

No. 126,841

JOHN S. MORGAN	§	IN THE COUNTY COURT
	§	
V.	§	AT LAW NO. 1
	§	
SHERYL JOHNSON-TODD	§	JEFFERSON COUNTY, TEXAS

COUNTER-DEFENDANT’S MOTION TO FILE
NET WORTH DOCUMENTATION, IF REQUESTED BY THE COURT, UNDER
SEAL OR PURSUANT TO A STRICT CONFIDENTIALITY ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

Counter-Defendant, John S. Morgan, and files this Motion to File Net Worth Documentation, if Requested by the Court, Under Seal or Pursuant to a Strict Confidentiality Order, and would show as follows:

INTRODUCTION

1) The Ninth Court of Appeals ruled Morgan violated the TCPA by filing this lawsuit against Todd, which Morgan filed only to keep sealed records regarding Morgan that Todd and Dorrell deliberately published in violation of a Court Order of Nondisclosure. Exhibit “1.” Morgan attempted to enforce the Nondisclosure Order in the issuing Court before Judge Adams. Although Judge Adams entered a new Order enforcing the Court Order of Nondisclosure, Judge Wooldridge set aside Judge Adams’

new Order after Judge Adams left the bench. Mr. Dorrell on behalf of Todd now seeks to recover massive and unreasonable amounts of attorneys' fees and sanctions that are: (1) unrelated to Todd's TCPA briefing; and (2) far exceed Morgan's collectible net worth; and (3) would result in Morgan's bankruptcy. Morgan's motivation in filing this lawsuit was only to try to stop the constant harassment Morgan experiences by a group of attorneys that include Todd, Dorrell, Retzlaff, Mark Sparks, Joe Fisher, II, Layne Walker, etc. (collectively, the "Cabal"). Throughout this litigation, Dorrell operating through Retzlaff and with the apparently new participation by Sparks, have consistently written in "James Smith" emails that the Ninth Court of Appeals is fixed against Morgan and all the Justices "hate" Morgan. Since Todd/Dorrell bragged the Ninth Court's ruling was fixed in advance to be adverse to Morgan, and since Todd's actions at issue are in violation of a Court Order, justice dictates Todd should recover no attorneys' fees or sanctions from Morgan. Simply put, Morgan only sought to enforce a Court Order of Nondisclosure, and to protect himself from the Cabal's constant threats, harassment and humiliation. Morgan has done nothing justifying a sanction.

2) That being said, if this Court desire Morgan's net worth

documentation, Morgan will produce statements from Morgan's checking and savings accounts, and his personal tax return from 2015, in order for this Court to frame an appropriate award, if any, of sanctions. Technically, the TCPA's sanctions award is only based on an amount the trial court finds is sufficient to deter Morgan from the same conduct (i.e., filing a lawsuit to enforce a Court Order of Nondisclosure), so Morgan's net worth information should not be required. TCPA § 27.009. Accordingly, this Court must first determine if this Court wants Morgan's net worth information. Morgan has previously filed a Motion to Exclude all evidence of attorney's fees, due to Todd and Dorrell's deliberate discovery abuse by refusing to appear for their depositions and produce documents pursuant to a Subpoena Duces Tecum. Tex. R. Civ. P. 215.2 mandates the exclusion of this evidence. As such, Todd is not entitled to recover attorneys' fees in this case.

CASE LAW ON PUNITIVE DAMAGES AND TCPA AWARDS

3) The Texas Citizens Participation Act (TCPA), authorizes a court on remand to issue an appropriate sanction only in an amount "sufficient to deter the party who brought the legal action from bringing similar actions described in this Chapter." Tex. Civ. Prac. & Rem. Code §27.009(2).

Nothing in the TCPA justifies a punitive award based on Todd/Dorrell's motive of humiliation and revenge. The Texas Supreme Court recently ruled that awards under the TCPA should be fair, based on "justice and equity." Sullivan v. Abraham, 488 S.W.3d 294 (Tex. 2016). Specifically, the Court held an award of attorney's fees "is one that is not excessive or extreme, but rather moderate or fair. That determination rests within the Court's discretion... ." Id. at 299; citing Garcia v. Gomez, 319 S.W.3d 638, 642 (Tex. 2010).

4) The general rule in Texas when considering the imposition of punitive damages is whether the violating party (Morgan) engaged in actions that which when viewed objectively from the standpoint of Morgan at the time of the occurrence involved an extreme degree of risk, considering the probability of the magnitude of the potential harm to Todd, and Morgan had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety or welfare of Todd. See Tex. Civ. Prac. & Rem. Code §41.008. In this case, there was no danger of any degree of harm to Todd, because Morgan only sought to stop Todd from publishing information from Morgan's sealed no-contest plea, after the D.A.'s Office ignored the

documents were sealed and handed them out to the Cabal, so they could publicly humiliate Morgan. Todd/Dorrell repetitively published Morgan's sealed records in the Court filings in this case and on the internet solely to humiliate Morgan. Morgan filed this lawsuit not to harm Todd, but solely to keep private records which the District Attorney's Office had agreed to keep sealed, but the D.A.'s Office lied to Morgan.

