

CAUSE NO. 22-00105

CSD VAN ZANDT LLC
Plaintiff

v.

UDO BIRNBAUM
Defendant

\$ IN THE DISTRICT COURT

\$ 294th JUDICIAL DISTRICT

\$ VAN ZANDT COUNTY, TX

DEFENDANT’S MOTION TO ORDER MEDIATION

THE BIG PICTURE

1. Plaintiff, CSD VAN ZANDT LLC, pleads TITLE to 150 acres in Van Zandt County.

2. Defendant, UDO BIRNBAUM, pleads long time TITLE to these 150 acres, and that this very CSD suit upon him is an ongoing real estate deed fraud scheme upon the elderly, with such now ongoing upon him in this Court, at this very time.

Re required mediation

3. This Court requires mediation before all final hearings, bench trials and jury trials, such in the interest of justice and to preserve resources.

4. But such as was presented to this Court as having been mediation was the furthest thing from such. It was in fact a scam, at the instance of CSD attorneys at the highest levels of Flowers Davis PLLC, see attached Exhibit “A”.

5. Starting under pretense of meeting “to informally resolve” the case, the sham came via a bait and switch:

Mr. Birnbaum: I am just confirming the meeting scheduled for March 27th at 11:00 a.m. at East Texas Title Companies located in Canton, Texas. Ms. Watkins and another one of our associate attorneys, Ms. Amanda Dupuis will attend with our client, Mr. Robert Dow. We will be in separate rooms and will have an attorney, Steve Mason, there to help facilitate the discussions. Thank you. Jennifer L. Wallace, Paralegal to Celia C. Flowers

6. Then at the meeting, such Mr. Mason, under color of mediation, and under color of impartiality, i.e. of being “from the other side of the house”, i.e. not with Celia Flowers, but with Robert Davis, started buttering up Defendant and his two associates with folksy stories whatsoever, but when it came to relaying Defendant’s offer of a fair market value of \$1.5 million for the 150 acres, deceived Plaintiff’s Robert Dow by conveying it as \$10.0 million, i.e. Defendant as unreasonable.

7. Defendant’s \$1.5 million in stark contrast to Plaintiff’s offer of \$5,000.

PRAYER

Defendant prays for genuine mediation as this Court deems proper. This Motion for the sake of justice, peace, and expediency to protect the parties’ and this Court’s resources.

Respectfully,

UDO BIRNBAUM, *Pro Se*
540 VZ County Road 2916
Eustace, TX 75124
903 802-9669
BRNBM@AOL.COM

Attach “A” email string - Flowers Davis mediation scam

Attach “B” Order on Motion to Order Mediation

Certificate of Service

Today, August 9, 2023, by CMRR 7022 2410 0002 2355 4234 to Celia C. Flowers, Flowers Davis PLLC, 1021 ESE Loop 323, Suite 200, Tyler, Texas 75701

CAUSE NO. 22-00105

CSD VAN ZANDT LLC
Plaintiff

v.

UDO BIRNBAUM
Defendant

§ IN THE DISTRICT COURT

§ 294th JUDICIAL DISTRICT

§ VAN ZANDT COUNTY, TX

ORDER ON MOTION TO ORDER MEDIATION

JUDGE PTESIDING

ATTACH "A"
Flowers Davis "bait and switch"
(thread from bottom up)

RE: CSD Van Zandt LLC v. Udo Birnbaum - AGREED - PERFECT

From: Legal Assistant (legalassistant@flowersdavis.com)

To: brnbn@aol.com

Cc: krw@flowersdavis.com; ajd@flowersdavis.com

Date: Wednesday, March 22, 2023 at 02:32 PM CDT

Mr. Birnbaum:

I am just confirming the meeting scheduled for March 27th at 11 :00 a.m. at East Texas Title Companies located in Canton, Texas. Ms. Watkins and another one of our associate attorneys, Ms. Amanda Dupuis will attend with our client, Mr. Robert Dow. We will be in separate rooms and will have an attorney, Steve Mason, there to help facilitate the discussions. Thank you.

Jennifer L. Wallace
Paralegal to Celia C. Flowers

 FLOWERS DAVIS
1021 ESE Loop 323, Suite 200
Tyler, Texas 75791
(903) 534-8063 Ext. 203
(903) 534-1650 Fax
legalassistant@flowersdavis.com

NOTICE OF CONFIDENTIALITY

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From: brnbn@aol.com <brnbn@aol.com>
Sent: Thursday, March 16, 2023 9:01 PM
To: Legal Assistant <legalassistant@flowersdavis.com>
Subject: Re: CSD Van Zandt LLC v. Udo Birnbaum - AGREED - PERFECT

Ms. Wallace:

Re you setting meeting for 11:00 a.m. in March 27th at East Texas Title Companies located in Canton, Texas, AGREED - PERFECT.

Apologize my late agree did not get around to my email till just now.

As I mentioned earlier you can always call my 903-802-9669 mobile and I really mean 24/7.

Udo Birnbaum

-----Original Message-----

From: Legal Assistant <legalassistant@flowersdavis.com>

To: 'brnbn@aol.com' <brnbn@aol.com>

Cc: Katryna R. Watkins <krw@flowersdavis.com>; Amanda J. Dupuis <ajd@flowersdavis.com>

Sent: Thu, Mar 16, 2023 10:14 am

Subject: RE: CSD Van Zandt LLC v. Udo Birnbaum - RESPONSE

Mr. Birnbaum:

We would like to set this meeting for 11:00 a.m. in March 27th at East Texas Title Companies located in Canton, Texas. Please confirm this time works for you. Thank you.

Jennifer L. Wallace
Paralegal to Celia C. Flowers



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Tyler, Texas 75791
(903) 534-8063 Ext. 203
(903) 534-1650 Fax
legalassistant@flowersdavis.com

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From: Legal Assistant
Sent: Tuesday, March 14, 2023 9:40 AM
To: 'brnbn@aol.com' <brnbn@aol.com>
Subject: RE: CSD Van Zandt LLC v. Udo Birnbaum - RESPONSE

Thank you.

Jennifer L. Wallace
Paralegal to Celia C. Flowers



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From: brnbm@aol.com <brnbm@aol.com>
Sent: Tuesday, March 14, 2023 7:38 AM
To: Legal Assistant <legalassistant@flowersdavis.com>
Subject: Re: CSD Van Zandt LLC v. Udo Birnbaum - RESPONSE

Ms. Wallace

March 27th at East Texas Title Companies in Canton, Texas hereby agreed to. Also really almost any other date thereabout. As I mentioned best not before 9:00 a.m. Contact me as the date approaches. Of course expecting Mr. Robert Dow and Ms. Katryna Watkins as you informed me. Please reply a short "got it" to let me know you really got this (me often got messaging/computer problems). May call me anytime. Thank you.

-----Original Message-----

From: Legal Assistant <legalassistant@flowersdavis.com>
To: 'brnbm@aol.com' <brnbm@aol.com>
Cc: Katryna R. Watkins <krw@flowersdavis.com>; Amy L. Womack <aw@flowersdavis.com>; Ashley L. Fortune <alf@flowersdavis.com>
Sent: Mon, Mar 13, 2023 2:49 pm
Subject: CSD Van Zandt LLC v. Udo Birnbaum

Mr. Birnbaum:

We would like to schedule a meeting with Ms. Katryna Watkins, Mr. Robert Dow and yourself for March 27th at East Texas Title Companies in Canton, Texas. Please let us now if you are available that date for said meeting. Thank you.

Jennifer L. Wallace
Paralegal to Celia C. Flowers



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