

NO. 13-15-307  
IN THE THIRTEENTH COURT OF APPEALS  
CORPUS CHRISTI, TEXAS

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ALAN L HAMILTON,  
*Appellant,*

V.

DANIEL DAVILA III,  
*Appellee.*

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**MOTION FOR EN BANC RECONSIDERATION WITH**  
**MOTION FOR CONTEMPT OF COURT**  
**AGAINST TRAVIS COUNTY DISTRICT CLERK**  
**FOR VIOLATION OF TEXAS SUPREME COURT ORDER**  
**PER MINIMUM ELECTRONIC DOCUMENT STANDARDS**

Alan L Hamilton  
Appellant, Pro Se  
9902 Childress Dr  
Austin, Texas 78753  
512-832-6384  
[AlanHamilton@ProBaitCourt.com](mailto:AlanHamilton@ProBaitCourt.com)

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## TO THE HONORABLE THIRTEENTH COURT OF APPEALS:

### Motion for En Banc Reconsideration

Per TRAP 49.7, Appellant submits this Motion for an En Banc Reconsideration. Appellant received the notice of dismissal of the appeal on 10/15/2015, time-stamped at 6:03pm via email. The 15 day period after notice was received, would then end on 10/30/2015.

The only thing in question here is the meaning of the word “**must**”.

The Texas Supreme Court Orders on minimum standards for electronic court documents states the following:

\*\*\*\*\*

"If the clerk's record is filed in electronic form, the clerk **must** use **bookmarks** to **link** each **document description** in the **table of contents**, except descriptions of sealed documents, **to the page on which each document begins**; and..."

\*\*\*\*\*

The word is "**must**". There is no leeway for the Appeals Court to decide. The law clearly states "must". As a software engineer whose done many software contracts, Appellant's wife, (who is assisting disabled Appellant with paperwork), reads that "must" as "must implement this feature or you don't get paid". But pay the Appellant did, \$2000, four months of his social security payments, \$1/page, for a subpar electronic document you wouldn't pay a \$1 for at a Dollar Store, and doesn't even meet the MINIMUM standards mandated by the Texas Supreme Court.

A speed limit law says you **MUST** go under the speed limit. It is not for an Appeals Court to say you "substantially complied" with the speed limit while going 100 mph, unless this is a new precedent to now be used. If “must” does not mean “must”, then all rules become moot.

The Motion for Contempt below, explains the problem in greater detail and seems to be the only solution to this problem, as the docket will clearly show that the Travis County District Clerk has been well informed about the Violation of the Texas Supreme Court Orders on the minimum standards for electronic documents, and has so far refused to cure it.

If the Appeals Court En Banc refuses to order the Violation cured, then Appellant will have to petition the Texas Supreme Court to ask what they meant by the word “**must**”. (per TRAP 53.7, within 45 days, with a \$175 filing fee, to ask the meaning of the word “must” to the Texas Supreme Court).



## Appeal Dismissal vs Companion case Motion to Retain granted

The Appeals Court states Appellant's appeal is "Dismissed for Want Of Prosecution" (DWOP), when it was actually "Dismissed for Want of Compliant/Readable Documents" (DWRD).

The Appeals Court Dismissal states the "clerk's record...was prepared in substantial compliance with the applicable rules", agreeing that rules were not followed, and the documents were "sub"-stantially sub-par. We asked to approve the Clerk's Record before payment of \$1200, but we were told we could not see it until after it was filed with the Appeals Court, essentially blackmailing the money from the Appellant, as we were told our Appeal would be dropped if we did not pay the money for an unseen document which had contained many errors prior to the supposed "final version", which we were not allowed to proof-read prior to payment. The Motions were not even in the correct order and the Judges Notes were initially missing in the emails about the docket list, unbeknownst to the deputy clerk until we informed him. We were told the document descriptions in the Table of Contents has been fixed, when it obviously still has not been fixed. It was a nightmare and continues to be a nightmare. We were told by the deputy clerk's supervisor that if there were errors they would fix them and it wouldn't come out of our time deadlines or pocketbook. And yet it appears they have destroyed our entire appeal with their ineptitude. And had a very bad effect on my husband's health in the process.

The Appeals Court in the dismissal for some reason also strangely and snidely accuses Appellant of lying about an "alleged" companion case. The companion case, (D-1-GN-12-002777, Alan Hamilton v Sylvia Hamilton), as explained in the 10/7/2015 letter, was merely the follow-on to add the Appellee to the lawsuit. Why the original lawyer (Jason Coomer) did not just "join" the Appellee to the first lawsuit is a mystery, but we hope to join the cases in the end. The companion relationship between the cases is stated in the following paragraphs from the original petition for this case, (D-1-GN-13-001230, Alan Hamilton v Daniel Davila III):

\*\*\*\*\*

4.1 Defendant (**Daniel Davila III**) is a Personal Financial Specialist (PFS), Certified Retirement Counselor (CRC), and Certified Public Accountant that was hired by **Sylvia Hamilton** to perform work including financial planning, investment planning, drafting of a durable power of attorney, and collection of annuities for Plaintiff's Elderly Mother, **Maurine Hamilton**.

4.2 The DPOA which defendant drafted, named himself, the defendant, a CPA-PFS, as the Successor agent, if **Sylvia Hamilton** did not perform her duties. Defendant submitted the DPOA he drafted to Mutual of Omaha with the request for the annuities, acknowledging the content and expectations of the DPOA he drafted for **Maurine Hamilton**. Instead of taking over the duties **Sylvia Hamilton** did not perform, the defendant filed tax extensions, acknowledging that he knew the duties were not being performed. It also strangely spelled the plaintiff's name wrong, in a document supposedly signed by his mother, leaving the question whether the mother ever saw the document and implies that the document was forged.

\*\*\*\*\*

Why the Appeals Court would accuse the Appellant of lying about a companion case,

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while Appellant is accusing the Appellee of perjury, is beyond comprehension. Lying while accusing another of lying is never a good idea.

At any rate, on 8/28/2015, we submitted our Motion to Retain, on 10/5/2015, the Motion to Retain was granted (see attached Exhibit-mcm), on 10/15/2015 an Order to Retain was signed, filed on 10/19/2015, and on 10/22/2015, the envelope mailing that Order to Appellant was postmarked. Nearly 2 months to find out the status of the Motion to Retain. We have been moving no slower than the trial court, and we thank them for granting our Motion to Retain case D-1-GN-12-002777, (Alan Hamilton v Sylvia Hamilton), the companion case in which Appellee's actions originated.

Appeals Court dismissal opinion also disregarded as important, Appellant's health issues, though verified by a letter from the Appellant's doctor, which include an EKG warning of a possible heart attack, and an exact description of the problems with the usage of his hands, slowing down his ability to produce documents at the rate requested by the Appeals Court. Appeals Court instead ruled that Appellant's health issues and demand for a "minimum standard", compliant electronic document, injured the Appellee, but the non-compliant non-navigable non-readable document did not injure the Appellee simultaneously. Indeed, the Appellee does not want their lies and perjury to be readable, or findable. And for some reason, the Appeals Court does not care about perjury, except to accuse the Appellant of lying about his "alleged" companion case and health.

And all the Appellant asked for, was what the Texas Supreme Court said "MUST" be done: Produce a readable, navigable document for the court "information exchange". And for demanding that, we lose our appeal for PERJURY against the court? It appears the Court is in Contempt of itself. 60 days after a 2014 Order, has long since passed. The Travis County District Clerk does not appear to care, nor does the Appeals Court, yet.

Below pasted from:

Texas Supreme Court Order 14-9079-eFileTexas dot gov-Technology\_Standards\_032114  
Per Texas Supreme Court Order-13-9165-descriptive bookmarks req in electronic records

\*\*\*\*\*

## 1.1 PURPOSE

Pursuant to Texas Government Code, Chapter 77, Section 77.031, this document delineates standards for the technological needs of the judicial system. This document is approved by the Judicial Committee on Information Technology (JCIT) that was created by the 74<sup>th</sup> Texas Legislature. Changes to this document are effective sixty (60) days after adoption and publication by the JCIT.

**NIEM** – National Information Exchange Model – a partnership of the U.S. Department of Justice, the U.S. Department of Homeland Security, and the U.S. Department of Health and Human Services designed to develop, disseminate and support enterprise-wide information exchange standards and processes that can enable jurisdictions to effectively share critical information in emergency situations, as well as support the day-to-day operations of agencies throughout the nation. NIEM was adopted formally by JCIT and is promulgated in data

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exchanges in Texas Administrative Code, Title 1, Part 8, Chapter 177.

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JCIT Duties per Texas Code Sec . 77.031

(5) develop **minimum standards** for an electronically based document system to provide for the flow of information within the judicial system in electronic form and recommend rules relating to the electronic filing of documents with courts;

\*\*\*\*\*

Unreadable and unnavigable documents is not “information exchange” or “flow of information”. It is literally Dis-Information changed. And it is illegal per the Texas Code and Texas Supreme Court cited above.

The MINIMUM STANDARDS have already been set by the Texas Supreme Court and 74<sup>th</sup> Texas Legislature. The Appeals Court cannot take them below the minimum, any more than they could raise the speed limit.

Let it be noted that had the Appeals Clerk or Court acted immediately when this problem was reported in the first Unopposed Motion (Motion1) on 8/10/2015, this Clerk’s Record descriptive bookmark fix would probably have been completed by now. It is not the Appellant that has delayed the process, it is people not doing their jobs properly the first time.

The simple bug fix requires merely calling the CORRECT database field where the document description is stored. The WRONG database field is being called. It’s beyond incompetent, it’s disgusting. There are people who should be fired. This is nothing but absurd. A freshman programmer could fix this in an hour. An investigation should be started, and will follow. Appellant’s wife is a software engineer from Silicon Valley with 35 years experience, and has never seen anything like this. Complete incompetence to put out such a product for an outrageous sum of \$2000, and then to not even care about the quality. This will be an issue during Velva Price’s 2016 re-election. Why hasn’t this been fixed? Not a big deal until they made it a big deal. Have they no shame? Is a simple quick software fix too much to ask for?

## Motion for Contempt

Pursuant to Texas Code 21.002 (Motion for Contempt), and the authorities cited in the “Authorities” section of this document, (Texas Supreme Court Orders #13-9165 and #14-9079, JCIT Duties per Texas Code Sec. 77.031, JCIT Technology Standards v1.3, Texas Rules of Civil Procedure (TRCP) 21 (f)(8), TRAP rule 34.4 (d), TRAP 38.6)

Appellant requests:

1) that Clerk’s Record be rejected and fixed as described below (pursuant to Texas Supreme Court Orders #13-9165 and #14-9079, JCIT Duties per Texas Code Sec. 77.031, JCIT Technology Standards v1.3, Texas Rules of Civil Procedure (TRCP) 21 (f)(8), TRAP rule 34.4 (d)),

It is material that documents be readable and easily navigable, in order to indicate the page and paragraph locations of perjury to the Court, within the Appellate/Clerk’s Record documents, as well as, it is material to be in compliance with Texas Supreme Court Orders.

2) Appellant’s brief due 30 days AFTER Clerk’s Record received which meets minimum standards for electronic court documents. (pursuant to TRAP 38.6)

It would prejudice the Appellant to not have equal usage time with document, which must be referenced in brief to Court, especially with Appellant’s Bradycardia diagnosis and disabled hands requiring typing assistance. (Bradycardia=Slow heart-rate – see letter from Appellant’s Doctor in 8/10/2015-Motion1 and 10/7/2015-late brief letter to Clerks, see Exhibit F and Exhibit G in this Motion),

the Appellant, Alan L Hamilton, files this:

*“Motion for Contempt of Court Against Travis County District Clerk for Violation of Texas Supreme Court Order per Minimum Electronic Document Standards”, (herein referred to as “Motion2”),*

## Part 1: History/Previous Unopposed Motion without Authorities

In the previous Motion to the Court,

*“Unopposed First Motion for Extension of Time to file Appellant’s Brief, with Motion for Clerk’s Record to be fixed”, (herein referred to as “Motion1”),*

requesting that the clerk’s record pdf bookmarks be fixed to include the actual document descriptions, (instead of document category, eg. “city”= category vs “San Francisco” = city name), Appellant did not know it would be necessary to include an “Authorities” section, for an Unopposed Motion, to fix a software bug, which would be beneficial to all involved, including the Court, in our mutual goal, to make the documents we all must read, readable

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and navigable.

