

**IN THE DISTRICT COURT FOR THE COUNTY OF BEXAR  
STATE OF TEXAS**

Civil Action No. 2020 CI 21633

ALISON MAYNARD and RICHARD CARLISLE,

Plaintiffs,

vs.

WILLIAM R. LUCERO, JACOB VOS, JACOB ZIMMERMAN, MARK  
BANKSTON, LEONARD POZNER, DOUG MAGUIRE, and ELIZABETH  
WILLIAMSON,

Defendants.

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**VERIFIED MOTION TO RECUSE SIX JUDGES**

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Plaintiff Alison Maynard, in the first person henceforth, pursuant to Tex.R.Civ.P. 18a moves to recuse Judges Tina Torres, Laura Salinas, Antonia Arteaga, Mary Lou Alvarez, Norma Gonzales, and Christine Vasquez-Hortick from this case, for bias. There is substantial circumstantial evidence that these judges have colluded with each other and with attorney David Ortega to defeat me in the case to protect Ortega's client William Lucero, as described below, and direct evidence that one judge has engaged in prohibited *ex parte* communications

with Ortega to that end. The facts establishing the bias of each judge are detailed in Sec. I, with legal analysis in Sec. II.

I state, under penalty of perjury, by my facsimile signature at the foot of this pleading that the following factual background is within my personal knowledge or based on information and belief as detailed. As to the timing of this motion, I have had no way of knowing which judge, if any of the six—or someone else--would or will preside at any motion hearing. I will be setting Plaintiffs’ “Motion to Modify Bankston Judgment” with three days’ notice, not ten, as a consequence.

I. Factual Background, Judge by Judge

**A. Judge Mary Lou Alvarez**

The first hearing in this case was before Judge Alvarez, and took place on May 31<sup>st</sup>, 2023 on a special appearance/motion to dismiss filed by my opponent David Ortega (“Ortega’s motion”), where my motion to vacate the hearing was also ripe for decision.

Judge Alvarez was irritable and angry at me from the start. She refused to consider the substantive brief I had filed in response to Ortega’s motion shortly before the hearing began, as “untimely,” citing no rule. In fact Tex.R.Civ.P. 21 says requests or other pleadings can be filed even during a hearing, and nothing

prevented her from simply deferring ruling until she had read and considered its points.

She was unaware that five days earlier I had filed a motion to vacate this hearing, complaining about shortness of time to respond to my opponent's 14-page brief, to which were attached six pages of client declarations, due to the dysfunctional state of the courthouse law library<sup>1</sup>. Ortega's motion had been filed on May 23<sup>rd</sup>, and noticed for hearing on May 31<sup>st</sup>. I pointed out that this hearing was an ambush. Judge Alvarez denied my motion to vacate without reading that, either<sup>2</sup>.

Judge Alvarez also had not read our complaint. She had, however, read Ortega's motion, and in that document Mr. Ortega never even mentioned what our claims were against his clients, Lucero and Vos. As I established in argument, as well as the response which she refused to read, the legal basis for exercising personal jurisdiction over these defendants is their committing torts against me in Texas by virtue of using and disclosing my and my co-plaintiff Richard Carlisle's illegally intercepted emails in violation of the federal Wiretap Act. I cited U.S. Supreme Court and Texas cases to establish that the court had personal jurisdiction

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<sup>1</sup> *Motion to Vacate and Correct Law Library Dysfunction*, filed 5.26.23

<sup>2</sup> I have since seen that Rule 91a.3(b) provides for *21 days' notice* of hearing on a motion to dismiss. Ortega afforded me only seven, three of which were the Memorial Day weekend.

under the Texas long-arm statute. Ortega made no argument whatsoever in response to this showing. Judge Alvarez summarily granted Ortega's motion nevertheless, directing him to draft an order which she then signed without change.

During the hearing Mr. Ortega brought up that his client William Lucero had won the "Lifetime Achievement Award" of the Colorado Catholic Lawyers Guild in 2007. I saw anger and indignation on Judge Alvarez's face when she understood that I had sued this man, and believe that information biased her against me. Judge Alvarez's bio on Ballotpedia<sup>3</sup> indicates that she is a devout Catholic. She announced that I had a "psychiatric condition" which warranted commitment. I was so surprised by that slur I did not get it all down<sup>4</sup>. No such suggestion had even been made by the other side. She further asked Ortega whether he had moved for attorney fees, implying that our case was frivolous. He had not.

These unwarranted and insulting remarks, and her indignation upon hearing Ortega's praise of the man I had sued, evidence hostility towards me and favoritism towards my opponent, as did her signing Ortega's proposed order without analyzing the law or finding facts. I believe and allege they also are

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<sup>3</sup> [https://ballotpedia.org/Mary\\_Lou\\_Alvarez](https://ballotpedia.org/Mary_Lou_Alvarez)

<sup>4</sup> I do not provide a transcript to support this statement because I was told by the court reporter that it would cost \$391. I cannot afford that, so verify the truth of my statements in this pleading.

evidence that her judicial acts are dictated by obedience to an authority other than the laws and constitutions of the United States and State of Texas, that being her religious affiliation, despite the oath she took upon ascending the bench to uphold the laws and constitutions of the State of Texas and the United States.

### **B. Judge Tina Torres**

Judge Torres heard the “Motion to Reinstate after Dismissal (Vos/Lucero)” I filed on June 9<sup>th</sup>, 2023, in response to Judge Alvarez’s granting of Ortega’s motion, along with my “Motion to Continue” relating to the special appearance/motion to dismiss filed by defendant Jacob Zimmerman. I have no idea why this judge was assigned to these matters. Judge Torres later also heard my “Motion for Order to Show Cause” (with supplement) on July 6<sup>th</sup>. In both the motion to reinstate and for order to show cause, again the judge reflexively ruled for Ortega, the latter order in particular enshrining false statements of fact intended to make it look like I had waived my right to be heard. She also denied my motion to continue, opposed by Zimmerman.

I grieved Judge Torres to the Texas Commission on Judicial Conduct on July 6<sup>th</sup>, 2023, because Ortega had specifically asked Presiding Judge Hortick to assign Torres to hear my “Motion for Order to Show Cause,” revealing that he had communicated personally with Judge Torres and she had expressed a desire to hear

this motion. I further established that the “waiver” of my right to be heard appeared to have been a set-up, all three waiting until I had left the Zoom session--after I had been waiting for two hours to be assigned to a courtroom even after my opponent had left the session--to then hold the hearing without me. The TCJC denied my grievance, but I have requested reconsideration, since, in the interim, I got the actual emails exchanged between Torres and Ortega through a records request. They establish that Torres approved of Ortega’s stated desire to “stem the tide of further unnecessary activity” and “avoid further complications” in the case, by making herself available to rule on my motion.

The grievance and request for reconsideration are attached as Exhibits A-1 and A-3 (with its own Exhibits 1-3 attached), and incorporated herein by reference. That I am now revealing I have grieved her is an additional reason why Judge Torres may not sit on any future hearings in this case. I note that in my records request, I also asked for biographical information, primarily wanting to see her educational qualifications, as I clarified for Ryan Anderson, general counsel for the court, who assumed responsibility for responding to records requests I made on all these judges except Hortick (to whom I have not yet made one). There is almost no biographical information on the web about Judge Torres, and nothing I can find about an undergraduate baccalaureate degree. Judge Torres refused to produce any

documents responsive to this request, indicating to me that she may not have appropriate credentials to be an attorney, let alone a judge. She also produced no texts from her personal cellphone or emails to a personal account, although those were also requested, and constitute judicial records if they meet my description.

### **C. Judge Christine Vasquez- Hortick**

I have had no hearings before Judge Hortick. However, her conduct when she was presiding judge, detailed in my grievance of Judge Torres in Exhibits A-1 and A-3, establishes bias and disrespect for the standards which govern judicial conduct. When Judge Hortick called my motion to show cause on July 6th, before I could open my mouth David Ortega burst in to urge that the hearing be assigned to Judge Torres, saying he had talked to her about it and she had expressed a desire to hear it, revealing he had engaged in *ex parte* communications with her. I strenuously objected to having the matter heard by a judge selected by my opponent, who he admitted had engaged in private communications with him about the case, and Judge Hortick paid no heed—she utterly ignored me, revealing either ignorance or insouciance over this open-and-shut violation of both the Codes of Judicial Conduct and Professional Responsibility.

