

No 17-7005

IN THE
SUPREME COURT OF THE UNITED STATES

In the Matter of the Application of

Juliette Fairley,

Petitioner,

Against

Mauricette Fairley,

Respondent,

For the Appointment of a Guardian of the Person for

JAMES E. FAIRLEY

A Person Alleged to be Incapacitated

On Petition for a Writ of Certiorari to the
Fourth Court of Appeals for the State of Texas

PETITION FOR REHEARING

February 12, 2018

Juliette Fairley
Petitioner
P.O. Box 1497
New York, NY 10276
646 709 7828
JulietteFairley@gmail.com

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GROUND FOR REHEARING

Pursuant to Supreme Court Rule 44, petitioner respectfully petitions this Court for rehearing of its order dismissing the writ of certiorari in this case. New facts have emerged between the time Petitioner's Writ of Certiorari was docketed on November 16, 2017 and dismissed on January 16, 2018.

On January 4, 2018, a lawsuit Petitioner filed called Fairley v Ford Bergner was transferred from Harris County (Houston), Texas and docketed to the Bexar County Probate trial court in San Antonio by the Bexar County Probate trial court even though the trial court knew or should have known that Petitioner has no standing to litigate in the Bexar County Probate trial court.

In transferring Fairley v Ford Bergner from a Houston trial court and docketing it in the Bexar County Probate trial court on January 4, 2018, the trial court is allowing a case to move forward in the Bexar County Probate trial court where Petitioner has no standing because Petitioner was dismissed with prejudice.

Petitioner was dismissed with prejudice by the Bexar County Probate trial court because Petitioner did not pay \$20,000 in cash for justice. In actuality Petitioner did not owe the \$20,000 the Court assessed against her. (A6)

Fairley v Ford Bergner is still on the docket in the Bexar County Probate trial court where Petitioner Juliette Fairley's legal standing was dismissed with prejudice due to her inability to pay \$20,000 in cash for justice. (A6, A7)

Another new fact is that when, on or about October 12, 2017, Ford Bergner filed a parallel lawsuit (Ford Bergner v Fairley) in the Bexar County Probate trial

court against Petitioner and her octogenarian parents James and Mauricette Fairley, a portion of Ford Bergner's lawsuit was dismissed in a January 31, 2018 Take Nothing Judgment. However, claims against Petitioner Juliette Fairley were specifically not dismissed and as a result, claims against Petitioner can move forward in the Bexar County Probate trial court where Petitioner was dismissed with prejudice.

The January 31, 2018 Bexar County Probate trial court's order specifically excludes language that dismiss claims against Petitioner Juliette Fairley:

"It is therefore ordered, adjudged and decreed by the Court that Plaintiff, Ford Bergner LLP take nothing against Defendants Mauricette Fairley, as Community Administrator, or Mauricette as Permanent Guardian of the Person of James Fairley and that such Defendants go hence without delay and that costs of the Court are taxed against the party incurring the same and it is further ordered, adjudged and decreed that any and all relief not expressly granted herein is hereby Denied."

These facts emerged after Petitioner's Writ of Certiorari was docketed on November 16, 2017 and after this court issued its first decision on January 16, 2018.

The U.S. Supreme Court can grant Petition for Rehearing if for no other reason then to restore Petitioner's legal standing so that she can be in a position to litigate these divergent lawsuits.

Secondly, this court can grant Petition for Rehearing to vacate orders that required Petitioner to pay \$20,000 in cash for justice if for no other reason than to restore petitioner's legal standing so that she can negotiate a smaller amount and/or a bond option pursuant to the Texas Rules of Civil Procedure Rule 143, which does

not authorize the court to fix bond in a specific amount; it must be open-ended.¹ (A6, A7)

If this court does not vacate orders and/or restore Petitioner's legal standing to litigate in the Bexar County Probate trial court, then Petitioner cannot contend with the 8th Amendment issue on the merits, which is the fact that Petitioner was ordered to pay \$20,000 in cash for justice with no bond option. (A6, A7)

The Eighth Amendment of the U.S. Constitution prohibits the federal government from imposing excessive bail, excessive fines, or cruel and unusual punishments. The U.S. Supreme Court has ruled that this amendment also applies to the states.

