

CAUSE NO. 11-09-18,927-CV

IN THE MATTER OF
THE ESTATE OF

MARIUM JEANETTE OSCAR,
DECEASED

MARSHA GILBERT AND
JOHN GILBERT,
PLAINTIFFS

V.

JOHN C. PASCHALL, DEFENDANT

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IN THE DISTRICT COURT

82ND JUDICIAL DISTRICT

ROBERTSON COUNTY, TEXAS

SETTING REQUEST-CIVIL

TYPE OF HEARING REQUESTED: *MOTION FOR GAG ORDER AND FOR SANCTIONS*

ESTIMATED AMOUNT OF TIME NEEDED: *1 HOUR*

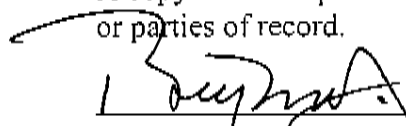
REQUESTING ATTORNEY:

Mr. Bryan F. Russ, Jr.
306 Cedar Street, P.O. Box 909
Hearne, Texas 77859
Telephone: (979) 279-3456
Facsimile: (979) 279-3712

OTHER ATTORNEYS OR PARTIES WHO SHOULD RECEIVE NOTICE:

Mr. Ty Clevenger
1095 Meadow Hill Dr.
Lavon, Texas 75166
Telephone: 979-985-5289
Facsimile: 979-530-9523

A copy of this request has been mailed to all other attorneys or parties of record.



Bryan F. Russ, Jr.
Requesting Attorney

SEND REQUEST TO:

Ms. Marsha Rekieta, Court Coordinator
82ND JUDICIAL DISTRICT
P. O. Box 75
Marlin, Texas 76661
Telephone: (254) 883-1421
Facsimile: (254) 883-1423

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IN THE DISTRICT COURT

82ND JUDICIAL DISTRICT

ROBERTSON COUNTY, TEXAS

DEFENDANT'S MOTION FOR A GAG ORDER AND FOR SANCTIONS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, John C. Paschall, Defendant herein, through his attorney of record and files this Motion for a Gag Order and for Sanctions against Ty Clevenger, the attorney representing the Plaintiffs in the above styled and numbered cause, and would respectfully show and represent unto the Court the following:

1.

This case is the second case wherein Ty Clevenger, as the alleged attorney for the Plaintiffs, has sued John Paschall involving the Estate of Marium Jeanette Oscar. The first suit was ostensibly filed on behalf of Harry Oscar. Harry Oscar's case was terminated by a summary judgment in favor of John C. Paschall. The current litigation is pending and a mandamus application is pending before the Tenth Court of Appeals over the production of documents.

2.

On Sunday, September 30, 2012, counsel learned about certain statements made by Ty Clevenger in a public letter to Facebook followers and internet audiences regarding this litigation.

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NOW COMES, John C. Paschall, Defendant herein, through his attorney of record and files this Motion for a Gag Order and for Sanctions against Ty Clevenger, the attorney representing the Plaintiffs in the above styled and numbered cause, and would respectfully show and represent unto the Court the following:

1.

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2.

On Sunday, September 30, 2012, counsel learned about certain statements made by Ty Clevenger in a public letter to Facebook followers and internet audiences regarding this litigation.

The letter contains references regarding what Mr. Clevenger claims to be compelling evidence that Defendant, John C. Paschall, has "looted" the estate of a ninety-five (95) year old woman. Without question, Mr. Clevenger is discussing the instant case. Additionally, Mr. Clevenger, through this internet letter, has made a direct communication to Mr. Paschall even though Mr. Paschall is represented by counsel. Significantly, Mr. Clevenger tells Mr. Paschall that he does not mind shooting him. A copy of the letter is marked Exhibit "A," attached hereto for all purposes.

3.

The actions of Mr. Clevenger in publishing the "internet letter" is an attempt to litigate the Marium Jeanette Oscar case in the court of public opinion. It is improper for any attorney to discuss evidence compelling or otherwise in a public forum, for it has the affect of compromising the judicial system and bringing disgrace upon the legal system as a whole. Mr. Clevenger, his clients and those acting indirectly with them should be ordered not to discuss over a website, over Facebook or through the publication of "internet letter," any aspect of the Marium Jeanette Oscar case.

4.

The actions of Mr. Clevenger in publishing the internet letter are in violation of at least two (2) disciplinary rules. The first rule is Rule 4.02 whercin a lawyer shall not communicate or cause or encourage another to communicate about the subject of the representation with a person, organization or entity of government, the lawyer knows to be represented by another lawyer regarding that subject.

Mr. Clevenger does not have permission and is not authorized by Mr. Paschall's attorney to discuss, in any form, the Marium Jeanette Oscar case in a public forum regarding the details of the

case. Mr. Clevenger, in his internet letter, directly communicates with Mr. Paschall when he states he does not mind shooting him. Mr. Clevenger is prohibited from communicating directly with Mr. Paschall under Rule 4.02 of the Texas Disciplinary Rule.

5.

The actions of Mr. Clevenger in telling the public in his internet letter that he does not mind shooting Mr. Paschall is a violation of Disciplinary Rule 8.04 regarding misconduct. In publicizing his willingness to shoot Mr. Paschall, who is the duly elected County Attorney for Robertson County, Mr. Clevenger has committed a criminal act that reflects adversely on the lawyer's honest, trustworthiness or fitness as a lawyer in all respects.

6.

As a result of the foregoing, Mr. Clevenger should be ordered not to discuss, in any public fashion, directly or indirectly, the Marium Jeanette Oscar case. Additionally, Mr. Clevenger should be sanctioned by this Court for violating the Rules of Professional Conduct as set forth herein.

