL RISK

...ist & applied to inside of armband.
...fed to outside of armband.
(2) ___ wrist.

BALISTRERI-AMRHEIN,DARLENE C
E00990998226 PRE ER
DOB:07/18/46 71 F Medical City Plano E.ERMAJ MR# E000094035

[redacted]

Exhibit D

VERIFICATION / AFFIDAVIT

CAUSE NO. 005-02654-2017

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Plaintiff, Darlene C. Balistreri-Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed Plaintiff's Notice To The Court, Said-Judges, To All Defendants And Their Counsels To Stay & Continue This Lawsuit Removing It Off The Active Docket Sheets For "Good Cause" Reasons Effective Immediately.

This information as referenced and stated within is true and correct and of Darlene C. Balistreri-Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing.

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Plaintiff, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON January 10, 2018 to Certify which witness my hand and official seal.

SEAL:

SEAN LOUGHLIN
Notary ID #129595393
My Commission Expires
October 16, 2021

Sean Loughlin

Notary Public of Texas (Printed Name)

Notary Public of Texas (Signature)

Commission Expires 10/16/2021

TO TEXAS STATE COURTS & U.S. FEDERAL COURTS:

DARLENE C. BALISTRERI-AMRHEIN AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned authority, on this day personally appeared Darlene Balistreri-Amrhein, who being by me duly sworn, upon her oath deposed and stated as follows:

1. My name is Darlene C. Balistreri-Amrhein. I am over the age of eighteen years and am competent to make this Affidavit.

2. I make this Affidavit upon my personal knowledge and all statements contained herein are true and correct for all lawsuits, case numbers & case numbers.

3. At the time of this Affidavit, I am a McKinney, Texas resident homeowner as for more than the past 10 years, paying Collin County property taxes as required.

4. I, Darlene C. Balistreri-Amrhein have provided to the associated Texas Courts the following medical healthcare information for all needs as required effecting my responses to Courts, Counsels & Defendants in all lawsuits & causes of action.

5. I, Darlene C. Balistreri-Amrhein am disabled, unable to attend any hearings, prepare & answer any court filed documents, receive any mail, text messages or respond in any way due to these medical reasons, medical procedures, conditions, disabilities, medications, displacements, recovery & rehabilitations until further notice by myself & my primary care physicians as needed & released.

6. The medical release submitted as Exhibit A is true & correct as represented & filed with the associated Courts from Medical City Hospital of Plano & signed by nurses at instructions & signed by my personal physician as presented.

7. My back medical care physicians are three other doctors to be conducted for

each of two surgeries at different local area hospitals timely as Ordered, arranged & done with the best interest of Darlene C. Balistreri-Amrhein's healthcare due to all associated conditions, diagnosis, medical care & necessary requirements as prescribed by qualified medical professional for 6 months stay on inactive docket.

8. I, Darlene C. Balistreri-Amrhein, make this sworn Affidavit to be enforced & effective to all associated Courts, whether Texas state Courts & any United States Federal Courts associated to Darlene C. Balistreri-Amrhein with all Defendants.

9. By anyone suppressing this known information contained within would be considered fraud making every issue in violation of laws by secrecy & unlawful concealment with no legal effects to any lawsuit. There is to be no pressure, effects, interference or demands made upon any of Plaintiff Balistreri-Amrhein's physicians / surgeons for any reason or violations of HIPPA laws.

10. I, Darlene C. Balistreri-Amrhein, have provided all courts, judges, Counsels & Defendants names & contacts to my personal representatives in case I become in capacitated & or under life availability through death for contacts & notifications.

11. I, Darlene C. Balistreri-Amrhein, make this sworn affidavit of my own free will, to provide all information necessary for informed decisions in all lawsuits as there was no other alternative to facts & reality with aid of healthcare professionals under these circumstances & in interest of fairness, due process & Justice as Plaintiff, Pro Se in all lawsuits & Exhibit A as attached.

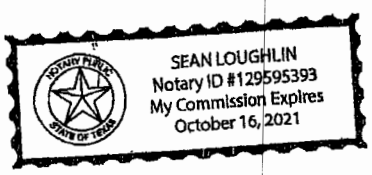
Further affiant sayeth Executed this 10th day of January, 2018

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein

SUBSCRIBED AND SWORN TO before me on this 10th day of January, 2018

SEAL



Sean Loughlin

Notary Public of Texas Printed

Notary Public of Texas Signature

Commission Expires 10/16/2021

Exhibit 2.