In my grievance of Judge Torres and request for reconsideration to the TCJC, Exhibits A-1 and A-3, I established the likelihood of collusion between

Hortick, Torres, and Ortega, in Hortick's waiting until I had left the Zoom session on July 6th to then make the assignment to Judge Torres. I believe this was done so Judge Torres could rule I had "waived" my right to be heard—it was a set-up, in other words—resulting in yet another ruling in favor of my opponent with none of my issues decided, or even mentioned.

#### **D. Judge Antonia Arteaga**

On July 13<sup>th</sup>, Judge Arteaga heard—and granted summarily--the motion to dismiss brought putatively pursuant to the Texas Citizens' Participation Act by defendant Mark Bankston. With this judge, too, no legal analysis, no facts found. Her ruling establishes nothing less than that Bankston had a constitutional right to commit a federal crime (the use and disclosure of our private emails under the Wiretap Act) and torts on me in Texas, including the conspiracy to disbar me. He has no such right. Judge Arteaga has thus demonstrated disrespect for the law, and again appears to be acting in lockstep with the other judges.

In this case Judge Arteaga did not merely sign the proposed order Bankston had drafted, which awarded him about \$86,000 in attorney fees. While using the same unusual typeface he did--to make it *look* like the order he had drafted--she inserted in it a sanction against my co-plaintiff and me of \$2,500 each, without even any request for sanctions by Bankston, and without any facts supporting



sanctions whatsoever, let alone supporting the rest of the order. This demonstrates hostility towards me.

Judge Arteaga demonstrated bias also respecting the “(Revised) Motion for Rule 13 Sanctions” which I had set for hearing on June 28<sup>th</sup>. At that hearing David Ortega complained about getting only two days’ notice and ranted and raved about imposing sanctions against me for *that*. When Judge Arteaga was determining the date to reset the hearing on my motion (*as well as Ortega’s groundless request for sanctions*) to, Ortega told her he had a three-week trial coming up, so she set my hearing for July 24<sup>th</sup>, 26 days out, over my objection, which was based on the deadline for Plaintiffs’ appeal falling well before that date.

I found out after the hearing on June 28<sup>th</sup> that Ortega had lied about the three-week trial, the reason I then filed my “Motion for Order to Show Cause,” heard on July 6<sup>th</sup>, in which I asked that the hearing on my “(Revised) Motion for Rule 13 Sanctions” be reset for July 7<sup>th</sup>, since Ortega had no scheduling conflict: he had lied to the court. In my grievance of Torres I then detailed the travesty that took place on July 6<sup>th</sup> with judges Torres and Hortick, Exhibits A-1 and A-3. The setting on my “(Revised) Motion for Rule 13 Sanctions” remained July 24<sup>th</sup>, despite my exposing Ortega’s lie about his scheduling conflict, again showing favoritism to my opponent.

### **E. Judge Laura Salinas**

On July 24<sup>th</sup>, 2023, Judge Salinas heard our “(Revised) Motion for Rule 13 Sanctions,” in which I established that the declarations of his clients Vos and Lucero which David Ortega had filed to support their special appearance were fictitious documents, because they used the word “foregoing” instead of “following” in paragraph 1 to verify under penalty of perjury paragraphs 2 through 21. Salinas made no findings or legal analysis. There was again not a shred of authority to support her ruling: the affidavits are deficient on their face. She has now forced me to expend the judicial resources of the Court of Appeals, as well as my own very limited resources, to decide a matter which could not be more open and shut.

Further, Judge Salinas waited four days—until July 28<sup>th</sup>--to issue her order (which consisted only of her sparse notes), which was two days after the deadline for Mr. Carlisle and me to appeal. We made that deadline, but it is apparent that Judge Salinas hoped we might wait, to our detriment, for her to rule before appealing. Only when she saw we had filed the appeal on July 26th and that strategy had failed did she issue her order denying our motion.

At the end of the hearing on July 24<sup>th</sup>, moreover, Judge Salinas out of the blue ordered me to appear in person at future hearings in the case. Her speech was

halting, as though she knew she was overstepping judicial boundaries. That I appear personally was not the subject of any motion before the court, and I had no prior notice it was coming up, so her order violated the rules. I contend she obtained knowledge about a false charge which had been made by Judge Alvarez on May 31<sup>st</sup> about my “equipment problems” (which were really “connection problems”: my connection was interfered with during the Zoom session with Judge Alvarez, and my co-plaintiff Richard Carlisle was also sent to the wrong courtroom) from an extrajudicial source. Information from another judge outside the presence of the parties is properly characterized as “extrajudicial.” In fact, I had previously filed a notice of *inability* to appear personally, because of difficulty transporting my computer to the court. Judge Salinas’s order thus again showed hostility to me, as well as revealing information which can only have been conveyed to her extrajudicially.

That I appear personally is something Ortega wants very much. He has falsely accused me several times of engaging in the unauthorized practice of law in this case (due to Mr. Carlisle’s signing on to motions and briefs I have drafted), and boasted and taunted me about this order, so I believe Ortega *and the judges* have concocted a plan to arrest me on a judge’s warrant for UPL when I come to court, since he has been unable to convince the sheriff to come arrest me at my

home. UPL is a standard ploy of Lucero and Vos, as demonstrated by the outrageous harassing and unfounded UPL proceeding they used to disbar me in Colorado. *See* the amended complaint in this case filed March 3<sup>rd</sup>, 2023, at paragraphs 15-25.

So Salinas is on board and improperly used her power as a judge to impose a requirement which has no relationship to her judicial responsibilities as a matter of law, since it violated the rules, and is intended both to cause me harm and confer a huge benefit on the defendants and their attorney. That order has kept me from having my “Motion to Modify Bankston Judgment, and for Other Relief” heard, because I am fearful about appearing in person. The only strategy I can think of to save the trap for me I believe they have planned from happening is to disqualify every judge who so far has sat on the case, and there are substantial grounds for doing so, as set forth. But I do not know about others.

I requested Judge Salinas’s emails, and texts from her personal cellphone, with search terms such as “William Lucero,” which request was responded to by Mr. Anderson, again—not the judge--who indicated certain documents had been withheld. He has not produced a privilege log, despite my request for that.

#### **F. Judge Norma Gonzales**

I appeared before Judge Gonzales on June 21<sup>st</sup>, 2023, by virtue of my brief in response to the motion to dismiss/special appearance filed by defendant Jacob Zimmerman, an attorney, in his own behalf. I did not appear at the hearing he convened, since, in Colorado, judges usually rule on the briefs without oral argument, as well as because by that time I had no confidence that the judge would do anything more than rubberstamp whatever order my opponent wished to enter, regardless of my legal argument, and I was right. I also expected Alvarez would be the judge, believing Torres had been called in her absence. In fact it is Gonzales who is the elected judge for this district. I still did not understand by that time that it is “musical chairs” with judges in the Bexar County District Court, a systemic violation of due process, in my opinion.

In my response to Mr. Zimmerman’s special appearance I showed that, as with Vos and Lucero, his commission of torts against me in Texas, including not only the Wiretap Act violations but defamation and invasion of privacy, meant the court has personal jurisdiction over him. That is a rock-hard legal precept. But my response was again ignored, as I foresaw. I allege bias of Judge Gonzales, too, therefore, established yet again by her automatic ruling for my opponent with no consideration of the issues.

## II. Legal Analysis

Tex.R.Civ.P. 18b (b), *Grounds for Recusal*, provides that a judge must recuse in any proceeding in which:

- (1) the judge’s impartiality might reasonably be questioned; [or]
- (2) the judge has a personal bias or prejudice concerning the subject matter or a party ....
- ...

