

**NO. CCL 10-C-634**

JOHN FRANKLIN THOMAS SR.  
PLAINTIFF

§ COUNTY COURT AT LAW  
§  
§  
§  
§  
§  
§ CASS COUNTY, TEXAS

v.

IKE ROY BLOCK,  
d/b/a BLOCK & SON'S TIMBER, ET AL

**CHALLENGE TO AUTHORITY  
& DEMAND TO SHOW CAUSE  
AS PRESENTED BY AFFIDAVIT OF  
John Franklin Thomas, Sr.**

STATE OF TEXAS §  
CASS COUNTY §

TO THE HONORABLE JUDGE OF SAID COURT:

I, John Franklin Thomas, Sr., Plaintiff, hereby and herein make my timely challenge to authority pursuant to your own Texas Code of Civil Procedure at Rule 12 which provides that the pleadings of any attorney who cannot show authority to defend or prosecute a particular case must be stricken from the record. Furthermore, Federal Crop Insurance Corporation v Merrill, 332 U.S. 380 at 384, "Whatever the form in which the Government functions, anyone entering into an arrangement with the Government takes the risk of having accurately ascertained that he who purports to act for the Government stays within the bounds of his authority... And this is so even though, as here, the agent himself may have been unaware of the limitations upon his authority." as further supported by Tarver, Steele & Co. v. Pendleton Gin Co. 25 SW 2d 156 (Tex Civ Appl 1930) Principal and Agent - "Agency is never presumed, and burden of proof is on one asserting its existence."

## TEXAS RULE 12 CHALLENGE

1. Without waiving any other remedy or right, I, John Franklin Thomas, Sr., Plaintiff, state that I do not believe that James P. Finstrom; Jim F. Thompson; Mitch Motley and/or COGHLAN CROWSON, LLP have the authority to act for the Defendants and hereby and herein make this challenge pursuant to Rule 12 of the Texas Rules of Civil Procedure and make a substantive challenge as a matter of right as to associated fundamental principles of LAW both State and Federal. Lawful proof of the authority of James P. Finstrom; Jim F. Thompson; Mitch Motley and/or COGHLAN CROWSON, LLP is hereby demanded, and if there is any subrogation and/or insurable interest, that the actual policies are made available to me at least ten days in advance and also produced on the record, and put into evidence with full disclosure as to whom is covered, and for what specific acts, thus no appearance by James P. Finstrom; Jim F. Thompson; Mitch Motley and/or COGHLAN CROWSON, LLP until this is settled. A hearing is necessary to ascertain the relevant evidence, after which, if authority can be shown, the court shall then declare specifically whether it presumes that James P. Finstrom; Jim F. Thompson; Mitch Motley and/or COGHLAN CROWSON, LLP are employees OR independent contractors. I demand full disclosure of what James P. Finstrom; Jim F. Thompson; Mitch Motley and/or COGHLAN CROWSON, LLP fees are with each party with any and all costs being disclosed since attorneys have been found to have two sets of accounting, as in \$150 / hour if the clients lose and have to pay OR \$300 / hour if the opposing party is ordered to pay.

2. I hereby and herein make my Offer of Proof that James P. Finstrom; Jim F. Thompson; Mitch Motley and/or COGHLAN CROWSON, LLP have by their actions verified their intent to violate oaths to the Constitution and proceed with involvement in the criminal cover up of criminal acts, in the nature of acting contrary to Texas Penal Code §38.05 Shielding from Prosecution by specific intent, as coerced by force of arms, and other CRIMES executed by specific intent in the nature of Deceptive Trade Practices, acting ultra vires in an ongoing scheme which still has the potential to commit even more Timber Theft, while no such activity can ever be a 'covered peril' in any insurance policy.



3. A show cause hearing is demanded as to authority, if any, of James P. Finstrom; Jim F. Thompson; Mitch Motley and/or COGHLAN CROWSON, LLP

**VERIFICATION 28 USC § 1746(1)**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed on this the \_\_\_\_\_ day of the second month in the year of our Lord and Savior two thousand eleven.

John Franklin Thomas, Sr., unrepresented  
900 South Hamilton Road  
Linden, Texas 75563 903-756-3618

**CERTIFICATE OF CONFERENCE**

Upon Conference, James P. Finstrom; Jim F. Thompson; Mitch Motley and/or COGHLAN CROWSON, LLP are **OPPOSED**, with \_\_\_\_\_ deemed **OPPOSED** to this Challenge to Authority pursuant to Rule 12 of the Texas Rules of Civil Procedure and associated fundamental principles of law.

John Franklin Thomas, Sr.

**FIAT**

Hearing on the above matter is set for \_\_\_\_\_ am on the \_\_\_\_\_ day of the second month in the year of our Lord and Savior two thousand eleven.

\_\_\_\_\_  
Judge Presiding

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document is sent to Ike Block, Larry Allen, & Francis Brown Allen, plus under protest by First Class Mail, postage prepaid, to James P. Finstrom; Jim F. Thompson; Mitch Motley and/or COGHLAN CROWSON, LLP this \_\_\_\_\_ day of the second month in the year of our Lord and Savior two thousand eleven.

John Franklin Thomas, Sr.