

Chapter 1 : Martin v. Scottrade, Inc. :: Justia Dockets & Filings

Navarro co, tx Wm Parmer 40 AL Francis B Parmer 29 IN Martin V Parmer 11 TX Arrina Parmer 9 Wilson Parmer 8 Barthena Parmer 7 Saml Parmer 5 Acineth Parmer 3.

Although Mark had notice of the divorce hearing, he did not attend. In his absence, the trial court dissolved the marriage and appointed Helen sole managing conservator of their child. On appeal, Mark contends the trial court erred in entering the default judgment and in refusing to 1 appoint Mark possessory conservator of the child; 2 order a DNA test to determine the child s biological father; 3 order the child s last name changed from Hardcastle to Parmer; and 4 grant Mark s request for a jury trial. Background Mark and Helen married in March . In July , Mark pled guilty and was convicted of injury to a child with a deadly weapon, causing the death of Helen s daughter from a previous marriage. The trial court sentenced Mark to thirty years in prison, and he remains incarcerated at the time of this appeal. In October , Helen, acting pro se, petitioned for divorce. Mark, also pro se, responded in his answer that Helen s original petition incorrectly stated that she has no children from the marriage. Helen then amended her petition and disclosed that she has a child with Mark. Helen requested that the trial court award sole custody of the child to her and deny Mark any visitation. In January , Mark moved the trial court to order DNA testing to establish paternity, but the record contains no ruling by the trial court on this motion. On August 8, , Mark received notice that the trial court had set the hearing on the divorce petition for October 8, . The notice also advised Mark to request a bench warrant in writing if he wished to attend. On October 7, , the day before the scheduled proceeding, the trial court received various motions from Mark, in which he requested that the court 1 grant a jury trial, 2 name him or his parents as possessory conservators, and 3 change the child s last name to his name. Mark also renewed his request for DNA testing. He did not, however, request a bench warrant or make any other attempt to arrange for his appearance at court, either in person or by alternative means. The trial court proceeded with the hearing in Mark s absence and entered a post-answer default judgment in favor of Helen. With respect to custody and visitation, the following colloquy took place between Helen and the trial court: But I need a divorce decree, something for me to sign that addresses your son, addresses custody of your son. I assume at this point you re not going to enter any child support because the guy can t pay child support. I assume that since he s in prison he s not going to have any specific visitation. It will just be whatever you approve whenever he gets out, something on that basis. Can I approve zero? Is that an option? You can approve whatever you want to but I need something in the paperwork that says that you will try to work with him and agree to visitation. And if you don t, then you don t and then he can come complain about it. Am I going to approve a well, what is he in prison for? He killed my daughter. You just answered your own question. Then I want something in there saying that you have sole custody of this child and that he is not to have visitation. The final divorce decree orders that there will be no visitation rights of [the child] by the Respondent Mark Anthony Parmer unless permitted by Helen Christine Hardcastle. Mark did not seek any postjudgment relief from the trial court, but did notice this appeal. Analysis Post-Answer Default Judgment Mark asserts that the trial court erred in entering the default judgment against him because he answered Helen s petition. Unlike other civil cases in which a defaulting defendant is presumed to admit the petition s allegations regarding liability and liquidated damages, the allegations in a divorce petition are not admitted by a defaulting defendant. El Paso , no pet. An answer alone, however, does not preclude the entry of a default judgment. Here, the trial court entered a default judgment not because Mark failed to answer, but because he did not appear at the divorce hearing. At the hearing, Helen presented some evidence to support the allegations in her petition. Mark did not move for a new trial or other post-judgment relief and thus failed to preserve any basis to review the post-answer default judgment. App Houston [1st Dist. As a pro se party, Mark is held to the same standard as a licensed attorney and thus is required to comply with the rules of procedure. Accordingly, we may not consider Mark s complaints about child custody, conservatorship, and visitation issues addressed in the final divorce decree. DNA Test and Name Change Mark also contends that the trial court wrongly failed to grant his motions for DNA testing and to change the name of the child to include his last name. Mark asserts that the Family Code

entitles him to the relief he requested in both of these motions. The court, however, never ruled on these motions, and Mark never requested any ruling. When a party does not obtain a ruling on a motion, request that the court document its refusal to rule, or otherwise object to the court's refusal, that party may not later complain about the lack of any such ruling. Texas Dep't of Criminal Justice, S. Bank of America, N. Dallas, no pet. Mark's failure to request rulings on his outstanding motions means that we may not consider these issues either. Request for Jury Trial In his final issue, Mark asserts that the trial court erred in refusing to grant his belated jury demand, in violation of the Fourteenth Amendment of the United States Constitution. A civil litigant does not have an automatic right to a jury trial. Rather, the party must demand it and pay any applicable fee within the prescribed time. Mark's request for a jury, made the day before trial, was untimely. Moreover, Mark has also waived any error as to this issue. Mark did not present the issue to the trial court in a motion for new trial, and has not identified in his brief any basis on which we could conclude that the trial court committed any fundamental error or abused its discretion in failing to grant the untimely demand. Conclusion The judgment of the trial court is affirmed. He did not try to appeal from this conviction and sentence until August 19, , more than three years later.

Chapter 2 : Martin Parmer Family Tree

abt when Martin was 48, he third married Margaret Griffith Neal, daughter of John Griffith & Hannah Thornburg. Born abt Margaret Griffith died in Mississippi abt ; she was <1.

