

IN THE HONORABLE COURT OF APPEALS 5TH CIRCUIT

UNITED STATES, ) CR No.  
 )  
 Plaintiff , )  
 )  
 v. )  
 )  
 TRACEY DEL RIO ET AL )  
 )  
 Defendants )  
 -----) )  
 ) NOTICE OF MOTION AND  
 United States ) MOTION FOR INTERVENTION  
 ex relatione ) OF RIGHT:  
 Victor Del Rio ) 3:2:1 (in judicial mode);  
 ) 28 U.S.C. 530B;  
 Movant ) FRCP 24(a), (b), (c)  
 \_\_\_\_\_) (United States not a party).

**Need Immediate Review by Article III Tribunal  
Loss of life, liberty, and property for 1.5 years  
Texas Supreme Court declined 3 times  
Very Respectfully Demand Suspension of Rules**  
28 USC § 1291-Final decisions of district courts  
28 USC § 1331-Federal question  
18 USC § 3231-District courts (Article III courts)

01

COMES NOW the United States (hereinafter "Movant") ex relatione Victor Del Rio, Citizen of ONE of the United States of America and Private Attorney General (hereinafter "Relator") to move this Honorable Court for Intervention of Right, and provide timely Notice to all interested parties of same, pursuant to Federal Rules of Civil Procedure ("FRCP") (United States not yet a party); and Article I Section 9, Clause 3 ("1:9:3") in the Constitution for the United States of America (hereinafter "U.S. Constitution"). AND ARTICLE III, SECTION 2, CLAUSE 1.

02

NOTICE OF CHALLENGE TO CONSTITUTIONALITY OF LEGISLATIVE ACTS ORDER IN SUIT TO MODIFY PARENT-CHILD RELATIONSHIP CAUSE NO. 2000-27121 AND 'THE PROTOCOL'

03

Relator respectfully requests this Honorable Court, pursuant to the duties imposed upon it, please urgently certify to the Office of the Attorney General the Constitutionality of aforementioned legislative acts, in their entirety, severely endangering the life, liberty and property of Relator and his son and affecting public interest, going on since 1996, are drawn in question.

04

Likewise, this Court will please certify Relator's intervention for presentation of all evidence admissible in the above entitled cases, and for argument(s) on the question of the Constitutionality of the Legislative Acts, in their entirety, presently codified as Order in Suit to Modify Parent-Child Relationship Cause No. 2000-27121 and, only referred to as, 'the Protocol'.

05

#### RESERVATION OF RIGHTS

Subject to all applicable provisions of Law, Relator hereby expressly reserves all rights of a party and shall be subject to all liabilities of a party as to court costs, to the extent necessary for a proper presentation of the facts and laws relating to the question of the Constitutionality of said Acts.

06

See Article II, Articles of Confederation ("United States, in Congress Assembled"); 28 U.S.C. 530B (willful misrepresentation); Williams v. United States, 289 U.S. 553 (1933) (United States as plaintiff); United States ex rel. Toth v. Quarles, 350 U.S. 11 (1955); 18 U.S.C. 3231 (Article III constitutional court has original jurisdiction); 3:2:1 ("Controversies to which the United States shall be a Party;").

07

The "United States" and the "United States of America" are not one and the same. Congress is expressly prohibited from re-defining any terms found in the U.S. Constitution. See Preamble ("Constitution for the United States of America"); Article II, Section 1, Clause 1 ("2:1:1") ("President of the United States of

America"); Article VII ("Independence of the United States of America"); Eisner v. Macomber, 252 U.S. 189 (1920):

08

Congress ... cannot by Legislation alter the Constitution, from which alone it derives its power to legislate, and within whose limitations that power can be lawfully exercised.

09

The U.S. Department of Justice does not enjoy general power(s) of attorney to represent the United States of America. Compare 28 U.S.C. 547(1), (2) (Duties). Willful misrepresentation by officers employed by that Department is actionable under the Mc Dade Act, 28 U.S.C. 530B (Ethical standards for attorneys for the Government).

10

Whenever the United States proceeds as party plaintiff, an Article III constitutional court, exercising the judicial power of the United States, is a prerequisite under 3:2:1 ("The judicial Power shall extend ... to Controversies to which the United States shall be a Party"). 28 U.S.C. 1345 (United States as plaintiff).

11

Whenever the United States proceeds as a party defendant, the sovereign must grant permission to be sued. See 28 U.S.C. 1346 (United States as defendant). In this mode, a legislative court is permitted. Williams v. United States, 289 U.S. 553, 577 (1933):

12

... [C]ontroversies to which the United States may by statute be made a party Defendant, at least as a general rule, lie wholly outside the scope of the judicial power vested by article 3 in the constitutional courts. United States v. Texas, 143 U.S. 621, 645, 646 S., 12 S.Ct. 488.

13

A private Citizen may move a Federal Court on behalf of the United States ex relatione. United States ex rel. Toth v. Quarles, 350 U.S. 11 (1955).

14

A private Citizen may move a State court on behalf of the United States ex relatione. United States ex rel. Toth v. Quarles, 350 U.S. 11 (1955).

15

Article 6, Clause 2 provides "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Article I, Section 10 Clause 1 provides "No State shall pass any Law impairing the Obligations of Contracts."

The federal statute at 18 U.S.C. 3231 confers original jurisdiction on the several district courts of the United States ("DCUS"). These courts are Article III constitutional courts proceeding in judicial mode. Sherman Act, 26 Stat. 209 (1890), 36 Stat. 1167 (1911), 62 Stat. 909 (1948). See also *Mookini v. U.S.*, 303 U.S. 201, 205 (1938) (term DCUS in its historic and proper sense); *Agency Holding Corp. v. Malley-Duff & Associates*, 107 S.Ct. 2759, 483 U.S. 143, 151 (1987) (RICO statutes bring to bear the pressure of Private Attorneys general on a serious national problem for which public prosecutorial resources are deemed inadequate).

The United States District Courts ("USDC") are legislative courts typically proceeding in legislative mode. See *American Insurance v. 356 Bales of Cotton*, 1 Pet. 511, 7 L.Ed. 242 (1828) (C.J. Marshall's seminal ruling); and *Balzac v. Porto Rico*, 258 U.S. 298, 312 (1922) (The USDC is not a true United States court established under Article III.) See 28 U.S.C. §§ 88, 91, 132, 152, 171, 251, 458, 461, 1367.

Legislative courts are not required to exercise the Article III guarantees required of constitutional courts. See *Keller v. Potomac Electric Power Co.*, 261 U.S. 428 (1923); *Federal Trade Commission v. Klesner*, 274 U.S. 145 (1927); *Swift v. United States*, 276 U.S. 311 (1928); *Ex parte Bakelite Corporation*, 279 U.S. 438 (1929); *Federal Radio Commission v. General Electric Co.*, 281 U.S. 464 (1930); *Claiborne-Annapolis Ferry Co. v. United States*, 285 U.S. 382 (1932); *O'Donoghue v. United States*, 289 U.S. 516 (1933); *Glidden Co. v. Zdanok*, 370 U.S. 530 (1962); *Northern Pipeline Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982); 49 Stat. 1921.

All guarantees of the U.S. Constitution were expressly extended into the District of Columbia in 1871, and into all federal Territories in 1873. See 16 Stat. 419, 426, Sec. 34; 18 Stat. 325, 333, Sec. 1891, respectively. *Hooven & Allison v. Evatt*, 324 U.S. 652 (1945) (only as Congress has made those guaranties [sic] applicable).

#### IMMEDIATE REMEDIES REQUIRED

All premises having been duly considered, Relator urgently requests this Honorable Court, on behalf of the United States:

To expeditiously certify to the Office of the Attorney General that the Constitutionality of the Acts Order in Suit to Modify Parent-Child Relationship Cause No. 2000-27121 and 'the Protocol' have been drawn into question,

23

To certify Relator's intervention for presentation of all evidence admissible in the above entitled cases, and for argument(s) on the question of the Constitutionality of said Acts, if necessary

24

To issue an emergency Writ of Habeas Corpus for Relator's son pursuant to Article 1, Section 9, Clause 2, 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendments, as son has been inflicted with brain damages and brain seizures by Tracey Del Rio (his mother), Denise Drexler of Spring ISD (school district official), and 311<sup>th</sup> Family Court Judge Doug Warne.

25

For provisions provided Crime Victims' Rights Act of 2004, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, and 14<sup>th</sup> Amendments,

26

Injunctive Relief as this Court may deem appropriate for two victims of extreme Title II and ADA 504 discrimination by all state and federal agencies, including the courts, in this state affecting employment, health, and finances (life-liberty-property).

26b.

Motion to Combine all open cases currently pending in this state:

- A. Judge Tom Lawrence  
7900 Will Clayton Pkwy  
Humble, TX 77338  
Ph 281-446-7191  
Fx 281-540-2741  
Cases TR42X2208991, TR42X2208990, TR42X2208989, and TR42X2208987
  
- B. Neal Tenen representing Dollar General, ex-employer  
PO BOX 56028  
Sherman Oaks, CA 91413  
(918) 933-5080  
(800) 916-0911 toll free  
Case 401877-42  
'false' charges of theft/misrepresentation of facts
  
- C. 157th Civil Court  
Judge Randy Wilson  
Harris County Civil Courthouse  
201 Caroline, 11th Floor  
Houston, Texas 77002  
Case No. 2009-17355  
Ph (713) 368-6230

27.

Appointment of effective counsel pursuant to 6<sup>th</sup> Amendment or Special Prosecutor if needed.

28.

**Motion for Preliminary Injunctive Relief by Immediate Return of Son to Plaintiff**

HABEAS CORPUS pursuant to 28 USC § 2254. State custody; remedies in Federal courts

29.

Motion to Relief Pursuant to 18 U.S.C. § 3771 Crime Victims' Rights Act of 2004

30.

Motion for Injunction to Prevent Defendant from Leaving State

31.

Motion for Immediate Bankruptcy Relief

32.

Motion for Cease and Desist of Illegal Neighborhood Surveillance by FBI et al

33.

Motion for Cease and Desist of Illegal Electronic Communication Interference (internet, fax & cellphone)

34.

Motion for Cease and Desist Denial of Gainful Employment in Corporate Market

35.

Motion for Trial by Jury

36.

