

**UNITED STATES DISTRICT COURT  
NORTHER DISTRICT OF TEXAS  
DALLAS DIVISION  
CASE NO. 3:18-cv-00833-D-BN**

<b>STEVE S. GEE, JR.,</b>	§	<b>In a removal from the 422<sup>nd</sup> District</b>
<b>Petitioner</b>	§	<b>Court of Kaufman County, Texas</b>
	§	
	§	
<b>v.</b>	§	<b>State Case No.: 96435-422</b>
<b>STATE OF TEXAS,</b>	§	<b>Styled: In the Matter of the Marriage of</b>
<b>STACEY D. GEE, and</b>	§	<b>Gee, 422<sup>nd</sup> Judicial District Court</b>
<b>ADORA L. LOCKABY,</b>	§	<b>Judge B. Michel Chitty, Presiding</b>
<b>Respondents</b>	§	

**REPLY BRIEF BY STACEY D. GEE  
REGARDING JURISDICTIONAL QUESTION  
And REQUEST FOR REMAND**

**STACEY D. GEE**, Respondent in this matter, (but Petitioner/Plaintiff in original State Court divorce action), files the following reply brief pursuant to the Order Setting Briefing Schedule of April 9, 2018.

**1. Procedural History Overview:**

This divorce action began on November 11, 2016. (See exhibit “A”, Certified Copy of Divorce Petition, Page 2 of Appendix previously filed with clerk of this court) **STEVE S. GEE, JR.** was served on December 21, 2016. **STEVE S. GEE, JR.** subsequently filed an answer within the divorce action in Cause No. 96435-422 on January 9, 2017. (See exhibit “B”, Certified Copy of Original Answer by Steve Gee, Jr., Page 13 of Appendix previously filed with the clerk of this court) Thereafter, **STEVE S. GEE, JR.** appeared for entry of Temporary Orders and subjected himself to the jurisdiction of the state district court.<sup>1</sup> (See exhibit “C”, Certified Copy of

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<sup>1</sup> At the time of filing for Divorce, **STEVE S. GEE, JR.** was a resident of the State of Texas, but moved to Kansas during the pendency of the divorce action.

Temporary Orders, dated February 28, 2017, Page 15 of Appendix previously filed with the clerk of this court) The state trial court made the following findings regarding jurisdictional issues:

***“Jurisdiction***

The Court, after examining the record and the ***agreement*** of the parties and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been legally satisfied and that the Court ***has jurisdiction of this case*** and of all the parties.” *Id.* (emphasis added)

After several delays, a final trial subsequently commenced on October 13, 2017, and was set to resume on April 10, 2018. *See* Exhibit “D”, Certified Copy of Reporter’s Record, Pages 36, 55 of Appendix previously filed with the clerk of the court (Page 20, line 18 and Page 30 line 6, in original transcript) STEVE S. GEE, JR. now complains that the state trial court no longer has jurisdiction and seeks removal to federal court. STACEY D. GEE filed her objections and her Motion to Remand said matter on April 6, 2018. Thereafter, this Court permitted STEVE S. GEE, JR. until May 7, 2018 to (1) file a written response “supported by evidence or facts to establish that federal question jurisdiction exists, including a copy of all process, pleadings, and orders served on him in the state court action” and (2) to file a response to STACEY D. GEE’s Motion for Remand. STEVE S. GEE, JR. filed a response on May 7, 2018, but without the attachments (pleading or orders served on him) as requested by the Court. STACEY D. GEE continues to urge this Court to remand said matter back to the state trial court and tenders this reply brief in support thereof. For clarity and convenience of order, said brief will address the issues as they are raised in the order in which they are addressed by STEVE S. GEE, JR. within his response to STACEY D. GEE’s Motion for Remand dated May 7, 2018.

