

1950 04 12 11 12

§

327

20

20

20

22

35

2

23

3

27

2. 2

25

35

AMENDED AFFIDAVIT OF LAMAR D. TREADWELL, II

3

202

22

- BRISTOL, CONN., SEPTEMBER 18, 1890.

4. "Certain additional matters have come to light since I made this Affidavit, and for which some corrections or clarifications are necessary so that no one is misled.

5. "The said Estate case is about 10 years of alleged fiduciary fraud. *Second Amended Complaint* in that case, filed by my Client, Bob Denison, is 72 pages in length. During recent discovery, attorney Isaac Castro, who represents himself, as well as the Estate's Executor and former Trustee, John Denison, and the *Hamlin National Bank* is alleged to have committed subornation of perjury in connection with his defense of the case. John Denison is alleged to have committed perjury, as well as *Consolidated Abstract Co., Inc.'s* former Escrow Officer, Stacy Meador Godfrey. Isaac Castro, John Denison and *Hamlin Bank* are alleged to have committed fraud by non-disclosure and conspiracy with each other to commit other torts, particularly arising out of John Denison's breaches of fiduciary duties.

6. "After taking the deposition of T. Boone Pickens attorney in fact, Ron Bassett, in Dallas, Texas on June 23, 2008 I believed that *Consolidated Abstract's* President, Dorothy Dickerson, committed perjury.

7. "On June 16, 2008 I had taken the deposition of Stacey Meador Godfrey, *Consolidated Abstract Co.'s* the former Escrow Officer. As we broke for lunch during this deposition, Ms. Dickerson stormed into the room waving a piece of paper saying, 'You owe me, when are you going to pay,' or words to that effect, as best I can recall. After storming into the deposition room, Ms. Dickerson threw her bill across the table at me, as I was standing on the opposite side packing up my two briefcases. I reached for the paper and saw that it was a bill made by her, for copies made of *Consolidated Abstract Co.'s* file of the sale of Estate ranch lands from John Denison to T. Boone Pickens, at a time when a *Notice of Lis pendens* was filed of record. A controversy arose in the lawsuit, that *Consolidated Abstract Co.* had unlawfully 'insured around' the *Lis pendens* in order for T. Boone Pickens to be able to obtain a Title Commitment. I engaged Ms. Dickerson in a conversation to the effect that it is was apparent to me that she had not been truthful at her deposition and had not provided me with all her records. I told her that her charge for her attorney, her son-in-law, being at the deposition was not proper. Also, I related to her that her failure to comply with the discovery requests made in her deposition would result in my bringing the matter up in a motion to Court. Isaac

Castro then told me that, since Ms. Dickerson was represented by counsel I could not talk to her. In my previous Affidavit I was mistaken as to Paul Radich being there, as he had attended the other depositions, and there were other lawyers attending that day. I finished packing my briefcases and with them in hand walked around the conference table to exit the room. Ms. Dickerson was at the side of the door with Mr. Castro standing behind her. It is my recollection that around this time Ms. Dickerson announced that she had been sued, and I replied, 'not by my clients.' As I approached the door, Ms. Dickerson shoved me with both of her hands as I went through the door. Mr. Castro said that was 'unnecessary' or 'totally uncalled for,' or some words to that effect. Ms. Dickerson followed me out into the hall saying she was calling the Sheriff, to which I responded 'go ahead,' as I believed the people who had not exited the deposition for lunch could have seen what occurred. We continued the deposition after lunch in the Commissioner's Room, without incident.

8. "Subsequent pleadings filed by me in the Estate case alleged discovery abuse, including by perjury involving Ms. Dickerson and her Escrow Officer, Stacy Meador Godfrey. Ms. Godfrey testified that she had a cousin who served as a County Commissioner, and that were 'several of us here,' meaning other relatives that I took to mean she had close-by relatives, as they would recognize her and raise their hands to knowing her when her name was mentioned in *voir dire*. It was understood from the context of Ms. Godfrey's deposition that her relatives lived in Stonewall County, where the lawsuit is pending.

9. "Ms. Dickerson's *Consolidated Abstract Co.*'s office is in the Stonewall County Courthouse. Mr. Castro is running for a State Representative position, and his photograph is in the District Clerk's office. I have noted in a pleading filed in the Estate case, on or about June 25, 2008 that since Ms. Dickerson was sued the atmosphere in the Courthouse had turned 'chilly.'

10. "On or about July 7, or 8, 2008 T. Boone Pickens was added as a third party defendant to the lawsuit in Dallas, that also named Mr. Castro, *Hamlin National Bank*, and Ms. Dickerson's *Consolidated Abstract Co.* as Defendants wherein some type of collusion allegedly occurred to cause a bank forced sale of the Estate ranch land at public auction, resulting in John Denison deeding the land to T. Boone Pickens. The factual

matter of a willful and unlawful insuring around a defect in the title was coming into the light. For around 11 years my Client had been in litigation, for which I had been the attorney of record for only the last few years. One purpose of the ongoing Estate litigation was to bring the land, John Denison had deeded to himself, back into the Estate under a constructive trust for the purpose of satisfying Bob Denison's damages.