In the interest of brevity and clarity, we will not repeat the entire “*Motion1*” here, and only add the new Motion for Contempt and Authorities section,

“*Motion for Contempt of Court Against Travis County District Clerk for Violation of Texas Supreme Court Order per Minimum Electronic Document Standards*”, (herein referred to as “*Motion2*”),

with the attached relevant screenshots taken from the 67 page Order by the Texas Supreme Court, concerning the mandatory descriptive bookmarks in the filing of electronic documents, and in particular, the Court Record/Appellate Record.

The entire “Texas Supreme Court Order-13-9165” can be found online at:

[www.txcourts.gov/media/273991/order-13-9165.pdf](http://www.txcourts.gov/media/273991/order-13-9165.pdf)

The entire “Texas Supreme Court Order-14-9079” can be found online at:

[www.efiletexas.gov/documents/Technology\\_Standards\\_032114.pdf](http://www.efiletexas.gov/documents/Technology_Standards_032114.pdf)

It was a shock that an unopposed Motion for the benefit of all, to be able to fix a bug to be able to read the court documents, would need a Texas Supreme Court Order to be granted. But indeed, the Texas Supreme Court Orders, minimum electronic document standards, be met for all court documents, with the inclusion of DESCRIPTIVE BOOKMARKS in a multi-file pdf document, REQUIRED EXPLICITLY, as we had logically requested in the original “*Motion1*”, and to be requested via a Texas Supreme Court Order in “*Motion2*”.

On 10/7/2015, upon sending a letter to the Appeals Court that we intended to file a Motion for Contempt, (if the Clerk’s Record was not fixed as requested), the Appeals Court strangely filed a dismissal of our Appeal on 10/15/2015, less than 10 days after our letter was sent. We had not known until that moment that the Appeals Court was not ordering the Travis County District Clerk to obey the law and Texas Supreme Court Orders, which we assumed would happen. We were waiting the customary 10 days for review prior to submitting the Motion for Contempt after the notice of violation. For some reason, the Appeals Court ruled for dismissal prior to the mandated 10 day waiting period for Appeals rulings. And for some reason, the Appeals Court ruled that Appellant “must” follow the rules but that the Travis County District Clerk “may” follow the rules, “if” she wants, and “if” it’s convenient.

By the same standard for the word “must”, Appellant has “substantially” complied with the TRAP Rules and has kept the court informed of Appellant’s health conditions and requests for the court to cure violations in the Clerk’s Record. Seems like the Appeals Court and Clerk know the rules that work against the Appellant, but not the ones that work for the Appellant, even when reminded of them.

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Appellant now lays out the rules and how they were found, in great detail below. The rules were found using digital documents, which were denied to us during the district court phase, because we were "Pro Se" in the second half. Paper documents vs electronic documents is like bringing a knife to a gun fight. We also had to lobby for nearly 2 years to get subpar login access to the digital records of the case. This is becoming a Constitutional issue of access to the Justice system for the sick and poor and elderly. We continue our fight to get a document worth the \$2000 entrance fee to the Appeals Court.

It will be impossible to examine and address the clearly written perjury in the Appellee's Motion to the Court, which is the basis of Appellant's appeal, until it is decided what the word "must" means in a Texas Supreme Court Order, for an issue as simple as minimum standards for electronic documents. To have to go to the Supreme Court to have a bug fixed is approaching the absurd, especially when the Travis County District Clerk's office has essentially stolen more money from a poor, sick old man trying to get his stolen retirement back. If we'd bought something at Sears for \$2000, we'd at least be covered by a Consumer Protection Agency if it did not meet the advertised specifications. The Travis County District Clerk's Office should be ashamed of itself. And be held in Contempt of the Texas Supreme Court, as this unfortunately seems to be the only way to get them to do their job.

## **Part 2: In a Nutshell**

The Texas Supreme Court Orders requiring bookmarks with document descriptions, were found as follows:

google of "texas supreme court bookmarks in electronic document"  
67 pages  
<http://www.txcourts.gov/media/273991/order-13-9165.pdf>

"book" occurs 4 times.

A search of document for "descript" finds "**document description**":

If the clerk's record is filed in electronic form, **the clerk must use bookmarks to link each document description in the table of contents, except descriptions of sealed documents, to the page on which each document begins;** and

(j) conclude the clerk's record with a certificate in substantially the following form:

The State of Texas ) County of \_\_\_\_\_ ) I, \_\_\_\_\_, Clerk of the \_\_\_\_\_ Court of \_\_\_\_\_ County, Texas do hereby certify that the documents contained in this record to which this certification is attached are all of the documents specified by Texas Rule of Appellate Procedure 34.5(a) and all other documents timely requested by a party to this proceeding under Texas Rule of Appellate Procedure 34.5(b).

## Part 3: Description of Problem

If you are not familiar with Acrobat bookmarks and how they enable speed reading and editing in a long document, read on. Though this may sound trivial, once you fall in love with bookmark speed reading/editing, you will know why the Texas Supreme Court said "**must**", not "may".

### How to use bookmarks and why they are important

Let us first make sure we are on the same page, so to speak. If you are looking at this document in anything other than Adobe Acrobat Reader, please quit now, and open this document in Adobe Acrobat Reader. The reason it's called "Acrobat", is because you can do "mental acrobatics with documents", namely "bookmarks". Most people are familiar with Internet Browser "bookmarks" and cannot live without them, but bookmarks as a concept started with "books", and are also available in Microsoft Word "doc" and Adobe Acrobat "pdf" documents. In Microsoft Word, the bookmarks are shown in the "Navigation Pane", opened from the "View" menu, aptly reminding you of the "Navigation Pain" without the bookmark view. (Called a "Document Map" in previous versions of Word.) These bookmarks readily convert to Adobe Acrobat pdf bookmarks.

In order to fully appreciate an Adobe Acrobat document, herein called a "pdf" (Portable Document Format), one must use the "bookmarks" feature. Please do the following with this document you are now reading:

#### 1) Open doc in Adobe Acrobat

Make sure you are NOT in your Internet Browser, viewing this "Motion for Contempt" pdf document. Download and open this document in Adobe Acrobat Reader, which will display the bookmarks stored in the pdf document. Internet Browser pdf displays do not yet have this capability.

#### 2) Click on bookmarks icon

Hover your cursor over the icons in the left upper corner of the document, to see descriptions of the button-icon functions, and click on the bookmarks icon, usually the second one down (looks like a real book bookmark, a rectangle with a triangle cut out of the bottom). A Table of Contents should now be displayed on the left side of the document, that contains hyperlinks to the different content "destinations". These are called "bookmarks", to assist you in getting around the document, or around multi-file documents. Click on the "Table of Contents" bookmark link in the left column. You should now be looking at something that looks like **Exhibit A (screenshot of correct bookmarks example: document description "bookmarks" match "Table of Content" descriptions).**



### 3) “Speed Read” to “Speed Edit” with bookmarks

Glancing and scrolling thru the bookmarks, allows a quick SPEED READ of the documents contents, while allowing pinpoint travel thru the document at will, zooming into the document details you are looking for with ease and speed. “Speed Editing” with bookmarks follows quickly after “Speed Reading”.

### 4) Document Armageddon

Now click on the bookmarks icon again and see the bookmarks disappear. Now ponder life without them. This is why the Texas Supreme Court Ordered that there “MUST” be bookmarks.

### **Solution easy, not fixing hard**

These bookmarks, including the ones in this document, are created AUTOMATICALLY, by Microsoft Word or Adobe Acrobat, created from the filename or header description, which tell you where you are going, before you travel there.

Which exactly describes the defect in the Clerk's Record. The document "category" does not tell you where you are going. It would be like going to a Travel website and attempting to buy a plane ticket with a bunch of cities listed only as "city", or "town" or "state", but not knowing which city until you clicked on it.

Attempting to navigate the Clerk's Record is like having to click on 20 links called “city” to find Austin, and then when you find it, you have to do it ALL again, to find it again. You can't even tag it, as it's a non-editable document. You could count how many documents down in the list the document is, but then you need to keep a table, the same table which should be in the bookmark link descriptions...by Order of the Texas Supreme Court.

Conversely, it is a quick fix for the programmer at the Clerk's Office. The document description is currently being stored in the "additional info" field, probably because the Clerk's needed more room for document names and the "additional info" field allowed it. Essentially, the Clerk's fixed one bug but created another because they did not ask the programmers to increase the length of the document description field. Why else wouldn't the Clerk's put the "document description" in the "document description" field? WHERE in the Clerk's training manual does it say to put the "document description" in the "additional info" field.

At any rate, the Travis County District Clerk's Office and it's programmers have remained at odds, and have not heeded the needs of their customers, and noticed how ridiculous the documents are that they are producing with this unsettled simple question, of where to input the "document description". This must be solved before the court system can function with their non-functional documents. And yet the Clerk's Office, after 3 months of discussion about the problem has not even fixed the first bug, non-descriptive bookmarks (contains "category" instead, eg. "city", "town", "state", but no specific "city", like say Austin, a specific destination.)



## Bug fix for "Appeal Creator"

At the root of the problem is the in-house program "Appeal Creator", which creates the bookmark/Table of Contents problem not seen in documents created by Microsoft Word or Adobe Acrobat. This is not an "unfixable bug". Indeed, the fix is as simple as fixing a global typo of someone's name in a document. To fix the bug, all that needs to be done is:

- 1) Search for "document description" field name
- 2) Replace with "additional info" field name

As well, programmers could opt to fix the Clerk's Office database, to move the "additional info" content into the "document description" field, thereby not needing to fix the "Appeal Creator" program at all. But then you must fix/re-train the Court Clerks and get them to not input the "document description" in the wrong field.

### **Part 4: Bookmarks Remedy is trivial for Court Clerk and yet priceless for Appellant, Appellee and The Court's ability to navigate the court record documents**

Readability and easy navigation of documents was on the forefront of the Texas Supreme Courts Orders (13-9165 and 14-9079) requirements, and is all we have asked for: a Clerk's Record that complies.

Actually all we asked for was a simple bug to be fixed. The appellant's wife, a software engineer for 35 years (Apple, Cisco, etc), wrote the TCDC and told them how to fix the bug:

- 1) search for the DB field name for "document description"
- 2) replace "document description" with "additional info" field name
- 3) compile and test

## End the stand-off between the Clerk's Office and Programmer's Office

TCDC was also told the reason this bug had occurred was probably because of a length limitation in the "document description" field so someone came up with the clever idea of using the "additional info" field instead. The TCDC programmers and Clerk's appear to be in a standoff, with the programmers waiting for the Clerk's to use the right field, and the Clerks waiting for the programmers to display the field they have now been trained to use: the "additional info" field. It apparently will take a Court Order to break this stalemate. For the good of the justice system.

The fix for this "non-descriptive bookmarks" bug is as simple as fixing a typo in an email. This is not a difficult bug to fix and yet the payoff to the document user in terms of ease of finding and citing documents and page numbers in the briefs to be written and read, is priceless. Without the "descriptive bookmarks" to navigate the documents, you are up a creek without a paddle. In a plane without a rudder. In a car with no steering wheel. Navigation. You're dead without it.

