

CAUSE NO. 108629-D-CV

STUART ROBERTS AND TOM
WHITE, AS NEXT FRIEND OF
ANDY WHITE, A MINOR
Plaintiffs

v.

CAL FARLEY'S BOYS RANCH
Defendant

§
§
§
§
§
§
§
§
§
§
§

IN THE 320th
DISTRICT COURT
POTTER COUNTY, TEXAS

Filed at 10:35 AM
Carley Snider
MAY 21 2019
District Clerk Potter Co., Texas
By _____ Deputy

**PLAINTIFFS' ORIGINAL PETITION,
REQUEST FOR DISCLOSURE, AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiffs, Stuart Roberts ("Stuart") and Tom White ("Tom"),¹ as next friend of Andy White ("Andy"), a minor, file this original petition, request for disclosure, demand for jury trial, and request for discovery against defendant, Cal Farley's Boys Ranch ("Boys Ranch"), and for cause of action would show as follows:

**I.
INTRODUCTION**

1. In 2010 and 2015, respectively, Stuart's and Andy's parents enrolled their boys in Defendant's program for "at-risk" children and teens – which purported to offer a "safe, therapeutic residential" environment for children in its care. But rather than keep Stuart and Andy safe, Defendant exposed the boys to – and did not protect the boys from – sexual abuse while in Defendant's care.

¹ Pseudonyms have been substituted for Plaintiffs' names for all causes of action brought through this petition that would otherwise publish important privacy interests of all parties. Tom White's and Andy White's true identities have been withheld pursuant to Tex. Civ. Prac. & Rem. Code § 30.013, and Plaintiffs gives notice to all parties that the parties shall maintain the confidentiality of the Plaintiffs as required by the statute. Furthermore, as this lawsuit raises issues related to sexual abuse, all Plaintiffs fear for their personal safety as a result of this petition.

2. Within days of his admission to Boys Ranch, Andy – a 9-year old boy – was exposed to sexually aggressive behavior by an older resident with whom Boys Ranch placed him. And within days of being placed in Boys Ranch’s adolescent home, Stuart – a 13-year old boy – was exposed to sexually aggressive behavior by an older resident with whom Boys Ranch placed him.

3. Stuart and Andy’s exposure to sexual activity by older residents were not isolated events – they instead resulted from the continuation of a long-standing and deeply entrenched dangerous condition throughout Boys Ranch’s facility.

Boys Ranch has a History of Exposing Young Boys to Sexual Abuse

4. Before Stuart and Andy were subject to sexual abuse while in Boys Ranch’s care, Boys Ranch was aware of the dangerous condition on their premises. Stuart and Andy’s outcries are corroborated by similar reports spanning decades. Within the past two years, dozens of former Boys Ranch residents have made outcries of physical and sexual abuse they endured while in Boys Ranch care.

5. S.S. and R.S. were Boys Ranch residents during the 1950s and 1960s. S.S. reports that, almost immediately upon his arrival in Boys Ranch’s care, S.S. was subject to the first of many assaults by Boys Ranch staff. S.S.’s brother, R.S., was also severely beaten by staff and reported being raped by an older resident while in Boys Ranch’s care.

6. A.V. was a Boys Ranch resident in the 1950s and 1960s. A.V. reports that, during his 10 years in Boys Ranch’s care, staff physically abused residents and younger children were sexually abused by older boys.

7. E.C. was a Boys Ranch resident from 1967 to 1974. On E.C.’s first day at Boys Ranch, he was chased down and whipped. E.C. reported that, when he was 15-years old, he was sexually

assaulted by his house parent – and the abuse continued for two years. E.C. also witnessed older residents raping younger residents and was encouraged by house parents to assault other residents.

8. M.C. was a Boys Ranch resident from 1978 to 1983. M.C. reports that he was repeatedly raped and beaten by two older boys during his time in Boys Ranch's care. M.C. reports that two older residents would assault him outside their dormitory and then take turns raping him.

9. R.C. was a Boys Ranch resident in the 1980s. R.C. reports that he was beaten every single day while in Boys Ranch's care – by older and bigger residents, as well as by his house parents. When he was 12-years old, R.C. was raped by another resident in his dormitory.

10. G.G. was a Boys Ranch resident from 1988 to 1990. G.G. reports that, throughout his time in Boys Ranch's care, he witnessed and endured significant abuse. G.G. witnessed and endured physical abuse by older residents, his house parents, and Boys Ranch staff. G.G. also witnessed sexual abuse occurring on campus: once walking into a dorm room where a 17-year old resident was having sex with a 14-year old resident during a house party.

