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CAUSE NO 2017-73032

WENDY MEIGS,)	IN THE DISTRICT COURT
)	
PLAINTIFF)	
)	
)	
VS.)	HARRIS COUNTY, TEXAS
)	
)	
TREY BERGMAN)	
)	
DEFENDANT)	270TH JUDICIAL DISTRICT
)	

MOTIONS HEARING

On November 9th, 2018, the following proceedings
came on to be heard in the above-entitled and numbered cause
before the Honorable BRENT GAMBLE, Judge presiding, held in
Houston, Harris County, Texas.

Proceedings reported by machine shorthand and
computer-aided transcription.

1 APPEARANCES

2 FOR THE PLAINTIFF:

3 Ms. Wendy Meigs - Pro Se
4

5 FOR THE DEFENDANT:

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1 P R O C E E D I N G S

2 THE COURT: You need to identify yourself for
3 the record.

4 MR. CLAWATER: Yes, Your Honor. Wayne Clawater.
5 I here for Trey Bergman and the Bergman ADR Group, the Movants.

6 THE COURT: Okay.

7 MS. MEIGS: I'm Wendy Meigs and I'm here for me.

8 THE COURT: Okay.

9 MR. CLAWATER: May I proceed?

10 THE COURT: Yes. Wait a minute. You're Pro Se,
11 right? You're not a lawyer?

12 MS. MEIGS: No sir.

13 THE COURT: Let me give you my Pro Se litigant
14 speech. You have to bear with me. Makes me feel better.

15 Okay. You have an absolute right to represent
16 yourself and I think that is a pretty important right and I am
17 totally fine with that. Okay? But you need to know and
18 understand that the law does not permit me to help you or tell
19 you what to do or tell you when you're doing it wrong or
20 anything like that. Unlike all those TV judges that have made
21 my life so much more difficult than it otherwise was, the Court
22 at this level generally speaking is not designed for you to
23 come in and tell your story and others to tell their story and
24 all in 30 minutes I make a decision and it's all resolved.
25 It's not like that. Okay? The metaphor that I usually like to

1 use is I'm like an umpire at a baseball game and not the umpire
2 that made that rotten fall on the home run that shouldn't have
3 ever happened or might have happened or whatever. Not like
4 that. But a regular old umpire who is behind the plate calling
5 balls and strikes. I can't metaphorically tell you what
6 pitches to throw or where to position your infield or outfield
7 or whatever. I just got to call balls and strikes based on
8 what you do. Okay? So, I've only been doing this for 35
9 years, but it has been my experience in that time period that
10 people that represent themselves in the court at this level
11 generally speaking don't do that well. And it's because they
12 have to play by the same rules and all that and if you don't
13 know what the rules are that's a position of some disadvantage.
14 So, having said all of that I always allow Pro Se litigants one
15 opportunity to retain counsel if they wish to do so. So I am
16 prepared to delay this not for a long time, but for a little
17 while to allow you the opportunity to do that if you want to.
18 Okay. But -- and you need to hear this, too, if I give you
19 that opportunity and you don't do it, then we're going to have
20 to have this hearing and the chips are going to have to fall
21 wherever they fall. Okay?

22 MS. MEIGS: Yes, sir.

23 THE COURT: You have any -- and I told you I
24 can't help you or answer questions. You have any questions
25 about any of that.

1 MS. MEIGS: I have tried to get counsel. I have
2 called everyone under the moon. By the time I get to the 12th
3 lawyer I told them -- it's weird, they hear the case and all
4 gung-ho, until I tell them who the mediator is. And it's like
5 all of a sudden it's either they're too busy or they don't have
6 it and this is time and time and time again. And, finally, I
7 got ahold of lawyer Number 12 and same thing. And she said,
8 no, the mediator is no big deal. I said no, no, every single
9 time everything is good until they hear the name of this guy
10 and that's it. And she chuckled and said really. Finally she
11 said, "Okay, what's his name?" And I say, "Trey Bergman." The
12 pause was so long I thought I was disconnected. And then she
13 came back and said, "Do you know who that is?" I said, "I'm a
14 pharmacist. I don't know." She said, "He's a past national
15 president of the bar on ADR or sitting chair of the Texas State
16 Bar on ADR." And she said, "You will not find anyone to
17 represent you, because it will be legal suicide." So I'm game
18 for getting one appointed, because I can't --

19 THE COURT: This is not criminal court. In the
20 civil court I don't have that power.

21 MS. MEIGS: It's not that I don't want someone,
22 because I have tried and tried and tried.

23 THE COURT: Well, last count I heard and it's
24 been awhile, so it's probably more now, but there's about
25 20,000 lawyers in Harris County and probably get some of these

1 folks out here to testify; 19,900 of them are hungry and
2 looking for business.

3 MS. MEIGS: I'll take one. I would take one.

4 THE COURT: Well, you got to find one.

5 MS. MEIGS: I would take one.

6 THE COURT: Wait a minute. I think we've kind
7 of gone as far as I can allow that to go. So the only
8 questions, you know, do you -- would two more weeks or three
9 more weeks to find a lawyer make any difference. And if you
10 want that time I'm prepared to give you that time and reset
11 this hearing. Or if you've decided you don't want to go
12 through that we can have the hearing today. I could play this
13 either way, so it doesn't matter to me.

14 MS. MEIGS: I'll try again. I'll keep trying.
15 I will certainly keep trying.

16 THE COURT: Okay. What's the first available
17 Friday after Thanksgiving?

18 I'm going to reset this hearing for November
19 30th. Still on a short string here.

20 MR. CLAWATER: I'll be here.

21 THE COURT: You-all have a good weekend. Thank
22 you.

23

24

25

1 STATE OF TEXAS

2 COUNTY OF HARRIS

3 I, Karen D. deShetler, Deputy Court Reporter, in and
4 for the 270th Judicial District Court of Harris County, State
5 of Texas, do hereby certify that the above and foregoing
6 contains a true and correct transcription of all portions of
7 evidence and other proceedings requested in writing by counsel
8 for the parties to be included in this volume of the Reporter's
9 Record, in the above-styled and numbered cause, all of which
10 occurred in open court or in chambers and were reported by me.

11 I further certify that this Reporter's Record of the
12 proceedings does not reflect the exhibits, if any, admitted by
13 the respective parties.

14 WITNESS MY OFFICIAL HAND this the 10th day of
15 December, 2018.

16

17

18 //Karen D. DeShetler

19

20 Karen D. deShetler, CSR 1688
21 Official Court Reporter
22 270th District Court
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