1890

Electronically Filed 1/16/2018 4:42 PM
Stacey Kemp County Clerk
Collin County, Texas
By: Dianna Shine, Deputy
Envelope ID: 21854075

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al,	COUNTY COURT AT LAW
Plaintiffs,	NO. 5
v.	[Hon. Dan K. Wilson]
ATTORNEY LENNIE F. BOLLINGER, and WORMINTON & BOLLINGER LAW FIRM,	
Defendants.	COLLIN COUNTY, TEXAS

ORDER DENYING
"PLAINTIFF'S NOTICE TO THE COURT, SAID JUDGES, TO ALL DEFENDANTS AND THEIR COUNSELS TO STAY & CONTINUE THIS LAWSUIT REMOVING IT OFF THE ACTIVE DOCKET SHEETS FOR 'GOOD CAUSE' REASONS"

Before the Court is Plaintiff's document entitled "Plaintiff's Notice to the Court, Said Judge, to All Defendants and Their Counsels to Stay & Continue this Lawsuit Removing it off the Active Docket Sheets for 'Good Cause' Reasons," filed on January 16, 2018. Defendants filed a Response in Opposition.

After considering Plaintiff's Notice to the Court, Defendants' Response in Opposition, and relevant authority, the Court **ORDERS** as follows:

Plaintiff's Notice to the Court, filed on January 16, 2018, including her requests to stay this litigation and continue the hearing on Defendants' Rule 91a Motion to Dismiss is **DENIED**.

It is further **ORDERED** that Defendants' Rule 91a Motion to Dismiss is set for hearing by written submission on January 25, 2018.

It is **ORDERED** that Defendants are permitted to file and submit a Reply to Plaintiff's Response to the Motion to Dismiss by January 22, 2018.

Signed this 17 day of January, 2018.

Signed: 1/17/2018 09:58 AM

Dan K. Wilson
JUDGE PRESIDING

Exhibit C

Exhibit 3
1891

Electronically Filed 1/22/2018 4:50 PM
Stacey Kemp County Clerk
Collin County, Texas
By: Dianna Shine, Deputy
Envelope ID: 21981471

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al,	COUNTY COURT AT LAW
Plaintiffs,	NO. 5
v.	[Hon. Dan K. Wilson]
ATTORNEY LENNIE F. BOLLINGER, AND WORMINTON & BOLLINGER LAW FIRM,	
Defendants.	COLLIN COUNTY, TEXAS

ORDER GRANTING DEFENDANTS LENNIE F. BOLLINGER AND WORMINGTON & BOLLINGER'S RULE 91A MOTION TO DISMISS

On this day, the Court considered Defendants Lennie F. Bollinger and Wormington & Bollinger's ("Defendants") Motion to Dismiss, pursuant to Rule 91a of the Texas Rules of Civil Procedure, filed on December 22, 2017. Plaintiff Darlene Amrhein in her individual capacity and in her representative capacity on behalf of Anthony Balistreri (collectively "Amrhein" or "Plaintiff"), filed a Response on January 2, 2018. Defendants filed a Reply to Plaintiff's Response on January 19, 2018. After careful consideration of Plaintiff's Amended & Supplement Petition and Pleadings, Defendants' Rule 91a Motion to Dismiss, Plaintiff's Response to the Motion to Dismiss, and Defendants' Reply, and relevant legal authority, the Court rules as follows:

a. It is **ORDERED** that Defendants' Rule 91a Motion is **GRANTED**.

b. Therefore, it is **ORDERED** that the following causes of action or purported causes of action are **DISMISSED WITH PREJUDICE**: (i) all of the causes of action brought in Amrhein's representative capacity of Anthony Balistreri, deceased, or his estate or trust, (ii) Violations of the Texas Disciplinary Rules of Professional Conduct, (iii) Breach of Fiduciary Duty, (iv) Breach of Contract, (v) Fraud, (vi)

Exhibit 3
1892

Violations of the DTPA, (vii) Violations of the Texas Rules of Civil Procedure, (viii) "Bad Faith," (ix) Negligent Misrepresentation, (x) Conspiracy, (xi) violations of constitutional rights, and (xii) alleged discrimination.

