

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

BRANDON FINCHUM, INDIVIDUAL
Plaintiff

V.

NACOGDOCHES COUNTY
Defendant.

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CIVIL ACTION No. 9:21-CV-285

**PLAINTIFF’S OBJECTIONS TO DEFENDANT’S
MOTION TO COMPEL DEPOSITION OF
ATTORNEY PAUL ANDERSON**

NOW COMES Plaintiff Brandon Finchum, by and through undersigned counsel, and files this Objection to Defendant’s Motion to Compel Deposition of Paul Anderson, and in support thereof, would respectfully show to the Court the following:

I. PROCEDURAL HISTORY

On June 23rd, 2022 Defendant Nacogdoches County filed its Motion to Compel Deposition of Paul Anderson. Paul Anderson is not a party to this lawsuit and, for all intents and purposes, is the attorney of record for Plaintiff Brandon Finchum.

**II. DEFENDANT’S MOTION CONTINUES PATTERN AND
HISTORY OF HARASSMENT**

Defendant’s motion is a continuation of harassment, persecution and provocation by the County of Nacogdoches, to wit:

On December 4th, 2019 the County of Nacogdoches arrested, charged and detained Paul Anderson (for four hours) for a misdemeanor “B” harassment for writing an email to a client and

said she was “full of crap.” These charges were dismissed by an out of county pro tem prosecutor One year and 4 months later. *See attached Exhibit “A”* – State’s Motion to Dismiss, April 25th, 2022.

In March of 2021 Nacogdoches County District Attorney Andrew Jones secretly filed charges on Paul Anderson for barratry with the Texas Attorney General’s Office related to 13 habeas corpus cases filed against Nacogdoches County. 30 days later the Texas Attorney General Criminal Investigation Division dismissed the charges and made a “no probable cause finding.” *See attached Exhibit “B”* - OAG Anderson finding of “No probable cause.”

On January 7th, 2022 Defendant’s attorney Robin O’Donoghue was confronted for alleging that Paul Anderson made false allegations during a meeting with Judge Truncale. *See attached Exhibit “C”* – January 7th, 2021[sic] Letter to Robin O’Donoghue.

During the preceding OAG investigation, approximately 30 days, is the same period of time at least 67 phone calls to attorney Paul Anderson’s inmate clients from the Nacogdoches County jail were recorded. *See attached Exhibit “D”* – List of 67 jail phone calls made to Attorney Paul Anderson. While Anderson was being investigated, Nacogdoches County was listening, monitoring and recording at least 67 phone calls from inmates at the Nacogdoches County jail to attorney Paul Anderson.

During this same period of time, Nacogdoches County court appointed indigent defense attorney Danny Simmons filed a grievance against Paul Anderson. The grievance was dismissed upon evidence that Paul Anderson’s jailed clients were threatened with more jail time if they did not “drop” Paul Anderson as their civil rights attorney. *See attached Exhibit “E”* – Sims’ Affidavit, September 21st, 2021.

On the morning of March 14th, 2022, one or more Nacogdoches County Sheriff’s deputies were observed surveilling Paul Anderson’s residential property. Later that day, Robert Davis was

advised in writing that his clients, specifically Nacogdoches County Sheriff Jason Bridges, was encouraging in staff meetings encouraging intimidating Paul Anderson. *See attached Exhibit "F"* – March 14th, 2022 Letter to Robert Davis and John Fleming. This letter specifically states, "You are both on notice that should any harm, injury, or damages happen to me, my family, my employees, or my property, you will both be held accountable. Further, any stalking, threatening, hostile, menacing or aggressive behavior by any county employee will be exposed publicly and dealt with to the fullest extent of the law. This is the second time I have had to expose misconduct related to ongoing litigation by county employees in writing."

Seven days later, on March 21st, 2022 Robert Davis wrote in an email, "What you are doing amounts to harassment, and I believe stalking. Your behavior is alarming, and I believe at this time that you pose a threat of physical harm to my clients and to Robin and me. My clients do not want to have any contact with you." *See attached Exhibit "G"* – Robert Davis March 21st, 2022 email to Paul Anderson. Neither Robert Davis or Robin O'Donoghue has or can produce one shred or scintilla of evidence that Paul Anderson poses a physical threat, harassment or stalking.

Finally, the arrogance of Nacogdoches County to act with impunity to harass, surveille, coerce and attempt to intimidate Paul Anderson was made criminally clear when Nacogdoches County Sheriff's Office Deputy Jay Smith engaged in witness tampering.