**2. Movant fails to allege a proper constitutional challenge:**

STEVE S. GEE, JR. raises potential claims and removal pursuant to 28 USC § 1443 by asserting that his removal action constitutes “a direct ‘facial’ constitutional challenge against various repugnant statutes of the State of Texas.” General constitutional challenges are insufficient to warrant removal as alleged by STEVE S. GEE, JR.

To perfect a claim on the basis that a statute is unconstitutional, a claimant must demonstrate how an identified statute or practice is unconstitutional. STEVE S. GEE, JR. fails to explain how the statutory scheme within the State of Texas deprived him, or any other litigant, of their constitutional or due process rights. The records before this Court demonstrate that STEVE S. GEE, JR. was represented by counsel and received due process throughout this divorce action. Specifically, STEVE S. GEE, JR. was served with notice of the divorce decree and afforded the opportunity to file an answer before a final hearing. STEVE S. GEE, JR., after notice and hearing, appeared for a hearing on STACEY D. GEE’s request for Temporary Orders. At the conclusion of said proceedings, STEVE S. GEE, JR., with the advice of counsel, agreed to the entry of orders and conceded the jurisdiction of the trial court. (See exhibit “C”, Certified Copy of Temporary Orders, dated February 28, 2017, Page 15 of Appendix previously filed with the clerk) Thereafter, STEVE S. GEE, JR. appeared for final hearing and failed to object to the jurisdiction of the state trial court. *Id.*; (*see also* Exhibit “B”, Certified Copy of Original Answer by Steve Gee, Jr., Page 13 of Appendix previously filed with the clerk). STEVE S. GEE, JR. has not demonstrated that the trial court has discriminated against him or deprived him of due process. To the contrary, the state trial court simply approved the agreements entered into by STEVE S. GEE, JR. The state trial court has also instructed STEVE S. GEE, JR. that he could file certain motions for relief while encouraging him to comply with the state trial court’s prior

orders. (*See* Exhibit “D”, Certified Copy of Reporter’s Record, Pages 56 of Appendix previously filed with the clerk (Page 21, line 6, in original transcript)).

Potential or hypothetical issues are insufficient to confer federal jurisdiction. STEVE S. GEE, JR.’s allegation that the “Texas Family Court System is wildly unconstitutional” is insufficient to confer jurisdiction. To perfect a claim for removal, STEVE S. GEE, JR. was required to assert a well pleaded complaint which “raise[d] issues of federal law sufficient to support federal question jurisdiction.” *Rodriguez v. Pacificare of Tex., Inc.*, 980 F.2d 1014, 1017 (5th Cir. 1993) No such claims have been raised at the trial court level to explain how his general constitutional rights were violated. No such claims have been clearly identified within his request for removal or subsequent briefing.

The only identifiable argument proffered by STEVE S. GEE, JR. is his claim that state trial courts have no authority to issue orders in domestic custody disputes. *See* STEVE S. GEE, JR.’s responsive briefing, pg. 9-10. However, he asserts no authority for such position. Such a position is contrary to the specific holdings of the Supreme Court which concluded “that the domestic relations exception, as articulated by this Court since *Barber*, divests the federal courts of power to issue divorce, alimony, and child custody decrees,” thereby affirming the ability of state court to issue orders regarding divorce and custody disputes. *Ankenbrandt v. Richards*, 504 U.S. 689 112 S.Ct. 2206, 119 L.Ed.2d 468, 60 U.S.L.W. 4532 (1992).

*Assuming arguendo* that STEVE S. GEE, JR. has asserted a viable constitutional claim, STEVE S. GEE, JR. further fails to explain why he cannot seek relief appellate review within the state court system, such that removal to federal court is necessary. *Georgia v. Rachel*, 384 U.S. 780, 86 S. Ct. 1783 (1966); *Delavigne v. Delavigne*, 530 F. 2d 598, (4<sup>th</sup> Cir. 1976); and *City of Greenwood v. Peacock*, 384 U.S. 808, 86 S.Ct. 1800, 16 L.Ed.2d 944 (1966). STEVE S. GEE,

