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REPORTER'S RECORD

TRIAL COURT CAUSE NO. 2003-67714

IN THE INTEREST OF)	IN THE DISTRICT COURT OF
)	
BRISA NICOLE GAWLIKOWSKI)	HARRIS COUNTY, TEXAS
)	
A MINOR CHILD)	247TH JUDICIAL DISTRICT
_____)	

REPORTER'S RECORD OF ORAL PROCEEDINGS

On the 2nd day of October 2009,
the following proceedings came on to be heard in
the above-entitled and numbered cause before the
Honorable Bonnie Crane Hellums, Judge presiding,
held in Houston, Harris County, Texas.

Proceedings reported by computer-aided machine
shorthand.

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1 PROCEEDINGS

2 THE COURT: Gawlikowski. What are we doing?

3 MS. BURGOWER: I have my Order. We did two
4 separate ones.

5 THE COURT: Okay.

6 MS. BURGOWER: If you recall the testimony I
7 gave, was that you had made an Order of Deposit that has
8 never been finished by Mr. Gawlikowski.

9 THE COURT: Right.

10 MS. BURGOWER: I've circulated it. Mr. Steffler
11 says he doesn't see anything wrong with it, but he is not
12 authorized to sign it. And I'd ask that it be signed.

13 THE COURT: Okay.

14 MS. BURGOWER: Thank you, Judge.

15 THE COURT: Do you have anything to add?

16 MS. BURGOWER: Was that accurate?

17 MR. STEFFLER: Yes.

18 THE COURT: Okay. What else?

19 MR. STEFFLER: Well, Judge, I'm here for
20 Wally Mahoney. Mr. Mahoney asked me to appear here today
21 for him because he is otherwise engaged in trial in
22 Chambers County in Cause No. 24949, in the 253rd District
23 Court. And he's asked me to request that the Court reset
24 this entry, as he is engaged in trial. And under the Rules
25 of the Judicial District, he has to go to the suburban county

1 before he comes to Harris County.

2 MS. LOVETT: Judge, if we might, we have our
3 Proposed Order. If the Court doesn't have a copy, you'll
4 recall that we were here on Tuesday and the Court decided to
5 impose the sanctions that are the subject of that Order.

6 Mr. Mahoney informed the Court that he would be
7 out today, as long as he had time to review the Order.

8 THE COURT: Right. And did you get it to him?

9 MS. LOVETT: We did get it to him, Judge.
10 And he, actually, Mr. Gawlikowski actually verified a
11 Pleading that has been submitted to the Court, which is the
12 Response to the Findings and Order. I've reviewed that. It
13 was handed to me this morning.

14 The bulk of it is, they're objecting to the fact
15 that the Court has made no such Findings, which, of course,
16 the Court hasn't. We're asking you to do that today.

17 But, for example, just one of the --

18 MR. STEFFLER: Judge, I object. The Response
19 should be to whether or not the Court is going to grant a
20 reset because Mr. Mahoney is in another county.

21 THE COURT: Well, when is Mr. Mahoney planning
22 on coming back?

23 MR. STEFFLER: I don't know, Judge. I haven't
24 asked him that. I can get him on the phone.

25 THE COURT: That would be good.

1 MS. BURGOWER: I would like to make a
2 suggestion, Judge.

3 THE COURT: Yes.

4 MS. BURGOWER: You know what your ruling was.

5 THE COURT: Yeah.

6 MS. BURGOWER: There's a Proposed Order with
7 Findings in front of you. Mr. Gawlikowski's -- I received
8 this morning a Pleading that's not signed by Mr. Mahoney, but
9 I assume that Mr. Mahoney, since it's signed by his client
10 and verified, it's his Response to the Motion.

11 It concerns me that the Pleading here, because
12 it talks about what the Court failed to do, and most
13 attorneys know that findings aren't made in open court.

14 THE COURT: Right.

15 MS. BURGOWER: My suggestion, you've got an
16 Order submitted, you've got Objections and Responses
17 submitted, I don't see why there would be an argument on an
18 entry when it comes to what you find. I don't see any reason
19 why counsel or how counsel can argue about your Findings.