On March 31st, 2022 it was disclosed that Nacogdoches County Sheriff's Office Deputy Jay Smith asked his law enforcement colleague Texas Parks & Wildlife Game Warden Captain Heath Bragg to "dig up dirt" on Paul Anderson. Specifically, "Captain Bragg contacted a former law clerk employee of attorney Paul Anderson and stated he was 'sent' by Nacogdoches County Sheriff's Office Chief Deputy Jay Smith as a part of an "open investigation" into Paul Anderson. Specifically, Captain Bragg wanted to know if, during Mr. Coffey's employment with Paul Anderson, Mr. Coffey had ever witnessed any criminal, unethical, corrupt or immoral conduct by

Paul Anderson. Mr. Coffey stated Captain Bragg wanted to “dig up dirt” on Paul Anderson.” “Mr. Coffey stated that the pretense of an official investigation “smelled fishy” and he believed there was nothing legitimate about Captain Bragg’s “back handed approach to acquire confidential attorney-client information” involving Mr. Coffey’s previous law firm employer.” *See attached Exhibit “H”* – May 31st, 2022 Paul Anderson Affidavit

The above cited and documented incidences are part of a campaign of intimidation, coercion and harassment against attorney Paul Anderson for pursuing law enforcement and civil rights claims and actions against Nacogdoches County Texas. The pursuit of Paul Anderson’s deposition is just a continuation of Nacogdoches County’s history and pattern of conduct of harassment, coercion, and attempted intimidation.

The statement by Robert Davis that “Your behavior is alarming, and I believe at this time that you pose a threat of physical harm to my clients and to Robin and me” (See Exhibit “G”) five days AFTER Nacogdoches County was warned of the very same behavior should be sufficient to deny the Defendant’s motion alone.

In this response, there are eight (8) cited and documented incidences of coercive conduct by Nacogdoches County, Robert Davis and Robin O’Donoghue. Any one of these events alone would be sufficient to seek a protective order against Nacogdoches County, Robert Davis and Robin O’Donoghue prohibiting contact with attorney Paul Anderson.

Brandon Finchum objects to Paul Anderson’s deposition because of the history and pattern of coercive conduct of opposing counsel, the permissively coercive rhetoric of Robert Davis’ and Robin O’Donoghue’s client Nacogdoches County, and the anticipation that the deposition of Paul Anderson is nothing but another attempt to harass attorney Paul Anderson.

III. REQUEST FOR PROTECTIVE ORDER

Pursuant to Federal Rule of Civil Procedure 26(c)(1), the Court “may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” “[T]he burden is upon the party seeking the protective order] to show the necessity of its issuance, which contemplates a particular and specific demonstration of fact as distinguished from stereotyped and conclusory statements.” *In re Terra Int’l*, 134 F3d. 302, 306 (5th Circuit 1998). A protective order is warranted in those situations in which the party seeking it demonstrates good cause and a specific need for protection. *See Landry v Air Line Pilot’s Ass’n*, 901 F2d, 404, 435 (5th Circuit 1990).

IV. ARGUMENT

The United States Court of Appeals for the Fifth Circuit has observed that, “[g]enerally, federal courts have disfavored the practice of taking the deposition of a party’s attorney; instead, the practice should be employed only in limited circumstances.” *Theriot v. Parish of Jefferson*, 185 F.3d 477, 491 (5th Cir. 1999).

A few months after issuing its decision in *Theriot*, the Fifth Circuit further addressed the issue in *Nguyen v. Excel Corp.*, 197 F.3d 200 (5th Cir. 1999), explaining that, “[b]ecause depositions of opposing counsel are disfavored generally and should be permitted in only limited circumstances, one would suspect that a request to depose opposing counsel generally would provide a district court with good cause to issue a protective order.” *Id.* 197 F.3d at 209. The Court of Appeals noted the analysis adopted by the United States Court of Appeals for the Eighth Circuit in *Shelton v. American Motors Corp.*, 805 F.2d 1323 (8th Cir. 1986), forbidding a party from deposing opposing counsel unless (1) no other means exist to obtain the information, (2) the information sought is relevant and non-privileged, and (3) the information is crucial to the preparation of the case. *See Id.* at 208. But the Fifth Circuit in *Nguyen* held only that, in that case, the district court “did not abuse its discretion in authorizing the depositions of defense

counsel, even assuming the applicability of the Shelton inquiry.” *Id.* at 209 (footnote omitted); cf. *Murphy v. Adelpia Recovery Trust*, No. 3:09-mc-105-B, 2009 WL 4755368, at *2 (N.D. Tex. Nov. 3, 2009) (“While the Fifth Circuit has not explicitly adopted Shelton, it has indicated that the same three factors inform a district court’s discretion in determining whether to authorize the deposition of opposing counsel.” (citing *Nguyen*, 197 F.3d at 209)).