Motion To Combine Cases

37.

Motion for Special Prosecutor

38.

Motion for U.S. D.O.J. Civil Rights Division Amicus Participation pursuant to U.S.A.M. 8-2.170.

39.

Motion for U.S. D.O.J. Civil Rights Division Cooperation with Private Litigants pursuant to U.S.A.M. 8-2.160.

40.

Motion for Intervention by Attorney General (42 U.S.C. § 2000h-2) pursuant to U.S.A.M. 8-2.140

41.

Motion for Involvement by US DOJ OCR Disability Rights Section pursuant to U.S.A.M. 8-2.400.

42.

**Motion to Proceed In Forma Pauperis as previously granted by this Court already on Cause No. 09-20232 on June 3<sup>rd</sup> 2008.**

43.

Motion to Cease and Desist Discrimination By Defendants and State Against Petitioner and son.

44.

**This case and all others must be heard by Title III court and/or tribunal of Title III judges (see below):**

Rhesa Barksdale, Fortunato Benavides, Edith Clement, Eugene Davis, James Dennis Jennifer Elrod, Emilio Garza, Catharina Haynes, Grady Jolly, Priscilla Owen Edward Prado, Jerry Smith, Leslie Southwick, Carl Stewart, Jacques Wiener

45.

Any other relief not requested by Relator that this Honorable Court may deem appropriate now or in the future; this case involves 13 years of child abuse, seven years denial of IDEA 2004 F.A.P.E., malpractice, Federal Civil False Claims, 42 USC Section 1983, Ex Parte Young, Title II and ADA 504 Discrimination, etc per the Relator who has been struggling for legal remedy denied counsel and legal remedy for the last 1.5 years.

46.

Let these two victims, Petitioner and son, with Disabilities and serious injuries have justice or be allowed to protect and defend themselves without any more interference by the State.

PRAYER

47.

I, Relator, respectfully request expedited consideration, invoking SUSPENSION OR RULES, by this HONORABLE COURT for an immediate EX PARTE WRIT OF HABEAS CORPUS for my son and appropriate legal remedy with all of the Due Process and Constitutional Protection and Privileges.  
HABEAS CORPUS pursuant to 28 USC § 2254. State custody; remedies in Federal courts

48.

In that the Relator has no background in law without resources or attorney, the Relator respectfully requests the HONORABLE COURT to view this filing, in the manner that will most efficiently guarantee him and son uninterrupted protective custody and expedited fair (combined) Trials as guaranteed them by Congress.

Very respectfully submitted on August 18, 2009



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Victor Del Rio, Pro Se  
2427 Pinpoint Drive  
Spring, Texas 77373  
Ph 281-216-5624  
Fx 281-617-4218

CERTIFICATE OF SERVICE: DOCUMENT HAS BEEN SERVED ON DFENDANT VIA FAX.



APPENDIX PAGE

WRIT OF HABEAS CORPUS.....11  
FINAL ORDERS (BILL OF ATTAINDER, CRUEL AND UNUSAL).....13  
PROTOCOL.....28  
BRAIN DAMAGE ASSESSMENT - MOST RECENT.....43  
EVIDENTIARY EMAILS FROM MOTHER.....49

**IN THE** COURT OF APPEALS 5TH CIRCUIT

**CAUSE NO.** \_\_\_\_\_

**EMERGENCY PETITION FOR EX PARTE WRIT OF HABEUS CORPUS**

Pursuant to the Civil Rights Act of 1871 " 1) 'to override certain kinds of state laws'; 2) to provide 'a remedy where state law was inadequate'; and 3) to provide 'a federal remedy where the state remedy, though adequate in theory, was not available in practice.'"

This Motion for Issuance of WRIT OF HABEUS CORPUS is brought by VICTOR DEL RIO, Petitioner, who shows in support:

1. The following documents indicate N. has been suffering from Encephalopathy and brain seizures that his mother has arranged, kept secret from me until my discovery in December 16<sup>th</sup>, 2007, and N. is probably not receiving treatment for this condition which could be fatal and/or cause irreversible damages.
  - I. 2003 August, Return Medical Evaluation by Meyer Center Texas Children's Hospital. NOTE: ...10.5 year old male with an Encephalopathy NOS causing chronic global delays and behaviors suggestive of an Autistic Spectrum Disorder.
  - II. 2005 June, Comprehensive Speech Pathology Evaluation by Cole Speech & Language. Medical history was based on reports from other disciplines and includes the following (see Developmental Pediatrician's Report - Vinson M.D. diagnoses:
    - a. Static Encephalopathy NOS causing:
    - b. Global Developmental Delays
    - c. Autistic Spectrum Disorder
    - d. Dysmorphic Features
    - f. Language Disorder

NOTE: Alleged chromosomal disorder diagnosed by TCH & Baylor not mentioned.
  - III. 2006 April, Comprehensive Speech Pathology Evaluation of I.E.E. conducted by Cole Speech & Language.  
NOTE: Medical history was based on reports from other disciplines and includes the following (see Developmental Pediatrician's Report - Vinson M.D... Diagnoses:
    - a. Static Encephalopathy NOS causing:
    - b. Global Developmental Delays
    - c. Autistic Spectrum Disorder
    - d. Dysmorphic Features
    - f. Language Disorder

NOTE: Alleged chromosomal disorder diagnosed by TCH & Baylor not mentioned.
  - IV. 2007 Dec: CPS Case filed for her medical neglect # 26492443 contains serious conflicting references to N not being Autistic, having a mild form of Autism, having mental retardation, having auditory processing\*, N at risk and looking nervous & upset are contained in the document:

- a. not Autistic: pg 3, Pragmatics...if a student's score is below 54 on the ABC, he or she is unlikely to be Autistic. N. obtained a score of 4 on the ABC.
  - b. Signs of mental retardation: pg 9, Safety Threat Concerns\_OV
  - c. has mental retardation Nervous and upset, pg 2,
  - d. General Information/Description At risk: pg 2,
  - e. 14 y.o. not receiving medication, - at risk. Mild form of Autism, pg 12. Dr. LaCour
  - f. Auditory processing, pg 12. Dr. LaCour
2. COURT DOCUMENTS, VIDEO, and NICHOLAS himself, will prove that he N. prefers his father's custody where he is ALWAYS PROPERLY CARED FOR BY HIS FATHER. [http://www.youtube.com/watch?v=Zli5pHvqe\\_s](http://www.youtube.com/watch?v=Zli5pHvqe_s)
3. MEDICAL and ACADEMIC RECORDS evidence that NICHOLAS' MENTAL CAPACITY and HEALTH are AT GREAT RISK without EVIDENCE the school district or Tracey Del Rio have ever meet his needs. Instead, there is proof they're aggravating his damages. TFC § 261.001
- <http://www.youtube.com/watch?v=3Bc0RsIUkYQ> AND
- <http://www.youtube.com/watch?v=6wRDWleXhLE>
4. PETITIONER invokes SUSPENSION OF RULES, as necessary, and REQUESTS that this Honorable Court quickly grant them their WRIT OF HABEUS CORPUS to begin closure on this matter altogether.

Very respectfully submitted August 18, 2009

By



Victor Del Rio

Pro Se Plaintiff

2427 Pinpoint Drive

Spring, TX 77373

Ph 281-216-5624

Fx 281-617-4218

CERTIFICATE OF SERVICE: THIS DOCUMENT WAS FAXED TO EACH DEFENDANT VIA FAX TODAY. VDR

epo

P14

NO. 2000-27121

14NE

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
NICHOLAS CHRISTOPHER	§	311TH JUDICIAL DISTRICT
ARMAND DEL RIO	§	
	§	
A CHILD	§	HARRIS COUNTY, TEXAS

(01)  
VS 165

**ORDER IN SUIT TO MODIFY PARENT-CHILD RELATIONSHIP**

**FILED**

Theresa Chang  
District Clerk 311th

On October 30, 2008 the Court heard this case.

NOV 03 2008

*Appearances*

11/13/08  
Harris County, Texas  
By T.C.  
Deputy

Petitioner/Counter Respondent, VICTOR DEL RIO, although duly and properly cited and served with notice of this hearing, did not appear and wholly made default.

Respondent/Counter Petitioner, TRACEY DEL RIO, appeared in person and through attorney of record, Elizabeth S. Pagel, and announced ready for trial.

*Consent by Person with Right to Designate Primary Residence*

Tracey Del Rio, who has the exclusive right to designate the primary residence of the child, has consented to the terms of this order as evidenced by Tracey Del Rio's signature below.

*Jurisdiction*

The Court, after examining the record and the evidence and argument of counsel, finds that it has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case. All persons entitled to citation were properly cited.

*Jury*

A jury was waived, and all questions of fact and of law were submitted to the Court.

*Record*

The record of testimony was duly reported by the court reporter for the 311th Judicial District Court.

*Child*

The Court finds that the following child is the subject of this suit:

Name: NICHOLAS CHRISTOPHER ARMAND DEL RIO

Sex: Male

Birth date: June 2, 1993

Home state: Texas

Social Security number: REDACTED

Driver's license number and issuing state: n/a

*Findings*

The Court finds that the material allegations in the counterpetition to modify are true and that the requested modification is in the best interest of the child. IT IS ORDERED that the requested modification is GRANTED.

IT IS FURTHER ORDERED that all relief requested by Petitioner/Counter Respondent VICTOR DEL RIO is DENIED.

*Parenting Plan*

The Court finds that the provisions in these orders relating to conservatorship, possession of and access to the child, and a dispute resolution process to minimize future disputes constitute the parenting plan established by the Court.

*Conservatorship*

The Court finds that the following orders are in the best interest of the child.

IT IS ORDERED that VICTOR DEL RIO and TRACEY DEL RIO are removed as managing conservators and that TRACEY DEL RIO is appointed Sole Managing Conservator and VICTOR DEL RIO is appointed Possessory Conservator of the following child: NICHOLAS CHRISTOPHER ARMAND DEL RIO.

IT IS ORDERED that, at all times, TRACEY DEL RIO, as a parent sole managing conservator, shall have the following exclusive rights:

1. the right to receive information from any other conservator of the child concerning the health, education, and welfare of the child;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child;
3. the right of access to medical, dental, psychological, and educational records of the child;
4. the right to consult with a physician, dentist, or psychologist of the child;
5. the right to consult with school officials concerning the child's welfare and educational status, including school activities;
6. the right to attend school activities;
7. the right to be designated on the child's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and
9. the right to manage the estate of the child to the extent the estate has been created by the parent or the parent's family.