The complaining party “must show that a reasonable person, with knowledge of the circumstances, would harbor doubts as to the impartiality of the trial judge, and that the bias is of such a nature and extent that allowing the judge to serve would deny the movant’s right to receive due process of law.” *In re Commitment of Lewis*, 495 SW 3d 341 (App. 9 Dist. 2016), rev. denied, *citing In re Commitment of Winkle*, 434 S.W.3d 300, 311 (Tex. App.—Beaumont 2014, pet. denied).

It is the general rule that a party seeking to recuse a judge based on bias must show that this bias arose from an extrajudicial source and not from actions during the pendency of the trial court proceedings. However, actions during proceedings can be the basis for recusal if they indicate a high degree of favoritism or antagonism that renders fair judgment impossible. *Sommers v. Concepcion*, 20 S.W.3d 27, 41 (Tex. App.-Houston [14th Dist.] 2000, pet. denied); *Chandler v. Chandler*, 991 S.W.2d 367, 386 (Tex. App.-El Paso 1999, pet. denied); *Hansen v.*

*J.P. Morgan Chase Bank, N.A., 346 SW 3d 769 (App. 5 Dist. 2011)*. The movant must provide sufficient evidence to establish that a reasonable person, knowing all circumstances involved, would harbor doubts as to the impartiality of the judge. *Abdygappanova v. State, 243 SW 3d 191 (app. 4 Dist. 2007)*.

Although much of which I have set out above arose during the proceedings, I have met the above standards, as to each of these judges, establishing such a high degree of favoritism towards the defendants, and antagonism towards me, that a fair judgment is impossible. I note that all these judges have Hispanic names, indicating not only Judge Alvarez but the other five are probably Catholic, as were all the judges I had contact with in Colorado, as are William Lucero and Jacob Vos. I wouldn't care, except that activity associated with the church provides an extrajudicial channel for meeting and communicating. The use of such back-channels to discuss judicial business is unethical.

Violations of the Texas Code of Judicial Conduct weigh strongly in this calculus, since that Code is there to ensure public confidence in the courts, particularly by ensuring due process to litigants. The preamble to the Code says "Our legal system is based on the principle that an *independent, fair and competent* judiciary will *interpret and apply the laws* that govern us." I have established the judges are not independent, or they are incompetent, or both, since not one has ever

mentioned a single one of the serious and substantial legal arguments I have made. This lack of required legal analysis has denied me due process.

While all the canons of judicial conduct have been violated, I detail below only those I find most stark.

**Canon 1. Upholding the Integrity and Independence of the Judiciary.**

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing high standards of conduct, and should personally observe those standards.

I have made a strong case that Judges Torres and Hortick acted in concert on July 6th to make it appear I had waived my right to have my “Motion for Order to Show Cause Why Rule 13 Motion Should Not Be Reset to July 7<sup>th</sup>” heard, in order to protect Ortega and his clients, and that Judge Salinas knew and agreed with this plan by delaying her ruling on this motion to July 28<sup>th</sup>, past the date my co-plaintiff’s and my appeal was due.

I have provided support for my suspicion that Judge Salinas has set me up for arrest on a judge’s warrant for UPL if I appear in the court, given David Ortega’s boasting and taunting about that order and the lack of notice to me before it was issued.

All the foregoing acts are not honorable judicial action. They are dirty tricks. The judges are acting concertedly to protect Lucero, and, by proxy, the



reputation of the Colorado Supreme Court. None of the six are independent, as this canon requires.

**Canon 2. Avoiding Impropriety and the Appearance of Impropriety in All of the Judge's Activities.**

Although all three subparts of this rule are pertinent, I refer only to (B), “A judge should not allow any relationship to influence judicial conduct or judgment.” In addition to these judges’ presumptive relationships through their church, I posit there may have been a “national security letter” dropped on the court by the federal government: many Sandy Hook researchers have concluded that “Leonard Pozner” is a CIA creation, and he and the person who likely planned that op, *New York Times* reporter Elizabeth Williamson, are defendants in this case, too. The interference with my camera and microphone (and Mr. Carlisle’s courtroom assignment) in the Zoom hearing on May 31st, as I have described in other pleadings, is typical of CIA activity, and we have expressly alleged Leonard Pozner is the person or entity who hacked our emails.

**Canon 3. Performing the Duties of Judicial Office Impartially and Diligently.**

Subpart B(2) of this rule requires a judge to be “faithful to the law ....” I have established that these six judges are not faithful to the law, by virtue of their rote rulings for my opponent which never analyze the applicable law.

Subpart B(5) requires a judge to “perform judicial duties without bias or prejudice” and (6) says a judge “shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, ... based upon ... religion[.]” The “judicial duties” in this case have been performed *with* bias and prejudice, as described, and it strongly appears that their common religion is influencing the judges’ orders.

Subpart B(8) deals with *ex parte* communications. It says in pertinent part:

...

*A judge shall not initiate, permit, or consider ex parte communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney, ... or any other court appointee concerning the merits of a pending or impending judicial proceeding. ...*

This subsection does not prohibit:

(a) communications concerning uncontested administrative or uncontested procedural matters;

(b) conferring separately with the parties and/or their lawyers in an effort to mediate or settle matters, provided, however, that the judge shall first give notice to all parties and not hereafter hear any contested matters between the parties except with the consent of all parties;

...

(d) consulting with other judges or with court personnel ....

The *ex parte* communication engaged in by Judge Torres is not saved by any of the exceptions. She must recuse. Similarly, the circumstantial evidence that all the judges have received a “heads up” to automatically rule against me suffices for all of them to recuse, particularly taken with the other evidence of bias.

What any reasonable person acquainted with the circumstances must see is that these six judges have placed their service to undeclared external interests aligned with the defendants in this case above the laws and constitutions of the United States and State of Texas which they swore to uphold. Tex. Const. Art. 16, Sec. 1.

WHEREFORE, Judges Alvarez, Torres, Arteaga, Gonzales, Hortick, and Salinas must forthwith recuse.

Dated this 9th day of September, 2023.

BY PLAINTIFF MAYNARD PRO SE:

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/s/ Alison Maynard

**CERTIFICATE OF SERVICE**

I, Alison Maynard, certify by my facsimile signature above that I have this 8<sup>th</sup> day of September, 2023, served all parties by e-service at the following email addresses:

Richard Carlisle  
Richard@chartfactors.org

David Ortega, Esq.  
dortega@namanhowell.com

James Parker, Esq.  
jparker@namanhowell.com

Jacob Zimmerman  
jake@zimmerman-firm.com

Mark Bankston  
mark@fbtrial.com



For SCJC use only

**SWORN COMPLAINT FORM**

- *If you are filing a complaint about more than one judge, please use a separate form for each judge.*
- *Complaints are not accepted against courts – you must specifically name the judge against whom you are complaining.*
- *Complaints must be mailed. Send the completed form and any additional pages or supporting information to the SCJC.*

**Complaints will NOT be accepted by email, fax, or online.**

Note: Please be sure to fill out each section completely. Do not leave any section blank. If you do not know the answer, write "I don't know." If the question is not applicable, write "Not Applicable" or "NA." **Deficient complaints will be returned.**