11. D.S. was a Boys Ranch resident from 1990 to 1993. During the time D.S. was in Boys Ranch's care, he was sexually, physically, and emotionally abused. When he first arrived at Boys Ranch at the age of 15, another resident threatened to physically assault D.S. if he did not engage in sexual activity with another resident – and D.S. was forced to comply. D.S. reported that sexual abuse was common at Boys Ranch: boys on boys, staff on boys, staff on girls, and boys on girls. Not long after his initial sexual abuse, another resident began sexually touching D.S., sometimes multiple times a day.

12. C.P. was a Boys Ranch resident in 2002. C.P. reports that his house parents physically and emotionally abused him and other residents – once giving him a black eye and a likely

concussion. C.P. also reports that his house parents forced him and other residents to carry buckets of animal excrement back-and-forth without purpose and dig holes in sand without purpose. He was also subject to physical abuse by older residents, including being forced to fight every other dorm resident in his group home in a single night.

13. J.D. was a Boys Ranch resident in the 2000s. J.D. reported to law enforcement that her house parent sexually touched her countless times – almost daily – while she was in Boys Ranch’s care. It was reported to law enforcement that J.D.’s abuser had previous investigations and disciplinary actions for similar accusations through Boys Ranch. J.D.’s abuser and Boys Ranch house parent is now listed on the sex offender registry.

14. These survivors uniformly reported that the abuse occurred, continued, and remained unaddressed due to two simple facts: (1) Boys Ranch staff would not intervene to protect their residents from being abused by older residents or staff, and (2) there was a culture of fear throughout Boys Ranch that silenced the reporting of abuse by residents.

**Boys Ranch Staff Did Not Protect Stuart and Andy from Sexual Abuse
by Older Residents– Just Like the Dozens of Survivors in the Decades Before**

15. Rather than receiving the “safe, therapeutic residential environment” that Cal Farley’s promised children in its care, and rather than “receiving . . . safety, belonging, achievement, power, purpose, and adventure” to “achieve their God-given potential,” Stuart and Andy were sexually abused in their own homes.

16. And just like many of the survivors that endured sexual abuse at Boys Ranch over the past seventy years, Stuart’s and Andy’s house parents failed to protect them from being abused by older residents – and both were sexually abused by older residents in their dormitories.

II.
DISCOVERY CONTROL PLAN

17. Plaintiffs intend for discovery in this case to be conducted under Tex. R. Civ. P. 190.4 (Level 3).

III.
CLAIMS FOR RELIEF

18. At this time, the full extent of Plaintiffs injuries is unknown. Based on the current information available, Plaintiffs believe they will each seek monetary relief of over \$1,000,000.00 in damages. Tex. R. Civ. P. § 47(c)(4).

19. Plaintiffs reserve the right to amend this petition, including this provision, as the case continues.

IV.
PARTIES

20. Plaintiff Stuart Roberts is a natural person who currently resides in Oklahoma. Plaintiff may be served with process through the undersigned attorney.

21. Plaintiff Tom White is a natural person who currently resides in Travis County, Texas. Plaintiff White is suing on behalf of his minor child, Andy, who currently resides in a residential treatment center in Caldwell County, Texas. Plaintiff White may be served with process through the undersigned attorney.

22. Defendant Boys Ranch is a corporation that operates a residential community for “at-risk” children in Oldham County, Texas. Boys Ranch has its principal place of business located in Potter County, Texas. Boys Ranch may be served through its registered agent, Dan Adams, at 600 West 11th Street, Amarillo, TX 79101.

V.
VICARIOUS LIABILITY

23. At all times pertinent to this action, the agents, servants, and/or employees of Boys Ranch were acting within the course and scope of their employment and official duties. Therefore, Boys Ranch is responsible for all damages resulting from the negligent acts and omissions of its agents, servants, and/or employees pursuant to the Doctrine of Respondeat Superior.

24. Wherever in this Petition it is alleged that Boys Ranch did any act or thing, or any of Boys Ranch's agents, officers, servants, borrowed servants, employees, representatives, or volunteers did any act or thing, it is meant that all Boys Ranch's agents, officers, servants, borrowed servants, employees, or representatives did such act or thing and that the time such act or thing was done, it was done with the full authorization or ratification of Boys ranch or was done in the normal and routine course and scope of employment of Boys Ranch's officers, agents, servants, borrowed servants, employees, or representatives.

