

FIFTH COURT OF APPEALS OF TEXAS AT DALLAS

Deloris Phillips v. Porshala Phillips and William Brent

Phillips · Decided June 5, 2018

SUMMARY

This document is an amended notice of appeal filed pro se by Deloris Phillips in connection with a Dallas County family-law matter, Cause No. DF-18-00541. It seeks review of June 2018 orders concerning subpoenas, discovery from Dallas officials and police personnel, school records, and communication with children. The submission includes several trial-court orders, a declaration under penalty of perjury, and certificates of conference and service.

CASE DETAILS

COURT	Fifth Court of Appeals of Texas at Dallas
JURISDICTION	Texas
DECIDED	June 5, 2018
DISPOSITION	other
PROCEDURAL POSTURE	Appellant filed an amended notice of appeal from several June 2018 orders of the 254th Judicial District Court in Dallas County concerning discovery requests, subpoenas, and a motion to confer with children.
PRECEDENTIAL VALUE	not applicable; supplied document is a notice of appeal rather than a court opinion
PARTIES	Deloris Phillips v. Porshala Phillips, William Brent

TOPICS

appellate procedure

discovery dispute

family law procedure

civil procedure

PRACTICE AREAS

civil procedure

family law

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred in denying Phillips's motions for leave to pursue subpoenas, interrogatories, and discovery concerning children's school records and Dallas officials.
2. Whether the trial court erred by restricting Phillips from filing further discovery motions or requests directed to the City of Dallas, its officials, or employees.

3. Whether the trial court erred in ruling on Phillips's motion concerning a conference with the children.

FACTUAL BACKGROUND

Deloris Phillips sought leave to subpoena children's school records and to obtain testimony, interrogatory responses, and records from Dallas police, city officials, and related personnel concerning events on October 25, 2013. The trial court denied the request for school records and denied a separate request for subpoenas, production, and interrogatories concerning the City of Dallas and its officials. The trial court also entered an order restricting Phillips from filing further motions or discovery requests directed to the City of Dallas, its officials, or employees.

PROCEDURAL HISTORY

The supplied document is an amended notice of appeal with attached trial-court orders, not an appellate opinion. The trial court denied or otherwise ruled on requests to subpoena school records and obtain testimony and records from Dallas officials, and restricted further discovery requests directed to the City of Dallas and its officials. Deloris Phillips sought review in the Fifth Court of Appeals.

DISPOSITION

other

CASES CITED

- *Mansions in the Forest, L.P. v. Montgomery County*, 365 S.W.3d 314, 316 (Tex. 2012)

OPINION

Deloris Phillips v. Porshala Phillips and William Brent

PER CURIAM.

Cause No. 05-180311-CU

IN THE FIFTH COURT OF APPEALS

DALLAS COUNTY, TEXAS FILED IN

Court of Appeals 052018 In re Debris Phillips, Petitioner/Appellant. clett Porshala Phillips, Respondent, William Brent, Respondent 0

IN THE DISTRICT COURT DALLAS COUNTY, TEXAS

254' FAMILY COURT HONORABLE DARLENE EWING

TRANSFERRED FROM

303' COURT HONORABLE DENNIESE GARCIA

DF-18-00541

APPELLANT'S AMENDED NOTICE OF APPEAL

Respectthly and humbly submitted, /s/: Debris Phillips Pro Se Petitioner 3101 Luxar Way Dallas, Texas 75233-1363 Phone: (469) 671-89' Email: debris a2 8

PETITIONER HUMBLYBESEECHING ORAL ARGUMENT

Honorable Justices of the Fifth Court of Appeals for Dallas, Texas: COMES NOW the petitioner, self-represented, and files this Notice of Appeal from the judgment signed by the Court on June 04, 2018, appeals to the Fifth Court of Appeals at Dallas County, Texas. ORDER APPEALED AND ATTACHED As: ORDERS (06.04.2018): Honorable Darlene Ewing (254th District Court) 1) Order denying petitioner's motion for leave to file subpoena school records of children (Bookmark Order pg. 1); 2) Order denying petitioner's motion for leave to file subpoena City of Dallas and DPD's production of records/files/notes regarding the truth of premeditated Green Oaks (10.25.2013), First Interrogatories of all 5 persons involved with direct personal knowledge of prearranged DPD Meeting of 10.25.2013; and compelled testimony of the same 5 persons with personal knowledge of premeditated Green Oaks(Bookmark Order pg. 2);; 3) Order withholding petitioner's motion to stay granted motion to confer with children on the record for the record (Bookmark Order pg. 3)and 4) Order Granting City of Dallas's motion to deny petitioner's motion to compel testimony, first interrogatories, and productions of records regarding premeditated Green Oaks (Bookmark Order pg. 4) - Respectfully and humbly submitted, Is!: Debris Phillips Pro Se Petitioner 3101 Luxar Tay Dallas, Texas 7523&1363 Phone: (469) 671-8941 Email: delorisphilJ4*n360@maildp (Date: 06.04; ,0 *

CAUSE NO.: DF-18-00541

ORDER FOR PETITIONER'S MOTION FOR LEAVE
TO SUBPOENA TESTIMONY, PRODUCTION
OF RECORDS/NOTES/FILES AND FIRST INTERROGATORIES