<b>Section 1</b>	<b>Identity of Complainant</b> Your Name: <u>Alison Maynard</u> Mailing Address: <u>7642 Hummingbird Hill Ln</u> City, State Zip: <u>San Antonio, TX 78255</u>	Date of Birth: <u>03/09/1954</u> Your Phones: Day <u>399-3454</u> ( <u>area code 210</u> ) Email Address: <u>dinophile@gmail.com</u>
<b>Section 2</b>	<b>Identity of Respondent Judge</b> Judge: <u>Tina Torres</u> Court Number: <u>407th district court</u> City and County: <u>San Antonio, Bexar County</u>	
<b>Section 3</b>	<b>Identity of Attorney(s) Involved</b> Were / are you pro se ( <i>represent yourself</i> )? <input checked="" type="checkbox"/> represented by counsel? <input type="checkbox"/> Comment: <u>pro se, but a former attorney (not in Texas)</u>	
<b>Section 3</b>	<b>Your Attorney:</b> Address: <u><del>P.O. Box 694523</del></u> City/Zip: _____ Phone Number: _____ Email Address: _____	<b>Opposing Attorney:</b> <u>David Ortega</u> Address: <u>Naman Howell Smith &amp; Lee, 10001 Reunion Pl, #600</u> City/Zip: <u>San Antonio 78216</u> Phone Number: <u>731-6300</u> Email Address: <u>dortega@namanhowell.com</u>
<b>Section 3</b>	<b>Previous Attorney(s)</b> Name(s) and Contact Information: _____ _____	
<b>Section 4</b>	<b>Nature of Complaint</b> If your complaint involves a court case (i.e., criminal, small claims, civil, family law, traffic, probate, etc.), answer the following questions: 1. Name of court: <u>Bexar County District Court</u> 2. Case Number: <u>2020 CI 21633</u> 3. Title of suit (for example, State v. Jones or Jones v. Jones): <u>Maynard v. Lucero, et al.</u> 4. If you are not a party to this suit, what is your connection with it? Explain briefly. _____	
<b>Section 5</b>	<b>Identity of Witnesses</b> Name(s) and Contact Information	What did they witness? (Focus on the judge's conduct, not rulings.) <i>You may continue on separate sheets of paper if not enough room.</i>
<b>Section 5</b>		
<b>Section 5</b>		
<b>Section 5</b>		



**Details of Complaint**

Please Tell the Commission what the judge did that you believe to be misconduct. Please focus on the **judge's conduct**, and **not the judge's rulings**. (Rarely is a judge's ruling subject to discipline by the Commission.) If more space is needed, attach additional sheets, but please limit your complaint to no more than 20 pages. Your complaint should be as specific as possible.

**Date(s) of Alleged Misconduct of Judge:** **July 6th, 2023**

**Factual Details of your complaint against the Judge:**

*You may continue on separate sheets of paper if not enough room.*

I had a motion to show cause scheduled for hearing today, July 6th, at 8:30, by Zoom. It sought only the relief of having my earlier filed "Motion for Rule 13 Sanctions," directed against opposing counsel David Ortega, be set for hearing on July 7th. The motion to show cause set forth that Mr. Ortega had lied to the court on June 28th, when the hearing on my motion for Rule 13 sanctions was originally to be taken up. He complained about getting only two days' notice\*, and then told the court he had a three-week trial coming up so could not reschedule the hearing on my motion until that was over. The judge, Arteaga, set the continued hearing on my motion for Rule 13 sanctions for July 24th--over my objection, because I have a deadline that falls well before that date for filing an interlocutory appeal challenging the dismissal of Ortega's nonresident clients for lack of personal jurisdiction. *\* which was true*

After that session in front of Judge Arteaga on June 28th I asked Mr. Ortega to document for me the three-week trial he had. He failed to do so, responding with abuse and irrelevant arguments. Thus I filed the motion for order to show cause why my "Motion for Rule 13 Sanctions" should not be heard on July 7th: because he had lied to the court, and in fact had NO conflict, I needed my motion for Rule 13 sanctions set for hearing on July 7th.

Section 6

The "Motion for Rule 13 Sanctions" establishes that the affidavits Ortega's clients filed, to support their special appearance under Rule 120a, are fictitious documents, so must be stricken (which means I do not need to file that appeal, because their special appearance has to be denied, under Rule 120a, as unsworn).

When the presiding judge (Hortic) called the hearing this morning on my motion for order to show cause, David Ortega burst out talking, although it was my motion, saying it needed to be heard by Judge Torres, that he had talked with Judge Torres and she indicated she wished to hear it, that she had heard the earlier proceeding that my motion related to so she needed to hear this motion for order to show cause. I objected--strenuously--because of the ex parte communication he revealed he had just had with this judge, not to mention the partiality in her "wanting to hear" this motion. Judge Hortic paid no attention to my objection, only responding to Ortega's wish to have this particular judge! She said that Torres was "monitoring" and was not supposed to be available until 1:00 p.m. but she would see what was going on and get back to us.

I sat on Zoom for two full hours, 8:30 to 10:30, waiting to hear back from Judge Hortic, and did not. While waiting I sent at least three chat messages to the staff attorney and to her as presiding judge, asking what was going on. I pointed out that it was not Judge Torres who should be hearing the motion for order to show cause, but Judge Arteaga, since she was the one to whom Ortega had lied (about the three-week trial).

I saw around 10 a.m. that Ortega had left the Zoom session, although I don't know what time he left. So he obviously knew something I did not. At 10:30, I left, too, since Judge Hortic had said the hearing would probably be in front of Torres after she finished "monitoring" at 1 p.m. I took care of some errands and checked my email at about 1:00 to learn, to my dismay, that the hearing had taken place without me. Ortega sent me an email at 10:54 saying it was convened and they were "waiting" for me. The judge herself sent me an email at 11:03 saying "we've been waiting almost 30 minutes."

*on Zoom*  
It appears they waited until I gave up, and then held the hearing without me. The judge of course rubberstamped everything Ortega asked for, denied my motion for order to show cause--even though it establishes that he lied to the court, and was supported by his emails to me establishing that lie--and ordered the hearing on my Rule 13 motion to take place on July 24th, as previously set.

I have a real problem with the ex parte communications which went on between Ortega and Judge Torres, as he even



Judge: Tina Torres

Your name: Alison Maynard

**Factual Details of your complaint against the Judge (*continued*):**

admitted to the presiding judge. (I also have a problem with his continual lying to the court, so will be grieving Ortega, as well.) As pertains to Judge Torres in the present instance, although she did hold one hearing in this matter previously (my motion to reinstate, which I filed after the special appearance of Ortega's clients was granted, along with a motion to continue as to a Rule 120a motion from another defendant, Zimmerman), as I pointed out, the judge which was affected by his lie about the three-week trial and should have heard this motion was Arteaga. What I see now is Torres (and Hortic) deliberately overlooking Ortega's misconduct in lying to Judge Arteaga.

I complain further about Judge Torres, because of that hearing on my motion to reinstate Vos and Lucero (Ortega's clients) following the granting of their special appearance by Judge Alvarez. Judge Torres said I could give background on the case, then Ortega would respond, and then I could argue my motion. She did let me give background, then let Ortega argue against my motion--and then ruled (against me) without letting me argue my actual motion. I interrupted to remind her that she had said I would be able to argue, but she did not oblige, just concluded her ruling. As for my motion to continue Zimmerman's hearing, heard at the same time, I had set forth multiple strong reasons why I should have a continuance to respond to his motion, including that I was waiting for the CD to arrive containing testimony of his in the disciplinary matter that is the subject of this case. She denied that without making findings, too.

I note that four judges have heard preliminary motions in this case, and not one has ever ruled for me on anything, or even made findings of fact or conclusions of law. It is clear in many instances they have not read what I filed, although they have read what my opponents filed. I have extensive experience in the practice of law and my motions (and responses to the defendants' motions) are well taken.

I have done open records requests on two of these judges so far, one of whom is Torres, asking for their emails, which I believe will establish that much more is being improperly communicated behind the scenes than I presently know, but my requests have so far been ignored. If or when I receive anything responsive I will supplement this complaint with them.

I ask that Torres be disciplined for improper ex parte communications about this case with opposing counsel David Ortega; her apparent collusion with him to wait until I had given up on the Zoom call, to hold the hearing on my motion for order to show cause this morning; her "shooting from the hip" on my motions, without reading them; and her bias in favor of my opponents at every turn, as evidenced by the foregoing.