25. The principal is vicariously liable for the acts of the agent because of an employer/employee status, agency by estoppel, ostensible agency, or borrowed-servant doctrine.

VI.
JURISDICTION AND VENUE

26. Venue is proper in Potter County, Texas, because Boys Ranch maintains its principal office in Potter County, Texas. Tex. Civ. Prac. Rem. Code § 15.002(a)(3).

27. This Court has subject matter jurisdiction because the amount in controversy exceeds the minimum jurisdictional limits of this Court.

28. This Court has personal jurisdiction over Boys Ranch because Boys Ranch (1) committed some or all of the unlawful acts that are the basis of this action within the State of Texas; (2) is a

resident of the State of Texas; and (3) engages in foreseeable, intentional, continuous, and systematic contacts within the State of Texas.

VII. APPLICABLE LAW

29. Texas law provides protections for students and requires the exercise of reasonable care on the part of Boys Ranch. In *Timberwalk Apartments, Partners, Inc. v. Cain*, 972 S.W.2d 749, 756 (Tex. 1998), and *Del Lago Partners, Inc. v. Smith*, 307 S.W.3d 762 (Tex. 2010), the Supreme Court of Texas recognized the duty imposed on landowners “to use ordinary care to protect invitees from criminal acts of third parties if he knows or has reason to know of an unreasonable and foreseeable risk of harm to the invitee.” Over the past seventy years, there have been multiple instances of residents being sexually assaulted by older residents in dorms and cottage homes. Boys Ranch, the landowner of the group homes and dormitories in which Stuart and Andy lived, owed a duty to its tenants to protect them from the foreseeable criminal acts of the other residents. Given the extensive history of assaults and sexual assaults perpetrated by Boys Ranch residents, further sexual assaults perpetrated by Boys Ranch residents were foreseeable. Boys Ranch failed Plaintiffs – as well as the dozens of other survivors who have come forward and the countless other who have not – by not implementing adequate safety measures and security to protect it’s the children in their care from sexual assault perpetrated by other residents.

30. In Texas, one voluntarily entering an affirmative course of action affecting the interests of another is regarded as assuming a duty to act and must do so with reasonable care. *Otis Eng’g Corp. v. Clark*, 668 S.W.2d 307, 309 (Tex. 1983); accord *Newsom v. B.B.*, 306 S.W.3d 910, 914 (Tex. App.—Beaumont 2010, pet. denied); *Shell Oil Co. v. Khan*, 138 S.W.3d 288, 292 (Tex. 2004); *Bell v. VPSI, Inc.*, 205 S.W.3d 706, 719–20 (Tex. App.—Fort Worth 2006, no pet.). For

instance, though an employer owes no duty to protect the public from the bad acts of an off-duty employee committed off the worksite, such a duty does arise when the employer actually exercises control over the employee's off-duty activities that cause harm. *Loram Maint. of Way, Inc. v. Ianni*, 210 S.W.3d 593, 594 (Tex. 2006). In other words, exercising control creates a duty of care, and the duty is commensurate with the control retained. *Lee Lewis Constr. Co. v. Harrison*, 70 S.W.3d 778, 783 (Tex. 2001). Boys Ranch asserts to parents, clients, donors, and the federal government that it offers its residents a safe environment, monitored by its staff and house parents. Boys Ranch further asserts to parents, clients, and donors that “[a]ll staff have a primary obligation to immediately respond to any situation involving suspected abuse . . . [and are] trained in the identification, prevention and reporting of child abuse and neglect, and are legally responsible for reporting it.” Furthermore, Boys Ranch purports to protect its children from sexual abuse and abuse among residents by using alarms in the common hallways of dormitories. Through these means and others, Boys Ranch undertook an affirmative course of action to protect its children from sexual abuse between residents. However, Boys Ranch’s undertaking was wholly inadequate in comparison to procedures of other similar residential communities and treatment centers in Texas. By voluntarily assuming a duty to protect the children in its care from sexual assault among residents, yet failing to reasonably do so, Boys Ranch breached its duty and thereby caused Plaintiffs’ sexual abuse and injury.