IT IS ORDERED that, at all times, VICTOR DEL RIO, as a parent possessory conservator, shall have the following rights:

1. the right to receive information from any other conservator of the child concerning the health, education, and welfare of the child.

IT IS ORDERED that, at all times, TRACEY DEL RIO, as a parent sole managing conservator shall have the following duties:

1. the duty to inform the other conservator of the child in a timely manner of significant information concerning the health, education, and welfare of the child; and

2. the duty to inform the other conservator of the child if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that this information shall be tendered in the form of a notice made as soon as practicable, but not later than the fortieth day after the date the conservator of the child begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.**

IT IS ORDERED that, at all times, VICTOR DEL RIO, as a parent possessory conservator, shall have the following duties:

1. the duty to inform the other conservator of the child in a timely manner of significant information concerning the health, education, and welfare of the child; and

2. the duty to inform the other conservator of the child if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that this information shall be tendered in the form of a notice made as soon as practicable, but not later than the fortieth day after the date the conservator of the child begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.**

IT IS ORDERED that, during her respective periods of possession, TRACEY DEL RIO, as a

parent sole managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the child;
2. the duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
3. the right to consent for the child to medical and dental care not involving an invasive procedure; and
4. the right to direct the moral and religious training of the child.

IT IS ORDERED that, during his respective periods of possession, VICTOR DEL RIO, as a parent possessory conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the child; and
2. the duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure.

IT IS ORDERED that TRACEY DEL RIO, as parent sole managing conservator, shall have the following exclusive rights and duty:

1. the right to designate the primary residence of the child;
2. the right to consent to medical, dental, and surgical treatment involving invasive procedures;
3. the right to consent to psychiatric and psychological treatment of the child;
4. the right to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the child;
5. the right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
6. the right to consent to marriage and to enlistment in the armed forces of the United States;
7. the right to make decisions concerning the child's education;



8. except as provided by section 264.0111 of the Texas Family Code, the right to the services and earnings of the child;

9. except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government; and

10. the duty to manage the estate of the child to the extent the estate has been created by community property or the joint property of the parents.

*Possession and Access*

1. *Possession Order*

Possession of and access to the child by VICTOR DEL RIO shall be at all times and under such circumstances as agreed to in advance by TRACEY DEL RIO

2. *Duration*

The periods of possession ordered above apply to the child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

3. *Termination of Orders*

The provisions of this order relating to conservatorship, possession, or access terminate on the remarriage of VICTOR DEL RIO to TRACEY DEL RIO unless a nonparent or agency has been appointed conservator of the child under chapter 153 of the Texas Family Code.

Settlement of Future Disputes

IT IS ORDERED that before filing, setting any hearing in or initiating discovery in a suit affecting the parent-child relationship, the parties shall attempt in good faith to resolve the dispute in the manner set forth below, except in the case of an emergency, if the suit is to modify child support, if it is alleged that the present circumstances of a child who is the subject of this suit will

significantly impair the child's physical health or emotional development, if the suit is to enforce this order, or if a party has committed family violence against another party or a child who is the subject of the suit. IT IS ORDERED that a party may file a written objection to the use of this dispute resolution process or to the manner in which the dispute resolution process takes place on the basis that family violence has been committed by another party against the objecting party or against a child who is the subject of the suit by using the procedures set forth in section 153.0071 of the Texas Family Code.

*Mediation*

IT IS ORDERED that before filing, setting any hearing in, or initiating discovery in a suit for modification of the terms and conditions of conservatorship or possession and access of the child, except for in one of the situations listed above, the parties shall mediate the controversy in good faith. IT IS FURTHER ORDERED that the party wishing to modify the terms and conditions of conservatorship or possession and access of the child shall give written notice to the other party of a desire to mediate the controversy. If, within ten days after receipt of the written notice, the other party does not agree to attend mediation or fails without good cause to attend a scheduled mediation of the controversy, the party desiring to modify conservatorship or possession and access shall be released from the obligation to mediate and shall be free to file suit or proceed with the modification of conservatorship or possession and access. If the parties cannot agree on a mediator within ten days after the other party's receipt of the written notice, IT IS ORDERED that the parties shall request the court with continuing, exclusive jurisdiction under chapter 155 of the Texas Family Code to adjudicate the requested modification of the parenting plan or, if there is no such court and a suit is filed, the court in which the suit is filed to appoint a mediator, who shall then mediate the

controversy. If there is no such court with continuing, exclusive jurisdiction and a suit has not been filed, IT IS ORDERED that the parties shall request that the court that rendered the order to be modified appoint a mediator, who shall then mediate the controversy. IT IS ORDERED that the compensation of the mediator shall be divided and borne equally by the parties and shall be paid in advance by the parties to the mediator. Neither party shall be required to use mediation before filing a suit to enforce this order. Neither party shall be required to use mediation before filing a suit to modify a child support obligation.

Development of Close and Continuing Relationship with Child

Each party is ORDERED to optimize the development of a close and continuing relationship with the child the subject of this suit.

*Injunctive Relief*

The Court finds that, because of the conduct of VICTOR DEL RIO, a permanent injunction against him should be granted as appropriate relief because there is no adequate remedy at law.

The permanent injunction granted below shall be effective immediately and shall be binding on VICTOR DEL RIO; on his agents, servants, employees, and attorneys; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.

IT IS ORDERED that VICTOR DEL RIO is permanently enjoined from:

1. Causing physical contact or bodily injury to TRACEY DEL RIO or threatening TRACEY DEL RIO with imminent bodily injury.
2. Communicating in person, by telephone, or in writing with TRACEY DEL RIO, except for arranging visitation or notifying TRACEY DEL RIO of circumstances affecting the best

interest of the child.

3. Coming within 500 feet of, entering, or remaining on the premises of the residence of TRACEY DEL RIO, located at 14619 ELLA BLVD. #1015, HOUSTON, TX 77014, or place of employment of TRACEY DEL RIO, Baymont Inn & Suites/Days Hotele, 500 N. Sam Houston Parkway E, Houston, TX 77060 or 502 N. Sam Houston Parkway E., Houston Tx, 77060, for any purpose, except to exercise visitation granted in this order.

4. Interfering in any way with TRACEY DEL RIO's possession of the child or taking or retaining possession of the child, directly or in concert with other persons, except as permitted by order of the Court.

5. Coming within 500 feet of, entering, or remaining on the premises of the child's school, Dueitt Middle School, 1 Eagle Crossing, Spring, TX 77373, or other day-care facility or school about which VICTOR DEL RIO receives written notice.

*Required Information*

The information required for each party by section 105.006(a) of the Texas Family Code is as follows:

Name: VICTOR DEL RIO

Social Security number: 454-47-9127

Driver's license number: 01623388 Issuing state: Texas

Current residence address: 2427 Pin Point, Spring, Texas 77373

Mailing address: 2427 Pin Point, Spring, Texas 77373

Home telephone number: 713-966-0803

Name of employer: unknown

Address of employment: unknown

Work telephone number: unknown

Name: TRACEY DEL RIO

Social Security number: 460-61-8194

Driver's license number: 16785552 Issuing state: TX

Current residence address: 14619 ELLA BLVD. #1015, HOUSTON, TX 77014

Mailing address: 14619 ELLA BLVD. #1015, HOUSTON, TX 77014

Home telephone number: 281-872-2082

Name of employer: Baymont Inn & Suites

Address of employment: 502 N. Sam Houston Pkwy. E., Houston, TX 77060

Work telephone number: 281-820-2101, ext. 5120

*Required Notices*

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO

PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to the other party by delivering a copy of the notice to the party by registered or certified mail, return receipt requested. Notice shall be given to the Court by delivering a copy of the notice either in person to the clerk of this Court or by registered or certified mail addressed to the clerk at P.O. Box 4651, Houston, TX 77210-4651. Notice shall be given to the state case registry by mailing a copy of the notice to State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN

THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

*Warnings*

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY

FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

*Attorney's Fees*

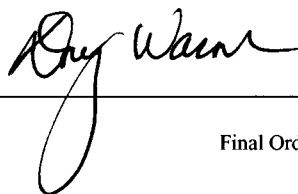
IT IS ORDERED that good cause exists to award Elizabeth S. Pagel judgment in the amount of \$11,414.27 for attorney's fees, expenses, and costs incurred by TRACEY DEL RIO, with interest at six percent per year compounded annually from the date the judgment is signed until paid. The judgment, for which let execution issue, is awarded against VICTOR DEL RIO, Petitioner/Counter Respondent. IT IS ORDERED that the attorney's fees, expenses, and costs, which were incurred in relation to the child, are in the nature of child support, and Petitioner/Counter Respondent is ORDERED to pay the fees, expenses, costs, and interest to Elizabeth S. Pagel at 116 S. Avenue C, Humble, TX 77338 by cash, cashier's check, or money order on or before DECEMBER 31, 2008. Elizabeth S. Pagel may enforce this judgment for fees, expenses, and costs in the attorney's own name by any means available for the enforcement of a judgment for debt.

*Relief Not Granted*

IT IS ORDERED that all relief requested in this case and not expressly granted is denied. All other terms of the prior orders not specifically modified in this order shall remain in full force and effect.

*Date of Order*

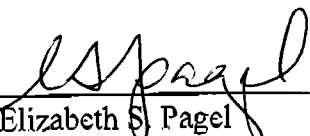
This order judicially PRONOUNCED AND RENDERED in court at Houston, Harris County, Texas, on June 5, 2008 and further noted on the court's docket sheet on the same date, but signed on NOV 05 2008.





APPROVED AS TO FORM ONLY:

Lanier & Pagel, LLP  
116 S. Avenue C  
Humble, TX 77338  
Tel: (281) 446-1000  
Fax: (281) 446-1646

By:   
Elizabeth S. Pagel  
State Bar No. 24049243  
Attorney for Respondent

APPROVED BY:

  
Tracey Del Rio



I, Theresa Chang, 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 \_\_\_\_\_

Certified Document Number: \_\_\_\_\_

A handwritten signature in cursive script that reads "Theresa Chang".