After considering Appellant, Debris Phillips' motion for leave to subpoena testimony of Dallas' Mayor Michael Rawlings, Dallas Police Officer Cpl. Herbert Cotner (Badge No. 5611), Dallas Police Officer David Ferguson (Badge No. 8170), Dallas Police Officer Aaron Gajkowski (Badge No. 8796) and the notes of Dallas Police Social Worker Marilu Velei-Thom; production of Dallas Police Department, Dallas City Attorney's Office and the Dallas City Secretary documents/records and first interrogatories for same persons SAID COURT: the motion GRANTS the motion in part (please see separately attached motions for leave to file). GRANTS the motion in full. SIGNED on of June, 2018

(P\$IDENG JUDGE

CAUSE NO.: DF-18-00541

ORDER FOR PETITIONER'S MOTION FOR LEAVE TO SUBPOENA CHILDREN'S
SCHOOL RECORDS (ATTENDANCE RECORDS, ABSENCES), DISCIPLINARY
FILES, REFERRALS AND ALL COUNSELING RECORDS
FOR ENTIRE SCHOOL YEAR 2017-18

After considering petitioner Deloñs Phillips' motion SAID COURT: DENIES the motion _____ GRANTS the motion in part (please see separately attached motions for leave to file) _____ GRANTS the motion in full _____ SIGNED on of June, 2018
4Th

(1SDII'JG JUDGE

CAUSE NO.: DF-18-00541

ORDER FOR PETITIONER'S MOTION TO STAY GRANTED

MOTION TO CONFERENCE WITH CHILDREN

ON THE RECORD FOR THE RECORD

After considering petitioner Debris Phillips' motion SAID COURT: rs \ OH S the motion attached motions for leave to file)_____ S the motion in SIGNED on of June, 2018 42a a

(SWNG JUDGE

CAUSE NO. DF-18-00541

DELORIS PHILLIPS § IN THE DISTRICT COURT

Plaintiff, § §

§ DALLAS COUNTY, TEXAS

V. § §

PORSHALA PHILLIPS, El

AL,

§ 254th JUDICIAL DISTRICT

Defendants

ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE SUBPOENA

REOUESTING PRODUCTION OF DOCUMENTS AND LEAVE TO FILE

INTERROGATORIES

On this day, the Court heard Plaintiffs "Motion for Leave to File Subpoena Requesting Production of Documents and Leave to File Interrogatoñes for Each Person with Up, Close and Personal Knowledge/Truth of October 25, 2013". After consideration of the arguments of Plaintiff, the Court finds that Plaintiffs motion should be DENIED. IT IS THEREFORE ORDERED. ADJUDGED AND DECREED that 'Plaintiffs' Motion for Leave to File Subpoena Requesting Production of Documents and Leave to File Interrogatones for Each Person with Up, Close and Personal Knowledge/Truth of October 25, 2013" is DENIED. Plaintiff is ordered not to file any other motion or request for depositions or discovery from the City of Dallas, its officials, or employees and no such motion or request will be considered or set for hearing, the City and/or its officials or employees do not need to respond to or answer any motion or discovery request, and any motion or request shall be deemed denied, if filed. Signed the dayofjune 2018. 'i)OOt c_acJ.ç

Presiding Judge

STATE OF TEXAS

DALLAS COUNTY

DECLARATION UNDER PENALTY OF PERJURY

SWORN UNDER 28 U.S.C. 1746

IN SUPPORT OF

APPELLANT'S AMENDED NOTICE OF APPEAL

My name is Debris Phillips, my date birth is 03.20.1967, and my address is 3101 Luxar Tay, Dallas, Texas 75233-1363, USA. The last four of my social security number is 8896. I have personal knowledge of amended notice of appeal. A written declaration under penalty of perjury can be used in place of an Affidavit. Mansions in the Forest, L.P. v. Montgomery Gty., 365 S.W.3d 314, 316 (Tex.2012) and Tex. Civil Prac. & Rem. Code § 132.001. E)CUTED on the 04th day of June 2018. Respectfully and humbly submitted, /s/ Debris Phillips Pro Se Petitioner 3101 Luxar Way Dallas, Texas 75233-1363 Phone: (469) 671-8941 Email: (I QI()11S4) h jiLl) s36(Q iail.con Date: 06.04.2018

CERTIFICATE OF CONFERENCE

Petitioner verifies she stated for the record on the record on the record that Notice of Appeal would be filed for all Orders denying motions. Respectfully and humbly submitted, Is/ Debris Phillips Pro Se Petitioner 3101 Luxar Way Dallas, Texas 75233-1363 Phone: (469) 671-8941 Email: dc10liS1)hilliPS3G(Y&1 [,cA Date: 06.04.2018 — -c

CERTIFICATE OF SERVICE

Petitioner Debris Phillips certifies that true and correct copy of aforementioned writ of mandamus was forwarded to Respondent Porshala Phillips d.I.Lf1J.L1'id]hLcLi11 and Public Defender Jennifer Perkins via her email Jenniftr.perkins@dallascountv.org Monday, June 04, 2018. Porshala Phillips dnnvelmoss@vahoo.con porshac1aflas?D,tinai1.curn Jennifer Perkins Jennifer.perkinsdallascountv.org /s/: Debris Phillips Pro Se Petitioner 3101 Luxar Way Dallas, Texas 75233-1363 Phone: (469) 671-8941 Email: (IcJo1'jst)hj flip,'-3t, ä)inai r Date: 06.04.2018