31. Furthermore, a duty in Texas arises when one creates a dangerous situation. Should a person create a dangerous condition, that person then has the duty to attempt to prevent injury to others “if it reasonably appears or should appear that others in the exercise of their lawful rights may be injured thereby.” *Gatten v. McCarley*, 391 S.W.3d 669, 675–76 (Tex. App.—Dallas 2013); see *Buchanan v. Rose*, 159 S.W.2d 109, 110 (Tex. 1942) (stating that when a party

negligently creates a dangerous situation it then becomes his duty to do something about it to prevent injury to others if it reasonably appears or should appear to him that others in the exercise of their lawful rights may be injured by the situation); *see also SmithKline Beecham Corp. v. Doe*, 903 S.W.2d 347, 360 (Tex. 1995) (stating that “[o]nly where the party created the dangerous situation or where the party enjoys a special relationship with the other party giving rise to a duty will this general rule not apply,” the general rule being that a mere bystander who did not create the dangerous situation had no duty to prevent injury to others). Boys Ranch created and maintained a dangerous condition at Boys Ranch by housing “at-risk youth” within a poorly supervised and inadequately policed dormitory-system. This dangerous condition has been highlighted by the dozens of survivors’ stories, representing decades of history at Boys Ranch, who were physically and sexually abused while in Boys Ranch’s care. Boys Ranch breached its duty by creating this condition and failing to make it safe by employing and training house parents, staff, and social workers to employ and strictly enforce monitoring policies and security measures to keep their children safe.

32. Texas also recognizes a cause of action for negligent supervision, when an employer fails to train competent employees, or to properly supervise them, and that failure harms a plaintiff. *Morris v. JTM Materials*, 78 S.W.3d 28, 49 (Tex. App.—Fort Worth 2002). Boys Ranch negligently trained and supervised its house parents and staff to use and strictly enforce monitoring policies and security measures to keep the children in their care safe from sexual abuse.

VIII. FACTS

Boys Ranch Residents Need Greater Supervision

33. Defendant is, by its own admission, “one of America’s largest childcare providers” and seeks to provide over 300 children in its care “safe homes.”

34. Purportedly pursuant to those claims, Defendant operated at all times relevant to this petition “a residential community” for “at-risk” children, where residents are housed in group homes throughout Defendant’s north Texas property.

35. The children in Boys Ranch’s care are described as “at risk.” Boys Ranch describes its clientele as children who have “experienced challenges relationally, socially, academically and emotionally” and who are often in need of more supervision than a typical family can provide. This includes children who suffer from various emotional, developmental, and psychological issues that manifest in a range of educational and behavioral problems.

36. These group homes, which Boys Ranch sometimes describes as “cottage homes,” are dormitories shared by 10-12 children and monitored and policed by two “house parents” – usually a married couple. Typically, residents share bedrooms within these group homes with one-to-two other residents, and the bedrooms are separated by common hallways.

Boys Ranch had a Duty to the Protect its Children from Sexual Abuse

37. Boys Ranch owned and managed the group homes in which Plaintiffs lived.

38. Boys Ranch is responsible for providing the security of its children, which it attempts to do through its house parents, social workers, and staff.

39. Boys Ranch is responsible for ensuring that all of its staff, house parents, and volunteers are properly trained and supervised to perform their jobs.

40. Boys Ranch is responsible for the acts and omissions of its employees, agents, and volunteers.

41. In many of these group homes, Boys Ranch tasks its staff with monitoring and protecting its residents from assault and inappropriate behavior by using motion detectors in the hallways to determine whether children are moving between rooms – rather than actual supervision or regular checks of the children within their care.

42. Upon information and belief, the motion detectors in many instances are rarely turned on by staff, are malfunctioning, or simply do not appropriately sound to warn staff of potential danger to residents. And in no case does the Boys Ranch supervision-system warn house parents of assault or inappropriate behavior occurring between roommates or between residents in rooms connected by adjoining bathrooms.

43. This lack of supervision is especially problematic given the demographic Boys Ranch serves: children needing increased supervision than what a typical home can provide. This deficient supervision is further problematic given the State's requirements that group home supervisors provide "the level of supervision necessary to ensure each child's safety and well being, including auditory and/or visual awareness of each child's on-going activity" and are "able to intervene when necessary to ensure each child's safety."

44. Regardless of Boys Ranch's knowledge of the special demographic it serves, its knowledge of previous sexual assaults, sexual abuse, and other inappropriate behavior among staff and residents, and its knowledge of the minimum standards for group residential operations

that help reduce the risk of sexual abuse in group homes, Boys Ranch used a deficient monitoring system and inadequate supervision to protect Plaintiffs from being sexually assaulted by other residents in their dorm rooms.

Andy was Sexually Abused by Older Residents in his Bedroom

45. Andy was 9-years old when Boys Ranch chose to place him in the Fischer Home – a group home that housed 9 – 13 year old boys.

