

Court asked to decide who is Westlake mayor

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The Tarrant County district attorney's office stepped into Westlake's legal tinderbox yesterday by calling for a rarely used court procedure to determine whether Scott Bradley or Dale White is the town's mayor.

The quo warranto, which has been invoked fewer than a half-dozen times in the past 25 years in Tarrant County, was requested by White and is pending in Tarrant County District Judge Bob McGrath's court.

District Attorney Tim Curry said yesterday that the order is needed to clear up confusion over who governs Westlake. For two weeks, Bradley and White have been issuing dueling vetoes over board actions related to the town's boundaries and staffing.

"We're not taking sides," Curry told the *Star-Telegram*. "We have no interest in who will be the mayor, but we need the court to tell us. It's pretty obvious to us there is a lot of chaos in Westlake. This matter needs to be settled and the courts need to determine who the rightful mayor is. This is the best and quickest way."

Curry acknowledged that invoking a quo warranto is not a common procedure. "It's been so long, I'll have to look it up in the law dictionary," he said.

According to one law dictionary: "Formerly a criminal method of prosecution, it has long since lost its criminal character, and is now a civil proceeding, expressly recognized by statute, and usually employed for trying the title to a corporate franchise or to a corporate or public office."

The dictionary also refers to it as "an ancient common law writ, issued out of chancery on behalf of the king against one who claimed or usurped any office, franchise or liberty..."

White could not be reached to comment. Bradley said he was surprised that the district attorney has opted to step in to Westlake's legal woes when the question of his incumbency is being hashed out in a lawsuit before the Texas Supreme Court.

"One would have to question why they filed a new lawsuit," Bradley said.

On Monday, the high court stayed an appeals court order that could have cleared the way for Bradley's ouster. Four outgoing aldermen - Carroll Huntress, Al Oien, Jerry Moore and Howard Dudley - ousted Bradley for "misconduct" in late April, and named White as mayor May 2. But McGrath granted Bradley a restraining order to block the decision from taking effect. After an appeals court blocked that order, the new Board of Aldermen reseated Bradley.

Tuesday's quo warranto action was initially filed in Tarrant County District Judge Bonnie Sudderth's court. But McGrath and Sudderth agreed late in the afternoon to transfer that action, as well as three other Westlake lawsuits - including Westlake vs. Fort Worth, Westlake vs. Southlake and Bradley vs. the Board of Aldermen - into his court.

"For judicial economy, we decided to put them all in one court," McGrath said. "They will remain separate lawsuits but pending before one judge. It's for continuity, to avoid inconsistent actions."

McGrath took his first action yesterday in Westlake vs. Southlake - a lawsuit brought by the town to prevent Southlake's annexation of the \$105 million Solana office complex - when he declined Westlake Town Attorney Paul Isham's request for a restraining order to prevent the annexation. Last night, Southlake council members took a preliminary vote to bring the complex into its boundaries.

Alderman Abe Bush questioned White's efforts to remain involved in the town when White says he no longer lives in Westlake. White has signed ordinances that disannexed his home, Ross Perot Jr.'s Circle T Ranch and the Solana office park. Bush said he believes that White's moves are being "orchestrated."

"These guys are not bright enough for this," Bush said. "They seem to have an answer for everything that happens and they won't quit....It's being hashed out in a war room somewhere."

Bradley, who had not heard about the quo warranto action until yesterday evening, said he would contact his attorneys to discuss what move is next.

Monday night, the Board of Aldermen voted unanimously to pay \$40,000 in legal fees incurred by Bradley's attorneys in the appeal of his ouster. Board members also agreed to raise the \$100,000 ceiling on the town's annual legal expenses to \$300,000, and hired the Denton law firm Whitten & Griffen as local counsel in lawsuits pending in Denton County District Court.

In a notice posted at Town Hall, White called Monday's meeting "illegal." White has been seen at Town Hall once since Westlake residents voted in a new Board of Aldermen supporting Bradley, and White has not been present at two meetings called by the board.

Curry said the district attorney's office will not necessarily have "active involvement" in the quo warranto case.

"We're simply allowing the parties to go to court to get the matter settled," Curry said. "It is a legal technicality that it has to be done this way."