Following these decisions, district court decisions in this circuit have noted that “[t]he Federal Rules of Civil Procedure do not specifically prohibit the taking of an opposing counsel’s deposition in a case,” *Nat’l W. Life Ins. Co. v. W. Nat. Life Ins. Co.*, No. A-09-CA-711 LY, 2010 WL 5174366, at *2 (W.D. Tex. Dec. 13, 2010), and that “[t]he Federal Rules of Civil Procedure as well as Fifth Circuit precedent do not expressly prohibit the taking of in-house counsel depositions” and, “[a]lthough several districts within the Fifth Circuit caution about the taking of in-house counsel and/or opposing counsel depositions, there is not an express prohibition thereon,” *Premier Dealer Servs., Inc. v. Duhon*, No. Civ. A. 12-1498, 2013 WL 5720354, at *4 (E.D. La. Oct. 21, 2013); see also *Shaw Grp., Inc. v. Zurich Am. Ins. Co.*, No. Civ. A. 12-257-JJB-RLB, 2014 WL 199626, at *1-*2 (M.D. La. Jan. 15, 2014) (Rule 30 of the Federal Rules of Civil Procedure allows for discovery depositions to be taken of ‘any person.’ Fed. R. Civ. P. 30(a)(1). The Rule itself does not preclude depositions of attorneys. The federal courts, however, disfavor depositions of a party’s attorney and allow them only in limited circumstances. In addition, a deponent need not answer a question in a deposition when necessary to ‘preserve a privilege.’ Fed. R. Civ. P. 30(c)(2)).

District courts in the Fifth Circuit, following *Nguyen*, have applied the three-prong test established by the Eighth Circuit in Shelton to determine circumstances when in-house counsel or other opposing counsel should be subject to being deposed, but “several courts within the

Fifth Circuit have found that when an attorney's role in a case is more akin to a 'mere business advisor,' for a company in an action, he does not constitute 'opposing counsel,' and therefore Shelton factors do not warrant an application." *Premier Dealer Servs., Inc.*, 2013 WL 5720354, at *4; see also *Hall v. La.*, No. Civ. A. 12-657-BAJ-RLB, 2014 WL 1652791, at *4-*5 (M.D. La. Apr. 23, 2014) (applying *Shelton* test). District court decisions in this circuit, following *Shelton* and its progeny, have concluded that "[t]he critical factor in determining whether the Shelton test applies is not the status of the lawyer as 'trial counsel,' but the extent of the lawyer's involvement in the pending litigation" and that, "[i]f the lawyer has knowledge of relevant facts related to the subject matter of the litigation, and is merely advising the client with respect to the lawsuit, Shelton does not apply," but that, "if the lawyer is actively involved in trial preparation, she cannot be deposed unless the Shelton criteria are met." *Murphy*, 2009 WL 4755368, at *3.

Defendant Nacogdoches County does not mention the *Shelton* test anywhere in their Motion to Compel the Deposition of Paul Anderson but are basically asking the Court to apply an additional exception to Shelton's applicability, arguing that, based on Paul Anderson's pre-litigation involvement in matters relevant to this lawsuit. Further, Defendant infers that the Shelton analysis is inapplicable where, if an attorney is a witness of or actor in prelitigation conduct, he may be deposed just like as any other witness. Defendant essentially assert that a party cannot insulate an attorney who has otherwise relevant knowledge from the processes of discovery by having that attorney file an appearance in the pending case.

What is clear under Fifth Circuit law is that depositions of opposing counsel are disfavored generally and should be permitted in only limited circumstances. *McKinney/Pearl Restaurant Partners LP v. CB Richard Ellis Inc, et al*, No. 3:2014-cv-02498; Document 100,

page 13, (N.D. Tex. 2016).

Plaintiff Brandon Finchum reasonably assumes that the Shelton test applies in this jurisdiction and under these circumstances.

Plaintiff Brandon Finchum asks the Court to apply the *Shelton* test here as to the deposition sought of Plaintiff's Attorney Paul Anderson, at the least as a useful standard to implement the Fifth Circuit's general guidance in *Theriot* and *Nguyen* as to protective orders in the particular context of deposing opposing counsel.

Plaintiff Brandon Finchum requests the Court determine that the Fifth Circuit's guidance in those decisions and the *Shelton* test clearly apply to Paul Anderson as Plaintiff's trial counsel.

Nacogdoches County has failed to make the showing required by *Theriot* and *Nguyen* and the *Shelton* test.

Defendant has failed to show that no other means exist to obtain the information that they seek from Paul Anderson's deposition testimony and that such information is crucial to the preparation of their case.

Defendant Nacogdoches County has not shown that it tried and failed to obtain the information from another source such as the oral and video deposition of Plaintiff Brandon Finchum or seeking the actual recording through discovery, which could be an adequate substitute under these particular circumstances for Paul Anderson's testimony.