46. As was typical throughout the group homes on the Boys Ranch campus, the Fischer Home house parents employed the supervision-system endorsed by Boys Ranch: motion detectors in the common hallways. Within his first week in the Fischer Home, Andy's 13-year old roommate sexually abused him in his room – these assaults never set off the Boys Ranch supervision system. This abuse continued, occurring frequently and undetected for weeks – never setting off the Boys Ranch supervision system.

Stuart was Sexually Abused by Older Residents in his Bedroom

47. Stuart was 13-years old when Boys Ranch placed him in the Anderson Home – a group home that housed 13 – 18 year old boys.

48. Like the Fischer Home and the other group homes on the Boys Ranch campus, the Anderson Home house parents employed the motion detector supervision-system. And just like Andy, Stuart was sexually abused within his first weeks in the Anderson Home – his abuser being 17-year old roommate. Stuart's assaults continued for months: in the bathroom, in his bedroom, and sometimes in the hallway – all without the Boys Ranch supervision-system alerting the house parents or Boys Ranch staff.

Plaintiffs Were Harmed as a Result of the Abuse at Boys Ranch

49. After his abuse, Stuart became severely anxious and depressed.

50. After his abuse, Andy began to act out sexually and has since been hospitalized in a residential treatment center for child victims and perpetrators of sexual abuse.

51. Both Plaintiffs suffered physical and emotional injury, mental anguish, and psychological trauma from their abuse.

**IX.
CAUSES OF ACTION**

**COUNT 1:
NEGLIGENCE**

52. Plaintiffs incorporate all preceding paragraphs as if fully set forth herein. Specifically, Plaintiffs allege that Boys Ranch is liable for negligence.

53. Boys Ranch is the owner and possessor of Boys Ranch.

54. Plaintiffs were invitees.

55. Boys Ranch knew or reasonably should have known that older residents posed an unreasonable risk of harm to them. Specifically, Boys Ranch knew that it had a history of abuse and sexually inappropriate behavior among the male children in its care. Furthermore, Boys Ranch knew that the specific demographic it served required a greater level of supervision than a typical home environment provided.

56. Boys Ranch had a duty to use ordinary care to protect Plaintiffs from their abusers, including:

- a) a duty to adequately monitor residents at all times while in their group homes;
- b) a duty to provide consistent supervision of residents throughout the night;
- c) a duty to physically monitor residents whereabouts and actions throughout the night;

- d) a duty to provide the level of supervision necessary to ensure each child's safety;
- e) a duty to provide the level of supervision necessary to ensure each child's well being;
- f) a duty to provide auditory and/or visual awareness of each child's on-going activity;
- g) a duty to provide the level of supervision necessary to allow caregivers the ability to intervene when necessary to ensure each child's safety;
- h) a duty to provide awake house parents throughout the night at each group home;
- i) a duty to properly train and supervise Boys Ranch staff to protect its residents from the foreseeable risk of harm;
- j) a duty to properly train and supervise Boys Ranch staff to ensure compliance with the General Residential Operations Minimum Standards;
- k) a duty to provide adequate staff, with proper training, to adequately police, secure, and monitor each group home; and
- l) a duty to provide adequate security in Boys Ranch's common areas.

57. Boys Ranch breached each of these duties.

58. Boys Ranch's conduct was a proximate and producing cause of damage to Plaintiffs.

59. Plaintiffs' damages include, but are not limited to, physical pain and mental anguish, disfigurement, physical impairment, costs of medical care, and lost earning capacity, all of which have occurred in the past and, in reasonable probability, will continue in the future. Such damages are in excess of the minimum jurisdictional limits of this Court.

60. **Exemplary Damages:** Boys Ranch's conduct constitutes gross negligence as set out in Tex. Civ. Prac. & Rem. Code § 41.003. Therefore, Plaintiffs also seeks exemplary damages.

COUNT 2: NEGLIGENCE – DANGEROUS ENVIRONMENT

61. Plaintiffs hereby incorporate by reference paragraphs above as if fully set forth herein.

62. Specifically, Plaintiffs allege that Boys Ranch is liable for creating, maintaining, and failing to make safe a dangerous condition at the Boys Ranch.

63. Boys Ranch is the owner and possessor of the Boys Ranch.

64. Plaintiffs were invitees.

65. Boys Ranch created and maintained a dangerous condition at the Boys Ranch by housing older, “at risk” residents in a dormitories without adequate supervision.

66. More specifically, Boys Ranch directed Plaintiffs to live in their respective group homes – both at times during which older residents also were housed.