Petitioner made an honest mistake when she failed to amplify the 8th Amendment and the 14th Amendment as it relates to Reed v Campbell, a Texas case in which the U.S. Supreme Court held that that the 14th Amendment protects the interest of prohibiting unjustified discrimination against children born out of wedlock. If Reed v. Campbell, under the 14th Amendment of the U.S. Constitution, does not allow for the unjustified discrimination against children born out of wedlock, then it certainly does not allow for the unjustified discrimination against legal children like Petitioner Juliette Fairley who emerged from parents who were married at the time of her birth.

Petitioner should have expounded upon the Supreme Court's position in Reed v Campbell in her petition for Writ of Certiorari and sincerely apologizes for the delay.

¶

¹ In Re Pendragon Transportation LLC

PETITION FOR REHEARING

1. THE U.S. SUPREME COURT SHOULD GRANT REHEARING BECAUSE WHEN IT UPHELD A DEATH PENALTY SANCTION AGAINST PETITIONER, WHO IS THE LEGAL DAUGHTER OF JAMES FAIRLEY, IT ERRONEOUSLY INFRINGED UPON ITS OWN 1986 REED V CAMPBELL DECISION.

The trial court's death penalty sanction against Petitioner is in direct conflict with Reed v. Campbell, which was decided by the U.S. Supreme Court in 1986.

This Court held that the Fourteenth Amendment prohibits the unjustified discrimination against children born out of wedlock. Because Reed v. Campbell and the 14th Amendment does not allow for the unjustified discrimination against illegitimate children, it inherently prohibits the unjustified discrimination and disinheritance of lawful children such as Petitioner Juliette.

Although Petitioner's legitimacy has never been contested and she has a birth certificate to prove she is a legal adult child of James Fairley, the guardian's attorney Bill Leighner misrepresented to the Bexar County Probate trial court judge Polly Jackson Spencer that Petitioner is unrelated to her biological father James Fairley in a February 8, 2018 email. In responding to Petitioner Juliette's inquiry about a phone call she received from her father's Teacher Retirement System (TRS) healthcare plan, Mr. Leighner falsely stated to Petitioner and copied the trial court judge that:

"I do not know how Renee or anyone else at the TRS would have your phone number, let alone link it in any way to Mr. Fairley."

In fact, Petitioner is Mr. Fairley's daughter, linked to him by birth, blood, lineage and ethnicity. Petitioner was born an American citizen on a U.S. military base in Chateauroux, France after James had been married to Mauricette for a year and yet the trial court has statutorily and unconstitutionally disinherited Petitioner with its prejudicial dismissal. (A6, A7, A8)

The unconstitutionality of excluding adult children, whether legitimate or not, was affirmed by this U.S. Supreme Court in *Reed v. Campbell*, (1986):

"The interest, protected by the Fourteenth Amendment, in avoiding unjustified discrimination against children born out of wedlock, requires that appellant's claim to a share in her father's estate be protected by the full applicability of *Trimble*². There is no justification for the State's rejection of the claim." Pp. 854-857.

When Petitioner was dismissed with prejudice for not paying \$20,000 in cash, the trial court imposed a death-penalty sanction that should only be imposed when lesser sanctions are inadequate. *Low v Henry*, 221 S.W.3d 609, 621 (Tex. 2007).

The trial court's Orders are a death penalty sanction because they permanently bar Juliette from ever seeking to be appointed guardian, co-guardian or successor guardian of her father. *Ritchey v. Vasquez*, 986 S.W.2d 611, 612 (Tex. 1999) (Dismissal with prejudice functions as a final determination on the merits); see also *Barr v. Resolution Trust Corp.*, 837 S.W.2d 627, 630-31 (Tex. 1992)

If the 14th Amendment protects adult children born out of wedlock from being statutorily disinherited from their parent's estate, then there is no justification for

□

² *Trimble v. Gordon* 430 U.S. 762

the trial court's exclusion of Petitioner's legal standing to be James' guardian, co-guardian or successor guardian.