JR. does cite a litany of cases wherein a parent was deprived of access or possession to their children “without notice.” Those cases are inapplicable to this matter. This is not a termination case. This is a divorce action with an underlying custody dispute. STEVE S. GEE, JR. received due process as he was (1) served with notice of the suit, (2) served with notice of the hearing wherein he agreed to the entry of Temporary Orders, (3) presented by counsel, and (4) afforded the opportunity to file pre-trial motions and pleadings seeking affirmative relief from the trial court. *See also* Exhibit to Husband Petition for Removal, Page 32, “Register of Actions” for state trial court. Assuming that the litany of cases cited by STEVE S. GEE, JR. are relevant, they actually support the proposition that a state court litigant *can* seek relief within the state court appellant system in divorce actions. Because STEVE S. GEE, JR. has failed to state or demonstrate how he was denied due process to support a constitutional claim or why his concerns cannot be addressed through the state appellate system, STACEY D. GEE’s Motion to Remand should be granted.

**3. State Family Court Law Judges are not barred from hearing cases within their jurisdiction:**

STEVE S. GEE, JR. further claims that all state family court judges are precluded from entering child support orders in their “own counties”. (*See* STEVE S. GEE, JR.’s Response to Remand, page 10) STEVE S. GEE, JR. derives his support for said position by referring this Court to Tex. Fam. Code 231.0011(c). Said position directly contradicts the residency requirements for a trial court judge to run for office, but even assuming if said position were true, said allegation does not support removal to a federal district court.

Tex. Fam. Code 231.0011 was enacted to improve collection, reporting, and enforcement actions between local counties and the State of Texas. STEVE S. GEE, JR. fails to explain how an alleged violation of Tex. Fam. Code 231.0011 violated his constitutional rights or gave rise to

a federal claim subject to removal. STEVE S. GEE, JR. was required to assert a well pleaded complaint which “raise[d] issues of federal law sufficient to support federal question jurisdiction” as it related to this issue. See *Rodriguez*. To the contrary, as Tex. Fam. Code 231.0011 is a state statute, any purported violations would be subject to review and enforcement in a state district or appellate court, thereby supporting remand of this cause back to the state district court pursuant to the *Rachel* test. *Georgia v. Rachel*, 384 U.S. 780, 792 (1966).

STEVE S. GEE, JR. seems to further assert that because Title IV-D judges are paid from funds related to said program that this payment represents a conflict of interest. Contrary to STEVE S. GEE, JR.’s assertion, the 422<sup>nd</sup> Judicial District Court is not a Title IV-D created court, but rather a general jurisdiction district court, negating the conflict which STEVE S. GEE, JR. now asserts. Even if this Court were to assume that a conflict did exist, STEVE S. GEE, JR. has still failed to explain why he cannot seek relief appellate review within the state court system or an Administrative Motion for Recusal, such that removal to federal court is necessary. “If a witness or a defendant is not satisfied with the rules or if he thinks they are unfair and unconstitutional, he has a right to test them in the appellate courts ....” *Chamberlain v. State*, 453 S.W.2d 490 (Tex. Crim. App. 1970) General dissatisfaction with the state court system is insufficient to justify removal.

#### **4. No Federal Tort Action is Alleged:**

STEVE S. GEE, JR. also alleges that removal is proper because of his alleged tort claim which provides that the “state family court system *may* already be, or has become, a fully wanton criminal enterprise”. (Husband’s Federal Petition for Removal, page 8). STEVE S. GEE, JR. contends that he is seeking “only to enforce due process, equal and civil rights, true constitutional rights, and other federal right...” *Id.* at 9. “The presence or absence of federal-

question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). No such well pleaded tort claim has been presented by STEVE S. GEE, JR. Again, a *potential or hypothetical* claims, without an explanation of an actual harm or constitutional violation, are insufficient to justify removal. No diversity jurisdiction has been alleged or demonstrated. STEVE S. GEE, JR. cites to several cases which alleged “due process” and notice violations, however, he fails to allege exactly how his rights were violated by the entry of an agreed order or any other orders by the state trial court. (*See* Exhibit “C”, Certified Copy of Temporary Orders, dated February 28, 2017, Page 15 of Appendix previously filed with the clerk). STEVE S. GEE, JR. complains of limited access to the child the subject of this suit, but fails to explain:

- a. how the trial court’s offer to allow the child to contact him constitute a violation of his due process rights;
- b. how any alleged deprivation of access by the trial court or the other parent constitutes a tort action; and/or
- c. why any purported tort claims or constitutional claims cannot be resolved through the state court proceedings or the final hearing offered by the state trial court.

(*See* Exhibit “D”, Certified Copy of Reporter’s Record, Pages 68-71 of Appendix previously filed with the clerk) Ironically, STEVE S. GEE, JR. had an opportunity to address his issues at a final hearing, April 10, 2018, prior to the child turning 18 years of age, and instead, sought a removal which denied *himself* the due process he now seeks through removal to federal court. *Id.* at 68-69.

To further his position, STEVE S. GEE, JR. cites to *Ankenbrandt v. Richards*, 504 U.S. 689 112 S.Ct. 2206, 119 L.Ed.2d 468, 60 U.S.L.W. 4532 (1992). The Supreme Court affirmed the domestic relations exception with *Ankenbrandt* and explained that said exception does apply when the lawsuit does seek a divorce, alimony, or child custody decree. This action is a domestic relations suit which addresses issues including divorce, marital support, and child custody, thereby invoking the specific provisions of *Ankenbrandt*. At the time of his Petition for Removal, the only affirmative relief on file or requested was by STACEY D. GEE. (*See* exhibit “A”, Certified Copy of Divorce Petition, Page 2 of Appendix previously filed with clerk; *see also* Exhibit to Husband Petition for Removal, Page 32, “Register of Actions” for state trial court.) As such, removal is not appropriate for this cause of action based on the domestic relations exception.

#### **5. Removal was not timely:**

Removal of this action was not timely in that said notice was filed more than 30 days after the time the initial pleadings were served on STEVE S. GEE, JR. STEVE S. GEE, JR.’s Notice of Removal was not filed until April 5, 2018. Pursuant to 28 U.S.C. § 1447, said notice is untimely.

“Removal statutes are to be construed strictly against removal and for remand.” *Eastus v. Blue Bell Creameries, L.P.*, 97 F.3d 100, 106 (5th Cir. 1996); *Gasch v. Hartford Acc. & Indent. Co.*, 491 F.3d 278, (5th Cir. 2007). The 30 days for seeking removal begins to toll after a movant party receives a complaint which presents a removable claim. *Smalls v. Smalls*, Civil Action, 4:16cv23 (E.D. Virginia 2016). STEVE S. GEE, JR. contends that he did not have knowledge the ramifications of this suit until his receipt of an email from opposing counsel. However, the records proffered by STACEY D. GEE do not support such a position. STEVE S. GEE, JR. was



aware of this action on February 23, 2017 when he agreed to the Temporary Orders in this cause, on October 13, 2017 when he appeared for final trial, and again on January 30, 2018 when he appeared before the trial court. On January 30, 2018, STEVE S. GEE, JR. raised concerns that the state trial court was denying him access to his child and claimed that STACEY D. GEE was involved in acts of parental alienation. (See exhibit “D”, Certified Copy of Reporter’s Record, Pages 55-56, 59, 68-71 of Appendix previously filed with the clerk) The trial court responded with various explanations to STEVE S. GEE, JR. including:

“Okay. Well we're going to finally try this case I hope in April. And if you'll follow through on what I ordered last October, maybe we can get to that point.” *Id.* at pg. 68.

“And we have discussed that at other hearings, and the evidence has not supported that claim. So you know if you have additional evidence you want to present at the final hearing, you'll have an opportunity to do that.” *Id.* at pg. 70. [after discussion of alienation claims]

“How many times do I have to say this, sir? If your daughter wants to pick up the phone and call you, she can do that. And if she wants to text you, she can do that. I'm not telling her not to do that.” *Id.* at pg. 70.