11. "As circumstances were coming to light about the transaction between John Denison and T. Boone Pickens, I was scheduled for a status conference in the Estate case on July 14, 2008 in the Stonewall County Courthouse. As I approached the entrance to the Courthouse, the Stonewall County Sheriff arrested me on charge of assault. Sheriff Bill Mullins was apologetic, very polite and courteous to me.

12. "While I was being booked in, the Sheriff told me and Ben Garcia that he had conducted no investigation of the charges against me, as I had asked him about seeing a copy of the charges or complaint, and who had filed it, if not him.

13. "During this time Mike English came into the Jail to read me the Magistrate's Warning, to inform me of my rights, and to set my bond at \$4,000. It was then that I learned the County Attorney, Melissa Morgan, was charging me with allegedly assaulting Ms. Dorothy Dickerson back on or about June 16, 2008. When I signed the Magistrate's Waiver there was a message written at the bottom left hand corner, to the effect that I was being ordered by the County Attorney (as it was explained to me) to not talk to or be around any place where Ms. Dickerson was. I took this to mean that I could not enter the Courthouse, as Ms. Dickerson's office was there and she frequently was seen in the hallways and various other offices. I complained to the Magistrate that this directive would restrict my participation in the case for my clients, and that Ms. Dickerson was a witness.

14. "After being held in custody for approximately two hours, I was released to attend the District Court status conference, which had been scheduled for 9:30 AM before visiting Judge Weldon Kirk. As I entered the Courthouse, Defendant John Denison was standing with DPS Officer, as if they were waiting for me to enter, and both of them looked right me.

15. "During the Status Conference I advised Judge Kirk, as best as I understood the situation, that under the order that was given to me I would be essentially unable to attend

currently scheduled depositions of my clients to occur in the Stonewall County Courthouse. Over my objection that I was under intimidation in the County, Judge Kirk ordered the depositions to take place. It was my intention that the event of my arrest and that the restriction of my access to the Courthouse be recorded by the Court Reporter. I have not checked the record of July 14, 2008 to know for sure that all the conversation between Judge Kirk and me was in fact recorded.

15. "After the Court hearing was over, Belinda Page, the District Clerk handed me an envelope, which I opened. It contained copies of the documents I had signed at the jail. I immediately noticed that the hand written instruction, pertaining to no contact with Ms. Dickerson had been partially covered up with white-out and a stamp of the seal of the Justice of Peace. I advised Ms. Page that the Magistrate's Warning document had been altered from the time I signed it and could she please provide me with a copy of the original. Judge Kirk was standing nearby at this time talking to the other lawyers. Subsequently, before I left the Courthouse, Ben Garcia obtained the original of the document showing it had indeed been altered after I signed it.

16. "I later noticed that Dorothy Dickerson was the complainant against me in the assault charge that was not filed until July 9, 2008, approximately two days after Mr. Pickens was sued as a third party defendant.

16. "Andrews-Kurth represented T. Boone Pickens and some of the subsequent purchasers of the land, as Interveners in the Estate case. Ms. Dickerson's *Consolidated Abstract* is an agent of *Alamo Title Co.*, whom I subsequently learned had retained Andrews-Kurth to essentially *protect Mr. Pickens interests*. Mr. Radich and Mr. Castro have been extremely aggressive against me personally, in the litigation. Based upon the existing animosity towards me, as well as toward my Client, I presume, and would not therefore be surprised if either, Mr. Castro or Mr. Radich are witnesses against me in the assault case. In my prior Affidavit I thought Mr. Radich might be a witness against me if he was present in the room. Due to the presence of a number of other people, and that some had left for lunch already, and from memory Mr. Radich's attendance at other depositions, I was mistaken as to this presence that day, and want to make that clear, at the first opportunity.

17. "Prior to the assault charge being filed, I had accused the Andrews-Kurth law firm, and, by way of implication, *Alamo Title Co.*, of the tort of abuse of process, as a *Lis pendens* arguably creates an absolute bar, as to *pendente lite* purchasers, from intervening in the underlying litigation of which the *Lis pendens* gives notice. Subsequently, Judge Kirk severed and abated the Intervenor from the Estate case after I had pointed out that Andrews-Kurth has been reported to make around 250 million a year in fees, meaning to me that it was an awfully unfair fight for my Client to fight these giants when we should not have do so. For approximately nine months my Client had to expend time, resources and monies to fight the Interveners who had unlawfully interjected themselves into the case for the purpose of upholding title in T. Boone Pickens who, somehow, was able to obtain the Estate ranch land at a price of approximately \$218.00 an acre, at a time that ranches of this kind in the area were worth at least \$1,000 an acre, without calculating any increased value for windmills, of which I understand this Estate land could support a large number (due to the presence of a high ridge or plateau on this land).

18. "If the ten sections of land (9.5 sections, more or less) are returned to the Estate and its Trust, then the land donated by T. Boone Pickens for a cemetery (adjoining this ranch land) will have to be returned, as well. As far as I am aware, I believe County Judge Bobby McGough was involved in this transaction. Early in the Estate litigation, Judge McGough served as the probate judge for the case in which my Client repeatedly contested his rulings, before I was an attorney in the case. The assault charge is pending before Judge McGough.