20 So my suggestion is, that you take the Proposed
21 Order and read Responses and you decide what you find. But I
22 did it -- if counsel on any side is going to sit and argue
23 about your Findings is inappropriate, in my opinion, because
24 they're your Findings. And you are not required -- do you
25 mind if I -- this is your Response.

1 MR. STEFFLER: No, I don't mind, but it's in the
2 Court's file.

3 MS. BURGOWER: Just a shortcut.

4 The point I'm trying to make is that, if there
5 was an objection to the Court making Findings, this Court
6 must make Findings.

7 THE COURT: Sure.

8 MS. BURGOWER: And this Court granted a
9 sanction, a fine.

10 THE COURT: Right.

11 MS. BURGOWER: And those have to be done in a
12 certain way or they are meaningless.

13 THE COURT: Right.

14 MS. BURGOWER: So if the objection is, that
15 there are made Findings, you're not going to sustain that
16 type of objection.

17 THE COURT: I'll just take a look at this.

18 MS. BURGOWER: But I don't see how anyone needs
19 to argue.

20 MR. STEFFLER: Well, Judge, I don't have a
21 problem with that. I was sent here to say, Mr. Mahoney is
22 otherwise engaged.

23 THE COURT: Right.

24 MR. STEFFLER: Under the Rules of the
25 District, he has to go to the suburban county first, ask the

1 Court to reset it.

2 Now, if the Court wants to review the Proposed
3 Findings --

4 THE COURT: I will.

5 MR. STEFFLER: -- because that was the argument
6 that I was going to give if the Court required me to go
7 forward for Mr. Mahoney. I was going to argue that the Court
8 didn't make this one, didn't make this one, didn't make this
9 one. I was going to suggest also that Mr. Gawlikowski get a
10 copy of the transcript from that hearing and --

11 MS. BURGOWER: That delay is not necessary and
12 we know it, Judge.

13 THE COURT: Well, I'll tell you what, would you
14 please talk to Mr. Mahoney.

15 MR. STEFFLER: Yes, ma'am.

16 THE COURT: My inclination is to reset for him
17 to watch me sign it on Monday, one way or the other.

18 MR. STEFFLER: If that's the Court's ruling.

19 MS. BURGOWER: Because my problem is, Judge, I
20 keep coming down here without getting paid for arguments that
21 aren't necessary.

22 THE COURT: I know.

23 MS. BURGOWER: And, actually, I'm tired of it,
24 Judge. I can't afford it. This child doesn't need --
25 arguing over an entry over your Findings, I don't see why --

1 with all due respect to both lawyers, they don't need to tell
2 you what you find.

3 THE COURT: You know what, I think you're right.
4 I'm going to go ahead and review what you've submitted and
5 then I will look at the Order and if I need to tweak it or
6 change it, I will.

7 MR. STEFFLER: That's fine, Judge.

8 MS. BURGOWER: Thank you, Judge.

9 THE COURT: Uh-huh.

10 MR. KUEHM: Have a good day.

11 THE COURT: Thanks.

12 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED)

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REPORTER'S CERTIFICATE

1 THE STATE OF TEXAS)

2)
3 COUNTY OF HARRIS)

4 I, Phyllis E. Gonzales, Official Court Reporter in
5 and for the 247th District Court of Harris County, State of
6 Texas, do hereby certify that the above and foregoing
7 contains a true and correct transcription of all portions of
8 evidence and other proceedings requested in writing by
9 counsel for the parties to be included in this volume of the
10 Reporter's Record, in the above-styled and numbered cause,
11 all of which occurred in open court or in chambers and were
12 reported by me.

13 I further certify that this Reporter's Record of the
14 proceedings truly and correctly reflects the exhibits, if
15 any, admitted by the respective parties.

16 I further certify that the total cost for the
17 preparation of this Reporter's Record is \$75.00 and will be
18 paid by Walter P. Mahoney, Jr.

19 WITNESS MY OFFICIAL HAND this the 26th day of
20 February, 2010.

21 Phyllis Gonzales
22 Phyllis E. Gonzales
23 Official Court Reporter CSR #8483
24 Expiration Date: 12\31\10
25 247th District Court, Harris County, Texas
201 Caroline, Houston, Texas 77002