STEVE S. GEE, JR. acknowledged how his lack of compliance had hindered the case moving forward so that he could assert his claims. *Id.* at pages 48-50, 69. (Mr. Gee: “You’re right, it’s my fault.”) The same “torts” which STEVE S. GEE, JR. alleges for himself or his child were known to him on *and* prior to January 30, 2018. The collection issues and efforts regarding STEVE S. GEE, JR.’s support obligation (child support and marital support) were known to him on *and* before January 30, 2018. *Id.* at pages 64-65. STEVE S. GEE, JR.’s failure to explain an untimely delay justifies remand back to the trial court. *Galke v. McGonigle*, 949 F.2d 399 (C.A.9 (Hawai’i), 1991).

## 6. Removal under 28 U.S.C. § 1443 is Not Authorized in this Litigation

STEVE S. GEE, JR. spends much of his reply brief to arguing that the judiciary and all previous rulings from federal courts requiring “racial equality” as a component of removal under 28 U.S.C. § 1443(1) are wrong and should be disregarded. This line of reasoning has been consistently rejected in a series of cases with similar, if not identical, pleadings as those of STEVE S. GEE, JR.: *Parris v. Parris*, 2017 WL 5184567; Cause No. 4:17-CV-504; E.D. Texas, Sherman Division (November 9, 2017) *Sanders v. Wright*, 2017 WL 3599536; Cause No. 5:17-CV-131; United States District Court, E.D. Texas, Texarkana Division (August 22, 2017); *Parris v. Parris*, 2017 WL 5184567; Cause No. 4:17-CV-504; E.D. Texas, Sherman Division (November 9, 2017); *Janosek v. Gonzalez*, 2017 WL 3474104; Cause No. 2:17-CV-111; S.D. Texas, Corpus Christi Division (August 11, 2017); *Morrow v. McFarling, et al.*, 2017 WL 6452826; Cause No. 4:15-CV-747; E.D. Texas, Sherman Division (December 12, 2017); *McMullen v. Cain*, 2017 WL 4506814; Cause No. 1:17-CV-103; W.D. Texas, Austin Division (June 22, 2017).<sup>2</sup>

The Supreme Court has construed the "equal civil rights" language of 28 U.S.C. § 1443 to be limited to those rights grounded in racial equality and have rejected the basis for removal proffered by STEVE S. GEE, JR. *Delavigne v. Delavigne*, 530 F.2d 598, (4<sup>th</sup> Cir. 1976), *Georgia v. Rachel*, 384 U.S. 780, 792 (1966); *Peltier v. Peltier*, 548 F.2d 1083, 1084 (1st Cir. 1977); *Wilkins v. Rogers*, 581 F.2d 399, 403 (4th Cir. 1978); *Robertson v. Ball*, 534 F.2d 63, 66 (5th Cir. 1976); *Hunt v. Lamb*, 427 F.3d 725, 727 (10th Cir. 2005); *Jimenez v. Wizel*, 644 F. App'x 868, 870 (11th Cir.), *cert. denied*, 137 S. Ct. 203 (2016); *Dunn v. Miller*, No. 16-11817, USDC No. 3:16-CV-3213, (5<sup>th</sup> Cir. 2017), *unpublished opinion*. Broad constitutional claims,

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<sup>2</sup> It should be further noted that STEVE S. GEE, JR.'s pleadings appear to be pleadings recycled from these various causes of action listed herein, all of which have been rejected on the various grounds now raised by STEVE S. GEE, JR.

like those now alleged by STEVE S. GEE, JR., do not satisfy the first prong of the *Rachel* test so as to justify removal. *Kruebbe v. Beevers*, No. 16-30469, 692 Fed.Appx. 173, 175-76 (5th Cir. 2017).