According to the Federal Rules of Civil Procedure, opposing attorneys may object "when necessary to preserve a privilege." This rule (FRCP 30(c)(2)) provides important protections for the deponent. So, if the Court were to grant Defendant's Motion to Compel the Deposition of attorney Paul Anderson, with few exceptions, every response from attorney Paul Anderson or his counsel would be, "objection, attorney-client privilege." This expectation alone should

compel the Court to ask the Defendant “what is the point of taking Mr. Anderson’s deposition?”

Plaintiff Brandon Finchum asks the Court to require Defendant Nacogdoches County to justify the burden and (taxpayers’) expense of taking a deposition where every response is anticipated to be legitimately objected to on the basis of attorney-client privilege.

In light of the Fifth Circuit’s observations that depositions of opposing counsel are disfavored generally and that one would suspect that a request to depose opposing counsel generally would provide a district court with good cause to issue a protective order, the Court, in its discretion, is asked to rule and determine that Defendant Nacogdoches County has not shown that these are the limited circumstances in which such a deposition should be permitted.

V. CONCLUSION

Nacogdoches County, directly and through its counsel Robert Davis and Robin O’Donoghue, have engaged in a pattern of intimidation, threats, coercion, and oppression against attorney Paul Anderson. The attempt to compel the deposition of Paul Anderson continues this history and pattern of harassing and burdensome conduct.

Nacogdoches County has failed to make the showing required by *Theriot* and *Nguyen* and the *Shelton* test and, even if the Motion to compel the deposition of attorney Paul Anderson were granted, what would be the point? Paul Anderson would be expected to object to every question to preserve attorney-client privilege.

For the reasons explained above, Plaintiff Brandon Finchum asks the Court to DENY Defendant’s Motion to Compel Deposition of Paul Anderson and issue, sua sponte, a protective order prohibiting the taking of attorney Paul Anderson’s deposition.

Respectfully submitted,

PAUL V. ANDERSON

A handwritten signature in black ink, appearing to be 'P. Anderson', written over a horizontal line.

PAUL V. ANDERSON
SBOT No. 24089964
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Nacogdoches, Texas 75961
Phone: (936) 305-5600
Fax: (936) 236-6242
Email: paul@paulandersonlaw.com
ATTORNEY for PLAINTIFF
BRANDON FINCHUM

CAUSE NO. CF2101538

THE STATE OF TEXAS

VS.

PAUL VINCENT ANDERSON JR.

§ COUNTY COURT AT LAW Marie Box
§
§ OF
§
§ NACOGDOCHES COUNTY,
TEXAS

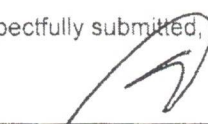
STATE'S MOTION TO DISMISS

Now comes the State of Texas by and through its County Attorney Pro Tem, and, although there being probable cause to arrest Defendant in the above-styled cause, moves the Court to dismiss this case for the following reason(s):

- Probable cause to arrest, but insufficient evidence to sustain a conviction.
- At the request of the complaining witness.
- Failure of complaining witness to appear.
- Defendant paid restitution.
- Co-Defendant pleaded "guilty/no contest" in companion case
- Defendant pleaded "guilty/no contest" in companion case
- Defendant successfully completed the following course(s):
- Defendant pled guilty in class C complaint _____
- Impractical to prosecute due to time elapsed since the case was filed.
- As part of a plea bargain.
- In the interest of justice.
- Other:

Wherefore the State respectfully requests the above-styled cause be dismissed.

Respectfully submitted,



EARL GRAY
COUNTY ATTORNEY PRO TEM
Nacogdoches County, Texas

ORDER OF DISMISSAL

On this date the Court considered the *State's Motion to Dismiss* and finds that said motion should be granted. It is hereby ORDERED that the above-styled cause be dismissed.

SIGNED this the 26th day of April, 2022.



JUDGE PRESIDING



**Office of the Attorney General
Law Enforcement Division**

PO Box 12548
Austin, TX 78711

Incident # **CX7321003116**

Beat	Rpt Dist	Type	Seq
		General Report	1

Crime / Incident (Primary, Secondary, Tertiary) 38.12 PC Barratry/Solicitation of Professional Employment	Attempt	Occurred	Date	Time	Day
	<input type="checkbox"/>	On or From	04/14/2021		Wed
	<input type="checkbox"/>	To	04/14/2021		Wed
	<input type="checkbox"/>	Reported	04/14/2021	08:00	Wed

Location of Incident **101 W MAIN ST, NACOGDOCHES, TX**
 Cross Street _____ County **NACAGD**
 Dispo _____ "V" = Victim "RP" = Reporting Party "W" = Witness "S" = Suspect "O" = Other