THERESA CHANG, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

‘PROTOCOL’ = MANDATORY ALTERNATIVE TO IDEA 2004

Very best regards,

Victor Del Rio, 2427 Pinpoint Drive, Spring, TX 77373  
Mobile off 713-359-0494, fax 515-474-2415

-----Original Message-----

From: victordelrio [<mailto:victordelrio@netzero.com>]

Sent: Monday, November 03, 2008 4:44 PM

To: 'patriciaruiz.davis@oag.state.tx.us'

Cc: 'victordelrio@netzero.com'

Subject:

Mrs. Ruiz-Davis,

I need to speak to the Attorney General directly about the continuous, extreme difficulty my son and I have had with public education, securing his custody, his sanctioned abuse, and the inability of seeking any justice in Texas that has resulted since discovering his special education as an Autistic, and our lives as a result, is mandated by a 'protocol'. Please refer to the emails below the dotted line what can we do to remove this bill of attainder from over our heads?

"A bill of attainder, is a legislative act which inflicts punishment without judicial trial and includes any legislative act which takes away the life, liberty or property of a particular named or easily ascertainable person or group of persons because the legislature thinks them guilty of conduct which deserves punishment."

Very best regards,

Victor Del Rio, 2427 Pinpoint Drive, Spring, TX 77373  
Mobile office 713-966-0803, fx 515-474-2415

-----Original Message-----

From: Patricia Ruiz-Davis [<mailto:patriciaruiz.davis@oag.state.tx.us>]

Sent: Monday, October 27, 2008 3:10 PM

To: victordelrio@netzero.com

Subject: Re: URGENT

Dear Mr. Del Rio:

The Office of the Attorney General is in receipt of your recent correspondence.

However, in order to assist you in this matter we will need more information. Please contact Patricia Ruiz-Davis of the Public Information and Assistance Division at the following:

Public Information and Assistance  
Office of the Attorney General  
Post Office Box 12548  
Austin, TX 78711  
(800) 252-8011  
(512) 463-2007

Again, thank you for writing. We look forward to hearing from you soon.

Sincerely,

Patricia Ruiz-Davis  
Public Information and Assistance  
Office of the Attorney General of Texas

>>> "victordelrio" <[victordelrio@netzero.com](mailto:victordelrio@netzero.com)> 10/20/2008 6:07 PM >>>  
I need to speak to someone in the Tort Litigation Division regarding long standing issues (involving personal injury, medical malpractice, property damage, libel, slander, and retaliation) that I have been unable to resolve that have been endangering my son and I.

Very best regards,

Victor Del Rio, 2427 Pinpoint Drive, Spring, TX 77373  
Mobile office 713-966-0803, fx 515-474-2415

-----Original Message-----

From: victordelrio [<mailto:victordelrio@netzero.com>]

Sent: Monday, November 03, 2008 4:26 PM

To: victordelrio@netzero.com

Subject: FW: SECOND REQUEST: provide me a copy of the copyright advisory

Very best regards,

Victor Del Rio, 2427 Pinpoint Drive, Spring, TX 77373  
Mobile office 713-966-0803, fx 515-474-2415

<http://www.youtube.com/watch?v=DfZUftHAGWg&feature=related>

-----Original Message-----

From: Gilbert, Christopher [<mailto:Christopher.Gilbert@bglp.com>]  
Sent: Monday, November 05, 2007 1:31 PM  
To: Victor D; Horton, Janet  
Cc: Hibbard, Douglas  
Subject: RE: SECOND REQUEST: provide me a copy of the copyright advisory

Mr. Del Rio:

I am not entirely sure I understand what you mean by "copyright advisory." However, attached are the two emails that I received from Houghton Mifflin Co. and Harcourt Assessment, Inc., both of which warn the District that allowing a third party to copy their materials could be considered a copyright violation.

Christopher B. Gilbert  
Partner  
Bracewell & Giuliani LLP  
711 Louisiana St., Suite 2300  
Houston, TX 77002-2770  
T: (713) 221-1372  
F: (713) 221-2154  
[christopher.gilbert@bracewellgiuliani.com](mailto:christopher.gilbert@bracewellgiuliani.com)

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-----Original Message-----

From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Monday, November 05, 2007 10:06 AM  
To: Gilbert, Christopher; Horton, Janet  
Subject: SECOND REQUEST: provide me a copy of the copyright advisory

-----Original Message-----

From: CHERYL JONES [<mailto:CJONES3@springisd.org>]  
Sent: Monday, November 05, 2007 8:46 AM  
To: Victor D

Cc: christopher.gilbert@bgllp.com; janet.horton@bgllp.com; DEDE Drexler  
Subject: Re: SECOND REQUEST: provide me a copy of the copyright advisory

Mr. Del Rio,

Please contact Chris Gilbert regarding the copyright information you are requesting.  
Thank you.

Cheryl Jones  
Secretary, Special Services  
Spring ISD  
Phone: 832-764-4281  
Fax: 832-764-4266  
cjones3@springisd.org

>>> "Victor D" <victordelrio@netzero.com> 11/2/2007 7:25 am >>>  
To avoid further misrepresentations and misinterpretations committed thus far by SISD  
and B&G staff.

Cc: Alex Jones @ [www.prisonplanet.tv](http://www.prisonplanet.tv)

-----Original Message-----

From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Thursday, November 01, 2007 11:08 AM  
To: 'CHERYL JONES'; 'dedeD@springisd.org'  
Cc: 'Tracey Carter'; 'Don Carter'; 'flashh77@hotmail.com'; 'hilllo@att.net'; 'Joy';  
'nickdmarvel@qmail.com'; 'nubian99@swbell.net'  
Subject: SECOND REQUEST  
Importance: High

Cheryl, Please provide me a copy of the copyright advisory related to our very long  
awaited complete and genuine protocol. If you are not able, then  
the contact information for your test publishers.

Regards,  
Victor Del Rio

<http://www.lauraingraham.com/>> > , <http://www.billmaher.com/>

-----Original Message-----

From: CHERYL JONES [<mailto:CJONES3@springisd.org>]  
Sent: Wednesday, October 31, 2007 1:31 PM  
To: Victor D

Subject: RE: OVERDUE RESPONSE: a mutually agreeable time

Mr. Del Rio,

Did you receive my message regarding the meeting date of November 28 at 10:00 am?

Cheryl Jones  
Secretary, Special Services  
Spring ISD  
Phone: 832-764-4281  
Fax: 832-764-4266  
cjones3@springisd.org

>>> "Victor D" <victordelrio@netzero.com> 10/31/2007 12:53 pm >>>  
Exactly. Below is my one email and I left a voicemail last week.

cc: www.LauraIngraham.com <<http://www.LauraIngraham.com>  
<<http://www.lauraingraham.com/>> > , <http://www.billmaher.com/>

-----Original Message-----

From: Gilbert, Christopher [<mailto:Christopher.Gilbert@bglp.com>]  
Sent: Wednesday, October 31, 2007 12:26 PM  
To: victordelrio@netzero.com;  
Subject: Re: OVERDUE RESPONSE: a mutually agreeable time  
Sensitivity: Personal

I believe I said that you could contact Ms. Drexler. I have you her number below. She is waiting for you to contact her.

----- Original Message -----

From: Victor D <victordelrio@netzero.com>  
To: denised@springisd.org <denised@springisd.org>; CJONES3@springisd.org

<CJONES3@springisd.org>; Gilbert, Christopher

Sent: Wed Oct 31 12:12:48 2007  
Subject: OVERDUE RESPONSE: a mutually agreeable time

Mr. Gilbert,

To date, I've not heard from Denise Drexler. With whom did you speak and was exactly was said? Considering the months we've needlessly waited already, it appears we are made to wait for statutes of limitations to expire on your cumulative violations that are currently condoned by the state. What do you say that could possibly lead me to believe otherwise?

Regards,

Victor Del Rio

cc: [www.LauraIngraham.com](http://www.LauraIngraham.com) <<http://www.LauraIngraham.com>> ,  
<http://www.billmaher.com/>

-----Original Message-----

From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Thursday, October 25, 2007 3:02 PM  
To: 'denised@springisd.org'; 'CJONES3@springisd.org'  
Subject: REQUEST: a mutually agreeable time  
Sensitivity: Personal

to view our complete, genuine protocols including copyright advisory.

Regards,

Victor Del Rio

-----Original Message-----

From: Gilbert, Christopher [<mailto:Christopher.Gilbert@bglp.com>]  
Sent: Thursday, October 25, 2007 2:23 PM  
To: Victor D; [deded@springisd.org](mailto:deded@springisd.org)  
Cc: [traceydelrio@hotmail.com](mailto:traceydelrio@hotmail.com); Horton, Janet; Hibbard, Douglas  
Subject: RE: Please advise - it's now Tuesday  
Sensitivity: Personal

Mr. Del Rio:

You may contact Dede Drexler, the Executive Director of the Spring ISD Special Services Department, at (281) 586-1240 to arrange a mutually agreeable time to view the documents you have requested.

Christopher B. Gilbert  
Partner  
Bracewell & Giuliani LLP  
711 Louisiana St., Suite 2300  
Houston, TX 77002-2770  
T: (713) 221-1372  
F: (713) 221-2154  
[christopher.gilbert@bracewellgiuliani.com](mailto:christopher.gilbert@bracewellgiuliani.com)



<<mailto:christopher.gilbert@bracewellgiuliani.com>>

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<<http://www.bracewellgiuliani.com>>

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From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Tuesday, October 23, 2007 3:27 PM  
To: Gilbert, Christopher  
Cc: traceydelrio@hotmail.com; nubian99@swbell.net; 'Don Carter'; hilllo@att.net; 'M Del Rio'  
Subject: Please advise - it's now Tuesday  
Importance: High  
Sensitivity: Personal

-----Original Message-----  
From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Tuesday, October 23, 2007 10:58 AM  
To: 'Gilbert, Christopher'  
Cc: 'traceydelrio@hotmail.com'; 'nubian99@swbell.net'; 'Don Carter'; 'hilllo@att.net'; 'M Del Rio'  
Subject: Please advise - it's now Tuesday  
Importance: High  
Sensitivity: Personal

-----Original Message-----  
From: Gilbert, Christopher [<mailto:Christopher.Gilbert@bgllp.com>]  
Sent: Friday, October 19, 2007 1:47 PM  
To: Victor D  
Subject: RE: Counselor?  
Sensitivity: Personal

Mr. Del Rio:

I have received your emails. The people I need to talk to at the District about setting up an appointment for you are out of the office

today at a meeting. It will be Monday before I can talk to them.