<b>Section 7</b>	<p><b>Confidentiality</b></p> <p><i>* I understand that as part of the Commission's investigation the judge may be provided a copy of this complaint. *</i></p> <p>Please note - the Commission will do its best to maintain your confidentiality, however, it may not be possible for the Commission to pursue an investigation if you request that your identity be kept confidential from the judge. Even if we do not contact the judge during the course of our investigation, there is a risk that one or more of the witnesses contacted by our agency will disclose the investigation and your identity to the judge.</p> <p style="text-align: center;">I request that my identity be kept confidential.    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p>
<b>Section 8</b>	<p><b>Additional Instructions</b></p> <p><b><u>Affidavit</u></b></p> <p>The State Commission on Judicial Conduct requires that complainants file a sworn complaint. The affidavits are attached.</p> <p><b>Two types of affidavits (choose one):</b></p> <ol style="list-style-type: none"> <li>1. <b>Affidavit Based on Personal Knowledge</b> - (Complete this affidavit if the misconduct alleged is within your direct personal knowledge.)</li> <li>2. <b>Affidavit Based on Information and Belief</b> - (Complete this affidavit if the misconduct alleged is not within your direct personal knowledge but is based on reasonable belief.) This can include misconduct that you did not directly witness.</li> </ol> <p><b>*** Failure to complete and submit an affidavit will cause your complaint to be noncompliant and returned. ***</b></p> <hr/> <p><b>Submission of supporting documents:</b></p> <ul style="list-style-type: none"> <li>• In order for the Commission to comply with the statutory deadlines, additional information/documentation that you would like to include as part of your complaint submission should be received in this office within thirty (30) days after submission of your complaint. Please limit your additional information and/or evidence to twenty-five (25) pages.</li> <li>• Please note that submission of documents/evidence in support of the underlying matter in litigation, (e.g., employment records, medical records, etc.) is seldom helpful and is discouraged. (In fact, submission of irrelevant material can actually slow down the investigation of your complaint.)</li> <li>• Instead of submitting voluminous information, it is recommended that you detail, in your complaint, the information you possess that is available upon request.</li> <li>• If you wish to supplement your complaint, please reference the material with your CJC number (that will be provided to you) so that it is routed to the accurate file.</li> <li>• Please focus your complaint on supporting information on the judge's conduct instead of the judge's rulings.</li> </ul> <p><b><i>If you are submitting documents, please provide copies, not originals. Originals will not be returned.</i></b></p> <hr/> <p><b><u>Anonymous Submissions:</u></b></p> <p>Anonymous submissions will be presented to the Commission which has the discretion to initiate a complaint based on the anonymous report.</p>



**Affidavit Based on Personal Knowledge** - (Complete this affidavit if the misconduct alleged is within your direct personal knowledge.)

Please completely fill out this form.

\*\*\* Failure to complete this form properly will cause your complaint to be noncompliant and returned. \*\*\*

I, Alison Maynard, Complainant, swear that I have knowledge of the facts alleged in this complaint. I declare that the foregoing is true and correct and that the information contained in this complaint is true and correct.

Alison Maynard

Signature of Complainant (Declarant)

Please complete **EITHER** the notary section **OR** the Unsworn Declaration section.

**NOTARY SECTION**

Section 9

AFFIX NOTARY STAMP/SEAL ABOVE

Sworn to and subscribed before me, by the said \_\_\_\_\_, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

**OR**

**UNSWORN DECLARATION SECTION** - *under penalty of perjury - A.M.*

My name is Alison Maynard and my date of birth is 03/09/1954

My address is 7642 Hummingbird Hill Ln San Antonio TX 78255 U.S.A.  
(STREET) (CITY) (STATE) (ZIP) (COUNTRY)

Executed in Bexar County, State of Texas, on the 6/6/23

of July, of 2023

Alison Maynard

Signature of Complainant (Declarant)



ALISON MAYNARD  
7642 Hummingbird Hill Ln  
San Antonio, TX 78255  
Email: dinophile@gmail.com

State Commission on Judicial Conduct  
P.O. Box 12265  
Austin, TX 78711-2265

By email to: reconsideration@scjc.texas.gov

Aug. 29, 2023

Re: Request for reconsideration of grievance against Judge Tina Torres  
CJC#: 23-0771  
Date of dismissal letter: 8/8/23  
Complainant: Alison Maynard

**New evidence supporting my complaint:**

On July 6<sup>th</sup>, 2023, I requested Judge Torres's emails relating to subjects I brought up in my original complaint to you, pursuant to Rule 12 of the Texas Rules of Judicial Administration. Receiving no response I made follow-up requests, and on August 21st received a response from the general counsel for the Bexar County District Court, Ryan Anderson, Esq., along with some documents. I have attached his letter as Exhibit 1, which indicates he has withheld other documents as privileged. I have asked him for a Vaughn index (as it is called in federal court) providing information about the withheld documents sufficient for me to challenge the privilege, and he has not responded.

The documents produced include emails exchanged between Judge Torres and opposing counsel David Ortega, substantiating the allegations in my grievance about the *ex parte* communications which Ortega himself revealed had taken place when the matter was called by Presiding Judge Hortick, when she was to make the judge assignment on July 6th. Those emails are attached as Exhibit 2. Ortega's insistence on having this particular judge assigned to hear my motion for order to show cause is telling. Although he is communicating with Judge Torres's clerk Vanessa Williams, Ms. Williams is forwarding his comments to Judge Torres and passing Judge Torres's response back to him. I am not included in these communications.

Ortega says:

Lisa, in the clerk's office, noticed that [my motion for order to show cause] is not set, but she believes it should be. I told her that Judge Torres may want to hear this matter to *stem the tide of further unnecessary activity*, especially since the Motion for Sanctions is based on arguments presented at the Motion to Reconsider. Will you please ask Judge Torres (1) whether Ms. Maynard's motion should be added to tomorrow's docket, and

(2) if so, whether Judge Torres will hear this matter to avoid further complication? If Judge Torres instructs Lisa (the clerk) to not put this on tomorrow's docket, we will stick with the current setting of July 24, 2023.

The first problem is that he says my Motion for Rule 13 Sanctions dealt with the same defect in the special appearances which had been the subject of my motion for reconsideration. This is argument made outside my presence. It did not. The motion for sanctions establishes that the affidavits of Ortega's clients Vos and Lucero, which he submitted to the court (and obviously drafted, himself) in support of their special appearance, were fictitious. I have attached that motion as Exhibit 3 so the members can see for themselves that, by putting "foregoing" instead of "following" in the first paragraph, Vos and Lucero in fact swore to none of the "facts" listed in the next 21 paragraphs. This defect is different from the defects I noted in my motion for reconsideration filed earlier, which dealt with these affidavits' omission of a jurat, as well as substantive legal errors committed by the judge who granted the special appearances (Judge Alvarez), although Ortega says the matters are the same.

My Motion for Rule 13 Sanctions had originally been set for hearing on June 28<sup>th</sup>, but on that day, in front of Judge Arteaga, Ortega made a fuss about getting only two days' notice (I did not know of any rule specifying three), and told the judge he had a three-week trial coming up so the hearing could not be reset in the next two weeks. Despite my objection, based on concern about a deadline for me to appeal the dismissal of Vos and Lucero, Judge Arteaga set the hearing on my motion for July 24<sup>th</sup>.

After the June 28<sup>th</sup> hearing I asked Ortega to document for me his three-week trial, and he did not, so I filed a "Motion for Order to Show Cause" (Exhibit 4, not including two of my emails attached to it) which I set for hearing on July 6<sup>th</sup>, asking only that my "Motion for Rule 13 Sanctions" be heard on July 7<sup>th</sup> instead of July 24<sup>th</sup>. Note that that is a very tame reaction to Ortega's lie to the court about the three-week trial, which prejudiced me (as well as his misrepresentations about other matters). It cannot be lost on the Commission that Ortega was desperate that my motion for sanctions be denied, or not even heard, since it meant his clients *would*, in fact, be subject to the personal jurisdiction of the court, because their Rule 120a motion to dismiss was not sworn--and represented a huge error on his part.

How did Ortega know that Judge Torres would be receptive to his request to "stem the tide of unnecessary activity in the case" and "avoid further complications"? That she was is offensive in the extreme.