As the legal and biological daughter of her married parents, it is a violation of the 14th Amendment to dismiss Petitioner with prejudice pursuant to Reed v. Campbell.

2. WITHOUT A GVR ORDER FROM THE U.S. SUPREME COURT, PETITIONER CANNOT CONTEND WITH THE 8TH AMENDMENT CONTRAVENTION IN WHICH PETITIONER WAS DISMISSED WITH PREJUDICE FOR NOT PAYING \$20,000 IN CASH DESPITE HAVING FILED AN AFFIDAVIT OF INABILITY TO PAY COSTS.

The weight of current authority dictates that dismissals for failure to secure costs be without prejudice and yet Petitioner was dealt a death-penalty sanction because she was financially unable to fund the Court with \$20,000 in cash, which is not proper in keeping with the Supreme Court's requirements when a litigant files an Affidavit of Inability to Pay Costs. Petitioner filed an Affidavit of Inability to Pay Costs. (A9)

The Eighth Amendment of the U.S. Constitution prohibits the federal government from imposing excessive bail, excessive fines, or cruel and unusual punishments. The U.S. Supreme Court has ruled that this amendment also applies to the states.

The trial court knew or should have known that if a party is ordered to deposit security for costs of the proceeding but is unable to afford such costs, the party may proceed without giving security after filing an Affidavit of Inability to

Pay Costs pursuant to Thomas v. Pankey, 837 S.W.2d 826, 830 (Tex. App.-Tyler 1992, no writ).(19) Tex. R. Civ. P. 145, Tex. Estates Code § 1155. 151(a-2)(3).

The lower court abused its discretion when it dismissed Petitioner with prejudice based on failure to pay costs after Petitioner filed an affidavit of inability to pay costs pursuant to Hager v. Apollo Paper Corp., 856 S.W.2d 512, 514 (Tex. App.-Houston [1st Dist.] 1993, no writ)

3. PETITIONER DID NOT ACT IN BAD FAITH NOR DID SHE OWE \$20,000 IN CASH COSTS AND YET THIS COURT HAS ERRONEOUSLY UPHOLD ORDERS THAT CONFLICT WITH THE 8TH AMENDMENT OF THE U.S. CONSTITUTION.

To determine whether a guardianship is brought in bad faith, a trial court is required to consider, before sanctioning, and state with particularity whether, at the time a pleading is filed, it is groundless and either brought in bad faith or for the purpose of harassment. Overman v. Baker, 26 S.W.3d 506, 509 (Tex.App.-Tyler 2000, no pet.)³; Tanner v. Black, 464 S.W.3d at 23, 28 (Tex.App.-Houston [1st Dist.] 2015, no pet.); Gorman v Gorman 966 S.W. 2d 858, 867-68.

¶

³ Overman, 26 S.W.3d at 509, citing Tarrant County v. Chancey, 942 S.W.2d 151, 154 (Tex.App.-Fort Worth 1997, no pet.) established that a trial court must examine the facts and circumstances at the time the pleading was filed.

The lower court's dismissal with prejudice without specifying what conduct Petitioner engaged in that constitutes bad faith is an abuse of discretion, rendering the Order unenforceable. ⁴

There is also no evidence that would legally or factually support the trial court's Orders that a sufficient bond amount is in excess of \$20,000 in cash to cover attorney ad litem fees and mental health professionals⁵ when, in actuality, the liability for costs for a guardian ad litem and/or attorney ad litem in a guardianship proceeding are paid out of the guardianship estate or from the county treasury. In re Guardianship of Soberanes, 100 S.W.3d 405,408 (Tex.App.-San Antonio 2002, no pet.); In re Mitchell, 342 S.W.3d 186, 191 (Tex.App.-EI Paso 2011, no pet.). In re Guardianship of Marburger, 329 S.W.3d 923, 931-32 (Tex.App.-Corpus Christi 2010, no pet. h.)