Christopher B. Gilbert  
Partner  
Bracewell & Giuliani LLP  
711 Louisiana St., Suite 2300  
Houston, TX 77002-2770  
T: (713) 221-1372  
F: (713) 221-2154  
christopher.gilbert@bracewellgiuliani.com

<<mailto:christopher.gilbert@bracewellgiuliani.com>>

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From: Victor D [<mailto:victordelrio@netzero.com>]

Sent: Friday, October 19, 2007 1:25 PM  
To: Gilbert, Christopher  
Subject: RE: Counselor?  
Importance: High  
Sensitivity: Personal

Counselor,  
I gave you the kind of answer you requested. Until I view our complete genuine protocol to gain the proper understanding for the kind of public education we received, you are leaving me no reason whatsoever to believe it was not an intentionally damaging one that benefited SISD and your law firm.  
Regards,  
Victor Del Rio

-----Original Message-----

From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Friday, October 19, 2007 11:57 AM  
To: 'Gilbert, Christopher'

Subject: Counselor?  
Importance: High  
Sensitivity: Personal

-----Original Message-----

From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Friday, October 19, 2007 11:35 AM  
To: 'Gilbert, Christopher'  
Subject: RE: when may I view the complete genuine protocol at my convenience?

Importance: High  
Sensitivity: Personal

By your letter to the Attorney General and it's response, I understand protocol to mean the actual original copyrighted test forms. The answer is No.  
Now, are we understood, Counselor?

-----Original Message-----

From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Friday, October 19, 2007 11:13 AM  
To: 'Gilbert, Christopher'  
Subject: RE: when may I view the complete genuine protocol at my convenience?  
Importance: High  
Sensitivity: Personal

Repeat. I'm not clear on what you are referring to as "protocol".

-----Original Message-----

From: Gilbert, Christopher [<mailto:Christopher.Gilbert@bglp.com>]  
Sent: Friday, October 19, 2007 10:32 AM  
To: Victor D  
Subject: RE: when may I view the complete genuine protocol at my convenience?  
Sensitivity: Personal

I mean copying the protocols in any form or fashion. That would include xeroxing, scanning, photographing, copying by long hand, or any other manner of reproduction.

Christopher B. Gilbert

Partner  
Bracewell & Giuliani LLP  
711 Louisiana St., Suite 2300  
Houston, TX 77002-2770  
T: (713) 221-1372  
F: (713) 221-2154  
christopher.gilbert@bracewellgiuliani.com  
<<mailto:christopher.gilbert@bracewellgiuliani.com>>

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<<http://www.bracewellgiuliani.com/>> .

---

From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Friday, October 19, 2007 10:30 AM  
To: Gilbert, Christopher; Horton, Janet  
Cc: traceydelrio@hotmail.com; reginac@springisd.org; KAREN@springisd.org  
Subject: RE: when may I view the complete genuine protocol at my convenience?  
Importance: High  
Sensitivity: Personal

If you mean "xeroxing" the test forms, No. Are we understood?

-----Original Message-----

From: Gilbert, Christopher [<mailto:Christopher.Gilbert@bglp.com>]  
Sent: Friday, October 19, 2007 9:54 AM  
To: Victor D; Horton, Janet  
Cc: traceydelrio@hotmail.com; reginac@springisd.org; KAREN@springisd.org  
Subject: RE: when may I view the complete genuine protocol at my convenience?  
Sensitivity: Personal

Not really. I have asked you a simple "yes" or "no" question, and you will not give me a "yes" or "no" answer.

Christopher B. Gilbert  
Partner  
Bracewell & Giuliani LLP  
711 Louisiana St., Suite 2300  
Houston, TX 77002-2770

T: (713) 221-1372  
F: (713) 221-2154

christopher.gilbert@bracewellgiuliani.com  
<<mailto:christopher.gilbert@bracewellgiuliani.com>>

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Please visit our website at [www.bracewellgiuliani.com](http://www.bracewellgiuliani.com)  
<<http://www.bracewellgiuliani.com/>> .

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From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Friday, October 19, 2007 9:51 AM  
To: Gilbert, Christopher; Horton, Janet  
Cc: traceydelrio@hotmail.com; reginac@springisd.org; KAREN@springisd.org  
Subject: RE: when may I view the complete genuine protocol at my convenience?  
Importance: High  
Sensitivity: Personal

Are we clear?

-----Original Message-----

From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Thursday, October 18, 2007 6:49 PM  
To: 'Gilbert, Christopher'; 'Horton, Janet'  
Cc: 'traceydelrio@hotmail.com'; 'reginac@springisd.org'; 'KAREN@springisd.org'  
Subject: RE: when may I view the complete genuine protocol at my convenience?  
Importance: High  
Sensitivity: Personal

"And I have consistently explained my intents to view the genuine protocol."

-----Original Message-----

From: Gilbert, Christopher [<mailto:Christopher.Gilbert@bglp.com>]  
Sent: Thursday, October 18, 2007 4:21 PM  
To: victordelrio@netzero.com; Horton, Janet  
Cc: traceydelrio@hotmail.com; reginac@springisd.org; KAREN@springisd.org  
Subject: Re: when may I view the complete genuine protocol at my convenience?  
Sensitivity: Personal

But you still have not answered the simple question that I posed in my last email: do you intend to copy the protocols, in any form or fashion, when you view them? The answer to that question impacts the copyright analysis we were directed to conduct by the Attorney General. Until we know the answer to that question, we cannot determine how to proceed.

----- Original Message -----

From: Victor D <[victordelrio@netzero.com](mailto:victordelrio@netzero.com)>  
To: Gilbert, Christopher; Horton, Janet  
Cc: [traceydelrio@hotmail.com](mailto:traceydelrio@hotmail.com)  
<[traceydelrio@hotmail.com](mailto:traceydelrio@hotmail.com)>; [reginac@springisd.org](mailto:reginac@springisd.org) <[reginac@springisd.org](mailto:reginac@springisd.org)>;  
[KAREN@springisd.org](mailto:KAREN@springisd.org) <[KAREN@springisd.org](mailto:KAREN@springisd.org)>  
Sent: Thu Oct 18 15:43:11 2007  
Subject: when may I view the complete genuine protocol at my convenience?

Mr. Gilbert,

And I have consistently explained my intents to view the genuine protocol. I've also informed you that I've already been presented a shoddy imitation by SISD at which Denise Drexler made sudden strategic last minute changes to ensure my inconvenience at that meeting. My inconvenience was further aggravated by the staff in attendance with their defensive behavior and responses. For example, I asked "Why is this assessment form blank?", they responded "You can't prove it wasn't done verbally!"

In the interest of reverse burden of proof to cumulative violations, when may I view the complete genuine protocol at my convenience?

Regards,  
Victor Del Rio

-----Original Message-----

From: Gilbert, Christopher [<mailto:Christopher.Gilbert@bglp.com>]  
Sent: Wednesday, October 17, 2007 10:41 AM  
To: Victor D; Horton, Janet  
Cc: [traceydelrio@hotmail.com](mailto:traceydelrio@hotmail.com); [reginac@springisd.org](mailto:reginac@springisd.org); [KAREN@springisd.org](mailto:KAREN@springisd.org)  
Subject: RE: I'll proceed  
Sensitivity: Personal

Mr. Del Rio:

As I have consistently told you, because there were third party proprietary interests involved with regards to your request, the District felt that it was required to wait the 30 days to see whether any of the third parties filed suit in Austin to challenge the Attorney General's decision. One of those companies specifically requested that we give them the 30 days to decide whether to proceed with an appeal. The 30 days expired Monday, and

as far as I know, nobody filed suit. We will therefore allow you to review the protocols at issue.

However, there is still an open question over whether the District would violate copyright law-- which the Attorney General directed us to comply with -- if we allow you to copy any of the documents that you review. Let me ask you this: do you intend to copy, by any means, any of the protocols that you are allowed to review? If not, then we can proceed. If so, then we need to resolve the copyright issue, and our intellectual property attorney who has been reviewing this issue is seriously ill and out of the office until at least Monday.

Christopher B. Gilbert  
Partner  
Bracewell & Giuliani LLP  
711 Louisiana St., Suite 2300  
Houston, TX 77002-2770  
T: (713) 221-1372  
F: (713) 221-2154

[christopher.gilbert@bracewellgiuliani.com](mailto:christopher.gilbert@bracewellgiuliani.com)  
<<mailto:christopher.gilbert@bracewellgiuliani.com>>

CONFIDENTIALITY STATEMENT This message is sent by a law firm and may contain information that is privileged or confidential.  
If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments. BRACEWELL & GIULIANI LLP.  
Please visit our website at [www.bracewellgiuliani.com](http://www.bracewellgiuliani.com)  
<<http://www.bracewellgiuliani.com/>> .

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From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Wednesday, October 17, 2007 10:04 AM  
To: Gilbert, Christopher; Horton, Janet  
Cc: traceydelrio@hotmail.com; reginac@springisd.org; KAREN@springisd.org  
Subject: I'll proceed  
Importance: High  
Sensitivity: Personal

-----Original Message-----  
From: Victor D [<mailto:victordelrio@netzero.com>]  
Sent: Tuesday, October 16, 2007 3:21 PM

To: 'Christopher.Gilbert@bgllp.com'; 'Janet.Horton@bgllp.com'  
Cc: 'traceydelrio@hotmail.com'; 'reginac@springisd.org'; 'KAREN@springisd.org'  
Subject:  
Importance: High  
Sensitivity: Personal

Mr. Gilbert, Mrs Horton

Considering our consistently negative experience working with, and now without, SpringISD et al over the last five years, I cannot continue to tolerate your continuing denial of access to our records. The public would find this as nothing other than a blatant collaborative effort in our debilitation.