67. Regardless of Boys Ranch’s knowledge that the specific demographic it served required increased supervision and were at risk for inappropriate behavior, Boys Ranch placed Plaintiffs in the dormitories with wholly inadequate security or actual adult supervision.

68. Knowing this fact about residents’ supervision needs, Boys Ranch did not employ staff to strictly – or adequately – supervise its residents throughout the night, thereby allowing assault, sexual abuse, and inappropriate behavior to proliferate at Boys Ranch.

69. Boys Ranch created a dangerous condition by housing its “at risk” youth in insufficiently monitored and inadequately policed group homes. As a result of this dangerous condition, Plaintiffs were both sexually abused by older residents within their homes during their first days at their respective group homes.

70. Plaintiffs’ damages include, but are not limited to, physical pain and mental anguish, disfigurement, physical impairment, costs of medical care, and lost earning capacity, all of which have occurred in the past and, in reasonable probability, will continue in the future. Such damages are in excess of the minimum jurisdictional limits of this Court.

71. **Exemplary Damages:** Boys Ranch’s conduct constitutes gross negligence as set out in Tex. Civ. Prac. & Rem. Code § 41.003. Therefore, Plaintiffs also seeks exemplary damages.

**COUNT 3:
NEGLIGENT TRAINING AND SUPERVISION**

72. Plaintiffs hereby incorporate by reference paragraphs above as if fully set forth herein.

73. Specifically, Plaintiffs allege that Boys Ranch is liable for negligent training and supervision of its house parents.

74. Boys Ranch knew that it had a history of abuse and sexually inappropriate behavior among the male children in its care. Furthermore, Boys Ranch knew that the specific demographic it served required a greater level of supervision than a typical home environment provided.

75. Boys Ranch relied on its house parents and staff to ensure supervise and monitor the children in its care.

76. Boys Ranch had a duty appropriately train and supervise its house parents and staff to, among other things:

- a) adequately monitor residents at all times while in their group homes;
- b) provide consistent supervision of residents throughout the night;
- c) physically monitor residents' whereabouts and actions throughout the night;
- d) provide the level of supervision necessary to ensure each child's safety;
- e) provide the level of supervision necessary to ensure each child's well being;
- f) provide auditory and/or visual awareness of each child's on-going activity;
- g) provide the level of supervision necessary to allow caregivers the ability to intervene when necessary to ensure each child's safety;
- h) provide awake house parents throughout the night at each group home; and
- i) provide adequate security in Boys Ranch's common areas.

77. Boys Ranch breached each of these duties.

78. Boys Ranch's conduct was a proximate and producing cause of damage to Plaintiffs.

79. Plaintiffs' damages include, but are not limited to, physical pain and mental anguish, disfigurement, physical impairment, costs of medical care, and lost earning capacity, all of which

have occurred in the past and, in reasonable probability, will continue in the future. Such damages are in excess of the minimum jurisdictional limits of this Court.

80. **Exemplary Damages:** Boys Ranch's conduct constitutes gross negligence as set out in Tex. Civ. Prac. & Rem. Code § 41.003. Therefore, Plaintiffs also seeks exemplary damages.

X. JURY DEMAND

81. Plaintiffs hereby demand a trial by jury and tender the jury fee as required by Tex. Gov. Code § 51.604(a).

XI. REQUEST FOR DISCLOSURE

82. Pursuant to Tex. R. Civ. P. 194, Defendant is requested to disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2 of the Texas Rules of Civil Procedure.

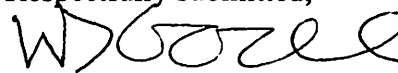
XII. DAMAGES

83. Plaintiffs request that the Court enter judgment for their actual damages, consequential damages, special damages, punitive and exemplary damages, interest and costs. Plaintiffs also pray for such other and further relief to which they may be justly entitled in both law and equity.

Wherefore, premises considered, Plaintiffs pray that Defendant be cited and required to appear herein, and that upon final judgment, Plaintiffs be awarded their actual damages, exemplary damages, lawful prejudgment interest, lawful interest on the judgment, costs, and all other relief to which they are otherwise entitled.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read 'W D Carroll', written over a horizontal line.

Worth D. Carroll
State Bar No. 24091192
worth@sg-llp.com
David M. Gonzalez
State Bar No.2401211
david@sg-llp.com

SUMPTER & GONZALEZ L.L.P.
3011 N. Lamar Blvd, Suite 200
Austin, Texas 78705
Telephone: (512) 381-9955
Facsimile: (512) 485-3121