Luckily, as we discovered, it's also the law, per the Texas Supreme Court Order. Apparently, an unopposed, common sense agreement between the parties, the Appeals Court and TCDC Clerk's Office is not good enough. We will attempt to do "legal argument by authorities" from now on, but when does common sense become the authority? Why should it be necessary to appeal to the Texas Supreme Court to have a simple bug fixed? Why is TCDC Clerk's Office non-compliant and why don't they care to fix a bug which anyone can see, makes large court document sets unmanageable, even the Texas Supreme Court. And so they have ordered Clerk's records to have descriptive bookmarks for a reason: so that they can be easily navigated and reduce frustrations and time needed to find relevant documents and information by all parties, including the court staff.

## **Part 5: Document scans/TIFFs, or "pdf-to-TIFF-to-pdf conversions", should be phased out, per 2013 Texas Supreme Court Order, in near future**

### **Take the TIFF out**

To have "substantially complied with the law", would mean they were "sub-stantially readable", which they are not even "sub-readable". We could do a read test and see how many words on the spreadsheet pages, constructed to make the evidence CLEARER, that the Appeals Court Judges could even decipher.

TRCP Rule 21(f) (8) (B) states (see Exhibit C: bookmarks screenshot-5 on page5):

- 1) 300 dpi
- 2) be directly converted to PDF rather than scanned, if possible; (i.e. No TIFF conversion, scan=TIFF),

And it is possible. So do it.

(note: also in 1.2(d) Clerks Record section (pg 37) – 1.2. Filing an Electronic Clerk's Record)

The pdf vs TIFF document submitted with the original Motion, (Motion1, Exhibit E), relates to the order by the Texas Supreme Court, to "not scan documents, but submit them directly as pdfs, with a resolution of at least 300 dpi, if possible". Scanned documents are TIFF documents. The "Appeal Creator" program is converting them to TIFF as a outdated-security measure which is now handled by pdfs. The Texas Supreme Court orders "direct to pdf" if possible, and the intermediary TIFF is destroying the readability of the documents. It is reducing them to scanned documents essentially, as the Supreme Court has ordered scanning, i.e. "TIFFing", not to be done on way to required pdfs. (scans = TIFFs).

TRCP Rule 21(f) (8) Format

An electronically filed document must:

- (A) be in text-searchable portable document format (PDF);
- (B) be directly converted to PDF rather than scanned, if possible; (i.e. No TIFF conversion, scan=TIFF)
- (C) not be locked; and
- (D) otherwise comply with the Technology Standards set by the Judicial Committee on Information Technology and approved by the Supreme Court.

To add to the outrageousness, the Travis County District Clerk's Office doesn't mind charging you \$1200 (\$1/pg) for an unreadable document, that you must reference words and page numbers in your Appeals Brief. Moby Dick, one of the longest books written, with 1,946 pages and 135 chapters, doesn't even sell for \$1200. \$1200 buys at least 2 new home appliances which you could return and get your money back, if they are "not up to spec" and functioning as advertised. All we are asking for is a readable document, as guaranteed under state law, THAT WE PAID \$1200 FOR. Why is this a problem? Why should it be so difficult to fix a bug? Is it REALLY necessary to go to the Supreme Court to get a software bug fixed? Should they just have a Contact us/Bug Report webpage? You could certainly return a book to the bookstore if it wasn't legible. What is the problem here? Do the Appeals Courts ever really even read the documents, tho the cost of those documents is your entry fee to the Appeals process?

## **Part 6: Appeals Clerk should have rejected defective Clerk's record**

Appeals Clerk should have rejected the TCDC Clerk's Record, as shown by the Technical Standards v1.3 Clerk's filing rejection error code list (Texas Supreme Court Order 14-9079) - **screenshot-5 in Exhibit C on page 5, attached and pasted below:**

### **TRAP rule 34.4**

(d) *Defects or Inaccuracies.* If the clerk's record is defective or inaccurate, the appellate clerk must inform the trial court clerk of the defect or inaccuracy and instruct the clerk to make the correction.

Appeals Clerk did not use any of the below error codes provided by the JCIT Technology Standards v1.3 (Judicial Committee on Information Technology):

(per TRCP 21 (f)(8) and JCIT Duties per Texas Code Sec. 77.031 – minimum standards for electronic documents (with JCIT Technology Standards v1.3))

### **JCIT Technology Standards v1.3**

Clerk error return codes

Also In efileTexas dot gov Technology\_Standards\_032114.pdf on page 15

### **Illegible/Unreadable**

Please resubmit in a format that is legible.

### **Incorrect Formatting**

Please resubmit the document:

- ☐ By rotating the document so that the file mark will appear in the upper right corner
- ☐ In text searchable PDF
- ☐ Directly converted to PDF if possible.
- ☐ With a 300dpi resolution
- ☐ With a page size of 8.5" x 11"
- ☐ With no embedded fonts

## **Part 7: Motion for Contempt**

**Per Texas Code 21.002, Motion for Contempt has 3 elements:**

- a) order,**
- b) violation,**
- c) willful).**

**These 3 elements are satisfied as described below.**

### **a) The Texas Supreme Court Orders (13-9165 and 14-9079)**

**The Texas Supreme Court Orders (13-9165 and 14-9079) requiring bookmarks with document descriptions, in minimum standards for electronic document information flow (JCIT-Judicial Committee on Information Technology)**

Note the usage of “**must**”, not “may”, in the below court orders:

“Texas Supreme Court Order-13-9165-descriptive bookmarks req in electronic records”  
(**screenshots attached for courts convenience-see Exhibit C**)

Search of the Order for “book” yields 4 occurrences of the word “bookmarks”:

1. Texas Supreme Court Order 13-9165-bookmarks screenshot-1.JPG (Exhibit C-page 1) (on page 18 of 67 page Order) states:

An electronically filed record in an original proceeding or an electronically filed appendix that includes more than one item **must** contain **bookmarks** to assist in locating each item.

2. Texas Supreme Court Order 13-9165-bookmarks screenshot-2.JPG (Exhibit C-page 2) (on page 36 of 67 page Order) states:

If the clerk’s record is filed in electronic form, the clerk **must** use **bookmarks** to **link** each **document description** in the **table of contents**.

3. Texas Supreme Court Order 13-9165-bookmarks screenshot-3.JPG (Exhibit C-page 3) (on page 37 of 67 page Order) states:

**1.2. Filing an Electronic Clerk's Record.**

Unless the clerk receives permission from the appellate court to file the record in paper form, the clerk **must** file the record electronically. When filing a clerk's record in electronic form, the trial court clerk **must**:

- (a) file each computer file in **text-searchable** Portable Document Format (PDF);
- (b) **create electronic bookmarks to mark the first page of each document in the clerk's record;**
- (c) limit the size of each computer file to 100 MB or less, if possible;
- (d) **directly convert, rather than scan, the record to PDF, if possible;**
- (e) **comply with the Technology Standards set by the Judicial Committee on Information Technology;**

4. Texas Supreme Court Order 13-9165-bookmarks screenshot-4.JPG (Exhibit C-page 4) (on page 39 of 67 page Order) states:

- (e) In exhibit volumes, the court reporter or recorder **must** create bookmarks to mark the first page of each exhibit document.

5. Texas Supreme Court Order 14-9079-Tech Standards-v1-3-Clerk error codes-illegible-unreadable and direct to pdf with 300dpi-screenshot-5.JPG (Exhibit C-page 5)

6. JCIT Duties per Texas Code Sec . 77 . 031

- (5) develop **minimum standards** for an electronically based document system to provide for the flow of information within the judicial system in electronic form and recommend rules relating to the electronic filing of documents with courts;

7. TRAP rule 34.4 (d) *Defects or Inaccuracies* in Clerk's Record:

1.4. **Non-Conforming Records and Supplements.** In the event of a material violation of this rule in the preparation or filing of the clerk's record, on motion of a party or on its own initiative, the appellate court may require the trial court clerk to amend the clerk's record or to prepare a new clerk's record in proper form – and provide it to any party who has previously made a copy of the original, defective clerk's record – at the trial clerk's expense. A supplement to a clerk's record must also be prepared in conformity with this rule.

If the usage of the word “**must**” by the Texas Supreme Court is not “material”, then nothing is “material”, and no court orders or laws “**must**” be followed, which would be of course, an absurd conclusion.

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**WITH MOTION FOR CONTEMPT OF COURT AGAINST TRAVIS COUNTY DISTRICT CLERK**  
**FOR VIOLATION OF TEXAS SUPREME COURT ORDER PER MINIMUM ELECTRONIC DOCUMENT STANDARDS**

## **b) Violation of the Order should be well-known to Travis County District Clerk**

The Travis County District Clerk should be aware the minimum standards for electronic court documents as a matter of profession.

As well, Appellant's first 13<sup>th</sup> COA Motion, "*Motion I*", the "Motion to fix Clerk's Record" was also filed with Travis County District Court Clerk's Office on August 10, 2015.

Finally, on 10/7/2015, a letter was sent to the Travis County District Clerk Office and the Appeals Clerk Office, about reason for late brief, and Appellant's intent to file Motion for Contempt for Violation of Texas Supreme Court orders on the minimum standards for electronic documents.

## **c) Willful Violation of Court Order**

Many emails exchanged between Appellant's wife and the TCDC Clerk's Office and Technical Staff about the "document description/additional info bookmarks" bug and how to fix it, as well as the Motions and letters shown on the court docket.

Part 3, "Description of Problem", above describes how to fix the bug. Microsoft and Adobe both provide an automatic Table of Contents/bookmarks builder feature. If the Travis County District Clerk's Office cannot fix their custom "Appeal Creator" program, it is easily accomplished in commercially available programs, while better programmers are hired.

A quick visit to the Harris County District Clerk's office website at [www.hcdistrictclerk.com/edocs/public/search.aspx](http://www.hcdistrictclerk.com/edocs/public/search.aspx), allows anyone to login, including Pro Se parties, to view all documents from ALL cases online, even order and buy documents online by clicking on "Add to Cart". It is unacceptable and inexplicable, truly unconscionable, that the Travis County District Clerk's office is so far behind the Harris County Clerk's office, and the citizens of Travis County are paying the price. It was even suggested via email that Travis County just adopt Harris County's software, as it works and has already been debugged.

Until then, it is an easy bug to fix: replace the "document description" fieldname with the "additional info" fieldname. The Clerk's are putting the "document description" into the "additional info" field, thereby breaking the entire system. But the programmers won't use the "additional info" field and the Clerk's won't use the "document description" field. Even after Appellant's wife told them the problem and the fix, they won't fix it. Clerk's said it was programmer's problem and programmers said it was Clerk's problem. At an impasse for years apparently, and citizens attempting to use the Justice System have been suffering. As well, the documents are unreadable, as they are converted from pdf-to-TIFF-back-to-pdf, destroying any legibility, also in defiance of the minimum electronic document standards by the Texas Supreme Court Order (No scans= No TIFFs, scan=TIFF technology).

It is a willful violation since it is clearly being done correctly by Harris County without problem. It is a willful violation when the bug fix is a simple search and replace. It is a willful violation when both Microsoft Word and Adobe Acrobat have the same bookmark feature that the Travis County District Clerk's office refuses to deliver, and even lies about having been fixed in order to receive payment for a broken electronic document.

## **Part 8: Even the 13<sup>th</sup> COA demands pdf bookmarks on their website**

Last but not least, the 13<sup>th</sup> COA website states the following about bookmarks:

**"more than one item must contain bookmarks to assist in locating each item".**

Note use of term "must", not "may".

**(screenshot attached-13COA bookmark requirements-on its own website-screenshot-6.JPG (see Exhibit C-page 6)):**

Direct paste below from 13<sup>th</sup> COA website about bookmarks (**red** emphasis added):  
<http://www.txcourts.gov/13thcoa/practice-before-the-court/original-proceedings.aspx>

**Bookmarks.** An electronically filed record or appendix that contains **more than one item must contain bookmarks to assist in locating each item**. *Id.* R. 9.4(h). A paper record must be tabbed and indexed.