5) When this Court is considering a sanction to impose upon Morgan, this Court should be mindful of the following factors: (1) the amount necessary to deter Morgan from filing another lawsuit to keep sealed his records that Todd and Dorrell published repeatedly in order to humiliate Morgan; (2) the situation and sensibilities of both Todd and Morgan; (3) the extent to which Morgan's conduct would offend the public sense of justice and propriety; and most importantly for purposes of this Motion (4) Morgan's net worth. See *Transportation Insurance Co. v. Moriel*, 879 S.W.2d 10 (Tex. 1994); Tex. Civ. Prac. & Rem. Code §41.009; Texas Pattern Jury Charge 15.07. Morgan, not Todd, is the victim in this case.

DORRELL/RETZLAFF PUBLISHES ALL INFORMATION FROM CASES
INVOLVING MORGAN ON THE INTERNET

6) Mr. Dorrell represents Todd. Todd was one of the attorneys

representing Morgan's ex-wife in the custody proceedings before former Judge Layne Walker, who then lost his bench. This Cabal of persons (including Todd, Dorrell, Walker, Fisher, Sparks, Retzlaff) have an obsession with harming Morgan, Philip Klein, and also Mr. James McGibney. Walker, who is under Felony Indictment (Exhibit "2"), terminated Morgan's parental rights in a fit of rage because Mr. Klein reported to the Texas Commission on Judicial Conduct that Walker was abusing money from the Texas Indigent Defense Fund. Although Walker terminated Morgan's parental rights, Morgan received his parental rights back again, after (1) Morgan's mostly successful appeal to the Ninth Court of Appeals, and (2) Walker's removal from the bench. During the custody proceedings, Mark Sparks, a convicted criminal (Exhibit "3") served as un-enrolled counsel to Ms. Winslow-Morgan Sparks had direct, ex parte communications with Walker on behalf of Todd after each day of depositions and hearings that all occurred in Walker's court. Dorrell works with Thomas Retzlaff and Mark Sparks, and others, to continually defame Morgan, Klein and McGibney on Mr. Retzlaff's blog www.viaviewfiles.net. On this blog, Dorrell and Retzlaff published Morgan's sealed records that are at issue in this case, and Dorrell and

Todd also repetitively published them in the court papers of this case.

Dorrell's weblogs constantly publish pleadings and documents that are filed or produced in cases involving Dorrell against Morgan, Klein and Mr. McGibney.

DORRELL/RETZLAFF WILL PUBLISH MORGAN'S ACCOUNT RECORDS
IF THEY OBTAIN THEM

7) It is axiomatic, therefore, that if this Court provides any of Morgan's banking or financial documentation (including Morgan's tax return) to Todd/Dorrell, they will immediately provide it to the Cabal, and Dorrell/Retzlaff will then post this confidential information on the internet and pass it around the community.

8) Case law holds financial information is confidential and should be protected under a Confidentiality Order. See Premier Trailer Leasing, Inc. v. GTR Rental, No. 02-09-00449-CV; 2011 WL 1901980 (Tex. App. - - Fort Worth 2011, no pet.). Since Todd and Dorrell routinely violate Court Orders, Morgan requests, instead, this information be SEALED. The case law also holds that net worth information requires only the production of documents demonstrating a party's current net worth, and does not require a party to create documents, such as signing an affidavit. In re:

Jacobs, 300 S.W.3d 35 (Tex. App. - - Houston [14th Dist.] 2009, no pet.).

TODD/DORRELL WILL UNLAWFULLY GARNISH MORGAN'S BANK ACCOUNTS
IF THEY OBTAIN THE ACCOUNT NUMBERS

9) Morgan faces another, severe danger if this Court will not permit Morgan to provide this information to the Court UNDER SEAL, or at least pursuant to a Strict Confidentiality Order. During the custody proceedings, Kathleen Winslow-Morgan filed a frivolous garnishment action, which Morgan was eventually able to dissolve by obtaining a Writ of Supersedeas from the Jefferson County District Clerk's Office. This garnishment action literally seized all of Morgan's accounts, which would have left Morgan penniless and homeless. This Cabal pursued the garnishment, notwithstanding that Morgan had lawfully superseded the Judgment against him. Similarly, this Cabal uses their influence with the Texas Attorney General's Child Support Office, in Beaumont, Texas, to repeatedly file garnishments on Morgan's law firm's accounts for child support purposes, notwithstanding that Morgan is currently two (2) months ahead on his child support obligation. At this time, the Child Support Office has withdrawn all of these harassing garnishments.

10) If this Court finds that Morgan's net worth and tax information is

necessary for this Court in considering the quantum of any sanction, Morgan only seeks protection from having this confidential information publicly distributed by Todd/Dorrell and their Cabal.

CONCLUSION

11) For the reasons set forth above, therefore, Morgan requests this Court hold Morgan's net worth is not relevant in this case, or alternatively hold Morgan's net worth documents are to be filed UNDER SEAL, or pursuant to a strict confidentiality order, without providing any copy to Todd/Dorrell.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests this Court grant this Motion to File Net Worth Information, if Requested by the Court, Under Seal or Pursuant to a Strict Confidentiality Order, and grant Plaintiff/Counter-Defendant such other and further relief to which Plaintiff/Counter-Defendant may show himself to be justly entitled.

Respectfully submitted,

/s/ John S. Morgan
JOHN S. MORGAN, Pro Se
TBA#14447475
Morgan Law Firm
2175 North Street, ste. 101