

Cause No. 2003-67714

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

**DAN GAWLIKOWSKI'S SUPPLEMENTAL RESPONSE TO THE FINDINGS AND ORDER ON MOTION TO STRIKE PLEADINGS AND FOR SANCTIONS**

Comes now, Counter-Petitioner, Daniel Gawlikowski, hereinafter referred to as Mr. Gawlikowski, by and through his attorney, Walter P. Mahoney, Jr., and files this Supplemental Response to the "Findings and Order on Motion to Strike Pleadings and for Sanctions" and would respectfully show unto this Court as follows:

I

On September 30, 2009, the attorney for Dan Gawlikowski received the *1<sup>st</sup> draft* from Brandi Sikes' attorney, Mary Olga Lovett that is entitled, "FINDINGS AND ORDER ON MOTION TO STRIKE PLEADINGS AND FOR SANCTIONS." On October 1, 2009, the attorney for Dan Gawlikowski received a *2<sup>nd</sup> draft* from Brandi Sikes' attorney, Mary Olga Lovett that was again entitled, "FINDINGS AND ORDER ON MOTION TO STRIKE PLEADINGS AND FOR SANCTIONS."

Mr. Gawlikowski and his attorney, Walter Mahoney filed their initial Response to Brandi Sikes' *1<sup>st</sup> draft* of "FINDINGS AND ORDER ON MOTION TO STRIKE PLEADINGS

**AND FOR SANCTIONS**” with the Court on October 2, 2009, objecting to the majority of the Findings that Mrs. Sikes’ attorney, Mary Olga Lovett claims are seeking to have the Court find. The *2<sup>nd</sup> draft* of **“FINDINGS AND ORDER ON MOTION TO STRIKE PLEADINGS AND FOR SANCTIONS,”** contains almost the identical findings that Mr. Gawlikowski and his attorney, Walter Mahoney objected to in their *1<sup>st</sup> draft*.

However, in their *2<sup>nd</sup> draft* of **“FINDINGS AND ORDER ON MOTION TO STRIKE PLEADINGS AND FOR SANCTIONS,”** Brandi Sikes and her attorney, Mary Olga Lovett removed the following ORDER that was in the *1<sup>st</sup> draft* of **“FINDINGS AND ORDER ON MOTION TO STRIKE PLEADINGS AND FOR SANCTIONS”** that they were claiming was an ORDER made by this Court that was based on a finding by this Court:

(3) “Dan Gawlikowski is **ORDERED** to participate in court-ordered mediation with a mediator appointed by this Court before filing any further pleadings in this matter”

---

The above Order (3) was **NOT** recited by the Court. Brandi Sikes and her attorney, Mary Olga Lovett removed the above ORDER (3) because Mrs. Sikes and her attorney knew that, much like all of the rest of their findings, the above ORDER (3) was untrue and that this Court **NEVER** represented at any time during the hearing on the Motion to Strike Pleadings held on September 22, 2009, that the above ORDER (3) was a finding or an ORDER of this Court.

Please see the below ORDER (4) that Brandi Sikes' and her attorneys added to the 2<sup>nd</sup> draft of "FINDINGS AND ORDER ON MOTION TO STRIKE PLEADINGS AND FOR SANCTIONS:"

(4) "The Order of this Court regarding school and after-care visits entered in conjunction with the August 28, 2009 Order of Motion for Continuance shall remain in full force and effect until the conclusion of the trial of this cause and the entry of further extending or countermanding orders."

The above ORDER (4) was not in their 1<sup>st</sup> draft of "FINDINGS AND ORDER ON MOTION TO STRIKE PLEADINGS AND FOR SANCTIONS." In fact, the above ORDER was not even a pleading in Brandi Sikes' Motion to Strike Pleadings which was heard on September 22, 2009. Brandi Sikes and her attorneys are trying to add the above ORDER (4) because they realized that it was an interim "band-aid" ORDER that was made by this Court on August 28, 2009, without any pleading, and was only valid until September 29, 2009. Knowing that the interim "band-aid" ORDER is now expired; Brandi Sikes and her attorneys are attempting to find a way to keep the "band-aid" ORDER in force.

Dan Gawlikowski objects to the above ORDER on the basis that it is not accurate and that there was not a recitation made by this Court that the above ORDER was a finding or an ORDER given by this Court during the hearing on the Motion to Strike Pleadings that was heard on September 22, 2009.

Wherefore, premises considered, Dan Gawlikowski prays that this Court deny the Motion to Strike his Pleadings and enter his order assessing sanctions if the Court feels that is appropriate.

Respectfully Submitted,

Mahoney Law Firm

---

Walter P. Mahoney, Jr.  
State Bar No.: 12844600  
6005 Fairmont Parkway, Suite J  
Pasadena, Texas 77505  
(281) 998-9450  
FAX (281) 998-9430  
Attorney for Petitioner



STATE OF TEXAS  
COUNTY OF HARRIS

I, Loren Jackson, District Clerk of Harris County, Texas, certify that  
this is a true and correct copy of the original record filed and or recorded  
in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office this

10/27/09  
LOREN JACKSON, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

Shirley Baker Deputy