## **Part 9: Date on which Brief due dependent on when Clerk's Record received which conforms to Texas Supreme Court Order #13-9165**

It would prejudice Appellant's case in the preparation of the Brief and in the Appellate Court Judges ability to read and navigate the case documents without a lot of wasted time and frustration, leading to an unfair appeal process. Health of Appellant in issue as well (see letter from Dr Nathan Pekar-see Exhibit F and Exhibit G). Motion to Retain related companion case ((D-1-GN-12-002777, Alan Hamilton v Sylvia Hamilton)) was on 8/28/2015 as well. Appellant has written 2 Motions for the courts this morning and is under doctor's orders to sleep when bradycardia (slow heart beat) causes dizziness.

30 days from date of filing of fixed Clerk's record needed, as we need to reference Clerk's record page numbers in our brief, and should not be crippled time-wise because of TCDC inability to produce a Clerk's Record which is compliant with the Texas Supreme Court electronic document orders, of which they should be knowledgeable.

### **TRAP 38.6. Time to File Briefs**

(a) *Appellant's Filing Date.* Except in a habeas corpus or bail appeal, which is governed by Rule 31, an appellant must file a brief within 30 days — 20 days in an accelerated appeal — after the later of:

- (1) **the date the clerk's record was filed**; or
- (2) the date the reporter's record was filed.



The delay caused by the attempts to get the Clerk's Record bookmarks fixed should not penalize us with less than the normal 30 days to prepare a Brief, especially with Alan Hamilton's Bradycardia health conditions (see Exhibits F and G-Alan's Health records)

## **Part 10: Appellant's other Court obligations**

### **Companion Case time requirements**

On 8/28/2015, Appellant also had to file a Motion to Retain the companion case which retains the earlier filed Statute of Limitations of 9/9/2008, a date which Defendant agreed in his Summary Judgment would preclude any Statute of Limitations arguments. A DWOP, (Dismissal for Want of Prosecution), is neglecting the fact that the cases are one and the same, and working on one, delays the other, but is work on the same case. We originally asked our attorney to join Defendant Davila to Defendant Sylvia Hamilton's case, and he instead bizarrely started a second lawsuit, this one, instead, leading to these contradicting DWOP situations, where work on one is considered neglect of the other case. We will join these cases after this appeal is finished, to cure these problems.

Motion to Retain companion case was granted by Trial Court on 10/15/2015. (D-1-GN-12-002777, Alan Hamilton v Sylvia Hamilton).

## **Part 11: Appellant's Health Concerns**

Last but not least, is Appellant's precarious health condition and it's needs. On 9/14/2015, Appellant's home central AC went out completely, exacerbating the health problems and requiring immediate replacement, which takes research, time, financial ingenuity (\$5100 bill) and energy, of which with the Appellant's Bradycardia diagnosis, is limited.

As described in the attached letter from the Appellant's doctor, Appellant needs typing and electronic document assistance, and his wife has dropped everything this week to assist her husband in the filing of these documents with the court. Appellant's wife has had to double down on her own Sumatriptan subscription for migraines in order to accomplish this as well.

It is amazing that it has taken the time of elderly man with a below-par heart-rate and his migraine-inflicted wife, to have to tell the court and the clerk about what should be common sense about the readability of documents, and the Texas Supreme Court Order that demands it. It has been a great health, financial and personal strain to do so, but an appeal is moot without a usable Clerk's Record.

The list of Appellant's continuing medical appointments on following dates, has been a time-consuming priority: (7/24/2015-bloodtests,9/8/2015-medication prescribed,10/1/2015-medication adjustment/renewal, 10/9/2015-hand clinic apt)

The State Bar of Texas Pro Bono Committee does not have the resources to help with anything (see Exhibit E in 10/7/2015 letter to Appeals Court and Clerk). Appellant, as described

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by his doctor's letter to the Court, is an elderly man is doing as much as he can as quickly as he can, with his wife's typing/computer help, to expose the lies and perjury of the opposing party in obtaining a Summary Judgment. Appellant should not be denied justice due to Appellees Motion shenanigans.

It prejudices the Appellant to have to attempt to expose perjury with unusable documents which do not meet the minimum standards for electronic documents set forth by the Texas Supreme Court.

The lies cannot be exposed if the documents cannot be read and navigated, which is why the Texas Supreme Court set minimum standards of readability with descriptive bookmarks explicitly required to assist in finding the documents in a multi-file pdf.

A disabled man should not have to use disabled electronic documents, by Order of the Texas Supreme Court. The Clerk's Record is currently in violation of Texas Supreme Court Orders for minimum standards for electronic documents. Appellant has been injured by the Travis County Clerk's failure to timely file a Clerk's Record Compliant with the Texas Supreme Court Order on minimum electronic document standards.

It is requested that the Appeals Clerk reject the defective Travis County Clerk's Record per the above cited authorities, and demand compliance with the Texas Supreme Court Orders cited above. It is material, as being able to read and navigate documents without extreme mental frustration and wasted time, with the limited energy restrictions of the Appellant's health, to begin with, is prejudicial and material to an appeal, as is being compliant with a Texas Supreme Court Order.

## **Part 12: Authorities**

Repeat in concise list here from refs above.

1) Texas Supreme Court Orders (#13-9165 and #14-9079) on descriptive bookmark requirements for navigating Multi-file pdf documents – minimum standards for electronic documents. These same Orders are repeated in the TRAP Rules Appendices at <http://www.txcourts.gov/media/806639/texas-rules-of-appellate-procedure-updated-with-amendments-effective-1114-w-appendices.pdf> - search for "bookmark" or "document description", Appendix C, Rule 1, 1.1(i))

(NOTE: #13-9165 online at:

[www.txcourts.gov/media/273991/order-13-9165.pdf](http://www.txcourts.gov/media/273991/order-13-9165.pdf)  
(search for "bookmark" to find all "bookmark" rules,  
search for "document description" to find "pdf descriptive bookmarks" rule).

(NOTE: #14-9079 online at:

[www.efiletexas.gov/documents/Technology\\_Standards\\_032114.pdf](http://www.efiletexas.gov/documents/Technology_Standards_032114.pdf))

2) JCIT Duties per Texas Code Sec. 77.031 – minimum standards for electronic documents (with JCIT Technology Standards v1.3)

3) Texas Rules of Civil Procedure (TRCP) 21 (f)(8)

TRCP Rule 21(f) (8) Format

An electronically filed document must:

(A) be in text-searchable portable document format (PDF);

(B) be directly converted to PDF rather than scanned, if possible; (i.e. No TIFF conversion, scan=TIFF)

(C) not be locked; and

(D) otherwise comply with the Technology Standards set by the Judicial Committee on Information Technology and approved by the Supreme Court.

4) Texas Code 21.002, Motion for Contempt

5) TRAP rule 34.4 (d) *Defects or Inaccuracies* in Clerk's Record

6) TRAP 38.6. Time to File Briefs – 30 days AFTER Clerk's Record received which meets minimum standards for electronic court documents.

## **Part 13: Damages**

### **Fair Appeal Not possible if information cannot be found**

1200 unreadable pages with no descriptive bookmarks. How can you reference THAT in an appeal, and WHY should you have to, after paying \$1200 (plus another \$800 for court transcripts and depositions, which are worthless without a usable Clerk's Record, the value of one or two more kitchen appliances refrigerator/stove etc- i.e. this is REAL money, not monopoly game money) AND a Texas Supreme Court order demanding it? WHY DON'T THEY WANT THE DOCUMENTS TO BE EASILY READABLE, then becomes the perplexing thought about a simple bug fix.

### **\$2000 equals 4 months of Social Security payments to Appellant**

In order to point out perjury of the opposing party to the Court, it has cost Appellant \$2000 in documents fees and a lot of time and expenses. (\$1200 for Clerk's record, \$800 for Court Reporter Transcripts and deposition).

Appellant's only constant income is \$500/month social security payment after loss of his entire retirement due to Appellee's actions. FOUR months of income, just for the privilege of telling the Appeals Court, that the Appellee committed perjury, in writing, in documents that

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were submitted to the trial court, that trial court never bothered to read, even when the perjury was pointed out to the court in hearings. Judge Eric Sheppard merely said, “What did you expect?” and denied our Motion for a Continuance in order to more fully document the perjury. Judge Karin Crump said we had missed the deadline to point out the perjury, as if missing a deadline trumps perjury. If that was the way the justice system worked, then those on death row would be left to die, with the liars living to tell their next lie.

## **Part 14: Summary**

Appellant is filing this Motion for an extension to file the appellant's brief, in order to accomplish the following:

1) to have the Travis County District Court (TCDC) Clerk's Office to fix the Clerk's Record , which was submitted with an unusable pdf Table of Contents (TOC), without descriptive document titles in the clickable pdf bookmarks, as attachment #1 shows. Without descriptive titles in the clickable pdf bookmarks TOC, looking thru the documents amounts to alot of frustration while chicken-pecking thru alot of filings titled "other filings", while trying to find the document you are looking for.

Just imagine if the Austin Statesman website had only “section”, “section”, “section” instead of “News section”, “Sports section”, “Classified section”. You would cancel your digital subscription. Just the thought of using category names rather than content descriptions is ridiculous, to anyone except the Travis County District Clerk apparently.

We repeat:

**If the documents/pdfs are not easy to navigate and read, they are unusable and a fair appeal consideration is not possible. We cannot find the information in the large 1200 page Clerk’s Record, which we must reference in the Brief with page numbers. Being able to find the document with a bookmark is a great start, and REQUIRED BY THE TEXAS SUPREME COURT with the usage of the word “MUST”, not “may”.**

Though this “pdf-to-TIFF-back-to-pdf” issue, destroying any legibility in evidence spreadsheets, may not be possible to fix in our time-frame, the TOC/bookmark-document-descriptions fix is imperative to navigability of the Clerk’s Record and is a simple quick fix, as described above. There is NO EXCUSE for it not to be fixed IMMEDIATELY.

Appellant seeks these Clerk’s Record fixes so as to be able to prepare a cogent and succinct brief to aid this Court in its analysis of the issues presented. This request is not sought for delay but so that justice may be done.

All facts recited in this motion are within the personal knowledge of the counsel signing this motion, therefore no verification is necessary under Rule of Appellate Procedure 10.2.

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## Part 15: Prayer for Relief

For the reasons set forth above, Appellant requests that this Court grant this “*Motion for En Banc Reconsideration with Motion for Contempt of Court Against Travis County District Clerk for Violation of Texas Supreme Court Order per Minimum Electronic Document Standards*” and

1) that Clerk’s Record be rejected, per TRAP rule 34.4 (d), with an Order to fix it to be in compliance with the Texas Supreme Court Orders on minimum standards for electronic court documents,

In particular, Appellant requests this Court to order the Travis County District Court’s (TCDC) Clerk’s Office to fix the Clerk’s Record for this case with a use-able “pdf with descriptive clickable TOC bookmarks”, as described in the Motion, and re-submit to this Court. This is an easy global replace fix of “Additional Info” for “Document description” and should not take a competent programmer long to fix.

Also, Appellant requests this Court to order the TCDC Clerk’s Office to address the unreadability of “pdf to TIFF” documents and spreadsheets, central to this appeal, with the loss of color data as well. This “readability fix” might take longer to do, removing the “pdf to tiff” conversion from the “Appeal Creator” program used by the TCDC, but needs to be raised in priority by the Clerk’s Office. The use of TIFFs is based on an outdated security need, which has evolved in Adobe Acrobat Pro pdfs (without public expense), while remaining stagnant in the TCDC’s “Appeal Creator” program.

It is also now mandated by the Texas Supreme Court, to go directly to pdf, with no scanning or TIFF conversion in between, if possible. And it is possible. Even easier.