After all, we struggled through what was obviously a biased education and given a Due Process that followed suit. And if those were both IDEA 2004 compliant and appropriate in any sense, there wouldn't be a need to persist. This has proven to be completely self serving towards the defendants et al; this is beyond an extreme waste of state funds considering the agenda. That being the case, the 'blogs' are probably the best forum for resolution. After all, I've exhausted my administrative resources without any success; I'm sure I'm not the only one in the United States. What do you suggest?

Regards,  
Victor

-----Original Message-----

From: V Del Rio [<mailto:victordelrio@netzero.net>]  
Sent: Thursday, July 05, 2007 1:00 PM  
To: Christopher.Gilbert@bgllp.com  
Cc: victordelrio@netzero.net; Janet.Horton@bgllp.com; traceydelrio@hotmail.com  
Subject:  
RE:

I've not asked for copies, simply access to those documents.

You, Mrs. Horton, and SpringISD have repeatedly denied me access, breached fiduciary duty, etc...

<http://www.oag.state.tx.us/opinions/op46white/mw-307.htm>

The custodian of public records must comply with the copyright law and is not required to furnish copies of such records that are copyrighted. Members of the public have the right to examine copyrighted materials held as public records and to make copies of such records unassisted by the state.

Of course, one so doing assumes the risk of a copyright infringement suit and you stated previously... "The Attorney General has confirmed that governmental entities cannot



provide copies of documents to requestors that are copyrighted, but should allow them to view and examine the documents. See Attorney General Opinion MW-307 (1981). "

-- "Gilbert, Christopher" <Christopher.Gilbert@bgllp.com> wrote:

Mr. Del Rio:

With all due respect to your advice that the District not "bring newcomers in the investigation," I am the attorney handling your request for the protocols. If you have made other requests for documents in the past, those are separate matters that need to be handled accordingly.

If someone at Spring ISD told you that you needed to personally visit the District to view documents, that was probably because many of the protocols (as well as other documents) are copyrighted by third parties, and Spring ISD does not have the legal right to copy those documents and give them to requestors. The Attorney General has confirmed that governmental entities cannot provide copies of documents to requestors that are copyrighted, but should allow them to view and examine the documents. See Attorney General Opinion MW-307 (1981).

In this case, the District has submitted your request for the protocols to the Attorney General, and that issue needs to be addressed within the confines of the Texas Public Information Act. Because there are a number of third parties separate and apart from either the District or you that may have confidentiality interests in the protocols, we will allow them to submit their arguments to the Attorney General and wait for his opinion before allowing anyone to view any of the protocols.

Janet L. Horton

Christopher  
B. Gilbert

Regards,  
Victor Del Rio



Date: May 2, 2008

Patient Name: [REDACTED]  
Interpreting Physician: Lisa C. Routh, M.D.

Date of resting study: 4/14/2008  
Date of concentration study: 4/15/2008

**Study parameters:**

The brain SPECT studies were performed in the following manner. The patient was placed in a dimly lit, quiet room. Intravenous access was obtained via small gauge butterfly. The patient remained quiet for several minutes with their eyes open to allow their mental state to equilibrate to the environment.

- For the baseline resting study, 99m Tc hexamethylpropylene amine oxime, HMPAO (Ceretek), was injected after the initial equilibration period.
- For the concentration study, after the initial equilibration period the patient started the Conner's Continuous Performance Task, a 15-minute computerized test of attention. Three minutes into performing the task, 99m Tc hexamethylpropylene amine oxime, HMPAO (Ceretek), was injected. The patient then completed the task.

A tomographic brain study was performed approximately 30-60 minutes later using a high resolution Picker Prism 3000 gamma camera with fan beam collimators. Data was acquired in 128 X 128 matrices. One hundred twenty images with 3 degrees separation spanning 360 degrees rotation were obtained. The data was prefiltered using a low pass filter with a high cutoff. Attenuation correction was performed using a linear method. Coronal, sagittal and transaxial tomographs were reconstructed with a slice thickness of approximately 9 mm. The transaxial tomographs were parallel to the orbitalmeatal line.

The tomographs were displayed using a standardized linear color scale. The studies were read by visual inspection in all three planes and in 3 dimensional *surface brain maps* (looking at the most active 45% of brain activity) and 3 dimensional *active brain maps* (comparing average activity with the most active 15% of brain activity). All of the brain areas listed were rated on a scale of 0 (normal activity) to 4 (+) increased or 4(-) decreased activity. Only abnormal areas are reported.

The most significant findings on these studies are:

- Mild to moderate overall cortical deactivation, seen on both studies
- Blunting of the anterior pole seen on both studies
- Moderate decreased right occipital lobe activity seen on both studies, worse with concentration
- Severe decreased left parieto-occipital junction seen on both studies, worse on baseline study
- Mild decreased bilateral temporal lobe cortical activity, left greater than right, seen on both studies, worse on baseline study
- Severe increased thalamo-limbic activity seen on both studies

**Diagnoses/Conclusions:**

**794.09** Abnormal Brain Scan

**854.01** Evidence of closed head injury without open head wound with decreased occipital lobe, temporal lobe, parietal lobe and prefrontal cortex activity

**314.01** ADD/ADHD like process with decreased inferior orbital prefrontal cortex activity

**296.23** Depression with increased thalamo-limbic activity

- Toxic exposure or drug/alcohol effect with overall decreased cortical activity
- Learning Disorder or difficulty with decreased temporal lobe cortical activity and parietal lobe activity
- Autism
- Seizure Disorder (Petit Mal) by history

## RECOMMENDATIONS AND TREATMENT PLAN:

Given this pattern of symptoms and scan findings, there is hope for significant improvement with a combination of medication, diet and exercise to properly optimize brain function.

In order to better balance brain function, I recommend the following medications in the order listed. I recommend making only one medication change or addition at a time.

1. An anticonvulsant to calm focal areas of increased activity and/or stabilize temporal lobe function, enhance mood stability and/or calm irritability. Examples of anticonvulsants include Depakote, Tegretol, Lamictal and Zonegran. I recommend starting with Lamictal. ~~He~~ needs Lamictal for history of petit mal seizures.

The starting dose of Lamictal is 50mg daily for 2 weeks then increasing to 50mg twice daily for an additional 2 weeks. The dose is titrated up by 50-100mg weekly thereafter based on clinical response to a daily maximum dose of 250mg twice daily. Lamictal does not require blood level monitoring and does not affect the liver, bone marrow or thyroid. It provides a strong mood stabilizing effect and decreases anxiety and depression. Lamictal does not cause weight gain. Lamictal has been known to cause a rash in a small percentage of people. Should this occur, immediately discontinue the medication and contact our office so we can suggest an alternative medication.

2. The addition of a stimulant to treat ADHD symptoms and/or improve prefrontal and fronto-temporal cortex function. Examples of stimulants include Ritalin, Adderall and Concerta. I recommend starting with Adderall XR.

The starting dose of Adderall XR is 10-20mg in the morning. The dose may be increased by 10-20mg weekly to a maximum dose of 60mg daily.

It is important to avoid drinking orange and grapefruit juice with stimulants. They will prevent absorption of the medication.

### Supplements & Alternative Therapy

Intense aerobic exercise is often very helpful to improve mood and concentration. I recommend that you exercise 30 minutes a day 5 times a week. In order for the exercise to be aerobic, you must have a sustained increased heart rate.

For overall brain health, I recommend Omega 3 fatty acids, which are found in cold water fish such as tuna, salmon and mackerel. A diet rich in fish is the best source of Omega 3's. You can supplement your intake with fish oil taken at a dosage of 2000-8000mg daily. Omega 3's may deplete vitamins and therefore Vitamin C 250-1000mg twice daily and Vitamin B complex should also be taken. Coromega is an excellent Omega 3 source, especially for children. It is an orange-flavored creamy product.

### General Health Supplements & Vitamins

Please contact Garrett or Damon at my office at (713) 796-0022 if you have any questions regarding supplements or vitamins.

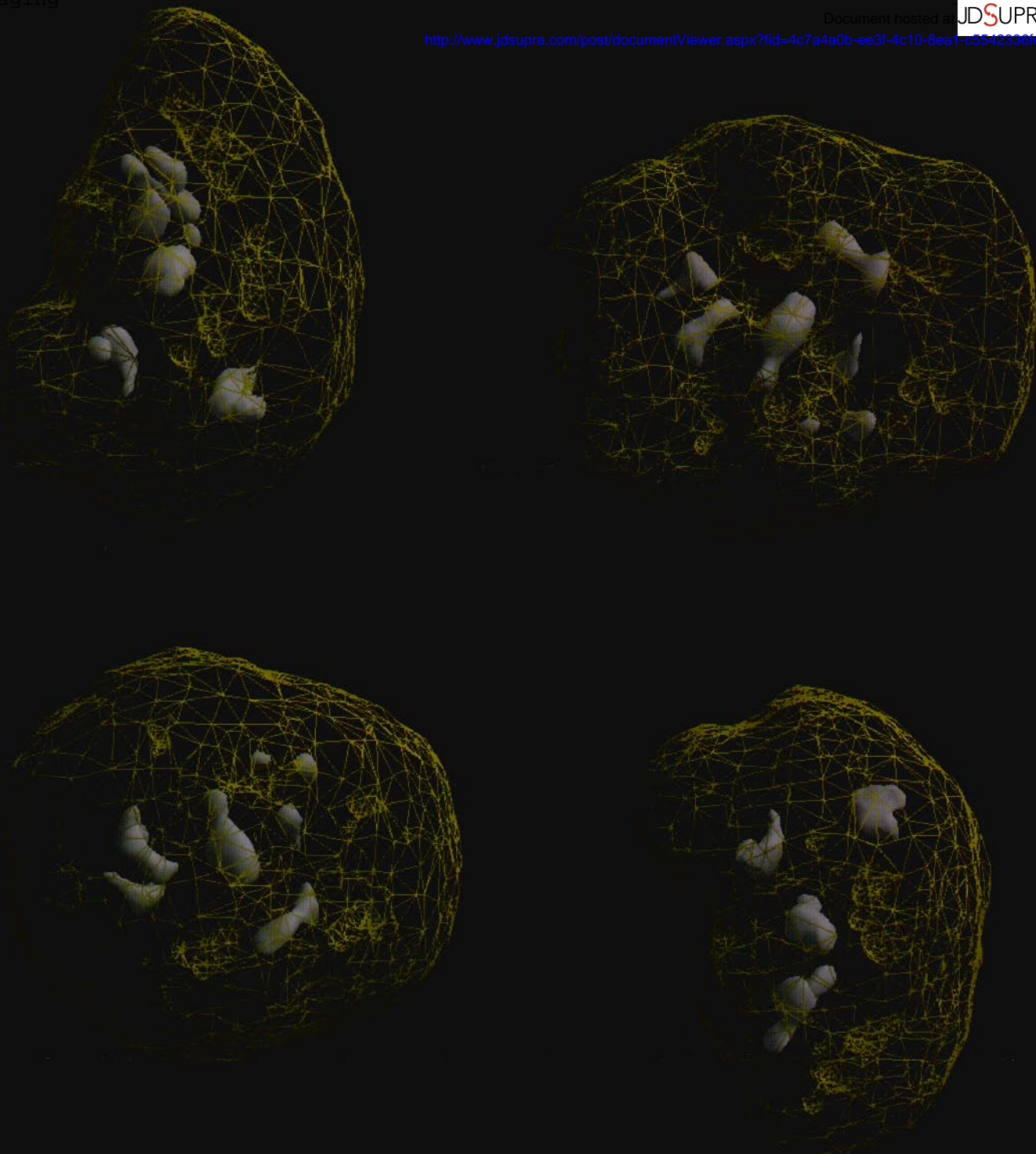
- Multivitamin
- Vitamin C 250mg twice daily
- Vitamin E 400IU twice daily

### School/Work Accommodations and Help:

~~He~~ should continue in home school. This is the situation in which he has made the greatest gains.