4. THIS COURT SHOULD GRANT REHEARING TO RESTORE PETITIONER'S LEGAL STANDING SO THAT PETITIONER CAN PARTICIPATE WITH EQUAL PROTECTION IN FUTURE LITIGATION DOCKETED ON JANUARY 4, 2018 AND JANUARY 31, 2018 BY THE LOWER COURT.

The trial court is aware or should have been aware that when it transferred Petitioner's lawsuit Fairley v Ford Bergner from the Harris County

⁴Overman, 26 S.W.3d, at 511 held that a court's general findings that a guardianship application "was brought for an improper purpose and caused needless increase in costs of litigation" were insufficient to sustain an award for costs.

⁵ All of James' medical care, including mental health professionals, are covered by his private health insurance as well as complimentary medical care through Wilford Hall Medical Center at Lackland Air Force Base, San Antonio Military Medical Center and/or Medicare.

215th District trial court in Houston, Texas to the Bexar County Probate trial court in San Antonio, Texas that it is depriving Petitioner legal standing.

Transferring Fairley v Ford Bergner to the Bexar County Probate trial court where petitioner has no legal standing to defend herself is a clear violation of the 14th Amendment, which prohibits states from denying to any person within its jurisdiction "the equal protection of the laws" or "due process of law."

United States law, 42 U.S.C. § 1983, requires that those who deprive any person of rights and privileges protected by the Constitution of the United States provided by state law be liable in action at law, suit in equity, or other appropriate measure.

Depriving Petitioner's Right to Due Process and Equal Protection is a violation of 28 U.S. Code 453, which requires all judges to uphold the U.S. Constitution.

CONCLUSION

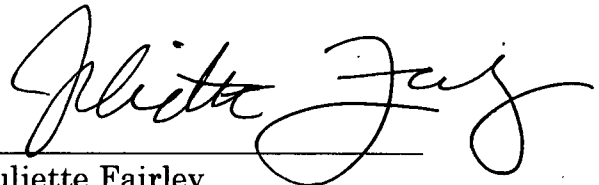
Petitioner does not have an effective forum other than this Court due to the fact that the Bexar County Probate trial court eliminated her legal standing,

Although it is unusual for this Court to grant rehearing and plenary review, it is far more common for this Court to grant rehearing and then Grant certiorari, Vacate the judgment and Remand, which is more commonly known as a GVR order. E.g., Melson v. Allen, No. 09- 5373 (June 21, 2010); Hawkins v. United States, 543 U.S. 1097 (2005); Lauersen v. United States, 543 U.S. 1097 (2005). Seen generally

E. Gressman et al., Supreme Court Practice § 15.1, at 807 n.5, § 15.6(b) at 819 (9th ed. 2007)

Issuing a GVR Order is one appropriate disposition in this case for consideration of an intervening decision by this Court given that (a) Petitioner needs legal standing in order to resolve the 8th Amendment issue of excessive costs imposed upon her in the amount of \$20,000 in cash for justice with no bond option, that (b) the Bexar County Probate trial court transferred and docketed the divergent lawsuit, Fairley v Ford Bergner, on January 4, 2018 from Houston, Texas to the Bexar County Probate trial court where Petitioner has no legal standing to litigate and (c) given that the Bexar County Probate trial court failed to dismiss claims against Petitioner, in Ford Bergner v Fairley, in its January 31, 2018 Take Nothing Judgment, which causes Petitioner to litigate in the Bexar County Probate trial court without Equal Protection and Due Process of law because the trial court dismissed her with prejudice in prior proceedings. The petition for rehearing should be granted.