<input type="checkbox"/>	Last, First, Middle (Firm if Business)	Race	Sex	Age	HT	WT	Hair	Eyes	Home Phone
Address		DOB	DL Number		State			Work Phone	
City, State, Zip Code		SSN	Local ID #		State #		FBI #		Cell Phone
<input type="checkbox"/>	Last, First, Middle (Firm if Business)	Race	Sex	Age	HT	WT	Hair	Eyes	Home Phone
Address		DOB	DL Number		State			Work Phone	
City, State, Zip Code		SSN	Local ID #		State #		FBI #		Cell Phone
<input type="checkbox"/>	Last, First, Middle (Firm if Business)	Race	Sex	Age	HT	WT	Hair	Eyes	Home Phone
Address		DOB	DL Number		State			Work Phone	
City, State, Zip Code		SSN	Local ID #		State #		FBI #		Cell Phone
<input checked="" type="checkbox"/>	Last, First, Middle (Firm if Business) ANDERSON, PAUL VINCENT	Race	Sex	Age	HT	WT	Hair	Eyes	Home Phone
Address 580 COUNTY ROAD 914		DOB	DL Number		State			Work Phone	
City, State, Zip Code NACOGDOCHES TX 75964		SSN	Local ID #		State #		FBI #		Cell Phone

Synopsis **SGT. STIFFLEMIRE conducted interviews, obtained documents from the State Bar of Texas and case filings from the Nacogdoches District Clerks Office. SGT. STIFFLEMIRE reported his case findings to OAG Criminal Investigation Attorney and OAG Law Enforcement Chain of Command. It was determined that no probable cause was uncovered, and this investigation was not going to be prosecuted by the OAG. Due to these reasons, this case will be closed no further action.**

S O L V A B I L I T Y	Continuation Attached <input type="checkbox"/>	Property List Attached <input type="checkbox"/>	Property Damage \$
	UCR 26	Press Release <input type="checkbox"/>	Domestic Violence Case <input type="checkbox"/>
	Gang Related N	Hate Crime <input type="checkbox"/>	Victim Senior Citizen <input type="checkbox"/>
	Pursuit <input type="checkbox"/>	Force Used <input type="checkbox"/>	Child Abuse <input type="checkbox"/>
	County Code NAC...		Disposition CLSD
	Connecting Case #		
	Report Complete/Ready for Review <input type="checkbox"/>		CAD/CFS Event #
	Assigned To _____ Date _____		

Officer ID Hank Stifflemire, Sgt.	Reviewed By _____	Approved _____	Date _____
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PAUL ANDERSON, PLLC
ATTORNEY AT LAW

601 N. Street | Nacogdoches, TX 75961 | 936.305.5600(o) | 936.236.6242 (fax)

January 7th, 2021

Robin O'Donoghue
Flowers Davis
1021 ESE Loop 323, Suite 200
Tyler Texas 75701

RE: *Demetri Sims v County of Nacogdoches et al*; **9:23-cv-251**; In the United States District Court of Texas; Lufkin Division

Ms. O'Donoghue,

You have not responded to the email I sent to you yesterday regarding the direct communication your client had with my attorney about the Demetri Sims case.

Assistant Nacogdoches County Attorney Stephanie Stephens is represented by you. Being a licensed attorney, she certainly understands the ethics and rules regarding communicating with a person represented by counsel.

On Tuesday, January 4th, 2022, Stephanie Stephens, your client, contacted my attorney Rey Morin by email. Specifically, she wrote, "based on false allegations made by your client in Federal Court . . ." we are recusing ourselves [from prosecuting Anderson's criminal matter].

Ms. Stephens, an attorney and defendant represented by you in the Sims case, made a very serious allegation against me related to the Sims case that allegedly originated with you.

What false allegations do you believe I made to the court?

Your prompt response is expected.

Cordially,



PAUL ANDERSON

CC: Robert S. Davis
Chad Rook

EXHIBIT 'D'
DETAILED LIST OF CALLS TO PAUL ANDERSON 3/8/2021 TO 5/19/2021 (67 CALLS/4 INDIVIDUALS)

