

AFFIDAVIT

My name is Joyce Rattler, I am greater than 18 years of age and competent to testify, and I do testify as follows based on my own personal knowledge and under penalty of perjury, as witnessed by my signature below:

1. I am a member of the Hearne City Council, and I was elected to the city council in May of 2014 along with council members Hazel Embra and Lashunda White. We are three of the four relators in *In re Milton Johnson, et al.*, Case No. 10-14-00341-CV, Tenth Court of Appeals of Texas, and hereinafter I will refer to the three of us as the "Relators."
2. The Hearne City Council has five members, plus the mayor, who serves as the presiding officer. Prior to our election, the mayor did not vote in council meetings unless there was a tie. After our election, when we began opposing some of the initiatives of Hearne City Attorney Bryan F. "Rusty" Russ, Jr., Mr. Russ advised Mayor Ruben Gomez to start voting in order to create a 3-3 deadlock on the council.
3. On or about August 1, 2014, various citizens of Hearne presented a petition to recall council member Maxine Vaughn, but she, Mayor Gomez and council member Michael Werlinger repeatedly blocked the Relators' efforts to schedule a recall election.
4. On or about August 19, 2014, the Hearne Citizens Oversight Committee sued the City of Hearne in Cause No. 14-08-19,607, 82nd District Court of Robertson County. The plaintiffs asked the district court to order the City of Hearne to schedule a recall election for Councilwoman Vaughn.
5. On or about October 17, 2014, Mr. Russ filed an answer in the foregoing case, and he asserted a counter-claim on behalf of the City of Hearne. Mr. Russ did not consult with the Hearne City Council before filing the answer and counter-claim, and he did not obtain the council's approval to answer or file the counter-claim.
6. On or about November 17, 2014, Mr. Russ and his son, Bryan F. "Trey" Russ, III, filed an amended counter-claim in Cause No. 14-08-19,607, purportedly on behalf of the Hearne City Council. Neither of the Russes consulted with the Hearne City Council before filing the counter-claim, and neither of them obtained the council's approval to file it.
7. On or about November 18, 2014, Mr. Russ and his son, Bryan F. "Trey" Russ, III, filed an amended counter-claim in Cause No. 14-08-19,607, purportedly on behalf of the Hearne City Council. Neither of the Russes consulted with the Hearne City Council before filing the counter-claim, and neither of them obtained the council's approval to file it.
8. After filing the answer and counter-claims Cause No. 14-08-19,607, the Russes sought payment from the City of Hearne for their unauthorized services in that case.

9. I can only conclude that the Russes filed the answer and the counter-claims without seeking the council's approval because they knew that any such request would be denied on a 3-3 vote. Likewise, I can only conclude that the Russes are pursuing the unauthorized claims because Rusty Russ wants to preserve his job as city attorney. That is so because the Relators have publicly stated their intention to terminate Mr. Russ as city attorney if they gain a working majority on the city council, *i.e.*, if Councilwoman Vaughn is recalled.

10. Exhibit 8 is a true and correct copy of a statement that was signed by the Relators and distributed at special meeting of the Hearne City Council on December 19, 2014. Hazel Embra attempted to read the statement publicly at the meeting, but Mayor Gomez prevented her from reading it aloud.

11. Through our attorney and our own direct statements, the Relators have repeatedly warned the Russes that they are acting without authority in Cause No. 14-08-19,607 and contrary to the official position of the City of Hearne. Nonetheless, the Russes will not cease and desist.

THE AFFIANT SAYS NOTHING FURTHER.



Joyce Rattler

VERIFICATION

On this 22nd day of December, 2014, Joyce Rattler appeared before me and attested under oath that the foregoing affidavit was true and correct, based on her own personal knowledge, as witnessed by my signature and seal below.



NOTARY PUBLIC