Signed and Submitted on February 12, 2018

A handwritten signature in black ink, appearing to read 'Juliette Fairley', written over a horizontal line.

Juliette Fairley
P.O. Box 1497
New York, NY 10276
JulietteFairley@gmail.com
646 709 7828

CERTIFICATION OF A PARTY

I, Juliette Fairley, hereby certify on February 12, 2018 pursuant to U.S. Supreme Court Rule 44 that this petition is presented in good faith and not for purposes of delay.

A handwritten signature in black ink, appearing to read "Juliette Fairley", written over a horizontal line.

Juliette Fairley

P.O. Box 1497

New York, NY 10276

JulietteFairley@gmail.com

646 709 7828

CERTIFICATE OF SERVICE

I, Juliette Fairley, do swear or declare on this date, February 12, 2018, that I have served the enclosed PETITION FOR REHEARING on counsel by certified mail. The names and addresses of those served are as follows:

Counsel for Mauricette Sophie Fairley
William Leighner
Laura Cavaretta,
Cavaretta, Katona & Leighner, PLLC
700 N. St. Mary's Street, Suite 1500
San Antonio, Texas 78205
leighnerw@ckl-lawyers.com
Phone: (210) 588-2901

Court Appointed Attorney For James Fairley
Stephen P. Takas, Jr.
126 Villita Street
San Antonio, Texas 78205
Fax: 210-225-6545

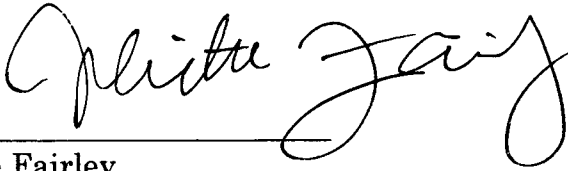
I declare under penalty of perjury that the foregoing is true and correct.



Juliette Fairley
P.O. Box 1497
New York, NY 10276
JulietteFairley@gmail.com
646 709 7828

CERTIFICATION OF COMPLIANCE/WORD COUNT

I, Juliette Fairley, hereby certify that this petition is no longer than 3,000 words.
The petition contains 2,500 words excluding certificates, title page, tables.

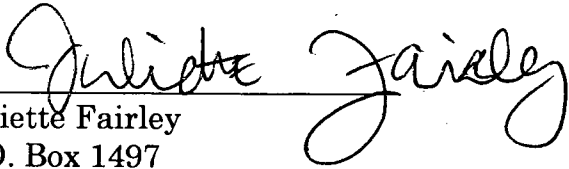
A handwritten signature in cursive script, reading "Juliette Fairley". The signature is written in black ink and is positioned above a horizontal line.

Juliette Fairley
P.O. Box 1497
New York, NY 10276
JulietteFairley@gmail.com
646 709 7828

CERTIFICATION OF GROUNDS FOR REHEARING

I, Juliette Fairley, hereby certify on February 12, 2018 that pursuant to U.S. Supreme Court Rule 44, this petition is restricted to grounds that are limited to intervening circumstances of a substantial or controlling effect and to other substantial grounds not previously presented. The grounds are:

1. On January 4, 2018, a lawsuit filed by Petitioner (Fairley v Ford Bergner) was transferred from Harris County (Houston), Texas and docketed to the Bexar County Probate trial court in San Antonio where Petitioner has no standing to litigate because the Bexar County Probate trial court dismissed Petitioner with prejudice.
2. On January 31, 2018, claims in a parallel lawsuit, which was filed in the Bexar County Probate Court by Ford Bergner against the Fairleys, were dismissed in a Take Nothing Judgment except for the claims against Petitioner Juliette Fairley who has no standing in the Bexar County Probate trial court to litigate these outstanding claims against her.
3. On February 8, 2018, the guardian's attorney Bill Leighner sent an email to Petitioner and the trial court judge Polly Jackson Spencer, disinheriting Petitioner all while knowing that Juliette Fairley is James Fairley's legal and biological daughter.
4. In Reed v Campbell, the U.S. Supreme Court held that the 14th Amendment protects the interest of prohibiting unjustified discrimination against children born out of wedlock and inherently children born into a legal marriage.
5. The 8th Amendment issue on the merits prohibits the federal government from imposing excessive bail, excessive fines or cruel and unusual punishments. The U.S. Supreme Court has ruled that this Amendment also applies to the states.