Call	Date	Client	Who answered?	ID?	Call Summary	Initials
7-260604	03/08/2021	SPENCER	NOPI	NOPI	PARTY DOES NOT ANSWER	7/21
7-260604	03/08/2021	SPENCER	NOPI	NOPI	PARTY DOES NOT ANSWER	2:59
7-260604	03/08/2021	SPENCER	PAUL	YES, AS ANTWER	DISCUSSED WITH REBECCA AND PAUL REGARDING	3:28
7-260604	03/08/2021	SPENCER	NOPI	NOPI	PARTY DOES NOT ANSWER	3:50
7-260604	03/08/2021	SPENCER	SPENCER	YES, AS PAMAL CAL	SPENCER, PAUL'S COLE HADY SIMMONS	12:06
7-260604	03/08/2021	SPENCER	SPENCER	YES, LAW OFFICE	PAUL, JAMES COLE HADY SIMMONS, DIE SPENCER'S BROTHER IN LAW, AND THE RECALL OF REBECCA WITH A MARGE CHARLES	2:28
7-260604	03/08/2021	SPENCER	NOPI	NOPI	NO FILING/ FILING OFP	4:06
7-260604	03/08/2021	SPENCER	NOPI	YES, AS UNIDENT	DISCUSSED HEARING OFP TO REBECCA AND PAUL WITH S. JAMES KEITH AND DANNY SIMMONS	2:36
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	3:32
7-260604	03/08/2021	SPENCER	NOPI	YES, LAW OFFICE	RE, THE BOMB DISCOUNT, A PAUL, KODI LYNN GARD	1:13
7-260604	03/08/2021	SPENCER	NOPI	NOPI	PARTY DOES NOT ANSWER	2:40
7-260604	03/08/2021	SPENCER	NOPI	NOPI	PARTY DOES NOT ANSWER	2:40
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	7:30
7-260604	03/08/2021	SPENCER	NOPI	NOPI	RECORDING STOP	1:49
7-260604	03/08/2021	SPENCER	NOPI	YES, LAW OFFICE	PAUL IS NOT IN THE OFFICE, ASKING ABOUT THE NOV 15, 2019, OFFICE HEARING, DANNY SIMMONS,	2:56
7-260604	03/08/2021	SPENCER	NOPI	YES, LAW OFFICE	REQUIRE STOP RECORDING ABOUT SIMMONS, COLLECTIVE	3:28
7-260604	03/08/2021	SPENCER	NOPI	NOPI	NO ANSWER OR CONNECTION	2:01
7-260604	03/08/2021	SPENCER	NOPI	NOPI	CALL HELD	2:52
7-260604	03/08/2021	SPENCER	NOPI	NOPI	NO ANSWER OR CONNECTION	2:11
7-260604	03/08/2021	SPENCER	NOPI	NOPI	NO ANSWER OR CONNECTION	2:13
7-260604	03/08/2021	SPENCER	NOPI	NOPI	NO ANSWER OR CONNECTION	1:53
7-260604	03/08/2021	SPENCER	NOPI	NOPI	NO ANSWER OR CONNECTION	1:53
7-260604	03/08/2021	SPENCER	NOPI	NOPI	NO ANSWER OR CONNECTION	2:09
7-260604	03/08/2021	SPENCER	NOPI	NOPI	NO ANSWER OR CONNECTION	1:09
7-260604	03/08/2021	SPENCER	OR THE LEAN	YES, LAW OFFICE	NOPI, WITH DR. THE LEAN ABOUT PAUL REBECCA PULSON PHONE TO TALK ABOUT MEETING WITH	4:06
7-260604	03/08/2021	SPENCER	SABRINA	YES, PAUL ANDERSON LAW	SABRINA, SPEAKS WITH ERIC AND PAUL ABOUT PAUL MEETING HOW AT THE BAR FOR A TIME, ISSUE PAUL CALLS ON PHONE TO TALK ABOUT MEETING WITH	4:24
7-260604	03/08/2021	SPENCER	SPENCER	YES, PAUL ANDERSON LAW	NO RECORDING/ CALL CUTS OFF	1:59
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:30
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:54
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:54
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:44
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:44
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:44
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	3:20
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:03
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	3:00
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:21
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	3:10
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	4:39
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:46
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:45
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:29
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:44
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:40
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:38
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:49
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	5:01
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:22
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:57
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:09
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	7:47
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:49
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:55
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:30
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:49
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:29
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:48
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:29
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:33
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	1:48
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:49
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:30
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:23
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:11
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:54
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:33
7-260604	03/08/2021	SPENCER	NOPI	NOPI	OFFICE ANSWERING MACHINE	2:24

**AFFIDAVIT OF
DEMETRI SIMS**

State of Texas §

County of Nacogdoches §

On this day appeared Demetri Sims, who, under oath, swears and affirms that he has personal information and knowledge of the following:

“On September 8th, 2021 and around 11:00 a.m., I met with my criminal attorney John Heath at the Nacogdoches County Jail about a parole revocation plea agreement. He came to speak to me about a meeting he had with Judge Edwin Klein and District Attorney Andrew Jones.

On October 21st, 2019, I was assaulted by an unidentified uniformed Nacogdoches County employee. Attorney Paul Anderson represents me in my civil complaint for the assault on October 21st, 2019. A video of the assault is publicly available.

Mr. Heath told me that Judge Klein and Andrew Jones said the video was “disrespectful” to law enforcement.

Mr. Heath then told me that if I did not drop Paul Anderson as my civil attorney and take down the video my current offer of an eight year sentence would be extended to ten years.