Other prejudicial effects of Ortega's communication with Torres are his request that Judge Torres interfere with the setting being made by Lisa, the clerk, as well as the way he referred to the case in his subject line, as if the defendant's name in the case is "Judge Lucero." The defendant's name is "William Lucero." William Lucero is not (and was not) a bona fide judge.

At any rate, Judge Torres's response to him was:

He does need to take care of the matter with Presiding.

Let him know I'll be happy to hear the matter—to just let the court know when he makes his announcement that I'm well acquainted with the case *and ask that it be assigned to me.*

So while she apparently saw some limits--did not tell Lisa to not put my "Motion for Order to Show Cause" on the docket--what she is really communicating to Ortega is that *she is available to rule for him.* Her direction to him to ask it be assigned to her reveals that she had prejudged the motion. She agreed my request for relief should be denied, and approved of his characterization of it as "unnecessary activity" causing "further complications." It was apparent she (or Ortega) then also communicated with Judge Hortick, who paid no attention whatsoever to my objection about the matter being assigned to a judge who had communicated about it with my opponent. I believe Hortick then colluded with both Torres and Ortega to wait until I had left the Zoom session to hold the hearing without me, causing Torres to conclude I had "waived" my right to be there. Please refer to my original grievance about these events on July 6th. I neglected to state there that the identities of all participants are known to everyone on the Zoom call, in real time. So although Judge Torres told me afterwards that Judge Hortick had attempted to contact me through Zoom three times, Hortick knew I was not there.

Between May 31<sup>st</sup> and July 6<sup>th</sup>, four different judges sat on this case, not counting Hortick (or Laura Salinas, the fifth, who summarily awarded \$91,000 in fees on a motion to dismiss to defendant Mark Bankston on July 13<sup>th</sup>). It has not appeared that "familiarity with the case" is any criterion for judge assignment. If so, we would have had the same judge throughout, and I do not understand why we do not. This constant judge-switching is a recipe for forum-shopping, as demonstrated here. Moreover, it has not been apparent, at any hearing, that *any* of these judges have even read the complaint.

The Commission has power to impose consequences for judicial misconduct, and must do so in this instance to restore public confidence in the judiciary. *Ex parte* communications cannot be tolerated. The communications complained of here establish bias. The Commission also has power to demand the withheld documents, which I request it do. (I will also be filing an appeal of the denial of access to these records.)

I thank the Commission in advance for reconsidering its dismissal of my grievance of Judge Tina Torres, based on this additional evidence.

/s/ Alison Maynard

# BEXAR COUNTY CIVIL DISTRICT COURTS

Ryan G. Anderson  
General Administrative Counsel



Bexar County Courthouse  
100 Dolorosa, 5<sup>th</sup> Floor  
San Antonio, TX 78205  
(210) 335-2300  
[Ryan.Anderson@Bexar.org](mailto:Ryan.Anderson@Bexar.org)

Office of Civil District Courts Administration

August 21, 2023

Ms. Alison Maynard                      *via email [dinophile@gmail.com](mailto:dinophile@gmail.com)*  
P.O. Box 691523  
San Antonio, Texas 78269

Re: Request for Records from Hon. Tina Torres

Dear Ms. Maynard:

I am responding on behalf of Judge Torres with regard to your request for documents emailed to the Clerk of the 166<sup>th</sup> Judicial District Court on August 7, 2023. In your email, you requested the following categories of documents:

1. All emails, texts, or other communications which were sent or received by you relating to case 2020 CI 21633 which were not filed in the case, or related to me (Alison Maynard) personally, including on your personal cellphone. Please search on the names Alison Maynard, William Lucero, David Ortega, Colorado, and "csc" between the dates of March 5th and August 7th, 2023.
2. Your application for judgeship, resume, background investigation, evaluation of character and fitness, and any biographical information used in connection with your election to the bench.

With regard to the first category, please note that records related to a specific case are not subject to production pursuant to Rule 12 of the Rules of Judicial Administration because they are case records, rather than judicial records covered by the rule. In any event, because the requested records could be pursued through other means or must be produced for other reasons, the attached documents are being produced despite their meeting the definition of case record as they all pertain to your specific case. Please be advised that certain communications between me and Judge Torres have been withheld pursuant to the attorney-client communications privilege. Additionally, you will note in reviewing the documents that certain communications have been redacted. The substance of those communications are not subject to production under Rule 12 as they are part of the adjudicative process and are solely between Judge Torres and her assigned District Clerk Ms. Williams.

With regard to the second category of documents, records regarding investigations of

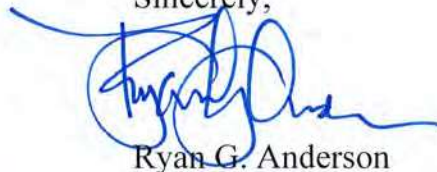
Ms. Maynard  
August 21, 2023  
Page 2

character and conduct and personal information regarding Judge Torres' family members are exempt from production pursuant to Rule 12. In any event, Judge Torres does not have any responsive documents that are judicial records. Campaign materials are not part of a judge's judicial records and are thus not required to be produced pursuant to such a request.

Please be advised that you have the right to appeal the denial of access to a judicial record by filing a petition for review with the Administrative Director of the Office of Court Administration. The petition for review: (1) must include a copy of the request to the record custodian and the records custodian's notice of denial; (2) may include any supporting facts, arguments, and authorities that the petitioner believes to be relevant; and (3) may contain a request for expedited review, the grounds for which must be stated. **The petition must be filed not later than 30 days after the date that you receive notice of a denial of access to the judicial record.** See Texas Rule of Judicial Administration 12.9. The physical address for the Administrative Director of the Office of Court Administration is 205 W. 14th St., Suite 600, Austin, Texas 78701-1614. The mailing address is P.O. Box 12066, Austin, Texas 78711-2066.

Please feel free to contact me with any questions you might have, or we can discuss them when you come by to review the records referenced above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan G. Anderson", is written over the typed name. The signature is fluid and cursive, with a large initial "R" and "A".

Ryan G. Anderson

cc: Hon. Tina Torres



## Torres, Tina

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**From:** Williams, Vanessa L  
**Sent:** Wednesday, July 5, 2023 9:47 AM  
**To:** Torres, Tina  
**Subject:** RE: Maynard v. Judge Lucero , et al (2020 CI 21633)

Ok, will do. Thanks!

Thank you,  
Vanessa Williams  
407th District Court Clerk  
Office of Gloria Martinez  
Bexar County District Clerk  
101 W. Nueva, Ste. 217  
San Antonio, TX 78205  
Court Office: (210) 335-2462  
Vanessa.Williams@bexar.org

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**From:** Torres, Tina <Tina.Torres@bexar.org>  
**Sent:** Wednesday, July 5, 2023 9:45 AM  
**To:** Williams, Vanessa L <Vanessa.Williams@bexar.org>  
**Subject:** RE: Maynard v. Judge Lucero , et al (2020 CI 21633)

He does need to take care of the matter through Presiding.

Let him know I'll be happy to hear the matter – to just let the court know when he make his announcement that I'm well acquainted with the case and ask that it be assigned to me.

Let me know if you need anything else.

Thank you!

*Tina Torres*

Judge, 407<sup>th</sup> District Court  
Bexar County Courthouse  
100 Dolorosa, 5<sup>th</sup> Floor  
San Antonio, Texas 78205  
210.335.2462

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**From:** Williams, Vanessa L <Vanessa.Williams@bexar.org>  
**Sent:** Wednesday, July 5, 2023 9:16 AM  
**To:** Torres, Tina <Tina.Torres@bexar.org>  
**Subject:** FW: Maynard v. Judge Lucero , et al (2020 CI 21633)  
**Importance:** High

See below.

Can you please advise?

I told Mr. Ortega this matter would have to be set in Presiding.

