

a \$500 FINE - "*due to the language used*" -  
- that makes it First Amendment Retaliation

FILED FOR RECORD  
2023 SEP 19 PM 3:11

CAUSE NO. 22-00105

CSD VAN ZANDT LLC  
VS.  
UDO BIRNBAUM

§  
§  
§  
§  
§

IN THE 294<sup>TH</sup> DISTRICT COURT  
IN AND FOR  
VAN ZANDT COUNTY, TEXAS  
KIM WILSON  
DISTRICT CLERK VAN ZANDT CO. TX  
STOKMYLW DEP

**ORDER DENYING MOTION TO RECUSE**

On September 19, 2023, the undersigned, heard the defendant's, Udo Birnbaum, Motion to Recuse and First Amended Motion to Recuse, pursuant to Rule 18a (g) of the Texas Rules of Civil Procedure (TRCP). The hearing was conducted remotely, via Zoom. All parties announced ready. The undersigned heard the arguments of the defendant and plaintiff's counsel.

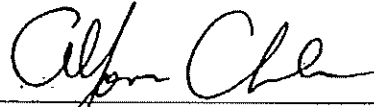
The undersigned considered the motions, the arguments of the parties and the case law. The undersigned denied the motions. The undersigned found that the motions did comply with Rule 18a(a) TRCP in that the motions were not verified, they failed to assert one or more grounds listed in Rule 18b, and they did not state with detail and particularity facts that would be admissible. The undersigned further found that the motions were based solely on the judge's rulings and orders in the case. The undersigned found that the motion was without merit.

The undersigned further found that due to the language used in the motion and that it was without merit, that sanctions were appropriate. The undersigned awarded sanctions in the form of attorney fees to plaintiff in the amount of \$500.00, payable 30 days from the date of this order.

IT IS THEREFORE ORDERED that the Motion to Recuse and First Amended Motion to Recuse are **DENIED** and sanctions are **GRANTED**.

SEP 19 2023

Signed this \_\_\_ day of \_\_\_\_\_, 20\_\_.



ALFONSO CHARLES, Presiding Judge  
Tenth Administrative Judicial Region