19. "Previously, John Denison served as a constable for Stonewall County.

20. "Based upon what basic information I have been able to learn about the *Hamlin National Bank*, it appears to me that it is not unreasonable to assume, in the absence of my not having taken the deposition of the Bank's officers, which attempts have repeatedly resulted in Mr. Castro filing protective orders, that this Bank is likely to have a large customer base, as such base is measured in terms of deposits. I previously said approximately 50% but that is only my opinion, as an educated guess based on reported figures. My point in stating this is that, in any jury selection in Stonewall County, a significant amount of the jurors could be expected to be customers of the *Hamlin Bank*.

21. "Mr. Castro maintains a website, which I believe is castrofortexas.com. Anybody can see, from this website, that Castro is running for the legislative seat in District 85, currently held by Joe Heflin. As I understand Mr. Castro has formerly held a number of political jobs in Jones and Stonewall Counties, including County Attorney (Stonewall), assistant District Attorney (Jones), City Attorney (Hamlin), former president of Hamlin Economic Development Corporation, and Trustee of Hamlin Independent School District, with numerous other civic contract and professional associations or representations.

22. "On or about July 30, 2008 I was sued, along with my Client and his wife (a non-party) for a **Temporary Restraining Order**, which was granted, *ex parte* and for a permanent injunction to keep me, my Client and his wife from contacting any of the registered voters of Stonewall County for the purpose of obtaining affidavits for the purpose of transferring venue out of Stonewall County, due to local prejudice. At the status conference hearing, at the time of my arrest, I do believe, and without reading the Court Reporter's record of that day to see if my comments were documented, I told Judge Kirk I would be filing a motion to transfer venue.

23. "Since Mr. Castro is running for office that would include representing the registered voters of Stonewall County, and since Mr. Castro would arguably already be in contact with the registered voters of Stonewall County, requesting their votes, and since I understand that Mr. Castro may be telling others he comes into contact with what I have heard him say himself, which is essentially, 'that the lawsuits against him are frivolous,' I believe it prudent to see what level the local prejudice against the lawsuit, my Client, and myself has reached.

24. "The Texas Legal Directory, as of 2006, represents that Stonewall County has a total population of around 1,402 people.

25. "It is obvious to my Client and me that, given past events, particularly the circumstances of my arrest and the most recently the issuance of a TRO seeking a permanent injunction, calculated to keep me from seeking affidavits to show local prejudice, for the purpose of transferring venue, that Mr. Castro has a large degree of past control in terms of political influence in Stonewall County. Mr. Castro's possible new

status, as an elected State Representative, could cause jurors to curry favor or avoid wrath of retaliation, at least politically speaking:

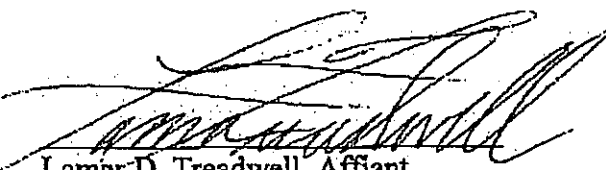
26. "It goes without saying that those Stonewall County registered voters, who are potential jurors, who would disclose that they are depositors of *Hamlin National Bank* and that they would be uncomfortable sitting in judgment of their Bank, would arguably be under the control or influence of the *Hamlin Bank*

27. "This is not all that there is to say about how approximately 11 years of litigation by Bob Denison has affected local thought in Stonewall County, where his brother was a constable, and his lawyer and co-defendant Bank are influential, as we are now unable to ascertain what poison they have interjected into the matter by their obvious ability to contact and influence their local friends, supporters, and depositors.

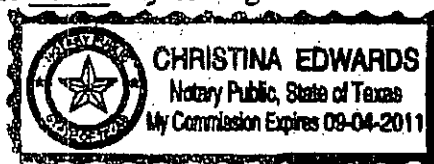
28. "Based upon these circumstances, it is my opinion that an outsider, as my Client is, cannot achieve a fair trial in Stonewall County when that litigant's interests run contrary to any local person of influence.

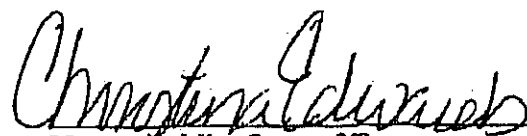
29. "This Affidavit adds to my previous statements made in my July 15, 2008 Affidavit, as new matters have come to light, such as the TRO, of which a copy is attached hereto. And, in reading over my previous Affidavit, prepared in some haste, I have changed some statements for clarity, or that otherwise may have been erroneous, although not intended to be, or were redundant.

30. "The purpose of this Affidavit is to not mislead anyone, as to the details of the facts as I know them, or believe them to be, but to show what has occurred to my Client me, as factually as possible, and which necessarily requires some opinion, that evidences prejudice to achieving a fair trial based upon traditional notions of truth and justice."


Lamar D. Treadwell, Affiant

SUBSCRIBED and SWORN TO before me, as witness my hand and seal of office on this the 6th day of August 2008.




Notary Public, State of Texas