c. Plaintiff is **ORDERED** to file an amended petition removing the dismissed causes of action from her petition within 20 days of the date of this Order. Failure to comply with this Order may result in a dismissal of this case.

d. The Court finds that the amount of fees incurred by Defendants for defense of this matter through the date of the hearing is reasonable and necessary. It is hereby **ORDERED** that Defendants' request for attorney fees and costs pursuant to Tex. R. Civ. Proc. 91a.7 is **GRANTED**. Attorney fees and costs in the amount of $14,101.55, plus $29.05 in expenses, are awarded to Defendants. Plaintiff is hereby **ORDERED** to pay $14,130.60 to Defendants. Execution may issue on all sums awarded.

Signed this 30 day of January, 2018.

Signed: 1/30/2018 10:20 AM

Dan K. Wilson

JUDGE PRESIDING

Exhibit 3
1893

COUNTY COURT AT LAW NUMBER FIVE
JUDGE DAN WILSON
2100 Bloomdale Road, Suite 20382
McKinney, Texas 75071
Phone: (972) 548-3850
Fax: (972) 548-3855

The enclosed Discovery Control Plan and Scheduling Order must be signed by all parties and returned to the Coordinator by 4:00 p.m. the day prior to the Pre-trial Conference date. If not, your presence is required at the Pre-trial Conference. If you cannot be at the pre-trial conference promptly at the time specified, you must fax in your announcement to the Court by 5:00 p.m. on the previous day. You may fax the plan and/or trial announcement to (972) 548-3855. ***The following dates are subject to change.***

Bench Trial Dates at 1:30 p.m.	**Formal Pre-Trial at 10:00 a.m.**
January 18, 2018	**January 11, 2018 (if needed)**
February 22, 2018	**February 15, 2018 (if needed)**
March 22, 2018	**March 15, 2018 (if needed)**

Jury Trial Dates at 9:00 a.m.	**Formal Pre-Trial at 10:00 a.m.**
January 16, 2017	**January 11, 2018 (required)**
February 19, 2018	**February 15, 2018 (required)**
March 19, 2018	**March 15, 2018 (required)**

You may check the status of civil cases by visiting www.collincountytx.gov. Under departments, click on Online Services, then click Case Look up - Civil or by calling the civil clerk at (972) 548-6432.

COUNTY COURT AT LAW 5 FOR
Collin County, Texas
DAN K WILSON, JUDGE PRESIDING

December 13, 2017

Darlene Amrhein
112 Winsley Circle
McKinney TX 75071

RE: Cause No. 005-02654-2017
Darlene C. Amrhein, et al VS. Attorney Lennie F. Bollinger and Worminton & Bollinger Law Firm

Dear Darlene Amrhein; Anthony Balistreri (deceased) and Carrie J. Phaneuf; Carrie J. Phaneuf; All Professional Liability & Legal Malpractice Insurance Companies:

The above referenced matter is set for pre-trial conference on January 18, 2018 at 1:30 pm in Collin County Court at Law 5. Enclosed is a schedule of dates that are available for jury trials and/or bench trials along with a scheduling order. **In lieu of appearing at the pre-trial conference, you may E-file the enclosed *agreed* scheduling order no later than 4:00 pm, January 16, 2018.** If the scheduling order is not received by that time, your presence is required at the pre-trial conference. ***If a scheduling order cannot be agreed upon, the presence of both parties is required.*** **Your failure to attend the pre-trial conference will result in your case being dismissed.**

Pre trial conference and formal pre trial are not the same. The first pre-trial conference is simply to set trial dates. If you schedule a formal pre-trial, both parties must appear and comply with the discovery control plan and scheduling order. If the parties fail to show up at the Formal Pre-Trial the case may be dismissed for want of prosecution.

Mediation is required. Parties shall within ten (10) business days of the date of the pretrial conference, submit an agreed written order designating a mediator or a written certification that mediation would not result in resolution or settlement. For your convenience, you may also designate a mediator in section f. of the Discovery Control Plan.

You may check the status of civil cases, service, payment of fees, filing and other settings, by calling the civil clerk at 972-548-6432 or by visiting www.collincountytx.gov. Click on "Online Services" then select "Case Record Inquiry – Advanced. Under "Select a Location" you will select "Civil and Family Case Records." You are encouraged to check these locations before contacting the coordinator.