WHEREFORE, PREMISES CONSIDERED, Movant prays that after notice and hearing that this motion be, in all things, granted and sanctions be issued against Mr. Clevenger.

Respectfully submitted,

PALMOS, RUSS, McCULLOUGH & RUSS, L.L.P.
306 Cedar St. (P.O. Box 909)
Heame, Texas 77859
Telephone: (979) 279-3456
Fax: (979) 279-3712

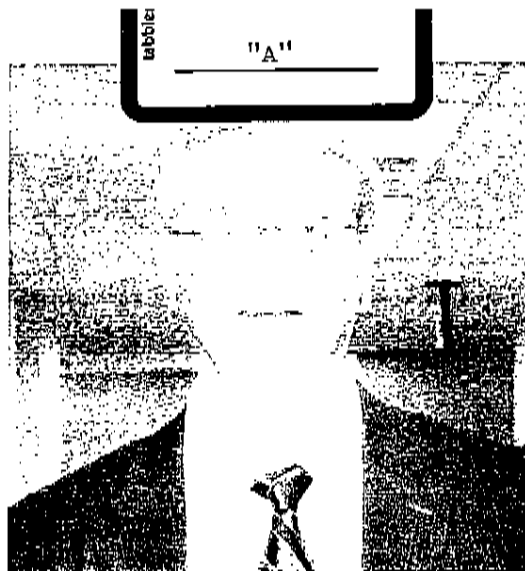
By: _____
BRYAN F. RUSS, JR.
SBOT # 17405010

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2012, I caused a true copy of the foregoing, *Defendant's Motion for a Gag Order and for Sanctions*, to be served upon all counsel of record through the method described next to each recipient's name, as follows:

Mr. Ty Clevenger 1095 Meadow Hill Dr. Lavon, Texas 75166 Telephone: 979-985-5289 Facsimile: 979-530-9523	<input type="checkbox"/> Courier Receipt Delivery <input checked="" type="checkbox"/> Facsimile Transmission <input checked="" type="checkbox"/> CMRRR <input type="checkbox"/> First Class Mail <input type="checkbox"/> Hand Delivery
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BRYAN F. RUSS, JR.



John C. Paschall, Robertson County District Attorney

John Paschall was the inspiration for the corrupt prosecutor in *American Violet*, but he probably should have been one of the characters on the *Dukes of Hazard*. Paschall is a short-tempered, red-faced drunk who also happens to be the district attorney of Robertson County, Texas (known locally as "Booger County").

My name is Ty Clevenger, I'm an attorney, and I've had the misfortune of dealing with John Paschall for the last five years. Between now and the November election, I'm going to upload legal documents and court records, as well as links to newspaper stories and television reports, and the rest of the world is going to see just how much damage this bumbling, racist redneck is causing to innocent people.

I have information that could do more than cost Paschall an election - it could send him to prison. And I plan to help him get there. As you'll see over the next few weeks, there's compelling evidence that Paschall looted the estate of a 95-year-old woman, interfered in a murder investigation to protect his brother-in-law (and threatened the investigating detective), targeted innocent people for arrest, regularly referred to black people as "niggers," and generally acted like a white trash alcoholic.

In 1987, following his first term as district attorney, a grand jury indicted Paschall for stealing money from the county hot check fund, which his office administered. Chuck Rosenthal (who later served as district attorney in Houston) was appointed special prosecutor. The case never went to trial, but it was never dismissed, either. In other words, Paschall has served five terms as district attorney while under indictment for a felony related to the misuse of his office. Go figure.

Paschall's ex-wife recently told me that Paschall had himself a crying spell back in 1987, and he admitted to her that he had taken the money. According to one of my sources in the courthouse, the case file disappeared after Paschall returned to office in 1992. Fortunately, the district clerk still had a copy of the indictment, so I've decided to share it with the whole world (click [here](#)).

How did Paschall keep getting reelected? For most of his political career, nobody ran against him. After he was arrested for being drunk and belligerent at a Houston Texans football game in 2005, nobody ran against him. Even after *American Violet* (based on Regina Kelly's federal civil rights lawsuit against John Paschall) was released in 2008, nobody ran against him.

Why? Because Paschall is the resident "useful idiot" of the Booger County Democratic machine. The biggest local industry in Booger County is public corruption (I'll have more to say about that later), and Paschall is too compromised and incapacitated to threaten anyone else in power. But the machine is facing a major problem. Booger County is gradually trending Republican, and this year Paschall has a Republican opponent, [Coty Siegert](#). Let's just hope that all the decent folks in Booger County can see past party affiliation and put an end to Paschall's reign of terror.

I'm one of Coty's supporters (obviously), but this website is all mine. Coty said he wanted to run a positive campaign against Paschall, and I respect that, but I'm going to call a skunk a skunk. I'll be posting new material over the next few weeks. If you want to know when it hits, you can subscribe to the [Facebook page](#) or follow [LawFlog.com](#). If you want to post anonymous comments, you can do that at LawFlog (beneath the Facebook comments). If you have tips, send them my way. Especially if they pertain to the murder of Charles Workman. Yes, I plan to write about that, too.

P.S. Paschall, I haven't forgotten about that threat you made at the courthouse back in May. Please don't try that. It's not that I mind shooting you, but I really don't want to deal with another grand jury investigation.

UPDATE [Oct. 1, 2012]:

Since this site was launched, some of Paschall's family members have been spending a lot of time on Facebook, calling names, making threats, and generally acting like white trash (if you want an example, read the comments beneath this link). I am not a homosexual, but what difference would that make to the Paschall family? Are they going to put on their white sheets and burn a cross in my yard? The issue is whether John Paschall is a corrupt DA, and that remains true whether I am a homosexual, a Rangers fan, or an ax murderer.