STEVE S. GEE, JR. complains of threats of contempt and claims for Federal Debt Collection Practices Acts violation, without specificity. However, the mere assertion that STEVE S. GEE, JR. *may* have a defensive theory which is rooted in federal law is still insufficient to justify removal. “Even an inevitable federal defense does not provide a basis for removal jurisdiction.” *Bernhard*, 523 F.3d at 551 (citations omitted). Instead, the plaintiff’s state court petition must raise “issues of federal law sufficient to support federal question jurisdiction.” *Rodriguez v. Pacificare of Tex., Inc.*, 980 F.2d 1014, 1017 (5th Cir. 1993) (citation omitted). STEVE S. GEE, JR.’s pleadings in the state court divorce and custody action failed to raise any federal issues such that removal would be required or appropriate.

#### **7. Petition for Removal Constitutes an Impermissible trial amendment:**

As set out in STACEY D. GEE’s Motion for Remand and accompanying appendix, this dispute (1) involves an ongoing state judicial proceeding, (2) an important state interest in the subject matter of the proceeding is implicated, and (3) still affords STEVE S. GEE, JR. an adequate opportunity to raise constitutional challenges within the state court process. As a result, the Court should abstain from exercising jurisdiction. *Wightman v. Tex. Supreme Ct.*, 84 F.3d 188, 189 (5th Cir. 1996).

Within his Notice of Petition for Removal, STEVE S. GEE, JR. attempted to add claims and parties to the original divorce action. He adds Adora L. Lockaby and the State of Texas (and presumably the United States Attorney General) as parties. No claims have been asserted via pleadings by STEVE S. GEE, JR. Adora L. Lockaby is the agreed court appointed counselor for

the child of the marriage, not a party to this suit. (See Exhibit C, Page 15, 20 of Appendix) The State of Texas has never been a named party. Trial commenced on October 13, 2017. (See Exhibit D, Page 55 of Appendix) STEVE S. GEE, JR. has not sought leave from the state district court or federal district court to add the claims or parties for which he now asserts. A party may amend its pleadings only with the opposing party's written consent or leave of the court. In the case at bar, STEVE S. GEE, JR. has failed to seek permission or consent for the requested amendments mid-trial from a party or the trial court.

To the extent that STEVE S. GEE, JR. is seeking to prevent the state court from exercising its authority in the enforcement of its orders mid-trial (as alluded in his claims regarding violation of the Federal Fair Debt Collection Practices Act or any other constitutional violations), this Court would still be without jurisdiction under the *Younger* abstention doctrine. The Fifth Circuit has held that the *Younger* doctrine requires federal courts to abstain where: (1) the dispute involves an "ongoing state judicial proceeding," (2) an important state interest in the subject matter of the proceeding must be implicated, and (3) the state proceedings must afford an adequate opportunity to raise constitutional challenges. See *Wightman*. In seeking to remove a matter to federal court, it is clear that there is an "ongoing state judicial proceeding." As a matter of law, family and child custody issues are important state interests. See *Moore v. Simms*, 442 U.S. 415, 434, 99 S.Ct. 2371, 60 L.Ed.2d 994 (1979) ("Family relations are a traditional area of state concern."); *Jagiella v. Jagiella*, 647 F.2d 561, 564 (5th Cir.1981) To overcome the presumption in favor of abstention, STEVE S. GEE, JR. must show that he had *no opportunity* to litigate the federal issue in state court. *DeSpain v. Johnston*, 731 F.2d 1171, 1178 (5th Cir. 1984). Neither STEVE S. GEE, JR.'s pleadings nor the procedural history set out above demonstrate a denial of STEVE S. GEE, JR.'s rights within the state court process. It is clear that his

motivation is to prevent the state court from making rulings or performing the basic functions of the state judiciary.