Thank you,  
Vanessa Williams  
407th District Court Clerk  
Office of Gloria Martinez  
Bexar County District Clerk  
101 W. Nueva, Ste. 217  
San Antonio, TX 78205  
Court Office: (210) 335-2462  
[Vanessa.Williams@bexar.org](mailto:Vanessa.Williams@bexar.org)

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**From:** David Ortega <[dortega@namanhowell.com](mailto:dortega@namanhowell.com)>  
**Sent:** Wednesday, July 5, 2023 8:43 AM  
**To:** Williams, Vanessa L <[Vanessa.Williams@bexar.org](mailto:Vanessa.Williams@bexar.org)>  
**Subject:** Maynard v. Judge Lucero , et al (2020 CI 21633  
**Importance:** High

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Ms. Williams,

As you will recall, Judge Torres denied Ms. Maynard's Motion to Reconsider the granting of Defendants' (Judge William Lucero and Jacob Vos) Special Appearance. During the hearing, Ms. Maynard complained that affidavits submitted by Judge Lucero and Mr. Vos were improper. Judge Torres overruled the objections, so Ms. Maynard then filed a Motion for Sanctions against Judge Lucero, Mr. Vos, and me for submitting the affidavits with the Special Appearance. Ms. Maynard then set the hearing for June 28, 2023 to argue her Motion for Sanctions. However, the Court granted Defendant's objections to lack of proper notice, ordered Ms. Maynard to comply with Bexar County local rules, and then reset the Motion for Sanctions to July 24, 2023. The Court also ordered Ms. Maynard to Show Cause for (1) her failure to comply with local rules for setting hearings, and (2) why she should not be sanctioned for filing a frivolous filing. Despite the resetting, Ms. Maynard has now filed a "Motion for Order to Show Cause Why Rule 13 Hearing Should Not Be Reset to July 7<sup>th</sup>, and to Strike Dfdts' Request for Sanctions." Ms. Maynard filed a Notice of Zoom Hearing on her latest Motion, but the notice is for tomorrow, July 6, 2023.

Lisa, in the clerk's office [(210)335-2171] noticed that this latest motion is not set, but she believes it should be. I told her that Judge Torres may want to hear this matter to stem the tide of further unnecessary activity, especially since the latest Motion for Sanctions is based on arguments presented at the Motion to Reconsider. Will you please ask Judge Torres (1) whether Ms. Maynard's latest motion should be added to tomorrow's docket, and (2) if so, whether Judge Torres will hear the matter to avoid further complication? If Judge Torres instructs Lisa (the clerk) to not put this on tomorrow's docket, we will stick with the current setting of July 24, 2023.

Thank you.

David L. Ortega  
(210)731-6353



**IN THE DISTRICT COURT FOR THE COUNTY OF BEXAR  
STATE OF TEXAS**

Civil Action No. 2020 CI 21633 and 2020 CI 21633-A

ALISON MAYNARD and RICHARD CARLISLE,

Plaintiffs,

vs.

WILLIAM R. LUCERO, JACOB VOS, JACOB ZIMMERMAN, MARK  
BANKSTON, LEONARD POZNER, DOUG MAGUIRE, and ELIZABETH  
WILLIAMSON,

Defendants.

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**(REVISED) MOTION FOR RULE 13 SANCTIONS**

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Plaintiff Alison Maynard, in the first person henceforth, pursuant to  
Tex.R.Civ. P. 13 moves for sanctions against attorney David Ortega, as well as his  
clients Jacob Vos and William Lucero, for fictitious and bad-faith pleadings filed  
with the court. As grounds therefore, I state as follows:

1. Mr. Ortega submitted the declarations of Vos and Lucero in support of  
the “Special Appearance and Motion to Dismiss” he filed on their behalf on May  
23<sup>rd</sup>, 2023, pursuant to Rule 120a. “Rule 120a requires special appearances to be  
made by ‘sworn motion’.” *Brady v. Kane*, 2020 WL 2029245 \*4 (Tex. App. –

Dallas 2020, no pet.), *citing* Rule 120a. In fact, these declarations do not raise what they filed to the level of a “sworn motion.”

2. Although there are 21 paragraphs in each declaration, the first paragraph says:

My name is Jacob Vos [William Lucero]. I am over the age of 21 years, have never been convicted of a felony, and I am fully competent to testify to the facts contained herein which are within my personal knowledge and are true and correct. My address is: 1300 Broadway, Suite 500, Denver, Colorado 80203. [Lucero says “4881 West 102<sup>nd</sup> Place, Westminster, Colorado 80031.”] I declare under penalty of perjury that *the foregoing is correct* [Lucero’s says “I declare under penalty of perjury that the foregoing is *true* and correct.”].

I have added emphasis to “*the foregoing is correct*” (or “true and correct”) because “foregoing” refers to the material *preceding* that sentence. That means *only* the material in the first paragraph has been sworn to under penalty of perjury. Remaining paragraphs 2-21 are *not* sworn to. So all the declarant is vouching for as true and correct is his personal information. The declarations are materially defective, therefore, since all of the 20 factual averments are *unsworn*. These declarations do not meet the requirements of Rule 120a.

3. The defect is highly significant, because, buried within those 20 remaining paragraphs of each declaration, none of which even address our bases for minimum contacts (violations of the Wiretap Act, and torts, including conspiracy, committed on me in Texas), is a materially false statement, as I brought up in my “Reply on

Motion to Reinstate after Dismissal” filed June 19<sup>th</sup>, 2023<sup>1</sup>. Mr. Vos says, at par. 20, “I had nothing to do with service of process or service of anything on Plaintiff Maynard in Texas. ...” This is a bald-faced lie. In the pleadings file of the disciplinary case Vos brought against me in Colorado, which I previously incorporated by reference<sup>2</sup>, the first entry is the complaint, signed by Vos. The second entry is the citation, also *signed by Vos*, reflecting service on me at my home in Texas, which orders and directs me to file an answer with the presiding disciplinary judge in Colorado, and threatens me with “action” by the Supreme Court’s Office of Attorney Regulation if I do not. A copy of the citation alone is attached as Exhibit A. The pleadings file further reflects numerous motions and notices both written and signed by Vos which he served on me by email, all an integral part of the harassing campaign inflicted on me, and I am in Texas.

4. The same paragraph 20 appears in Mr. Lucero’s declaration, with the following language:

*I sent no correspondence to [Maynard], made no phone calls to her, nor did I personally post anything on the internet about her in Texas or elsewhere. Everything I did with regard to Plaintiff Maynard was within my capacity as Presiding Disciplinary Judge.*

---

<sup>1</sup> I respectfully bring it up again because another judge handled that hearing, so I believe Judge Alvarez may not have read this reply.

<sup>2</sup> I incorporated this file by reference in fn. 3 of my “Motion to Reinstate after Dismissal (Vos and Lucero)” filed June 9, 2023. The pleadings file is located in my online vault at: [https://mega.nz/file/x8wmGZpR#hmolhV5R1wfbuz\\_1SNOiZrj0aALvYGynxKD-o\\_b6-H0](https://mega.nz/file/x8wmGZpR#hmolhV5R1wfbuz_1SNOiZrj0aALvYGynxKD-o_b6-H0).

(Emphasis added.) These statements are absolutely false, too. In the same pleadings file linked to in fn. 2 I count 29 orders or notices issued by Mr. Lucero all of which affected me, and all but one of which were sent to me by email. They constitute not merely “correspondence,” but *orders* affecting my legal rights and standing in the community.

5. Mr. Lucero’s statement that he did not post anything about me on any website is also false. The presiding disciplinary judge (PDJ), the position he held, has his own website<sup>3</sup>, and the disbarment opinion is posted there. In addition, Lucero sent out an email to numerous persons unrelated to the proceeding, at the U.S. Department of Justice, Internal Revenue Service, Colorado Bar Association, Colorado Trial Lawyers’ Association, United States Court of Appeals for the Tenth Circuit, and more. I was (I believe inadvertently) copied on this email, which is attached as Exhibit B. It was sent from his official PDJ address so was obviously authorized by him, and undoubtedly there are many more such emails I was *not* copied on.