Juliette Fairley
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**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

February 6, 2018

Juliette Fairley
PO Box 1497
New York, NY 10276

RE: Fairley v. Fairley
No: 17-7005

Dear Ms. Fairley:

The petition for rehearing in the above-entitled case was postmarked January 31, 2018 and received February 2, 2018 and is herewith returned for failure to comply with Rule 44 of the Rules of this Court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 15 days of the date of this letter, the petition will not be filed. Rule 44.6.

Sincerely,
Scott S. Harris, Clerk
By:

Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

No. 17-7005

In the Supreme Court of the United States
In the Matter of the Application of

Juliette Fairley, Petitioner

For the Appointment of a Guardian of the Person for James E. Fairley,

A Person Alleged to be Incapacitated

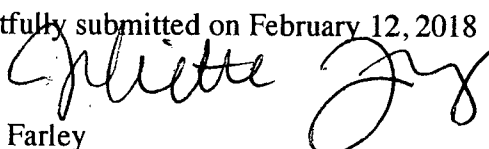
Motion to Augment Record
(Documents Attached)

Petitioner Juliette Fairley prays the Court will grant permission to add the following documents to the file because they support (a) evidence of intervening circumstances of substantial or controlling effect, which include a lawsuit transferred by the Bexar County Probate trial court from Houston, Texas to the Bexar County Probate trial court where Petitioner was dismissed with prejudice and has no standing to legally defend herself and because they support (b) substantial grounds not previously presented pursuant to Rule 44, which include Reed v. Campbell, a case about legitimacy decided by this court in 1986.

1. Mauricette's attorney Bill Leighner disinheriting Petitioner in a February 8, 2018 email to Petition in which the trial court judge Polly Jackson Spencer was copied. Mr. Leighner stated there is no link between Petitioner Juliette Fairley and her father James Fairley.

2. Bexar County Probate trial court Order dated January 31, 2018 which dismissed claims in Ford Bergner v The Fairleys except those against Petitioner Juliette Fairly
3. Bear County Probate trial court Order docketed January 4, 2018 transferring Petitioner's lawsuit against Ford Bergner (Fairley v Ford Bergner) from Harris County (Houston), Texas to Bexar County Probate Court in San Antonio, Texas where Petition was dismissed with prejudice in 2015.

Respectfully submitted on February 12, 2018


Juliette Fairley
P.O. Box 1497
New York, NY 10276
JulietteFairley@gmail.com
646-709-7828

CERTIFICATE OF SERVICE

I, Juliette Fairley, hereby certify that on February 12, 2018, I served the enclosed MOTION TO AUGMENT THE RECORD and PROPOSED ORDER on each other person's counsel, by first class mail. The names and addresses of those served are as follows:

Counsel for Mauricette Sophie Fairley
William Leighner
Laura Cavaretta,
Cavaretta, Katona & Leighner, PLLC
700 N. St. Mary's Street, Suite 1500
San Antonio, Texas 78205
leighnerw@ckl-lawyers.com
Phone: (210) 588-2901

Court Appointed Attorney For James Fairley
Stephen P. Takas, Jr.
126 Villita Street
San Antonio, Texas 78205
Fax: 210-225-6545

I declare under penalty of perjury that the foregoing is true and correct.