### **8. Petition for Removal is Essentially an Appellate Motion**

STEVE S. GEE, JR.'s removal of the state court action is, in essence, an attempt to appeal orders entered below in the state court action. STEVE S. GEE, JR.'s Notice of Removal shows that he filed his removal in an apparent attempt to avoid the entry of a final order and hearing previously scheduled for April 10, 2018 as he removed the case to federal court on April 5, 2018. This Court, however, lacks jurisdiction to hear any appeal of orders by the state court judge. Under the *Rooker–Feldman* doctrine, a federal district court lacks subject matter jurisdiction to review a final state court decision arising out of a judicial proceeding unless a federal statute specifically authorizes such review. *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 486 (1983) (Federal courts lack jurisdiction “over challenges to state court decisions . . . arising out of judicial proceedings even if those challenges allege that the state court’s action was unconstitutional.”); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 414-16 (1923) (holding that federal district courts do not have appellate jurisdiction to reverse or modify judgment of state court).

### **9. Request for Sanctions**

STACEY D. GEE herein re-urges her request for sanctions. This court should impose an appropriate sanction upon STEVE S. GEE, JR. since there was no plausible basis for claiming that this court had jurisdiction on any basis over the causes of action asserted in STEVE S. GEE, JR.'s petition. STEVE S. GEE, JR.'s conspicuous timing of seeking a removal mid-trial, approximately four days prior to trial resuming, constitutes a blatant attempt by STEVE S. GEE, JR. to stall the divorce proceedings. As such, the notice of removal had the purpose and effect of

causing unnecessary delay and a needless increase in the cost of litigation. STEVE S. GEE, JR.'s latest May 7, 2018 pleadings include unnecessary commentaries about the various courts, requests for sanctions, and a request for removal of counsel for STACEY D. GEE. STEVE S. GEE, JR. makes sweeping allegations including criminal charges for "Obstruction of Justice" and false statements before a grand jury. Said pleadings represent personal attacks which are unnecessary in these proceedings and only increase costs for all participants. By its very nature, law is an adversarial process, but it still requires the decorum of the parties to move a case forward.

STACEY D. GEE alleges that an appropriate sanction would include an order to pay the amount of the reasonable expenses incurred by STACEY D. GEE in preparing and presenting this motion, including a reasonable attorney's fee, copy fees (for production of certified exhibits), and costs of court. STACEY D. GEE further moves the Court to order STEVE S. GEE, JR. in this action, to pay to STACEY D. GEE all costs and expenses, including attorney's fees, incurred by STACEY D. GEE as a result of the removal.

#### **10. Prayer**

STACEY D. GEE prays that this Court grant her Motion to Remand.

STACEY D. GEE further prays that this Court deny any and all relief requested by STEVE S. GEE, JR., including his request for Removal, Requests for Sanctions, Request for Judicial Notice, Demand for Jury Trial, and Motion for Hearing.

Respectfully Submitted,  
Cheney, Fernandez & Associates, P.C.

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**CERTIFICATE OF SERVICE**

I certify that on May 21, 2018 a true and correct copy of the above and forgoing was served to each party of record (namely Steve S. Gee Jr.) and each party of interest: Adora Lockaby, the Texas Attorney General (VIA: Robert Maxfield, AAG, Robert.Maxfield@oag.texas.gov), and United States Attorney General. STEVE S. GEE, JR., Adora Lockaby, and the State of Texas were served via electronic service. The United States Attorney General was served via U.S. Mail.

/s/ Brandi H. Fernandez  
Brandi H. Fernandez  
Attorney for Stacey D. Gee

**UPDATED CERTIFICATE OF CONFERNENCE**

On April 5 and 6, 2018, I conferenced or attempted to conference via phone, email, and letter with each party and each party alleged as a party of interest. Adora Lockaby had no objection to the above. I previously provided the same certification to this Court. Since said filing, the Texas Attorney General, by and through her local counsel, Robert Maxfield, has advised they have no objection to the remand requested by STACEY D. GEE.

/s/ Brandi H. Fernandez  
Brandi H. Fernandez  
Attorney for STACEY D. GEE