6. Both parties, Vos and Lucero, along with their attorney David Ortega, are responsible for these misrepresentations to the court, which were *deliberately* (and deceitfully) *exempted* from the sworn part of their declarations. The declarations

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<sup>3</sup><https://www.coloradosupremecourt.com/pdj/Decisions/Maynard,%20Opinion%20Imposing%20Sanctions,%2020PDJ018,%2001-07-21.pdf>

are thus ineffective to establish a special appearance under the plain terms of Rule 120a. For example, in *Asshauer v. Farallon Capital Partners, L.P.*, 319 S.W. 3d 1, 12 (Tex. App. – Dallas 2008, no pet), the court said, “the requirements of Rule 120a are met by an affidavit that is clear, definite, and unequivocal, and *unless there is something in the affidavit itself to indicate to the contrary*, we accept it for what it appears on its face to be.” (Emphasis added.) As shown here, there *is*, in fact, something in the affidavit itself indicating that the bulk of the “facts” recited in it are not, in fact, sworn. The word “foregoing” means these defendants have taken responsibility only for the personal details about themselves in the first paragraph, and not for the material misrepresentations they makea bout the campaign of harassment they inflicted on me. It cannot be denied that what they filed was intended to dupe the court, too.

7. Rule 13 states in pertinent part as follows:

The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment.

In this case, the parties’ signatures were on *declarations*, not simply pleadings, but *declarations* having the legal effect of affidavits, which pretended to be sworn to and were not.

Rule 13 goes on to say:

Attorneys or parties who shall ... file any fictitious pleading in a cause for such a purpose, or shall make statements in pleading which they know to be groundless and false, for the purpose of securing a delay of the trial of the cause, shall be held guilty of a contempt.

Because the special appearance was calculated to obtain not only a delay of the trial, but complete avoidance of it, this paragraph applies to the false unsworn statements in their declarations, as well. The word “shall” means it is *mandatory* on the court to hold these defendants and their attorney in contempt.

Rule 13 goes on to say:

If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, after notice and hearing, shall impose an appropriate sanction available under Rule 215.2b, upon the person who signed it, a represented party, or both.

Rule 215.2b provides that the court may “make such orders as are just.”

The special appearance was required, under Rule 120a, to be supported by affidavit. Defendants and their attorney chose, instead, to employ the easier “unsworn declarations” route provided by statute, still not meeting the express terms of the statute; and then duplicitously exempting 20 of their 21 statements from penalty of perjury. The only appropriate sanction is to strike the declarations, which means these defendants have made a general appearance, not a special appearance, and the dismissal of them from this case is void.

8. The court must remember that these Defendants also offered nothing whatsoever to overcome our allegations about the Halbig emails, which I have charged were illegally intercepted and used by them in evidence, in violation of two federal statutes. Their declarations are not only defective in form, they were ineffectual to put our allegations in issue. *See* our “Verified (Conditional) Response to Special Appearance and Motion to Dismiss (Vos and Lucero).”

WHEREFORE, because the “sworn statements” required by Rule 120a are not, in fact, sworn, and include knowing misrepresentations of fact (in addition to failing to put our claims against them in issue), they constitute fictitious and bad-faith pleadings in violation of Rule 13. The court must forthwith hold Messrs Ortega, Vos, and Lucero in contempt and strike the offending declarations from the record, in the interest of justice.

Dated this 22nd day of June, 2023.

BY PLAINTIFF MAYNARD PRO SE:

/s/ Alison Maynard

## CERTIFICATE OF SERVICE

I, Alison Maynard, hereby certify, by my facsimile signature above, that I have served the foregoing motion on those parties who have appeared so far this 22nd day of June, 2023, through efile Texas, at the following email addresses:

David Ortega, Esq.  
[dortega@namanhowell.com](mailto:dortega@namanhowell.com)

James Parker, Esq.  
[jparker@namanhowell.com](mailto:jparker@namanhowell.com)

Mark Bankston  
[mark@fbtrial.com](mailto:mark@fbtrial.com)

Jacob Zimmerman  
[jack@zimmerman-firm.com](mailto:jack@zimmerman-firm.com)

cc: Richard Carlisle  
Richard@chartfactors.org



### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 76859290  
Filing Code Description: MOTION FOR  
Filing Description: 13 Sanctions (REVISED)  
Status as of 6/23/2023 11:57 AM CST

Associated Case Party: ALISONMAYNARD

Name	BarNumber	Email	TimestampSubmitted	Status
Alison Maynard		dinophile@gmail.com	6/22/2023 10:39:04 AM	SENT

Associated Case Party: WILLIAMFLUCERO

Name	BarNumber	Email	TimestampSubmitted	Status
David L.Ortega		dortega@namanhowell.com	6/22/2023 10:39:04 AM	SENT
Jan ETemplemire		jtemplemire@namanhowell.com	6/22/2023 10:39:04 AM	SENT

Associated Case Party: MARKBANKSTON

Name	BarNumber	Email	TimestampSubmitted	Status
Andrew Grant		aj@fbtrial.com	6/22/2023 10:39:04 AM	SENT
Mark Bankston		mark@fbtrial.com	6/22/2023 10:39:04 AM	SENT

Associated Case Party: JACOBVOS

Name	BarNumber	Email	TimestampSubmitted	Status
David L. Ortega		dortega@namanhowell.com	6/22/2023 10:39:04 AM	SENT
Jan Templemire		jtemplemire@namanhowell.com	6/22/2023 10:39:04 AM	SENT

Associated Case Party: RICHARDCARLISLE

Name	BarNumber	Email	TimestampSubmitted	Status
Richard Carlisle		richard@chartfactors.org	6/22/2023 10:39:04 AM	SENT

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Envelope ID: 76859290  
Filing Code Description: MOTION FOR  
Filing Description: 13 Sanctions (REVISED)  
Status as of 6/23/2023 11:57 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jacob Zimmerman		jake@zimmerman-firm.com	6/22/2023 10:39:04 AM	SENT

### Automated Certificate of eService

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Envelope ID: 79378886

Filing Code Description: ORIGINAL

Filing Description: Verified Motion to Recuse Six Judges

Status as of 9/12/2023 3:49 PM CST

Associated Case Party: ALISONMAYNARD

Name	BarNumber	Email	TimestampSubmitted	Status
Alison Maynard		dinophile@gmail.com	9/9/2023 9:10:46 AM	SENT

Associated Case Party: WILLIAMFLUCERO

Name	BarNumber	Email	TimestampSubmitted	Status
David L.Ortega		dortega@namanhoell.com	9/9/2023 9:10:46 AM	SENT
Jan ETemplemire		jtemplemire@namanhoell.com	9/9/2023 9:10:46 AM	SENT

Associated Case Party: MARKBANKSTON

Name	BarNumber	Email	TimestampSubmitted	Status
Andrew Grant		aj@fbtrial.com	9/9/2023 9:10:46 AM	SENT
Mark Bankston		mark@fbtrial.com	9/9/2023 9:10:46 AM	SENT

Associated Case Party: JACOBVOS

Name	BarNumber	Email	TimestampSubmitted	Status
David L. Ortega		dortega@namanhoell.com	9/9/2023 9:10:46 AM	SENT
Jan Templemire		jtemplemire@namanhoell.com	9/9/2023 9:10:46 AM	SENT
James M.Parker, Jr.		jparker@namanhoell.com	9/9/2023 9:10:46 AM	SENT

Associated Case Party: RICHARDCARLISLE

Name	BarNumber	Email	TimestampSubmitted	Status
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This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 79378886

Filing Code Description: ORIGINAL

Filing Description: Verified Motion to Recuse Six Judges

Status as of 9/12/2023 3:49 PM CST

Associated Case Party: RICHARDCARLISLE

Richard Carlisle		richard@chartfactors.org	9/9/2023 9:10:46 AM	SENT
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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jacob Zimmerman		jake@zimmerman-firm.com	9/9/2023 9:10:46 AM	SENT

Associated Case Party: William Lucero

Name	BarNumber	Email	TimestampSubmitted	Status
James M.Parker, Jr.		jparker@namanhowell.com	9/9/2023 9:10:46 AM	SENT