

No. 00-00619

THE LAW OFFICES OF \$
 G. DAVID WESTFALL, P.C. \$
 \$
 Plaintiff \$
 v. \$
 \$
 UDO BIRNBAUM \$
 \$
 Defendant / Counter-Plaintiff \$
 \$
 G. DAVID WESTFALL, \$
 CHRISTINA WESTFALL \$
 STEFANI PODVIN \$
 \$
 Counter-Defendants \$

FILED FOR RECORD
 14 SEP 19 PM 1:24
 DIST. CLERK
 IN THE DISTRICT COURT
 VAN ZANDT COUNTY, TEX.
 BY _____ CLERK

294th JUDICIAL DISTRICT

VAN ZANDT COUNTY,
 TEXAS

**Answer to Application For Writ of Scire
 Facias to Revive Judgment**

COMES NOW, Udo Birnbaum, Defendant/Counter-Plaintiff in this cause –
 answering the SECOND Writ (July 18, 2014) re the SECOND Judgment:

Definitions

1. **“First Judgment”** – the one for \$ 85,000 or so plus interest –
 Judge Paul Banner - *“This judgment rendered April 11, 2002,
 signed July 30, 2002”*
2. **“Second Judgment”** – the one for “\$67,000 or so plus interest –
 Judge Paul Banner – *“This judgment rendered July 30, 2002,
 signed August 9, 2002”*
3. **“Third Judgment”** – the one for \$125,000 or so plus interest –
 Judge Ron Chapman – *“This judgment rendered April 1, 2004,
 signed October 6, 2006”*

4. **“First Attempted Execution”** – done upon the First Judgment – sometime March 2014. No record because “handed back” across the Clerk’s counter – cause was dormant.
5. **“First Execution”** – the one done upon the Third Judgment
6. **“First Dormant Judgment”** – First Judgment – while dormant
7. **“Second Dormant Judgment”** – Second Judgment – dormant
8. **“First Application to Revive”** – upon the First Judgment – First Judgment now “alive” - was revived on June 13, 2014
9. **“Second Application to Revive”** – upon the Second Judgment
10. **“First Writ of Scire Facias”** – April 2, 2014 re First Judgment
11. **“Second Writ of Scire Facias”** – July 18, 2014 re Second Judgment
12. **“Order Reviving Judgment”** – does not say which Judgment
13. **“The Judgments”** – “The Three Judgments”, “items 1 + 2 + 3”
14. **“The Westfalls”** – the various judgment claimants, no matter how grouped, represented, or representing each other, irrespective whether by self, attorney, affidavit, claim, request, denial, etc – i.e. 1.) The Law Offices of G. David Westfall, P.C, 2.) G. David Westfall, 3.) Christina Westfall and 4.) daughter Stefani Podvin, 5.) attorney Frank C. Fleming, and 6.) any other manifestations or agents of same.

Answer

Udo Birnbaum enters a general denial to the Matters by “The Westfalls” in their Second Application to Revive re the Second Judgment in this cause – and to preclude confusion – only the First Revival of the Second Judgment.

Birnbaum demands a hearing to show exactly why this Second Judgment should NOT be “revived” – but that it be permanently “put to sleep” - -

- - as part of putting to sleep ALL “The Judgments” (ALL THREE JUDGMENTS), in this cause as per pending before this Court petition titled “Petition to Set Aside Judgments” - -

- - by reason of “inconsistent with due process” as detailed in said “Petition to Set Aside Judgments”.

Birnbaum demands that such hearing be in a magisterial setting not “inconsistent with due process” – i.e. by the only lawful magistrate of this Court, the Hon. 294th District Judge – the Hon. Teresa Drum – in her magisterial capacity.

The recent Order Reviving Judgment was by a “visiting judge” - Judge Paul Banner, unlawfully and bizarrely sitting as a “visiting magistrate”.

There is no such thing as an externally assigned “visiting magistrate”!

This the 19th day of September, 2014,



Udo Birnbaum
540 VZ County Road 2916
Eustace, TX 75124
903 479-3929
brnbm@aol.com