Lisa C. Routh, MD  
Board Certified in Child, Adolescent and Adult Psychiatry  
Licensed in Nuclear Brain Imaging



InfoBox: 3D Surface 1

Head First, Supine

Acq: 15:56:47 4/15/2008

Continuous

Inj Time: 15:49 Tc-99m

GERETEC H/L: 6.02 hrs

Tc-99m

Heads: 1,2,3 Wins: 1

Start Angle: 0.0

Acq Matrix: 128 x 128

101 Images Max Ct: 436

120.0 degrees CCU

40 steps, 3.0 deg. each

Collimator: LEHR-Par

Mag: 1.60 Depth: 16

View Term: 24.00 Seconds

Op ID: SB File: 020

Image ID: Temp

Acq ID: CONCENT

Organ: Brain Tomo

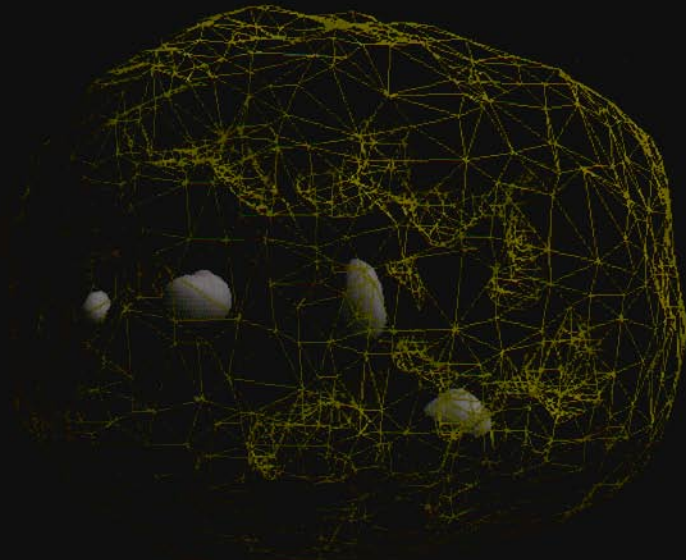
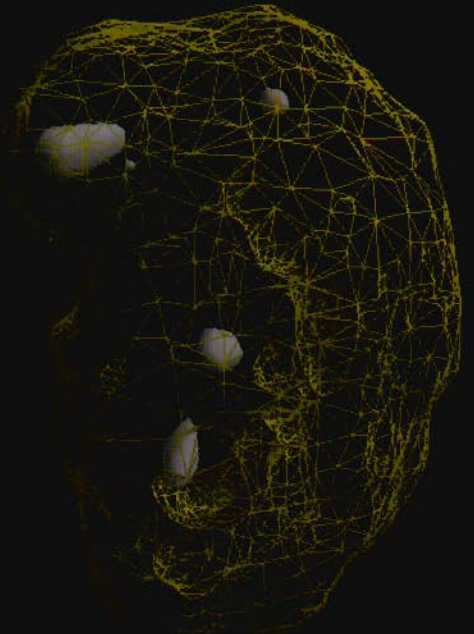
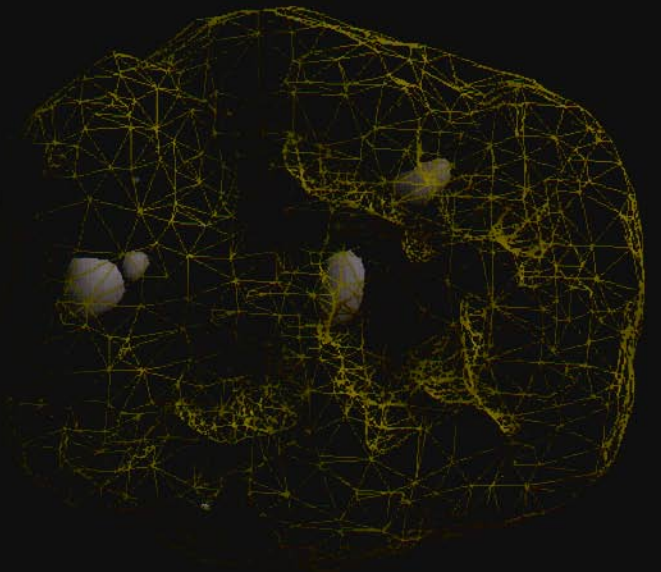
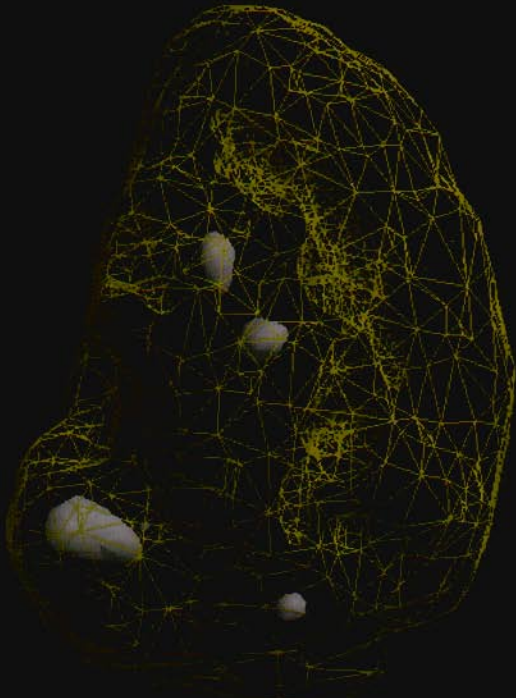
Slice: 2.22 mm

Filter: LoP/Ramp/

Brainwaves Neuroimag

Houston, TX

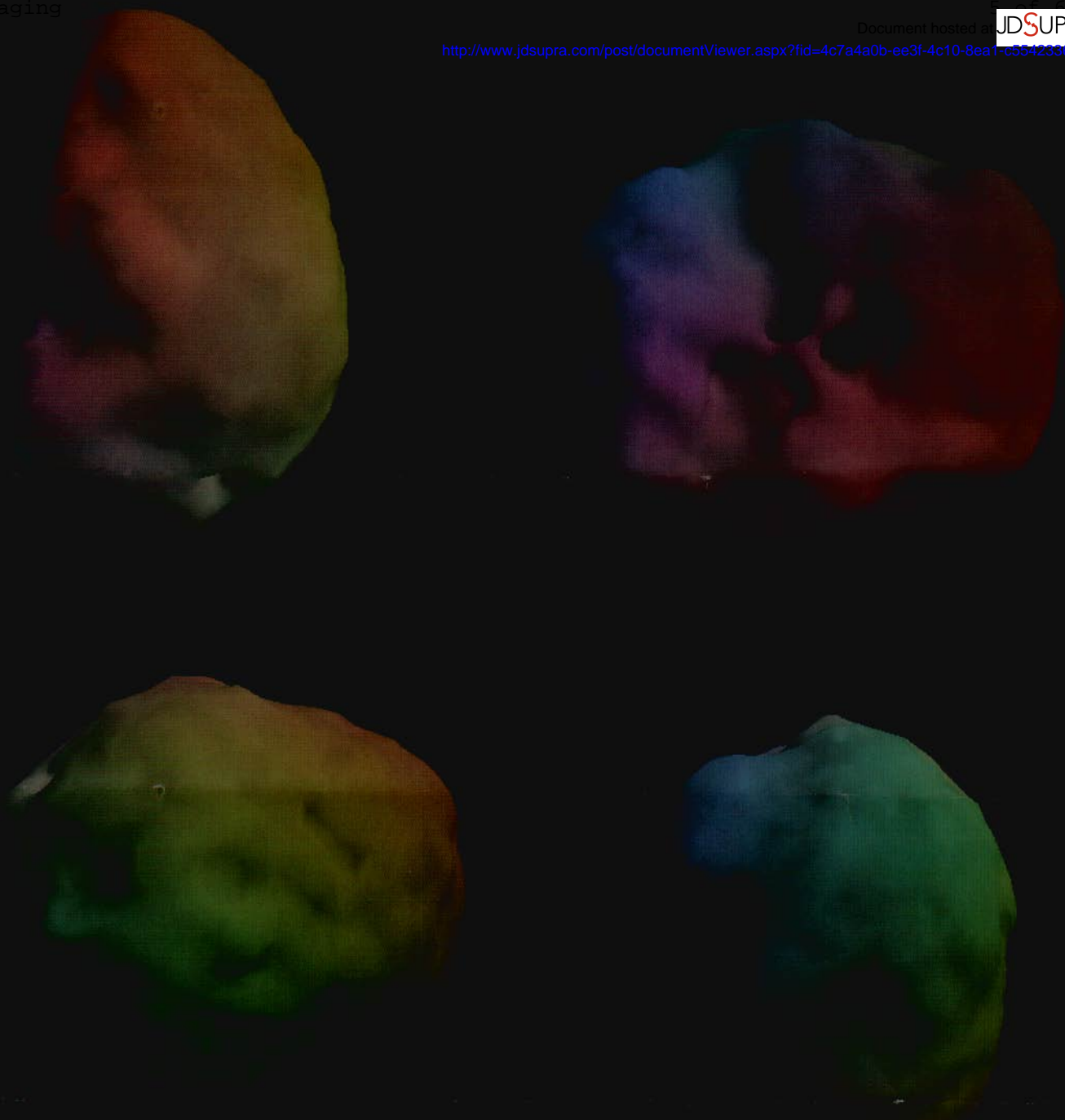




Head First, Supine  
Acq: 18:28:06 4/14/2008  
Continuous  
Inj Time: 18:24 Tc-99m  
CERETEC H/L: 6.02 hrs  
Tc-99m  
Heads: 1,2,3 Wins: 1  
Start Angle: 0.0  
Acq Matrix: 128 x 128  
101 Images Max Ct: 366  
120.0 degrees CCW  
40 steps, 3.0 deg, each  
Collimator: LEHR-Par  
Mag: 1.60 Depth: 16  
View Tern: 24.00 Seconds  
Op ID: SB File: 010  
Image ID: Temp  
Acq ID: BRSELINE  
Organ: Brain Tomo  
Slice: 2.22 mm  
Filter: LoP/Ramp/  
Brainwaves Neuroimag  
Houston, TX