2) Appellant’s brief due 30 days AFTER Clerk’s Record received which meets minimum standards for electronic court documents. (pursuant to TRAP 38.6)

3) Appellant requests all other relief to which it may be entitled, including but not limited to the \$2000 paid to the Travis County District Clerk’s Office. We were served with a “Draft” Motion for Contempt by the Appellee in 2014 and were told their damages would be \$30,000. If Appellant was an attorney, he could claim these same damages for himself and his wife, who has spent endless hours assisting Appellant with his paperwork. But as a Pro Se, you get zero for your time, though Pro Se are held to the same standards as a lawyer.

We therefore request punitive damages and/or administrative fees of a similar amount. Appellant’s wife is a \$75/hour software engineer contractor, whose time has been instead literally spent on endly court paperwork. How we could EVER be accused of doing nothing (DWOP) is ludicrous: we have been surprised to find, court work is all we’ve had time for. Simultaneously, the Travis County District Clerk’s Office has had plenty of opportunity to cure the problem, and has repeatedly refused to do so.

As it is, Appellant will soon have to start eating dog food, as Appellee's courtroom perjury antics, along with the Travis County District Clerk's unreadable/un navigable/non-compliant document antics, has just about bled the Appellant's bank account completely empty.

It does not appear it is possible for poor, sick and elderly citizens who have had their entire retirement stolen, to obtain justice against white-collar criminals with million dollar legal insurance policies, to pay lawyers to lie, until elderly person dies, as planned. This is RICO racketeering through the court system, and should not be acquiesced by the courts.

Respectfully submitted,



Alan L Hamilton, Appellant, Pro Se

9902 Childress Dr

Austin, Texas 78753

512-832-6384

[AlanHamilton@ProBaitCourt.com](mailto:AlanHamilton@ProBaitCourt.com)

## Part 16: Certificates

### CERTIFICATE OF CONFERENCE

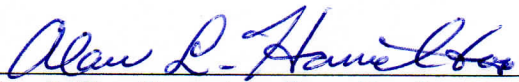
Per TRAP 49.12, Certificate of Conference Not Required for en banc reconsideration Motion.

### CERTIFICATE OF SERVICE

I certify that on October 30, 2015, I e-served a copy of this motion to the following counsel by [www.eFileTexas.gov](http://www.eFileTexas.gov) via [www.greenfiling.com](http://www.greenfiling.com).

*Counsel for Appellee:*

Attorney for: Daniel Davila, III  
Attorneys name: Karen Landinger, Robert M Smith  
Attorneys address: COKINOS, BOSIEN & YOUNG  
10999 West IH-10, Suite 800  
San Antonio, Texas  
(210) 293-8700 office  
(210) 293-8733 fax  
[klandinger@cbylaw.com](mailto:klandinger@cbylaw.com)  
[RMSmith@cbylaw.com](mailto:RMSmith@cbylaw.com)

  
Alan L Hamilton, Appellant, Pro Se

## **Part 17: Proposed Order**

Proposed Order will be filed on Monday. 11/2/2015

## **Part 18: Exhibits**

# Exhibit A



## Bookmarks

13COA_Motion to fix Clerks Rec by order of Texas Supreme Court-w Contempt-en banc
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Part 2: In a Nutshell
Part 3: Description of Problem
How to use bookmarks and why they are important
1) Open doc in Adobe Acrobat
2) Click on bookmarks icon
3) "Speed Read" to "Speed Edit" with bookmarks
4) Document Armageddon
Solution easy, not fixing hard

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# Exhibit B



① CLERKS RECORD PDF WITH NON-DESCRIPTIVE TOC BUG ON LEFT  
and ② DOCKET PAGE WITH DOCUMENT TITLES STORED IN  
"ADDITIONAL INFO" FIELD ON RIGHT

1pg1

13-15-00307-CVClkRecV001.pdf - Adobe Acrobat Reader DC

File Edit View Window Help

Home Tools Document 1150 / 1154

Bookmarks

- MAILED
- JUDGMENT NOTICE MAILED
- OTHER ANSWER/RESPONSE
- !OTH:OTHER FILING
- !OTH:OTHER FILING
- !OTH:OTHER FILING
- !OTH:OTHER FILING
- !OTH:OTHER FILING
- MTN:OTHER MOTION
- NTC:OTHER NOTICE
- OTHER ANSWER/RESPONSE
- OTHER FILING
- OTHER FILING
- OTHER FILING
- !ORD:OTHER ORDER
- NTC:NOTICE OF APPEAL

1150

FILED DATE	CATEGORY	DESCRIPTION	ADDITIONAL INFO
3/25/2015	OTHER	!OTH:OTHER FILING	MEMORANDUM OF OPPOSITION TO SUMMARY JUDGMENT FOR DEFENDANT CONTRADICTING EVIDENCE EXHIBITS - TABLE OF CONTENTS
3/25/2015	OTHER	!OTH:OTHER FILING	PLAINTIFF'S MEMORANDUM OF OPPOSITION TO: DEFENDANT DANIEL DAVILA III'S MOTION FOR TRADITIONAL AND NO EVIDENCE SUMMARY JUDGMENT...(EXHIBIT BB)

6:32 PM 7/30/2015



① CLERKS RECORD PDF WITH NON-DESCRIPTIVE TOC BUG ON LEFT  
 and ② DOCKET page with DOCUMENT TITLES STORED IN  
 "ADDITIONAL INFO" FIELD ON RIGHT

13-15-00307-CVClkRecV001.pdf - Adobe Acrobat Reader DC

File Edit View Window Help

Home Tools Document 1151 / 1154

Bookmarks

MAILED

- JUDGMENT NOTICE MAILED
- OTHER ANSWER/RESPONSE
- !OTH:OTHER FILING
- !OTH:OTHER FILING
- !OTH:OTHER FILING
- !OTH:OTHER FILING
- MTN:OTHER MOTION
- NTC:OTHER NOTICE
- OTHER ANSWER/RESPONSE
- OTHER FILING
- OTHER FILING
- OTHER FILING
- !ORD:OTHER ORDER
- NTC:NOTICE OF APPEAL

FILED DATE	CATEGORY	DESCRIPTION	ADDITIONAL INFO
3/25/2015	OTHER	!OTH:OTHER FILING	MEMORANDUM OF OPPOSITION TO SUMMARY JUDGMENT FOR DEFENDANT CONTRADICTING EVIDENCE EXHIBITS - TABLE OF CONTENTS
3/25/2015	OTHER	!OTH:OTHER FILING	PLAINTIFF'S MEMORANDUM OF OPPOSITION TO: DEFENDANT DANIEL DAVILA III'S MOTION FOR TRADITIONAL AND NO EVIDENCE SUMMARY JUDGMENT...(EXHIBIT BB)
3/25/2015	OTHER	!OTH:OTHER FILING	PLAINTIFF'S MEMORANDUM OF OPPOSITION TO: DEFENDANT DANIEL DAVILA III'S MOTION FOR TRADITIONAL AND NO EVIDENCE SUMMARY JUDGMENT...(EXHIBITS CC - II)
4/7/2015	MOTION	MTN:OTHER MOTION	PLAINTIFFS MOTION TO VACATE DEFENDANTS SUMMARY JUDGMENT ORDER OBTAINED WITH A FRAUDULENT AND PREJURING MOTION
5/8/2015	NOTICE	NTC:OTHER NOTICE	NOTICE OF HEARING
5/22/2015	ANS-RESP	OTHER ANSWER/RESPONSE	DEFENDANT DANIEL DAVILA, III'S RESPONSE AND OBJECTIONS TO "PLAINTIFF'S MOTION TO VACATE DEFENDANT'S SUMMARY JUDGMENT ORDER OBTAINED WITH A FRAUDULENT AND PERJURING MOTION"
5/28/2015	OTHER	OTHER FILING	LETTER-ALAN L HAMILTON (WITH ORDER FORWARDED TO CLERK OF THE 353RD

8.50 x 11.00 in

7:20 PM 7/30/2015



② INDEX PAGE WITH 2 IDENTICAL CATEGORY FIELDS  
BUT NO DOCUMENT TITLES (ADDITIONAL INFO FIELD)

P3

13-15-00307-CVClkRecV001.pdf - Adobe Acrobat Reader DC

File Edit View Window Help

Home Tools Document

3 / 1154

Bookmarks

MAILED

- JUDGMENT NOTICE MAILED
- OTHER ANSWER/RESPONSE
- !OTH:OTHER FILING
- !OTH:OTHER FILING
- !OTH:OTHER FILING
- !OTH:OTHER FILING
- MTN:OTHER MOTION
- NTC:OTHER NOTICE
- OTHER ANSWER/RESPONSE
- OTHER FILING
- OTHER FILING
- OTHER FILING
- !ORD:OTHER ORDER
- NTC:NOTICE OF APPEAL

① ECHOS  
BUG IN  
NON-DESCRIPTIVE  
TOC BUG  
ON LEFT

FILED DATE	DOCUMENT DESCRIPTION	DOCUMENT CATEGORY	PAGE
3/16/2015	OBJECTIONS	OBJECTIONS	653-708
3/17/2015	JUDGMENT NOTICE MAILED	JUDGMENT NOTICE MAILED	709-709
3/17/2015	JUDGMENT NOTICE MAILED	JUDGMENT NOTICE MAILED	710-710
3/25/2015	OTHER ANSWER/RESPONSE	OTHER ANSWER/RESPONSE	711-727
3/25/2015	!OTH:OTHER FILING	!OTH:OTHER FILING	728-783
3/25/2015	!OTH:OTHER FILING	!OTH:OTHER FILING	784-803
3/25/2015	!OTH:OTHER FILING	!OTH:OTHER FILING	804-842
3/25/2015	!OTH:OTHER FILING	!OTH:OTHER FILING	843-983
4/7/2015	MTN:OTHER MOTION	MTN:OTHER MOTION	984-1004
5/8/2015	NTC:OTHER NOTICE	NTC:OTHER NOTICE	1005-1007
5/22/2015	OTHER ANSWER/RESPONSE	OTHER ANSWER/RESPONSE	1008-1115
5/28/2015	OTHER FILING	OTHER FILING	1116-1120
5/29/2015	OTHER FILING	OTHER FILING	1121-1124
5/29/2015	OTHER FILING	OTHER FILING	1125-1130
6/3/2015	!ORD:OTHER ORDER	!ORD:OTHER ORDER	1131-1132
6/5/2015	NTC:NOTICE OF APPEAL	NTC:NOTICE OF APPEAL	1133-1134
6/5/2015	OTHER FILING	OTHER FILING	1135-1136
6/9/2015	OTHER FILING	OTHER FILING	1137-1137
7/2/2015	DESIGNATION CLERKS RECORD	DESIGNATION CLERKS RECORD	1138-1145
7/7/2015	OTHER FILING	OTHER FILING	1146-1147
	Court Docket Record	Docket Record	1148-1152
	Court Cost Record	Bill of Cost	1153-1153

3

6:50 PM  
7/30/2015

# Exhibit C



TEXAS supreme court order 13-9165

page 1

"Bookmarks" occurrence #1 screenshot

The screenshot shows a Windows desktop with two windows open. On the left is a 'Search' window, and on the right is a 'Texas Supreme Court Order-13-9165-descriptive bookmarks req in electronic records.pdf' window in Adobe Acrobat Reader DC.