Sincerely,

Dan K. Wilson

Dan K. Wilson
Judge Presiding

County Court at Law 5 2100 Bloomdale Road, Suite 20382, McKinney, TX 75071 972-548-3850
tcaton@co.collin.tx.us

CMW

COBB MARTINEZ WOODWARD

Carrie J. Phaneuf
214.220.5206

214.220.5256 | direct fax
cphaneuf@cobbmartinez.com

January 10, 2018

Via Priority Mail
Darlene Amrhein
112 Winsley Circle
McKinney, TX 75071

Re: *Amrhein v. Bollinger, et al; Cause No. 005-02654-2017 in the Collin County Court at Law No. 2, Collin County, Texas.*

Dear Ms. Amrhein:

As noted in my e-mail correspondence dated January 5, 2018 as well as January 9, 2018, the court has scheduled a pre-trial conference for Thursday, January 18, 2018. In lieu of appearing we are allowed to submit Agreed Scheduling Order no later than 4 p.m. on Tuesday, January 16, 2018. Enclosed please find a copy of the letter from the court as well as a proposed Agreed Scheduling Order for your consideration. Please review the order and let me know if you have any revisions. If not, please sign the document in the space provided and return to me for filing with the court.

Additionally, the court requires all parties to attend mediation and submit and agreed order selecting a mediator within ten (10) days of the pre-trial conference. If you have any preferred candidates you would like to nominate as possible mediators for this matter, please let me know.

Sincerely,

Carrie Johnson Phaneuf

CJP:klh
CMW175467v1

Exhibit 5

Kimberly Harrison

From:	Kimberly Harrison
Sent:	Thursday, January 25, 2018 12:16 PM
To:	winsley112@yahoo.com
Cc:	Carrie Phaneuf; Jenny Smiley
Subject:	005-02654-2017; Amrhein, et al. v. Attorney Lennie F. Bollinger, et al.
Attachments:	2018-01-25 RFD to Plaintiff.pdf

Ms. Amrhein,

Attached please find *Defendants' Request for Disclosure to Plaintiff* e-served today with the court in regard to the above-referenced matter.

A copy has also been forwarded to you via USPS Priority Mail.

Thank you,

CMW
Kimberly Harrison
Legal Secretary to Bill Cobb and Carrie Phaneuf
Cobb Martinez Woodward PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
(214) 220-5211 direct
(214) 220-5261 fax
kharrison@cobbmartinez.com
www.cobbmartinez.com

Exhibit 5
1897

CAUSE NO. 005-02654-2017

DARLENE C. AMRHEIN, et al, Plaintiffs, v. ATTORNEY LENNIE F. BOLLINGER, AND WORMINTON & BOLLINGER LAW FIRM, Defendants.	COUNTY COURT AT LAW NO. 5 [Hon. Dan K. Wilson] COLLIN COUNTY, TEXAS

DEFENDANTS'
REQUEST FOR DISCLOSURE TO PLAINTIFF

TO: Plaintiff, Darlene Amrhein, 112 Winsley Circle, McKinney, TX 75071.

REQUEST FOR DISCLOSURE

Pursuant to Rule 194, you are requested to disclose within thirty (30) days of service of this request, the information or material described in Rule 194.2, specifically described below:

REQUEST NO. 194.2(a): The correct names of the parties to the lawsuit.

REQUEST NO. 194.2(b): The name, address, and telephone number of any potential parties.

REQUEST NO. 194.2(c): The legal theories and, in general, the factual basis of the responding party's claims or defenses.

REQUEST NO. 194.2(d): The amount and any method of calculating economic damages.

REQUEST NO. 194.2(e): The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

Exhibit 5
1898

REQUEST NO. 194.2(f): For any testifying expert:

(1) the expert's name, address, and telephone number;

(2) the subject matter on which the expert will testify;

(3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;

(4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:

(A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and,

(B) the expert's current resume and bibliography.

REQUEST NO. 194.2(g): Any discoverable indemnity and insuring agreements.

REQUEST NO. 194.2(h): Any discoverable settlement agreements.

REQUEST NO. 194.2(i): Any discoverable witness statements.

REQUEST NO. 194.2(j): All medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

REQUEST NO. 194.2(k): All medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

REQUEST NO. 194.2(l): The name, address and telephone number of any person who may be designated as a responsible third party.

Exhibit 5
1899