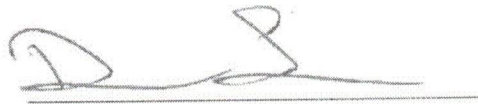
Attorney Heath also said Judge Klein normally would have reinstated my bond conditions but, because of the video, Judge Klein would not reinstate my bond conditions.

I refused to accept the offer. Mr. Heath became very angry, slammed his hand down, and stormed out of the room.

A few hours later I found out that he had resigned from my case. I currently have no legal representation in my criminal matter before Judge Edwin Klein.

I believe I am being retaliated against by Nacogdoches County.

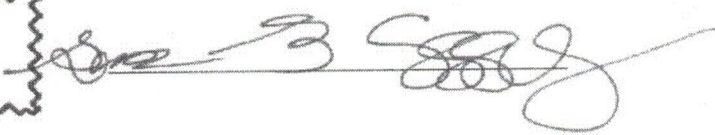
Further Affiant sayeth not.”



Demetri Sims

SWORN AND SUBSCRIBED TO before me the undersigned authority this 10th of September, 2021.

NOTARY PUBLIC
STATE OF TEXAS



PAUL ANDERSON, PLLC

ATTORNEY AT LAW

601 N. Street | Nacogdoches, TX 75961 | 936.305.5600

March 14th, 2022

Robert Davis
Flowers Davis
1021 ESE Loop 323, Suite 200
Tyler Texas 75701
Via email to: rsd@flowersdavis.com

John Fleming
Nacogdoches County Attorney
101 W. Main Street, Room 230
Nacogdoches, Texas 75961
Via email: jfleming@co.nacogdoches.tx.us

Mr. Davis & Mr. Fleming;

Mr. Davis, you have aggressively and vociferously stated that you represent Sheriff Jason Bridges in both his official and individual capacities.

Sheriff Jason Bridges *continues* to hold staff-wide meetings in which he identifies me by name as the source of the Sheriff's Office's legal problems. Sheriff Bridges has specifically commented in those meetings about the claims and cases we are litigating. Sheriff Bridges continues to threaten severe retaliation against employees repeating Sheriff Bridges' statements.

Sheriff Bridges' rhetoric implies permission and is intended to incite retaliation against me attempting to intimidate me. Given the known violent nature of many of the Sheriff's employees and their fear of criminal prosecution, there is credible potential for injury or harm to me, my family and my property.

You are both on notice that should any harm, injury, or damages happen to me, my family, my employees, or my property, you will both be held accountable. Further, any stalking, threatening, hostile, menacing or aggressive behavior by any county employee will be exposed publicly and dealt with to the fullest extent of the law. This is the second time I have had to expose misconduct related to ongoing litigation by county employees in writing.

Finally, the next time my name is mentioned at any meeting in a manner intended to incite or inspire harm against me, it will be documented in the form of sworn affidavits and those will be used to vigorously pursue disciplinary grievances or sanctions against you both for failing to control Sheriff Bridges' hostile and inciteful rhetoric directed at me.

Without reservations,



paul@paulandersonlaw.com

From: Robert S. Davis <rsd@flowersdavis.com>
Sent: Monday, March 21, 2022 12:50 PM
To: 'paul@paulandersonlaw.com'; 'Greg Sowell'; Robin H. O'Donoghue
Cc: 'John Fleming'; 'Beverly Lynn Tillman, JD, PhD'
Subject: RE: Sheriff letter, Stephanie Moore, Jamie Stephens

Mr. Anderson --

Once again, you have contacted one of my clients directly. I have asked you repeatedly not to contact them, and I have told you that you can send anything that you want them to see directly to me or to John Fleming, the elected Nacogdoches County Attorney. If you want to serve the County or any of my clients with anything, you can serve them through John Fleming or through me. Everything that you have sent, whether you send it claiming it is a matter of "public concern" or not, has a bearing on your claims against Nacogdoches County under *Monell* and its progeny. You are now claiming that every County Official is involved in a RICO conspiracy against you, so they surely have no desire to hear from you. ONCE AGAIN, DO NOT EVER CONTACT MY CLIENTS AGAIN. Judge Sowell, is a Nacogdoches Policy maker, do not contact him. You know this Mr. Alexander.

What you are doing amounts to harassment, and I believe stalking. Your behavior is alarming, and I believe at this time that you pose a threat of physical harm to my clients and to Robin and me. My clients do not want to have any contact with you. The County Judge, the Sheriff and my other clients, which I have previously listed for you in great detail, do not want to have any contact with you.

STOP!