**Search Window:**

- Looking For: **book in the current document**
- Results: **1 document(s) with 4 instance(s)**
- New Search
- Results:
  - C:\U... \Texas Supreme Court Order-13-9165-
    - p# 18 **tain bookmarks** to assist in locating
    - use **bookmarks** to link each document d
    - electronic **bookmarks** to mark the first p
    - create **bookmarks** to mark the first page
- ☒ Collapse file paths
- [Show Fewer Options](#)
- [Find a word in the current document](#)

**PDF Window:**

- File Edit View Window Help
- Home Tools Document
- 18 / 67
- (g) *Contents of Cover.* A document's front cover, if any, must contain the case style, the case number, the title of the document being filed, the name of the party filing the document, and the name, mailing address, telephone number, fax number, if any, email address, and State Bar of Texas identification number of the lead counsel for the filing party. If a party requests oral argument in the court of appeals, the request must appear on the front cover of that party's first brief.
- (h) *Appendix and Original Proceeding Record.* A paper appendix may be bound either with the document to which it is related or separately. If separately bound, the appendix must comply with paragraph (f). A paper record in an original proceeding or a paper appendix should must be tabbed and indexed. An electronically filed record in an original proceeding or an electronically filed appendix that includes more than one item must contain bookmarks to assist in locating each item.
- (i) *Length.*
  - (1) *Contents Included and Excluded.* In calculating the length of a document, every word and every part of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of jurisdiction, statement of procedural history, signature, proof of service, certification, certificate of compliance, and appendix.
  - (2) *Maximum Length.* The documents listed below must not exceed the following limits:

A blue circle with an asterisk is drawn around the word 'bookmarks' in the underlined text of paragraph (h).



document description bookmarks  
MUST LINK TO beginning of docs  
(1st pg of doc)

Texas Supreme Court order 13-9165

page 2

"Book MARKS" occurrence #2 screenshot (contains "descript" also)

Search

Arrange Windows

Looking For:  
book in the current document

Results:  
1 document(s) with 4 instance(s)

New Search

Results:

- C:\U...\Texas Supreme Court Order-13-9165- contain **bookmarks** to assist in locating
- p# 36 **bookmarks** to link each document d
- electronic **bookmarks** to mark the first p
- create **bookmarks** to mark the first page

☒ Collapse file paths

Show Fewer Options

Find a word in the current document

Texas Supreme Court Order-13-9165-descriptive bookmarks req in electronic records.pdf - Adobe Acrobat Reader DC

File Edit View Window Help

Home Tools Document

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Sign In

Name of clerk preparing the clerk's record: \_\_\_\_\_

(i) prepare and include after the front cover of the clerk's record a detailed table of contents identifying each document in the entire record (including sealed documents), the date each document was filed, and, except for sealed documents, the page on which each document begins. The table of contents must be double-spaced and conform to the order in which documents appear in the clerk's record, rather than in alphabetical order. If the clerk's record consists of multiple volumes, the table of contents must indicate the page on which each volume begins. If the clerk's record is filed in electronic form, the clerk must use bookmarks to link each document description in the table of contents, except descriptions of sealed documents, to the page on which each document begins; and

(j) conclude the clerk's record with a certificate in substantially the following form:

The State of Texas )  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, Clerk of the \_\_\_\_\_ Court of \_\_\_\_\_ County, Texas do hereby certify that the documents contained in this record to which this certification is attached are all of the documents specified by Texas Rule of Appellate Procedure 34.5(a) and all other documents timely requested by a party to this proceeding under Texas Rule of Appellate Procedure 34.5(b).

GIVEN UNDER MY HAND AND SEAL at my office in \_\_\_\_\_, County, Texas this \_\_\_\_ day of \_\_\_\_\_.



Texas Supreme Court order 13 - 9165  
"Bookmarks" occurrence #3 screenshot

page 3

Search

Arrange Windows

Looking For:  
**book in the current document**

Results:  
**1 document(s) with 4 instance(s)**

New Search

Results:

- C:\U...\Texas Supreme Court Order-13-9165-
  - contain **bookmarks** to assist in locating
  - use **bookmarks** to link each document d
  - p# 37 tronic **bookmarks** to mark the first p
  - create **bookmarks** to mark the first page

☒ Collapse file paths

[Show Fewer Options](#)

[Find a word in the current document](#)

Texas Supreme Court Order-13-9165-descriptive bookmarks req in electronic records.pdf - Adobe Acrobat Reader DC

File Edit View Window Help

Home Tools Document

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Sign In

### 1.2. Filing an Electronic Clerk's Record.

Unless the clerk receives permission from the appellate court to file the record in paper form, the clerk must file the record electronically. When filing a clerk's record in electronic form, the trial court clerk must:

- (a) file each computer file in text-searchable Portable Document Format (PDF);
- (b) create electronic **bookmarks** to mark the first page of each document in the clerk's record;
- (c) limit the size of each computer file to 100 MB or less, if possible;
- (d) directly convert, rather than scan, the record to PDF, if possible;
- (e) comply with the Technology Standards set by the Judicial Committee on Information Technology;
- (f) include the following elements in the computer file name, exemplified as CR (01 of 02).pdf:
  - (1) "CR";



TEXAS Supreme Court ORDER - 13-9165  
BOOKMARKS occurrence #4 screenshot

page 4

Search

Arrange Windows

Looking For:  
**book in the current document**

Results:  
**1 document(s) with 4 instance(s)**

New Search

Results:

- C:\U...\Texas Supreme Court Order-13-9165-
  - contain **bookmarks** to assist in locating
  - use **bookmarks** to link each document d
  - electronic **bookmarks** to mark the first p
  - p# 39 te **bookmarks** to mark the first page

☒ Collapse file paths

Show Fewer Options

Find a word in the current document

Texas Supreme Court Order-13-9165-descriptive bookmarks req in electronic records.pdf - Adobe Acrobat Reader DC

File Edit View Window Help

Home Tools Document

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Sign In

(b) If proceedings were recorded stenographically, the court reporter or recorder must file the reporter's record in an electronic format via the Texas Appeals Management and E-filing System (TAMES) web portal and in accordance with Section 8 of the Uniform Format Manual for Texas Reporters' Records, the court's local rules, and any guidelines posted on the appellate court's website.

(c) If the record is filed in electronic format, the court reporter or recorder must include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise appear.

(d) A court reporter or recorder must not lock any document that is part of the record.

(e) In exhibit volumes, the court reporter or recorder must create **bookmarks** to mark the first page of each exhibit document.

Tx. Supreme Court Misc. Dkt. No. 13-9165

Court of Criminal Appeals Misc. Dkt. No. 13-003

35

12:29 PM  
8/24/2015





## Technology Standards v1.3

<b>Incorrect/Incomplete Information</b>	Please resubmit using the correct <ul style="list-style-type: none"> <li>• Cause number</li> <li>• Case Type</li> <li>• Case Category</li> <li>• Filing Code</li> <li>• Party Names on document(s)</li> </ul>	
<b>Incorrect Formatting</b>	Please resubmit the document <ul style="list-style-type: none"> <li>• By rotating the document so that the file mark will appear in the upper right corner</li> <li>• <u>In text searchable PDF</u></li> <li>• <u>Directly converted to PDF if possible</u></li> <li>• <u>With a 300dpi resolution</u></li> <li>• With a page size of 8.5"x11"</li> <li>• With no embedded fonts</li> </ul>	TRCP 21 (f)(8)
<b>PDF Documents Combined</b>	You have submitted multiple documents for filing in a single PDF. The file-mark will only appear on documents submitted as lead documents. Please file all lead documents as separate PDF documents.	
<b>Illegible/Unreadable</b>	Please resubmit in a format that is legible.	
<b>Sensitive Data</b>	Please resubmit in five (5) business days with all sensitive data redacted: <ul style="list-style-type: none"> <li>• DL, SSN, Passport Number, Tax ID Number, Government Issued ID Number</li> </ul>	TRCP 21c (a-f)  NOTE: Family Code §102.008 and



ie TAKE THE TIFF OUT!  
 (TIFF = scan resolution technology (OLD) & HARD TO READ)





page 6  
screenshot #6 - 13th COA website "practice Before  
court" rules  
for Bookmarks

## ORIGINAL PROCEEDINGS

If you plan to file an original proceeding, you must demonstrate compliance with Texas Rule of Appellate Procedure 52. The following is a worksheet that may be used to help ensure that documents filed in an original proceeding comply with the appellate rules. See generally Tex. R. App. P. 9, 52. The court appreciates advance notification of filings seeking emergency relief.

### Procedure

**Number of Copies.** If a petition or response is not e-filed, file the original with the clerk. *Id.* R. 9.2(c), 9.3.

**Format.** The petition must comply with the general requirements for appellate filings. *Id.* R. 9.

**Required Form and Contents.** The petition must contain specified information with headings: identity of parties and counsel, table of contents, index of authorities, statement of the case, statement of jurisdiction, issues presented, statement of facts, argument, prayer, and certification. *Id.* R. 52.3.

**Certification.** The person filing the petition must certify that every factual statement in the petition is supported by competent evidence included in the appendix or record. *Id.* R. 52.3.

**Appendix.** The petition must include an appendix containing: (1) a certified or sworn copy of any order complained of, or any other document showing the matter complained of, and (2) unless voluminous or impracticable, the text of any rule, regulation, ordinance, statute or constitutional provision on which the argument is based. *Id.* R. 52.3(k)(1). If the petition is for a writ of habeas corpus, the appendix must include proof of restraint. *Id.* R. 52.3(k)(1)(D).

**Record.** A record must be filed with the petition and must contain: (1) certified or sworn copies of every document that is material to the claim for relief and that was filed in any underlying proceeding, and (2) a court reporter's record of any relevant testimony from any underlying proceeding or a statement that no testimony was adduced in connection with the matter complained of. *Id.* R. 52.7(a).

**Bookmarks.** An electronically filed record or appendix that contains more than one item must contain bookmarks to assist in locating each item. *Id.* R. 9.4(h). A paper record must be tabbed and indexed.

### Emergency Relief

ie. CLERK'S Record

**Petition.** The petition itself must be filed before the court can grant temporary relief. See *In re Ramirez*, 133 S.W.3d 664, 664-65 (Tex. App.—Corpus Christi 2003, orig. proceeding).

**Service.** When seeking emergency relief, the relator must notify or make a diligent effort to notify all parties by "expedited means," such as telephone, facsimile, or email, that a motion for temporary relief has been filed. *Id.* R. 52.10(a). The relator must file a "certificate of compliance" verifying service or attempted service in this manner. *Id.*

**Sua sponte.** The court can grant "any just relief" pending the court's action on the petition on motion or on its own initiative. *Id.* R. 52.10(b).

**Bond.** The court can require a bond as a condition of granting temporary relief. *Id.*



TEXAS Supreme court order 13-9165  
screenshot #7

page 7

#### 1.4. Non-Conforming Records and Supplements.

In the event of a material violation of this rule in the preparation or filing of the clerk's record, on motion of a party or on its own initiative, the appellate court may require the trial court clerk to amend the clerk's record or to prepare a new clerk's record in proper form – and provide it to any party who has previously made a copy of the original, defective clerk's record – at the trial clerk's expense. A supplement to a clerk's record must also be prepared in conformity with this rule.

"MUST" HAVE DESCRIPTIVE BOOKMARKS IN PDFs - NOT THERE (GENERIC) - WRONG FIELD BUG w/ simple fix correct field name. IT'S ABSURD

IF a TEXAS Supreme COURT ORDER saying "MUST" IS NOT "MATERIAL", THEN NOTHING IS "MATERIAL"

#### RULE 2. ELECTRONIC REPORTER'S RECORD.

AND NOTHING "MUST" BE DONE.

IT'S JUST A SIMPLE BUG FIX. WHY IS THIS A BIG DEAL?

- (a) The court reporter or court recorder must prepare and file the reporter's record in accordance with Rules of Appellate Procedure 34.6 and 35 and the Uniform Format Manual for Texas Reporters' Records, and the court's local rules. Even if more than one notice of appeal or request for preparation of the record is filed, the court reporter or court recorder should prepare only one consolidated record in the case.

FOR THE BENEFIT OF ALL. PLEASE?

# Exhibit D



OFFICE OF THE DISTRICT JUDGES  
P. O. Box 1748, Austin, Texas 78767-1748  
(512) 854-9300

October 5, 2015

Alan L. Hamilton  
9902 Childress Dr.  
Austin, TX 78753

Re: Cause No. D-1-GN-12-002777; Alan Hamilton vs. Sylvia Hamilton, In the 200th District  
Court of Travis County, Texas

Dear Counsel:

The Motion to Retain recently filed in the above-referenced cause has been granted. A copy of  
the file stamped order is enclosed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Warren Vavra", is written over the word "Sincerely,".