Martin alleges that Scottrade breached its brokerage agreement with her and other customers by failing to prevent a data breach in . Upon appeal, the United States Court of Appeals for the Eighth Circuit affirmed the dismissal with prejudice, for failure to state a claim upon which relief can be granted. The hackers later used that information for a stock price manipulation scheme, illegal gambling websites, and a Bitcoin exchange. After receiving FBI approval in September , Scottrade sent a letter to its customers notifying them of the breach and offering free enrollment in identity repair protection services. Between October and December , Martin and three other named plaintiffs filed separate, but largely identical, putative class actions complaints in United States District Courts in Florida, California, and Missouri. Fla ; Hine v. Cal ; Duqum v. Mo ; Kuhns v. Their complaints allege that Scottrade breached its brokerage agreement with them, breached an implied contract, acted negligently, was unjustly enriched, and violated state consumer laws. Once the cases were consolidated, the magistrate judge dismissed the complaint, with prejudice, for lack of standing. The magistrate judge found that plaintiffs had not pleaded any injury in fact under various legal theories. The court based its reasoning on three conclusions: Martin argues that, because the Eighth Circuit did not rule on her Florida State Law claims, her claims have never been adjudicated and res judicata does not apply. Res judicata is a common law doctrine that "bar[s] the reassertion of a cause of action that has been previously adjudicated in a proceeding between the same parties or those in privity with them. For res judicata to apply, "four identities" must occur: If these four items are the same in both suits, then res judicata applies "to every point properly belonging to the subject matter of litigation and which the parties. City of Chesterfield, 64 S. As defined by the Missouri Supreme Court, "[a] claim is the aggregate of operative facts giving rise to a right enforceable by a court. The definition of a cause of action is nearly the same: If a cause of action fulfills this test, "[s]eparate legal theories are not to be considered as separate claims. The third and fourth res judicata identities pertain to the parties. A party is identical when it is "the same party that litigated the prior suit" or when it is in privity with that party. Kansas City, S. If all of these identities are fulfilled and the court in the prior case issued a final judgment, res judicata applies and the claim is barred. ANALYSIS Martin argues that the second, third, and fourth res judicata identities are not met, and that therefore, res judicata does not bar her claim. According to Martin, the Eighth Circuit never ruled on her Florida law claims, and the identity of her cause of action is different. For the same reason, Martin argues that she was not a party to the case dismissed by the Eighth Circuit, either in an individual or representative capacity. She cites to Eighth Circuit dicta purportedly holding that pre-certification judgments do not bind putative class members. They arise from the same language in the brokerage agreements and the same security breach that constitute the operative facts in this case. However, "[s]eparate legal theories are not to be considered as separate claims. As to the third and fourth identities, Martin was a party to the consolidated complaint that was dismissed with prejudice in Duqum. Although she did not appeal herself, her case was extinguished when the Eighth Circuit affirmed under Rule 12 b 6. The Eighth Circuit named Martin in the judgment. Kuhns filed that motion, "so that the California state court action, and any other state court actions, may appropriately proceed. An Order of Dismissal will accompany this Memorandum and Order. Martin alleges related claims of implied contract, unjust enrichment, and Florida state law claims under the Florida Deceptive and Unfair Trade practices Act Fla. From Toben, Martin cites language from a parenthetical that has no controlling authority. The party opposing the class may prefer to win dismissal or summary judgment as to the individual plaintiffs without certification and without binding the class that might have been certified.

Chapter 3 : MARTIN v. SCOTTRADE, INC. | Case No. CV | b81| blog.quintoapp.com

Born to the Virginian farmer Martin Palmer, Revolutionary war soldier, and his wife Millie Reed, Martin Parmer was a

DOWNLOAD PDF MARTIN V. PARMER.

powerfully colorful person; one of the heroes of Texas history, he is one of the signers of the Texas Declaration of Independence.

Chapter 4 : Martin Van Buren Parmer () - Find A Grave Memorial

Martin Parmer was born in Bibb, Alabama, USA on to Waits Parmer and Caroline Barnes. Relatives of Martin Parmer. Parents. Waits Parmer - Unknown.

Chapter 5 : Martin v. Scottrade, Inc.

Research genealogy for Martin Van Buren Parmer of Shelby, Texas, USA, as well as other members of the Parmer family, on Ancestry.

Chapter 6 : Martin V | pope | blog.quintoapp.com

Martin Parmer We found 4 Martin Parmer in the US. Get full address, contact info, background report and more! Get full address, contact info, background report and more! Filter by Location.

Chapter 7 : Edward H Parmer from FL Police Arrest Report ID

On 16 May when Sarah Martha was 24, she married Wilbur Streeter. Born on 2 Apr in Jackson, Michigan. Wilbur died in Houston, Harris County, Texas, on 19 May ; he was

Chapter 8 : Talk:Martin Parmer - Wikipedia

Martin V: Martin V., pope from to A cardinal subdeacon who had helped organize the Council of Pisa in , he was unanimously elected pope on Nov. 11, , in a conclave held during the Council of Constance (), which had been called to end the Great Schism (), a split in the.

Chapter 9 : Parmer County, Texas - Wikipedia

Elizabeth Parmer Indiana Elizabeth Parmer in United States Federal Census Elizabeth Parmer was born circa , at birth place, Indiana, to Isaac Parmer and Clerisa Parmer. Elizabeth had 2 siblings: Louisa Parmer and one other sibling.