Juliette Fairley
P.O. Box 1497
New York, NY 10276
JulietteFairley@gmail.com
646 709 7828

No. 17-7005

In the Supreme Court of the United States
In the Matter of the Application of

Juliette Fairley, Petitioner

For the Appointment of a Guardian of the Person for James E. Fairley,

A Person Alleged to be Incapacitated

[PROPOSED] Order to Augment the Record

The Supreme Court of the U.S. hereby grants Petitioner's Motion to Augment the Record with the following documents:

1. Mauricette's attorney Bill Leighner disinheriting Petitioner in a February 8, 2018 email to Petitioner in which the trial court judge is copied. Mr. Leighner states there is no link between Petitioner Juliette Fairley and her father James Fairley.
2. Bexar County trial court Order dated January 31, 2018 which dismissed claims in Ford Bergner v The Fairleys except those against Petitioner Juliette Fairley
3. Trial Court Order docketed January 4, 2018 transferring Petitioner's lawsuit filed on September 24, 2017 against Ford Bergner (Fairley v Ford Bergner) from Harris County (Houston), Texas to Bexar County Probate Court in San Antonio, Texas where Petition was dismissed with prejudice in 2015

Signed _____



Juliette's Google Account Fairley <juliettefairley@gmail.com>

voicemail-1747.m4a Teacher Retirement System James Fairley

William Leighner <leighnerw@ckl-lawyers.com>

Wed, Feb 7, 2018 at 1:53 PM

To: Juliette's Google Account Fairley <juliettefairley@gmail.com>, Gmail <pollyjacksonspencer@gmail.com>, "pollyspencer7@hotmail.com" <pollyspencer7@hotmail.com>

This is a simple and administrative matter being addressed by Mrs. Fairley. I do not know how Renee, or anyone else at the TRS would have your phone number, let alone link it in any way to Mr. Fairley, or why Renee would have used such number when returning Sophie's call.

This was clearly a mistake by Renee in using the wrong number to call Sophie. I will speak to Renee to explain the situation and current circumstances to her.

CAVARETTA, KATONA & LEIGHNER, PLLC

William E. Leighner

Cavaretta, Katona & Leighner, PLLC

One Riverwalk Place

700 N. St. Mary's Street, Suite 1500

San Antonio, Texas 78205

Tel: (210) 588-2901

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Leighnerw@ckl-lawyers.com

Board Certified, Probate & Estate Planning Law

Texas Board of Legal Specialization

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From: Juliette's Google Account Fairley [mailto:juliettefairley@gmail.com]**Sent:** Wednesday, February 7, 2018 12:22 PM**To:** William Leighner; Gmail; pollyspencer7@hotmail.com**Subject:** voicemail-1747.m4a Teacher Retirement System James Fairley

Feb. 7, 2018

Good morning,

I received a voice message out of the blue yesterday (2/6/2018) from a lady named Renee from the Teacher Retirement System (TRS) inquiring about my father.

Not sure how Renee from TRS got my name and phone number unless it's because Sophie is ill, out of the country and unable to tend to my father's affairs.

Attached you will find a recording of the message that this lady Renee from the Teacher Retirement System left for me on my cell phone yesterday at approximately

6:41pm EST.

I am happy to assist with any of my father's affairs should Sophie be ill or out of the country but before I do that I would appreciate it if you could shed some light as to the nature of Renee's call from TRS as it was totally unexpected.

Respectfully,

Juliette Fairley

CAUSE NO. 2011-PC-1068

IN RE GUARDIANSHIP OF	§	IN THE PROBATE COURT
	§	
JAMES E. FAIRLEY,	§	NO. 2
	§	
AN INCAPACITATED PERSON	§	BEXAR COUNTY, TEXAS

FORD + BERGNER LLP	§
	§
V.	§
	§
JULIETTE FAIRLEY, AND	§
MAURICETTE FAIRLEY, AS	§
COMMUNITY ADMINISTRATOR	§
JAMES FAIRLEY'S COMMUNITY	§
PROPERTY, AND AS PERMANENT	§
GUARDIAN OF THE PERSON OF	§
JAMES E. FAIRLEY	§

FINAL TAKE NOTHING JUDGMENT

On this, the below date, came the parties hereto, Plaintiff, Ford + Bergner LLP ("F+B"), by and through its attorney of record, and Defendant, MAURICETTE FAIRLEY, as Community Administrator and as Permanent Guardian of the Person of James E. Fairley, by and through their respective attorneys of record, having announced to the Court that all of the claims and disputes between such parties pending in this Cause have been fully and completely resolved and that the parties no longer desire to pursue this matter.