Warren Vavra  
Court Administrator

WV/LR  
Enclosure(s)

Xc: Ms. Velva Price, Travis County District Clerk  
Sylvia Hamilton, 9008 East Dr., Austin, TX 78753

OCT 19 2015

CAUSE NO. D-1-GN-12-002777

At 9:00 A.M.  
Velva L. Price, District Clerk

ALAN L. HAMILTON

vs.

SYLVIA L. HAMILTON

§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

200th JUDICIAL DISTRICT

**ORDER GRANTING MOTION TO RETAIN**

ON THIS DAY came on for consideration the Plaintiff's Motion to Retain Case on docket and the Court is of the opinion that said motion should be granted.

Accordingly, IT IS HEREBY, ORDERED, ADJUDGED and DECREED that Plaintiff's Motion to Retain be, and is in all things GRANTED.

SIGNED this 15<sup>th</sup> day of October, 2015.

Lara J. Swington  
JUDGE PRESIDING



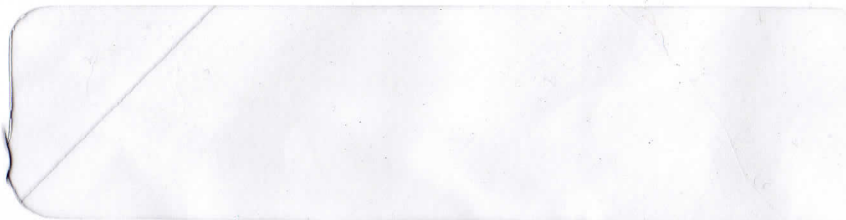
**Office of the District Judges**  
**Heman Marion Sweatt Courthouse**  
P. O. Box 1748  
Austin, Texas 78767



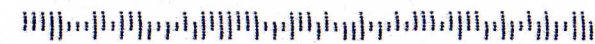
U.S. POSTAGE  PITNEY BOWES



ZIP 78701 \$ 000.48<sup>5</sup>  
02 4W  
0000334691 OCT 22 2015



7875384332 0003



# Exhibit E



Marjorie Miller &lt;marjiemiller@gmail.com&gt;

---

**Notice(s): 13-15-00307-CV**

1 message

**coa13noticingservice@txcourts.gov** <coa13noticingservice@txcourts.gov>

Thu, Oct 15, 2015 at 6:03 PM

To: AlanHamilton@probaitcourt.com

You have received notice(s) for the following case(s):

13-15-00307-CV

TC #D-1-GN-13-001230

Alan L. Hamilton, Individually and as Successor Trustee of the Hamilton Family Trust, and as Independent Executor of the Estate of Maurine P. Hamilton v. Daniel Davila, III

## Files

v15307 JUDGMENT Hamilton v. Davila.pdf

MEM OPINION ISSD\_FILECOPYY.pdf

V15307 Hamilton pc.pdf

Thank you,  
Dorian E. Ramirez, Clerk  
13th Court of Appeals

Do not reply to this message. If you have questions, please contact the Court at [\(361\) 888-0416](tel:3618880416).

---

**3 attachments****v15307 JUDGMENT Hamilton v. Davila.pdf**

35K

**MEM OPINION ISSD\_FILECOPYY.pdf**

96K

**V15307 Hamilton pc.pdf**

101K

# Exhibit F



# Victory Medical

---

7/24/2015

**RE: HAMILTON, ALAN DOB: 7/7/1946**

To Whom It May Concern:

Alan Hamilton is under my care and has medical issues I am currently trying to stabilize. These conditions including undiagnosed chest pain, bradycardia, carpal tunnel syndrome, and worsening fatigue for unknown reasons.

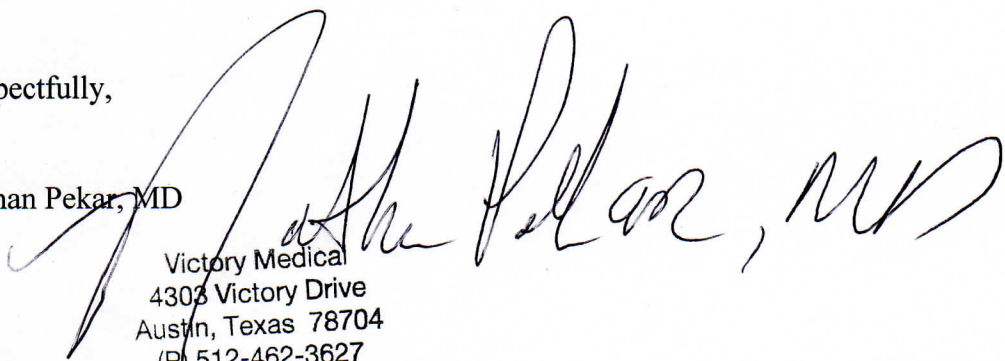
Do to his age and these medical conditions it would be difficult to keep to tight deadlines and he may need extra time to perform tasks due to his medical conditions which limit his energy levels and ability to perform activities (ie: hard to type/write with carpal tunnel syndrome).

As a medical professional, I request the court take these medical conditions when assigning dead-lines and tasks for my patient.

Any consideration shown to this patient is appreciated. Please feel free to contact me if you have any questions.

Respectfully,

Nathan Pekar, MD

  
Victory Medical  
4303 Victory Drive  
Austin, Texas 78704  
(P) 512-462-3627  
(F) 512-462-2898

---

4303 Victory Drive  
Austin, TX 78704

Phone: (512) 462-3627  
FAX: (512) 462-2898  
[www.victorymed.com](http://www.victorymed.com)

3003 Bee Caves Road  
Austin, TX 78746



ID:

DOB: 7/7/1946 (69 yr)

Gender: Male

Name: Hamilton, Alan

Comments:

7/24/2015 9:15:00 PM

sinus rhythm (slow)

Normal ECG

P/PR:

114/144 ms

QRS:

96 ms

QT/QTc:

428/413 ms

P/QRS/T Axis:

76/70/40 deg

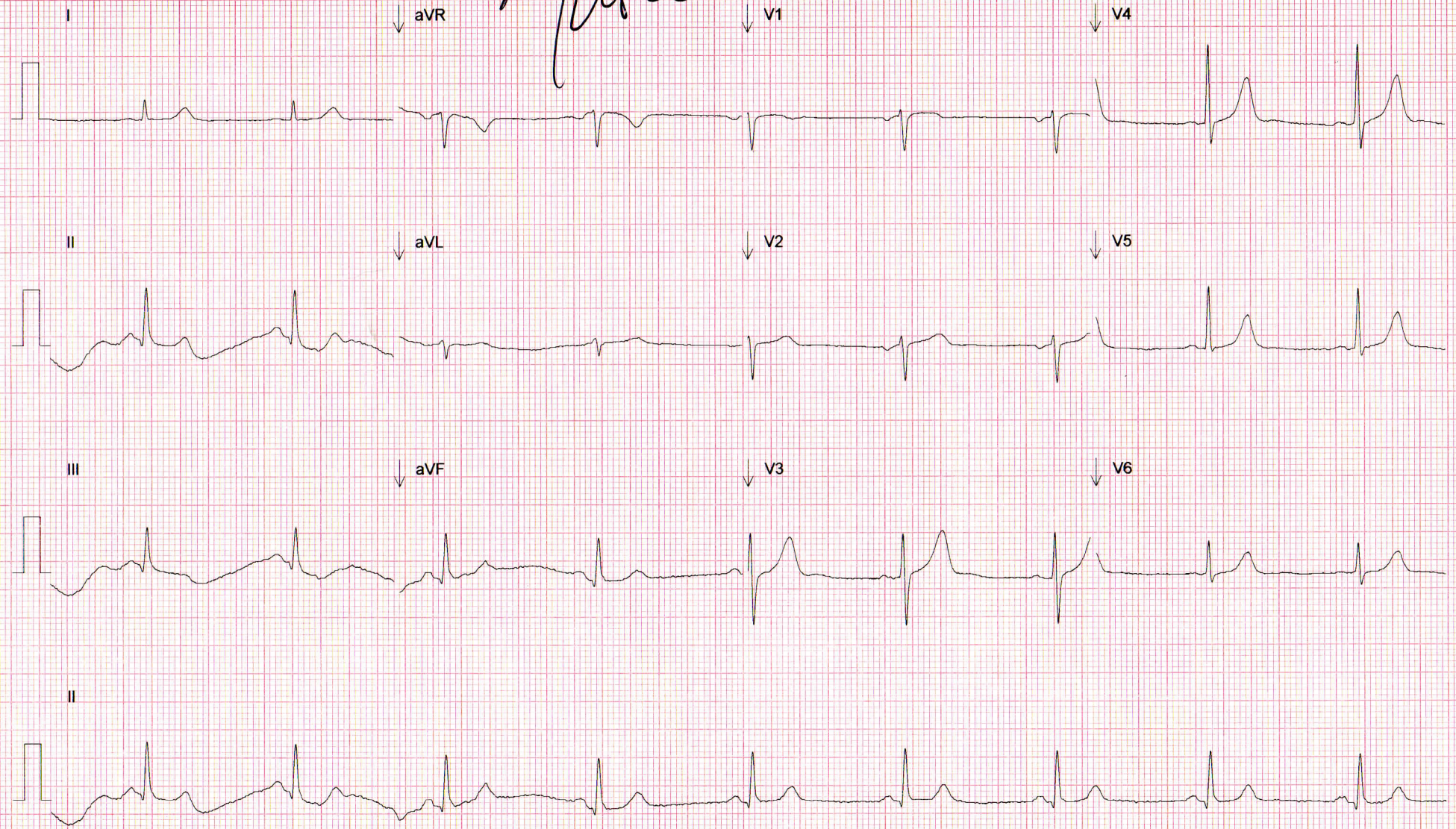
Heart Rate:

56 BPM

Unconfirmed Report

*BRADY CARDIA*

*[Signature]*





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## WELCOME TO: AUSTIN HAND GROUP

Ira G. Lown, MD, FACS | Crystal Bell, MSN FNP-C | Lisa L. Howard, OTR | Gilda Tirado, MOT, OTR  
*Hand Surgery Austin | Occupational Therapy | Minimally Invasive Procedures*

Austin Hand Group is a resource for comprehensive treatment of the hand and wrist, including consultations, diagnostics, treatment, surgery and hand therapy. We are a private physician practice consisting of a fellowship trained hand surgeon, a nurse practitioner and two occupational hand therapists. Austin Hand Group specializes in the treatment of hand and wrist pain, trauma, chronic hand conditions and minimally invasive procedures. Minimally invasive procedures include Endoscopic Carpal Tunnel Release and Endoscopic Cubital Tunnel Release in addition to minimally invasive office procedures such as percutaneous trigger finger release. Our practice provides in-house digital imaging, digital communications with major local imaging facilities, electronic medical records and billing, as well as online and verbal communication with all major insurance carriers for benefits and eligibility services. Our highly, well trained, friendly support staff can assist you with benefits, eligibility, and financial estimates of visits, procedures and surgeries. Utilizing our combined experience in the treatment of hands and wrists, Austin Hand Group aims to meet the quality and cost objectives for patients in an evolving healthcare industry.



Ira G. Lown MD, FACS

Austin Hand Surgery: Austin Hand Group | phone: 512.327.4263 | fax: 512.327.4265 | 3345 Bee Cave Rd Suite 101 Austin, TX 78746 | [austinhandgroup@austinhandgroup.com](mailto:austinhandgroup@austinhandgroup.com)



# Carpal Tunnel Syndrome

## What is carpal tunnel syndrome?

Carpal tunnel syndrome is a common, painful disorder of the wrist and hand.