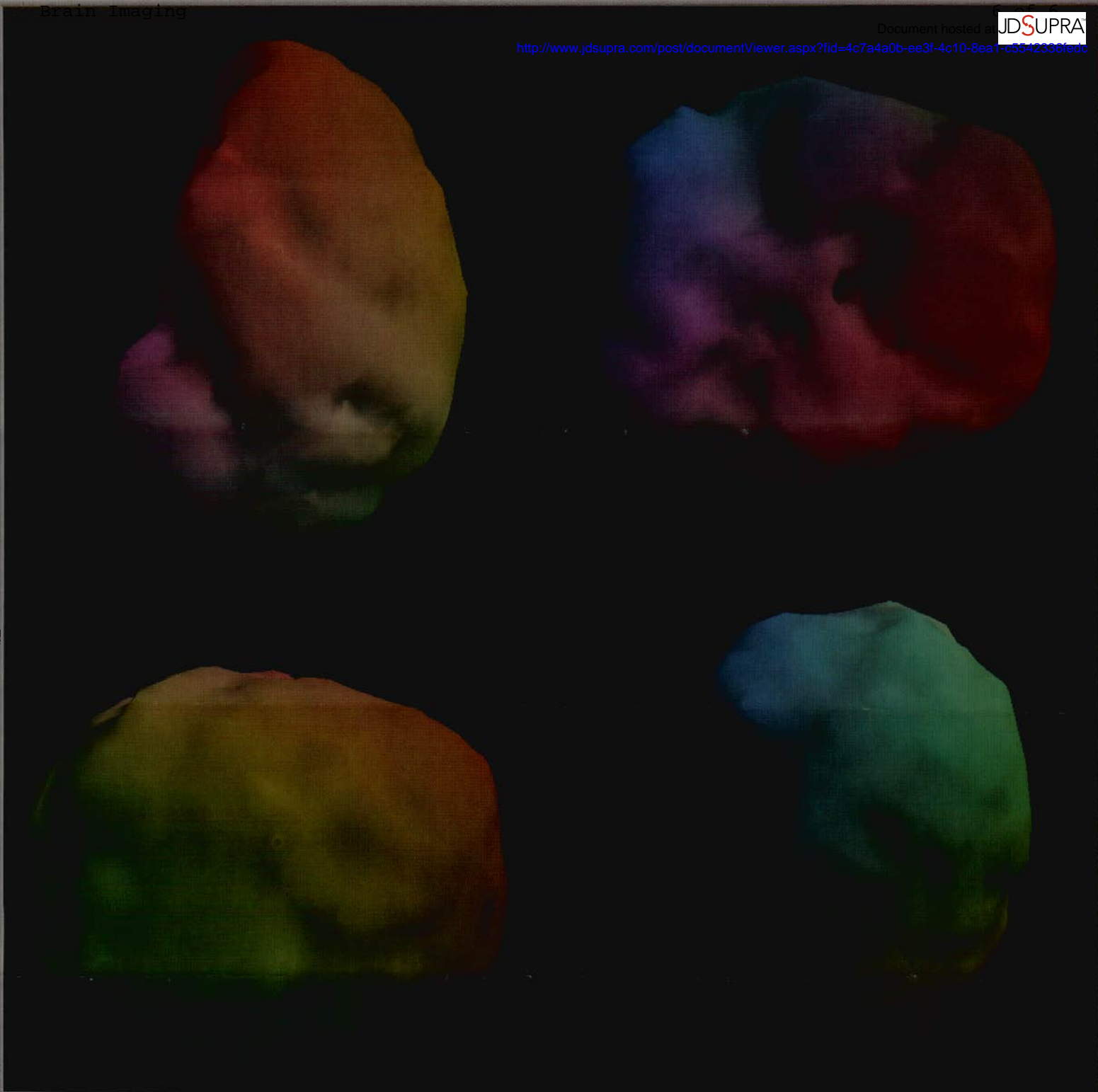


NUCLEAR MEDICINE DIVISION



Head First, Supine  
 Acq: 15:56:47 4/15/2008  
 Continuous  
 Inj Time: 15:49 Tc-99m  
 CERETEC H/L: 6.02 hrs  
 Tc-99m  
 Heads: 1,2,3 Uins: 1  
 Start Angle: 0.0  
 Acq Matrix: 128 x 128  
 101 Images Max Ct: 436  
 120.0 degrees CCW  
 40 steps, 3.0 deg. each  
 Collimator: LEHR-Par  
 Mag: 1.60 Depth: 16  
 View Term: 24.00 Seconds  
 Op ID: SB File: 020  
 Image ID: Temp  
 Acq ID: CONCENT  
 Organ: Brain Tono  
 Slice: 2.22 mm  
 Filter: LoP/Ramp/  
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Head First, Supine  
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 CERETEC H/L: 6.02 hrs  
 Tc-99m  
 Heads: 1,2,3 Wins: 1  
 Start Angle: 0.0  
 Acq Matrix: 128 x 128  
 101 Images Max Ct: 366  
 120.0 degrees CCW  
 40 steps, 3.0 deg. each  
 Collimator: LEHR-Par  
 Mag: 1.60 Depth: 16  
 View Tern: 24.00 Seconds  
 Op ID: SB File: 010  
 Image ID: Temp  
 Acq ID: BASELINE  
 Organ: Brain Tomo  
 Slice: 2.22 mm  
 Filter: LoP/Ramp/  
 Brainwaves Neuroimag  
 Houston, TX



**Subject:** FW: PERSCRIPTION

**Importance:** High

Very best regards,

Victor Del Rio, 2427 Pinpoint Drive, Spring, TX 77373  
Mobile office 713-966-0803, fx 515-474-2415

-----Original Message-----

From: Victor D [mailto:victordelrio@netzero.com]  
Sent: Friday, October 26, 2007 1:38 PM  
To: 'Tracey Del Rio'  
Cc: 'Don Carter'; flashh77@hotmail.com; hilllo@att.net; 'Joy'; 'nickdmarvel@gmail.com'; nubian99@swbell.net  
Subject: RE: PERSCRIPTION  
Importance: High

Bullshit. He falls asleep or close around 3pm everyday. Too much thinking, dyslexic symptoms.  
A real improper way to let us all know how you handle his medications..no more, because you say so? Where's the proof? the analysis?

-----Original Message-----

From: Tracey Del Rio [mailto:traceydelrio@hotmail.com]  
Sent: Friday, October 26, 2007 1:09 PM  
To: Victor D  
Subject: RE: PERSCRIPTION

I don't see any change in with him that medication so he should not be taking it.

From: victordelrio@netzero.com  
To: traceydelrio@hotmail.com  
CC: dc240@swbell.net; flashh77@hotmail.com; hilllo@att.net; joymayton@hotmail.com; nickdmarvel@gmail.com; nubian99@swbell.net  
Subject: PERSCRIPTION  
Date: Fri, 26 Oct 2007 13:06:46 -0500

His generic Adderrall perscription has since run out, I pestered Flowers to refill it. It's been ready since yesterday.



**victordelrio****Subject: FW:**

Very best regards,

Victor Del Rio, 2427 Pinpoint Drive, Spring, TX 77373  
Mobile off 713-359-0494, fax 515-474-2415

-----Original Message-----

From: V Del Rio [mailto:victordelrio@netzero.net]  
Sent: Thursday, May 10, 2007 3:23 PM  
To: traceydelrio@hotmail.com  
Subject:

I am not bullying you. This is regarding a Dr's script for medication that you stopped in both instances. I've been trying to get a compromise from you since you didnt ask for an alternative for Ritalin or bother to respond to my questionnaire on that or ABA therapy. These are things proven to help with learning disablities but you are not cooperative. You keep stating "you are not going to discuss this with me"; this is violating the divorce decree and grounds for legal action.

Last I heard from you, you would cooperate with an alternative to Ritalin. I need a confirmation from you will still cooperate. Otherwise, I am taking you to court.

**victordelrio**

---

**Subject:** FW:

Very best regards,

Victor Del Rio, 2427 Pinpoint Drive, Spring, TX 77373  
Mobile off 713-359-0494, fax 515-474-2415

-----Original Message-----

**From:** Del Rio, Victor

**Sent:** Friday, March 16, 2007 4:39 PM

**To:** 'Tracey Del Rio'

**Subject:** RE:

what you do mean by this: or any other medication for that fact ???

Thank you,

Victor

Baker Hughes Business Support Services

IT Asset Management

281-209-7721

-----Original Message-----

**From:** Tracey Del Rio [mailto:traceydelrio@hotmail.com]

**Sent:** Friday, March 16, 2007 4:35 PM

**To:** Del Rio, Victor

**Subject:**

I spoke with Dr. Flowers and gave him my opinion on Ritalin and told him that I did not want Nick on that medication or any other medication for that fact so don't fill the prescription for what he wrote. We both have to agree on this and you know how I feel about it.