The Court, in both noting and considering the representations and agreement of the parties, is of the opinion and makes the following Findings, Orders and Judgments:

After hearing and considering the representations and agreement of the parties, the Court finds that no evidence has been received indicating that either of the Defendants, MAURICETTE

FAIRLEY, as Community Administrator, or MAURICETTE FAIRLEY, as Permanent Guardian of the Person of James E. Fairley have committed or is liable for any of the claims, allegations, acts or omissions alleged against her in this Cause.

It is THEREFOR ORDERED, ADJUDGED, and DECREED by the Court and agreed by the parties that Plaintiff, Ford + Bergner LLP take nothing herein against Defendants, MAURICETTE FAIRLEY, as Community Administrator, or MAURICETTE FAIRLEY, as Permanent Guardian of the Person of James E. Fairley, and that such Defendants go hence without delay, and that costs of Court are taxed against the party incurring same; and

It is FURTHER ORDERED, ADJUDGED, and DECREED that any and all relief not expressly granted herein is hereby DENIED.

SIGNED this the 31st day of January, 2018.


JUDGE PRESIDING

FILED

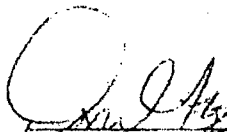
FEB 01 2018

GERARD RICKHOFF
CLERK PROBATE COURT NO. 2
BEXAR COUNTY, TEXAS
BY 
DEPUTY

AGREED TO AND APPROVED:



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MAURICETTE FAIRLEY, IN THE
CAPACITIES STATED HEREIN



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dford@fordbergner.com
ATTORNEYS FOR PLAINTIFF
Ford + Bergner LLP

No. 2011PC1068

IN THE GUARDIANSHIP OF

JAMES E. FAIRLEY,

AN INCAPACITATED PERSON

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§
§
§

IN THE PROBATE COURT

NUMBER TWO (2) OF

FORD + BERGNER LLP

v.

JULIETTE FAIRLEY, AND
MAURICETTE FAIRLEY, AS
COMMUNITY ADMINISTRATOR
JAMES FAIRLEY'S COMMUNITY
PROPERTY, AND AS PERMANENT
GUARDIAN OF THE PERSON OF
JAMES E. FAIRLEY

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BEXAR COUNTY, TEXAS

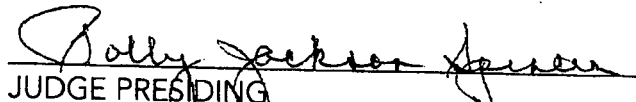
ORDER ON MOTION TO TRANSFER

On this day the Court heard and considered Ford + Bergner LLP's ("F+B") Motion to Transfer Related Proceeding Pursuant to Section 1022.007 of the Texas Estates Code. After considering the pleadings, the evidence, and the arguments of counsel, the Court is of the opinion that the Motion should be granted.

It is therefore ORDERED that F+B's Motion to Transfer Related Proceeding Pursuant to Section 1022.007 of the Texas Estates Code is granted.

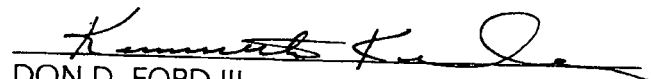
It is further ORDERED that all proceedings in Cause No. 2017-63195, *Juliette Fairley v. Don D. Ford III, Kenneth Krohn and Ford Bergner, LLP*, in the 215th District Court, Harris County, Texas are hereby transferred to this Court.

SIGNED on November 9th, 2017.


JUDGE PRESIDING

APPROVED AS TO FORM:

Ford + Bergner LLP


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