## How does it occur?

Carpal tunnel syndrome is caused by pressure on the median nerve in your wrist. People who use their hands and wrists repeatedly in the same way (for example, illustrators, carpenters, and assembly-line workers) tend to develop carpal tunnel syndrome.

Pressure on the nerve may also be caused by a fracture or other injury, which may cause inflammation and swelling. In addition, pressure may be caused by inflammation and swelling associated with arthritis, diabetes, and hypothyroidism. Carpal tunnel syndrome can also occur during pregnancy.

## What are the symptoms?

The symptoms include:

- pain, numbness, or tingling in your hand and wrist, especially in the thumb and index and middle fingers; pain may radiate up into the forearm
- increased pain with increased use of your hand, such as when you are driving or reading the newspaper

- increased pain at night
- weak grip and tendency to drop objects held in the hand
- sensitivity to cold
- muscle deterioration especially in the thumb (in later stages).

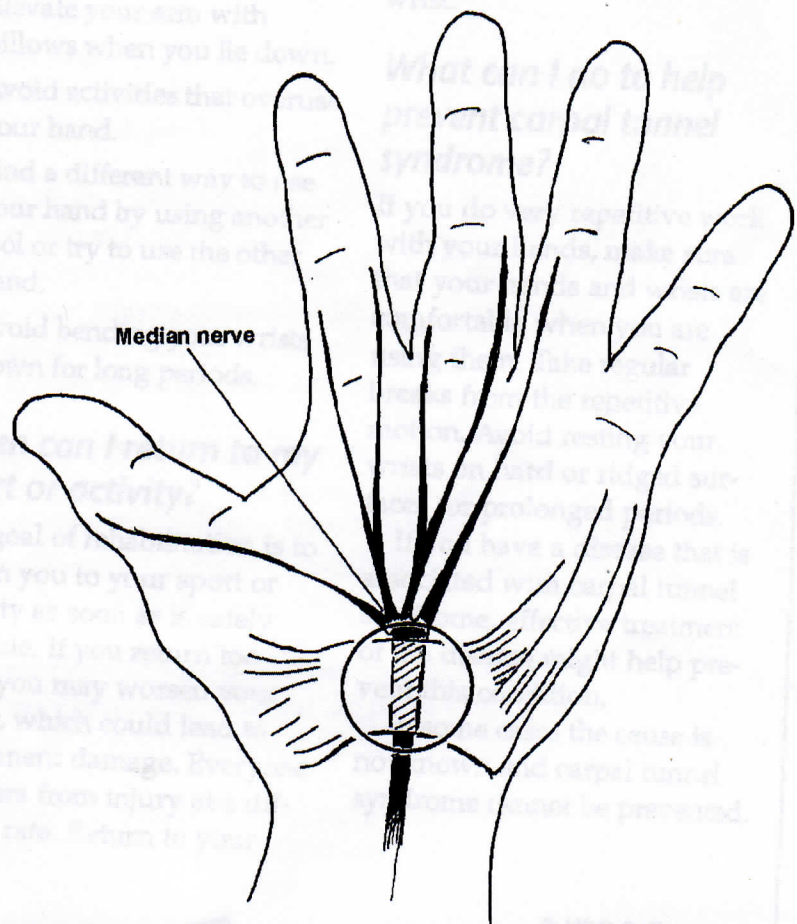
## How is it diagnosed?

Your doctor will review your symptoms, examine you, and discuss the ways you use your

hands. He or she may also do the following tests:

- The doctor may tap the inside middle of your wrist over the median nerve. You may feel pain or a sensation like an electric shock.
- You may be asked to bend your wrist down for one minute to see if this causes symptoms.
- The doctor may arrange to test the response of your

## Carpal Tunnel Syndrome





## Carpal Tunnel Syndrome

nerves and muscles to electrical stimulation.

### How is it treated?

If you have a disease that is causing carpal tunnel syndrome (such as rheumatoid arthritis), treatment of the disease may relieve your symptoms. Other treatment focuses on relieving irritation and pressure on the nerve in your wrist. To relieve pressure your doctor may suggest:

- restricting use of your hand or changing the way you use it
- wearing a wrist splint during sleep and physical activity involving the wrist
- exercises.

Your doctor may prescribe a cortisonelike medicine or a nonsteroidal anti-inflammatory medicine, such as ibuprofen. Your doctor may recommend an injection of a cortisonelike medicine into the carpal tunnel area. In some cases surgery may be necessary.

### How long will the effects last?

How long the symptoms of carpal tunnel syndrome last depends on the cause and your response to treatment. Sometimes the symptoms disappear without any treatment, or they may be relieved by

nonsurgical treatment. Surgery may be necessary to relieve the symptoms if they do not respond to treatment or they get worse. Surgery usually relieves the symptoms, especially if there is no permanent damage to the nerve.

Symptoms of carpal tunnel syndrome that occur during pregnancy usually disappear following delivery.

### How can I take care of myself?

Follow your doctor's recommendations. Also try the following:

- Elevate your arm with pillows when you lie down.
- Avoid activities that overuse your hand.
- Find a different way to use your hand by using another tool or try to use the other hand.
- Avoid bending your wrists down for long periods.

### When can I return to my sport or activity?

The goal of rehabilitation is to return you to your sport or activity as soon as is safely possible. If you return too soon you may worsen your injury, which could lead to permanent damage. Everyone recovers from injury at a different rate. Return to your

sport will be determined by how soon your wrist recovers, not by how many days or weeks it has been since your injury occurred. In general, the longer you have symptoms before you start treatment, the longer it will take to get better.

You may return to your sport or activity when you are able to painlessly grip objects like a tennis racquet, bat, golf club, or bicycle handlebars. In sports such as gymnastics, it is important that you can bear weight on your wrist without pain. You must have full range of motion and strength of your wrist.

### What can I do to help prevent carpal tunnel syndrome?

If you do very repetitive work with your hands, make sure that your hands and wrists are comfortable when you are using them. Take regular breaks from the repetitive motion. Avoid resting your wrists on hard or ridged surfaces for prolonged periods.

If you have a disease that is associated with carpal tunnel syndrome, effective treatment of the disease might help prevent this condition.

In some cases the cause is not known and carpal tunnel syndrome cannot be prevented.

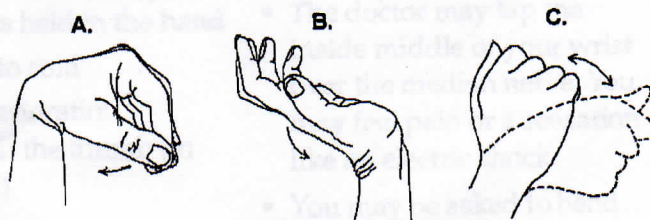


## Carpal Tunnel Rehabilitation Exercises

You may do all of these exercises right away.

### 1. Active range of motion

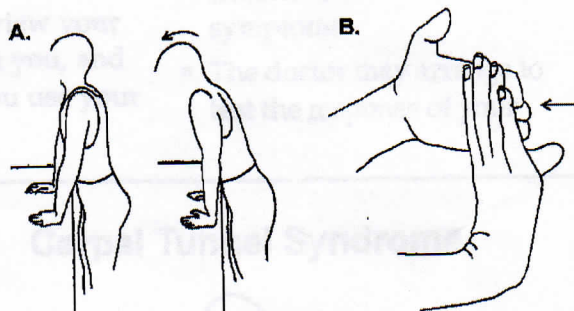
- Flexion:** Gently bend your wrist forward. Hold for 5 seconds. Repeat 10 times. Do 3 sets.
- Extension:** Gently bend your wrist backward. Hold this position 5 seconds. Repeat 10 times. Do 3 sets.
- Side to side:** Gently move your wrist from side to side (a handshake motion). Hold for 5 seconds at each end. Repeat 10 times. Do 3 sets.



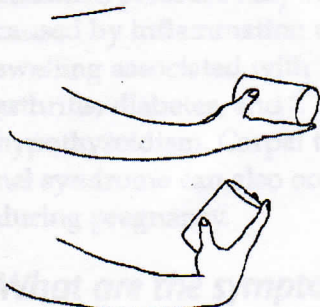
Active range of motion

### 2. Stretching

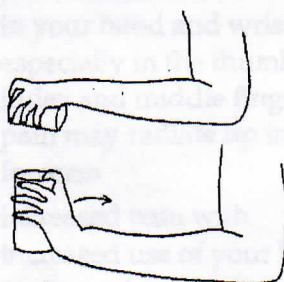
- Place both palms on a desk or table. Gently lean your body forward over your wrists and hold for 15–30 seconds. Repeat 3 times.
- With your uninjured hand, help to bend the injured wrist down by pressing the back of your hand and holding it down for 15 to 30 seconds. Next, stretch the hand back by pressing the fingers in a backward direction and holding it for 15 to 30 seconds. Do this twice.



Stretching



Wrist flexion



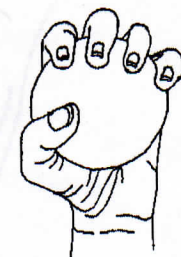
Wrist extension

- Tendon glides:** Start with the fingers of your injured hand held out straight. Gently bend the middle joint of your fingers down toward your upper palm. Hold for 5 seconds. Repeat 10 times. Do 3 sets.



Tendon glides

- Wrist flexion:** Hold a can or hammer handle with your palm up. Bend your wrist upward. Hold this position for 5 seconds. Repeat 10 times. Do 3 sets. Gradually increase the weight of the object you are holding.
- Wrist extension:** Holding a can or similar object with the palm down, bend the wrist up. Hold this position for 5 seconds. Repeat 10 times. Do 3 sets.
- Grip strengthening:** Squeeze a rubber ball and hold for 5 seconds. Repeat 10 times.



Grip strengthening

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# Exhibit G

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## Bradycardia | Slow Heart Rate

Share 1 Like 97 9 280 Updated: Apr 29, 2015

### Bradycardia = too slow

A [heart rate](#) of less than 60 beats per minute (BPM) in adults is called bradycardia. What's too slow for you may depend on your age and physical condition.

- Physically active adults often have a resting heart rate slower than 60 BPM but it doesn't cause problems.
- Your heart rate may fall below 60 BPM during deep sleep.
- Elderly people are more prone to problems with a slow heart rate.

[View an animation of bradycardia.](#)

### Causes of bradycardia

- Problems with the sinoatrial (SA) node, sometimes called the heart's natural pacemaker
- Problems in the conduction pathways of the heart (electrical impulses are not conducted from the atria to the ventricles)
- Metabolic problems such as hypothyroidism
- Damage to the heart from heart attack or heart disease

### Symptoms of bradycardia

A heart rhythm that's too slow can cause insufficient blood flow to the brain with symptoms such as:

- Fatigue
- Dizziness
- Lightheadedness
- Fainting or near-fainting spells
- In extreme cases, cardiac arrest may occur.

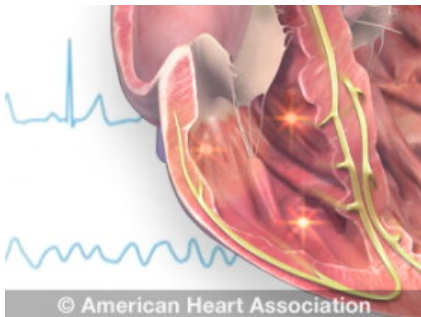
### Complications of bradycardia

Severe, prolonged untreated bradycardia can cause:

- Heart failure
- [Syncope](#) (loss of consciousness; fainting)
- Angina pectoris (chest pain)
- High blood pressure

### Treatment of the underlying medical cause

- Not usually needed except with prolonged or repeated symptoms
- Can usually be corrected with an [artificial pacemaker](#) to speed up the heart rhythm as needed
- Medication may be adjusted.



### Arrhythmia

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This content was last reviewed on 10/23/2014.



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7272 Greenville Ave.  
Dallas, TX 75231

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