Robert S. Davis

Robert S. Davis
1021 ESE Loop 323, Suite 200, Tyler TX, 75701
(903) 534-8063 / (903) 534-1650 Facsimile
rsd@flowersdavis.com / www.flowersdavis.com/

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From: paul@paulandersonlaw.com <paul@paulandersonlaw.com>
Sent: Monday, March 21, 2022 12:12 PM
To: 'Greg Sowell' <gsowell@co.nacogdoches.tx.us>
Cc: 'John Fleming' <jfleming@co.nacogdoches.tx.us>; Robert S. Davis <rsd@flowersdavis.com>; 'Beverly Lynn Tillman, JD, PhD' <drillman@paulandersonlaw.com>
Subject: Sheriff letter, Stephanie Moore, Jamie Stephens

Gentlemen,

This is certainly a matter of public concern.

Sheriff Bridges stated in the February 28th, 2022 press release about the recent jailer arrests and indictment that, "the charges stem from separate , unrelated incidents, during their employment."

Both Stephanie Moore's indictment and Jamie Stephen's indictment identify the same man, Hector Sandoval, as the "victim."

"Unrelated incidents" is a patently false statement.

Cordially,

Paul Anderson
Paul Anderson, PLLC
601 North Street
Nacogdoches, Texas 75961
paul@paulanderson.law
936.305.5600

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From: paralegal@paulandersonlaw.com <paralegal@paulandersonlaw.com>
Sent: Monday, March 21, 2022 12:00 PM
To: paul@paulandersonlaw.com
Cc: 'Beverly Lynn Tillman, JD, PhD' <drillman@paulandersonlaw.com>
Subject: Sheriff letter, Stephanie Moore, Jamie Stephens

Sabrina Hudson
Paralegal / Office Manager
Paul Anderson, PLLC
601 North St.
Nacogdoches, Tx 75961
Office: 936.305.5600

Fax: 936.236.6242

Email: paralegal@paulandersonlaw.com



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AFFIDAVIT

STATE OF TEXAS §

NACOGDOCHES COUNTY §

“My name is Paul Anderson. I am over the age of 18 and I am fully competent in all respects to swear this affidavit. I am a licensed Texas attorney in good standing. I have personal belief, information and knowledge of the facts of this affidavit. The facts, statements and representations made in this Affidavit are true and correct.

Mr. Spencer Coffey is a former law clerk and employee of the Paul Anderson, PLLC law firm. Mr. Coffey was employed by my firm for approximately one and a half years. Mr. Coffey is currently employed and represented by the Fenley & Bate, LP Law Firm, Lufkin Texas.

On Friday May 6th, 2022 at approximately 11:30 a.m., Mr. Coffey contacted me by telephone and conveyed to me the following information:

Mr. Coffey was contacted by Texas Parks & Wildlife Department Game Warden Captain Heath Bragg on March 31st, 2022 by telephone. Captain Bragg wanted to set up an in-person meeting with Mr. Coffey, but Mr. Coffey was traveling in Tulsa, Oklahoma.

Captain Bragg stated he was “sent” by Nacogdoches County Sheriff’s Office Chief Deputy Jay Smith as a part of an “open investigation” into Paul Anderson. Specifically, Captain Bragg wanted to know if, during Mr. Coffey’s employment with Paul Anderson PLLC, Mr. Coffey had ever witnessed any criminal, unethical, corrupt or immoral conduct by Paul Anderson. Mr. Coffey stated Captain Bragg wanted to “dig up dirt” on Paul Anderson.

Mr. Coffey stated that the pretense of an official investigation “smelled fishy” and he believed there was nothing legitimate about Captain Bragg’s “back handed approach to acquire confidential attorney-client information” involving Mr. Coffey’s previous law firm employer.

Nacogdoches County Sheriff’s Office Chief Deputy Jay Smith is a defendant and material witness in at least one federal lawsuit; *Brandon Finchum v Nacogdoches County et al.*; 9:21-CV-00285; in the United States District Court Eastern District of Texas, Lufkin Division. Paul Anderson is a material witness in this lawsuit. Mr. Coffey is a material witness in this lawsuit.

Chief Deputy Jay Smith is a defendant and material witness in as many as four additional federal lawsuits and as many as 9 claims against Nacogdoches County for law enforcement abuse. Mr. Coffey is a material witness in these lawsuits and claims.

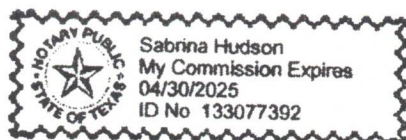
On March 14th, 2022 Nacogdoches County Sheriff’s Office was warned in writing to cease stalking, threatening or harassing Paul Anderson, his employees, family, and associates.


FURTHER AFFIANT SAYETH NOT.”



Paul Anderson

SUBSCRIBED AND SWORN TO BEFORE ME on this the 31st day of May, 2022.





NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS