

8. CIT ATTY

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CAUSE NO. DC-12-06213

FILED

2012 JUN -5 PM 3:49

JOE BANKSON AND GENA CHARLTON, §
Plaintiffs, §

IN THE DISTRICT COURT

JANE H. SIMMONS
DISTRICT CLERK
DALLAS CO., TEXAS
DEPUTY

vs. §

JANE DOE, LIBERTY COUNTY §
SHERIFF'S OFFICE, KPRC-TV, §
BELO CORP., §
THE NEW YORK TIMES COMPANY, §
CNN AMERICA, INC., THOMPSON §
REUTERS, and ABC NEWS, INC., §

DALLAS COUNTY, TEXAS

Defendants. §

193rd-L

____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Joe Bankson and Gena Charlton, Plaintiffs, and files this Original Petition complaining of Jane Doe, Liberty County Sheriff's Office, KPRC TV, BELO, Corp., the New York Times Company, CNN America, Inc., Thomson Reuters, and ABC News, Inc. ("Defendants"), and would respectfully show the Court as follows:

1.00 DISCOVERY CONTROL PLAN

Pursuant to Rule 190 of the Texas Rules of Civil Procedure, Plaintiffs request a Level III Discovery Control Plan.

2.00 PARTIES

2.01 Plaintiff Joe Bankson resides in Liberty County, Texas. The last four digits of his Social Security number are 9595.

2.02 Plaintiff Gena Charlton resides in Liberty County, Texas. The last four digits of her Social Security number are 6465 and the last four digits of her Texas driver's license number

are 0738.

2.03 Defendant Jane Doe is a self-proclaimed psychic going by the pseudo name "Angel." Defendant Jane Doe's legal name and address are unknown at this time.

2.04 Defendant Liberty County Sheriff's Office is a governmental unit located within Liberty County, and may be served with process by serving County Judge, the Honorable Craig McNair at 1923 Sam Houston, Suite 201 Liberty, Texas 77575.

2.05 Defendant KPRC-TV is a domestic for-profit corporation and may be served with process by serving its registered agent, Jack McGrew, at 2410 Polk Ave., Houston, TX.

2.06 Defendant BELO, CORP. is a foreign corporation doing business in the State of Texas and may be served with process by serving its registered agent, Guy H. Kerr, at 400 South Record St., Dallas, TX 75202.

2.07 Defendant The New York Times Company is a foreign corporation doing business in the State of Texas and may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, at 211 E. 7th St., Suite 620, Austin, TX 78701-3218.

2.08 Defendant CNN America, Inc. is a foreign corporation doing business in the State of Texas and may be served with process by serving its registered agent, CT Corporation System, at 350 N. St. Paul St., Suite 2900, Dallas, TX 75201-4234.

2.08 Defendant Thomson Reuters is a foreign corporation doing business in the State of Texas and may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, at 211 E. 7th St., Suite 620, Austin, TX 78701-3218.

2.09 Defendant ABC News, Inc. is a foreign corporation doing business in the State of Texas and may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, at 211 E. 7th St., Suite 620, Austin, TX 78701-3218.

3.00 VENUE AND JURISDICTION

3.01 This Court has subject matter jurisdiction over the case because the amount in controversy for the Plaintiffs, exclusive of cost and interest, is within the jurisdictional limits of this Court.

3.02 This Court has jurisdiction over Liberty County Sheriff's Office as this is an action for money damages brought pursuant to 42 U.S.C. § 1983, the Fourth and Fourteenth Amendments to the United States Constitution, and Article 1 Sec. 9 of the Texas Constitution. Additionally, this Court has jurisdiction over Liberty County Sheriff's Office pursuant to Tex. Civ. Prac. & Rem. Code Section 104.002

3.03 Jurisdiction is proper against non-resident Defendants because they did business in the State by, among other acts, contracting by mail or otherwise with a Texas resident, of which either party is to perform the contract in whole or in part in this State, committing a tort in whole or in part in this State, or recruiting a Texas resident, directly or through an intermediary located in this State, for employment inside or outside of this State. Additionally, the non-resident Defendants have continuous systematic contacts with the State.

3.04 Venue is proper in Dallas County, Texas because this is action for libel, slander, or invasion of privacy and Defendant Belo, Corp. Was domiciled or had its principal place of business in this county at the time this suit was filed in accordance with Tex. Civ. Prac. & Rem.

Code Section 15.017. Venue is proper against all Defendants if it is proper against one.

Additionally, all or a substantial part of the events or omissions giving rise to the incident that forms the basis of this lawsuit occurred in this county.

4.00 FACTS

4.01 On or about June 6, 2011, Defendant Jane Doe, a self-proclaimed psychic going by the name of "Angel," called Liberty County Sheriff's Office (hereinafter LCSO) falsely claiming that 25 to 30 dismembered bodies were buried in a mass grave located at Plaintiffs' residence.

4.02 Defendant LCSO repeated the psychic's false statements to various news media organizations. Defendant LCSO claimed that a mass grave of 25 to 30 bodies had been found and provided the news media organizations with the Plaintiffs' address.

4.03 The defendant news media corporations then published these false statements in national and international headlines.

5.00 CAUSES OF ACTION AGAINST DEFENDANT JANE DOE A/K/A "ANGEL"

5.01 Plaintiffs would show the Court that the defamatory statements, negligent acts and omissions of the Defendant as set out herein separately and collectively were a direct and proximate cause of the incident in question and the resulting injuries and damages sustained by the Plaintiffs. The negligent acts and omissions are, among others, as follows:

- a. Defendant, a private citizen, intentionally published an unambiguous statement by oral publication when she volunteered false information to Liberty County Sheriff's Office, claiming that a mass grave containing dismembered bodies was located at Plaintiffs' residence;
- b. Defendant published a statement of fact involving a matter of public concern;
- c. The statement referred to Plaintiffs' address specifically;

- d. The statement was false;
- e. Defendant gave publicity to a matter concerning the Plaintiffs;
- f. Defendant placed Plaintiffs before the public in a false light;
- g. The false light in which Defendant placed the Plaintiffs would be highly offensive to a reasonable person;
- h. Defendant had knowledge of or acted with reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed;
- i. Defendant knew or should have known that the statement was false or acted with reckless disregard for the truth;
- j. Defendant's false statement imputed criminal misconduct to the Plaintiffs;
- k. The Defendant's false statement injured Plaintiffs' reputation and exposed Plaintiffs to public hatred, contempt, ridicule and financial injury;
- l. Defendant defamed Plaintiffs;
- m. Defendant presented Plaintiffs in a false light.

6.00 CAUSES OF ACTION AGAINST DEFENDANT LIBERTY COUNTY SHERIFF'S OFFICE

6.01 Plaintiffs would show the Court that Defendant Liberty County Sheriff's Office deprived Plaintiffs of their rights under 42 U.S.C. § 1983 and Tex. Civ. Prac. & Rem. Code 104.002. The conduct of the sheriff's office, individually and collectively, denied Plaintiffs their right to be secure in their persons, houses, papers and effects against unreasonable searches and seizures;

6.02 Whenever it is alleged that Defendant acted or failed to act, it is alleged that it do so by and through its officers, agents, employees, principals and vice principals acting within the course and scope of their employment, agency or other relationship.

6.03 Defendant acted under the color of statute, ordinance, regulation, custom or usage

to deprive Plaintiffs of their civil rights, privileges or immunities, secured to them by the U.S. Constitution, the Texas Constitution, and laws;

6.04 Plaintiffs would show that Defendant was acting within custom, policy, practice and/or procedure of Liberty County at the time of the incident.

6.05 Plaintiffs would show the Court that the negligent acts and omissions of the Defendant as set out herein separately and collectively were a direct and proximate cause of the incident in question and the resulting injuries and damages sustained by the Plaintiffs. The violations, negligent acts, and omissions, are, among others, as follows:

- a. Defendant executed an unreasonable search of Plaintiffs' residence without establishing the requisite probable cause;
- b. Defendant invited members of the media to accompany, observe, and videotape officers while executing of a search warrant;
- c. Defendant allowed members of the media to accompany, observe, and videotape officers in execution a search warrant in violation of the 4th Amendment;
- d. Defendant was unreasonable in the supervision, control and training of its personnel;
- e. Defendant was unreasonable in relying upon information from a source proven to be unreliable and untrustworthy;
- f. Failing to sufficiently corroborate the psychic's tip prior to applying for a search warrant;
- g. Defendant was unreasonable in relying on an uncorroborated tip from a self-proclaimed psychic source;
- h. Defendant failed to supervise or train subordinate officers in proper procedures involving the news media, and as a result of that lack of training, violated the constitutional rights of Plaintiffs;
- i. Defendant violated Plaintiffs' civil rights, liberties, and privileges guaranteed to them under the United States Constitution;

- j. Defendant violated Plaintiffs' civil rights, liberties, and privileges guaranteed to them under the Texas Constitution;
- k. Defendant gave publicity to a matter concerning the Plaintiffs;
- l. Defendant placed Plaintiffs before the public in a false light;
- m. The false light in which Defendant placed the Plaintiffs would be highly offensive to a reasonable person;
- n. Defendant had knowledge of or acted with reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed;
- o. Defendant deprived Plaintiffs of rights guaranteed to them under the Texas Constitution;
- p. Defendant is liable to Plaintiffs pursuant to Tex. Civ. Prac. & Rem. Code Section 104.002;

6.04 Each of the foregoing negligent acts or omissions was singularly and severally a proximate cause of the occurrence in question and the injuries and damages resulting to Plaintiffs.

6.05 The acts or omissions complained of when viewed objectively from the standpoint of the actor at the time of the occurrence involved an extreme degree of risk considering the probability and magnitude of the potential harm to Plaintiffs' reputation.

6.06 At all times relevant to these causes of action, the Defendant had actual subjective awareness of the risk involved and nevertheless, proceeded with conscious indifference to the rights.

6.07 In addition to the foregoing, Defendant defamed Plaintiffs and placed them in a false light.

7.00 CAUSES OF ACTION AGAINST DEFENDANT KPRC-TV

7.01 Whenever it is alleged that the Defendant acted or failed to act, it is alleged that it

did so by and through its officers, agents, employees, servants, principals and vice principals, acting within the course and scope of their employment, agency and other relationship.

7.02 Plaintiffs would show the Court that the defamatory statements, negligent acts and omissions of the Defendant as set out herein, separately and collectively, were a direct and proximate cause of the incident in question and the resulting injuries and damages sustained by the Plaintiffs. The violations, negligent acts and omission are, among others, as follows:

- a. Defendant is a publisher or broadcaster that published statements of fact that referred to Plaintiffs;
- b. Defendant published statements of facts claiming, among other things, that "dozens of bodies have been found in Liberty County;
- c. Defendant stated "Breaking News in Liberty County where dozens of bodies have been found near Daisetta."
- d. Defendants statements were defamatory and false;
- e. The false and defamatory statements were negligently published to the general public;
- f. The content of the statement would warrant a reasonably and prudent editor about its defamatory potential;
- g. Defendant failed to take reasonable precautions to assure that the false statements would not be injurious to Plaintiffs' reputation;
- h. Defendant failed to make any reasonable inquiry to determine the truth of the published statements;
- i. Defendant published written and/or oral statements that unambiguously and falsely imputed criminal conduct to the Plaintiffs;
- j. Defendant republished the defamatory statements, thereby adopting it as its own, and as such, can be held liable under § 230 of the Communications Decency Act.
- k. The act or omission complained of, when viewed objectively from the standpoint of the actor at the time of the occurrence involved an extreme degree of risk considering the probably magnitude and potential harm to Plaintiffs;

- l. Defendant's false statement was defamatory in that it caused injury to Plaintiffs' reputation and exposed Plaintiffs to public hatred, contempt, and financial injury;
- m. At all times relevant to these causes of action, Defendant had actual subjective awareness of the risk involved but nevertheless, proceeded with conscious indifference to the rights, safety or welfare of others.
- n. Defendant gave publicity to a matter concerning the Plaintiffs;
- o. Defendant placed Plaintiffs before the public in a false light;
- p. The false light in which Defendant placed the Plaintiffs would be highly offensive to a reasonable person;
- q. Defendant had knowledge of or acted with reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed;
- r. Defendant is liable to Plaintiffs for defamation;
- s. Defendant is liable to Plaintiffs for the republication of defamatory statements under Section 230 of the Communications Decency Act; and
- t. Defendant is liable to Plaintiffs for presenting them in a false light.

8.00 CAUSES OF ACTION AGAINST DEFENDANT BELO, CORP.

8.01 Whenever it is alleged that the Defendant acted or failed to act, it is alleged that it did so by and through its officers, agents, employees, servants, principals and vice principals, acting within the course and scope of their employment, agency and other relationship.

8.02 Plaintiffs would show the Court that the defamatory statements, negligent acts and omissions of the Defendant as set out herein, separately and collectively, were a direct and proximate cause of the incident in question and the resulting injuries and damages sustained by the Plaintiffs. The violations, negligent acts and omission are, among others, as follows:

- a. Defendant is a publisher or broadcaster that published statements of fact that referred to Plaintiffs;
- b. Defendant published statements of facts claiming, among other things, that dozens

- of bodies were found at Plaintiffs' residence;
- c. Defendant stated that a "mass grave was found by police;"
 - d. Defendant's statements were defamatory and false;
 - e. The false and defamatory statements were negligently published to the general public;
 - f. The content of the statement would warrant a reasonably and prudent editor about its defamatory potential;
 - g. Defendant failed to take reasonable precautions to assure that the false statements would not be injurious to Plaintiffs' reputation;
 - h. Defendant failed to make any reasonable inquiry to determine the truth of the published statements;
 - i. Defendant published written and/or oral statements that unambiguously and falsely imputed criminal conduct to the Plaintiffs;
 - j. Defendant republished the defamatory statements, thereby adopting it as its own, and as such, can be held liable under § 230 of the Communications Decency Act.
 - k. The act or omission complained of, when viewed objectively from the standpoint of the actor at the time of the occurrence involved an extreme degree of risk considering the probably magnitude and potential harm to Plaintiffs;
 - l. Defendant's false statement was defamatory in that it caused injury to Plaintiffs' reputation and exposed Plaintiffs to public hatred, contempt, and financial injury;
 - m. At all times relevant to these causes of action, Defendant had actual subjective awareness of the risk involved but nevertheless, proceeded with conscious indifference to the rights, safety or welfare of others.
 - n. Defendant gave publicity to a matter concerning the Plaintiffs;
 - o. Defendant placed Plaintiffs before the public in a false light;
 - p. The false light in which Defendant placed the Plaintiffs would be highly offensive to a reasonable person;
 - q. Defendant had knowledge of or acted with reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed;

- r. Defendant is liable to Plaintiffs for defamation;
- s. Defendant is liable to Plaintiffs for the republication of defamatory statements under Section 230 of the Communications Decency Act; and
- t. Defendant is liable to Plaintiffs for presenting them in a false light.

10.00 CAUSES OF ACTION AGAINST DEFENDANT CNN AMERICA, INC.

10.01 Whenever it is alleged that the Defendant acted or failed to act, it is alleged that it did so by and through its officers, agents, employees, principals and vice principals, acting within the course and scope of their employment, agency and other relationship.

10.02 Plaintiffs would show the Court that the defamatory statements, negligent acts and omissions of the Defendant as set out herein, separately and collectively, were a direct and proximate cause of the incident in question and the resulting injuries and damages sustained by the Plaintiffs. The violations, negligent acts and omission are, among others, as follows:

- a. Defendant is a publisher or broadcaster that published statements of fact that referred to Plaintiffs;
- b. Defendant published statements of facts claiming, among other things, that "at least 20 bodies discovered at home in Hardin, Texas, some are children's bodies;"
- c. Defendant's statements were defamatory and false;
- d. The false and defamatory statements were negligently published to the general public;
- e. The content of the statement would warrant a reasonably and prudent editor about its defamatory potential;
- f. Defendant failed to take reasonable precautions to assure that the false statements would not be injurious to Plaintiffs' reputation;
- g. Defendant failed to make any reasonable inquiry to determine the truth of the published statements;

- h. Defendant published written and/or oral statements that unambiguously and falsely imputed criminal conduct to the Plaintiffs;
- i. Defendant republished the defamatory statements, thereby adopting it as its own, and as such, can be held liable under § 230 of the Communications Decency Act.
- j. The act or omission complained of, when viewed objectively from the standpoint of the actor at the time of the occurrence involved an extreme degree of risk considering the probable magnitude and potential harm to Plaintiffs;
- k. Defendant's false statement was defamatory in that it caused injury to Plaintiffs' reputation and exposed Plaintiffs to public hatred, contempt, and financial injury;
- l. At all times relevant to these causes of action, Defendant had actual subjective awareness of the risk involved but nevertheless, proceeded with conscious indifference to the rights, safety or welfare of others;
- m. Defendant gave publicity to a matter concerning the Plaintiffs;
- n. Defendant placed Plaintiffs before the public in a false light;
- o. The false light in which Defendant placed the Plaintiffs would be highly offensive to a reasonable person;
- p. Defendant had knowledge of or acted with reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed;
- q. Defendant is liable to Plaintiffs for defamation;
- r. Defendant is liable to Plaintiffs for the republication of defamatory statements under Section 230 of the Communications Decency Act; and
- s. Defendant is liable to Plaintiffs for presenting them in a false light.

11.00 CAUSES OF ACTION AGAINST DEFENDANT THOMSON REUTERS

11.01 Whenever it is alleged that the Defendant acted or failed to act, it is alleged that it did so by and through its officers, agents, employees, principals and vice principals, acting within the course and scope of their employment, agency and other relationship.

11.02 Plaintiffs would show the Court that the defamatory statements, negligent acts

and omissions of the Defendant as set out herein, separately and collectively, were a direct and proximate cause of the incident in question and the resulting injuries and damages sustained by the Plaintiffs. The violations, negligent acts and omission are, among others, as follows:

- a. Defendant is a publisher or broadcaster that published statements of fact that referred to Plaintiffs;
- b. Defendant published statements of facts claiming, among other things, that "Texas authorities find up to 30 bodies, including children;"
- c. Defendant's statements were defamatory and false;
- d. The false and defamatory statements were negligently published to the general public;
- e. The content of the statement would warrant a reasonably and prudent editor about its defamatory potential;
- f. Defendant failed to take reasonable precautions to assure that the false statements would not be injurious to Plaintiffs' reputation;
- g. Defendant failed to make any reasonable inquiry to determine the truth of the published statements;
- h. Defendant published written and/or oral statements that unambiguously and falsely imputed criminal conduct to the Plaintiffs;
- i. Defendant republished the defamatory statements, thereby adopting it as its own, and as such, can be held liable under § 230 of the Communications Decency Act.
- j. The act or omission complained of, when viewed objectively from the standpoint of the actor at the time of the occurrence involved an extreme degree of risk considering the probably magnitude and potential harm to Plaintiffs;
- k. Defendant's false statement was defamatory in that it caused injury to Plaintiffs' reputation and exposed Plaintiffs to public hatred, contempt, and financial injury;
- l. At all times relevant to these causes of action, Defendant had actual subjective awareness of the risk involved but nevertheless, proceeded with conscious indifference to the rights, safety or welfare of others;
- m. Defendant gave publicity to a matter concerning the Plaintiffs;

- n. Defendant placed Plaintiffs before the public in a false light;
- o. The false light in which Defendant placed the Plaintiffs would be highly offensive to a reasonable person;
- p. Defendant had knowledge of or acted with reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed;
- q. Defendant is liable to Plaintiffs for defamation;
- r. Defendant is liable to Plaintiffs for the republication of defamatory statements under Section 230 of the Communications Decency Act; and
- s. Defendant is liable to Plaintiffs for presenting them in a false light.

12.00 CAUSES OF ACTION AGAINST DEFENDANT ABC NEWS, INC.

12.01 Whenever it is alleged that the Defendant acted or failed to act, it is alleged that it did so by and through its officers, agents, employees, principals and vice principals, acting within the course and scope of their employment, agency and other relationship.

12.02 Plaintiffs would show the Court that the defamatory statements, negligent acts and omissions of the Defendant as set out herein, separately and collectively, were a direct and proximate cause of the incident in question and the resulting injuries and damages sustained by the Plaintiffs. The violations, negligent acts and omission are, among others, as follows:

- a. Defendant is a publisher or broadcaster that published statements of fact that referred to Plaintiffs;
- b. Defendant published statements of facts claiming, among other things, that "dozens of bodies found in mass Texas grave;"
- c. Defendant's statements were defamatory and false;
- d. The false and defamatory statements were negligently published to the general public;
- e. The content of the statement would warrant a reasonably and prudent editor about its defamatory potential;

- f. Defendant failed to take reasonable precautions to assure that the false statements would not be injurious to Plaintiffs' reputation;
- g. Defendant failed to make any reasonable inquiry to determine the truth of the published statements;
- h. Defendant published written and/or oral statements that unambiguously and falsely imputed criminal conduct to the Plaintiffs;
- i. Defendant republished the defamatory statements, thereby adopting it as its own, and as such, can be held liable under § 230 of the Communications Decency Act.
- j. The act or omission complained of, when viewed objectively from the standpoint of the actor at the time of the occurrence involved an extreme degree of risk considering the probably magnitude and potential harm to Plaintiffs;
- k. Defendant's false statement was defamatory in that it caused injury to Plaintiffs' reputation and exposed Plaintiffs to public hatred, contempt, and financial injury;
- l. At all times relevant to these causes of action, Defendant had actual subjective awareness of the risk involved but nevertheless, proceeded with conscious indifference to the rights, safety or welfare of others;
- m. Defendant gave publicity to a matter concerning the Plaintiffs;
- n. Defendant placed Plaintiffs before the public in a false light;
- o. The false light in which Defendant placed the Plaintiffs would be highly offensive to a reasonable person;
- p. Defendant had knowledge of or acted with reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed;
- q. Defendant is liable to Plaintiffs for defamation;
- r. Defendant is liable to Plaintiffs for the republication of defamatory statements under Section 230 of the Communications Decency Act; and
- s. Defendant is liable to Plaintiffs for presenting them in a false light.

13.00 CAUSES OF ACTION AGAINST DEFENDANT NEW YORK TIMES COMPANY

13.01 Whenever it is alleged that the Defendant acted or failed to act, it is alleged that it

did so by and through its officers, agents, employees, principals and vice principals, acting within the course and scope of their employment, agency and other relationship.

13.02 Plaintiffs would show the Court that the defamatory statements, negligent acts and omissions of the Defendant as set out herein, separately and collectively, were a direct and proximate cause of the incident in question and the resulting injuries and damages sustained by the Plaintiffs. The violations, negligent acts and omission are, among others, as follows:

- a. Defendant is a publisher or broadcaster that published statements of fact that referred to Plaintiffs;
- b. Defendant published statements of facts claiming, among other things, that "up to 30 dismembered bodies found near Houston;"
- c. Defendant's statements were defamatory and false;
- d. The false and defamatory statements were negligently published to the general public;
- e. The content of the statement would warrant a reasonably and prudent editor about its defamatory potential;
- f. Defendant failed to take reasonable precautions to assure that the false statements would not be injurious to Plaintiffs' reputation;
- g. Defendant failed to make any reasonable inquiry to determine the truth of the published statements;
- h. Defendant published written and/or oral statements that unambiguously and falsely imputed criminal conduct to the Plaintiffs;
- i. Defendant republished the defamatory statements, thereby adopting it as its own, and as such, can be held liable under § 230 of the Communications Decency Act.
- j. The act or omission complained of, when viewed objectively from the standpoint of the actor at the time of the occurrence involved an extreme degree of risk considering the probably magnitude and potential harm to Plaintiffs;
- k. Defendant's false statement was defamatory in that it caused injury to Plaintiffs' reputation and exposed Plaintiffs to public hatred, contempt, and financial injury;

- l. At all times relevant to these causes of action, Defendant had actual subjective awareness of the risk involved but nevertheless, proceeded with conscious indifference to the rights, safety or welfare of others.
- m. Defendant gave publicity to a matter concerning the Plaintiffs;
- n. Defendant placed Plaintiffs before the public in a false light;
- o. The false light in which Defendant placed the Plaintiffs would be highly offensive to a reasonable person;
- p. Defendant had knowledge of or acted with reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed;
- q. Defendant is liable to Plaintiffs for defamation;
- r. Defendant is liable to Plaintiffs for the republication of defamatory statements under Section 230 of the Communications Decency Act; and
- s. Defendant is liable to Plaintiffs for presenting them in a false light.

15.00 DAMAGES TO PLAINTIFF JOE BANKSON

15.01 As a result of the above actions by Defendants, Plaintiff has suffered and will continue to suffer substantial damages to his reputation and good name;

15.02 Plaintiff has suffered lost wages and/or loss of earning capacity in the past, and as a result of this incident, in all reasonable probability, lost wages and loss of earning capacity will continue in the future;

15.03 Plaintiff has suffered mental anguish in the past and, in all reasonable probability, it will be sustained in the future.

15.04 As a result of the incident described herein, Plaintiff incurred reasonable and necessary medical expenses and in all reasonable probability such medical expenses will continue in the future.

15.05 As a result of the above, Plaintiff seeks damages within the jurisdictional limits of this Court.

16.00 DAMAGES TO PLAINTIFF GENA CHARLTON

16.01 As a result of the above actions by Defendants, Plaintiff has suffered and will continue to suffer substantial damages to her reputation and good name;

16.02 Plaintiff has suffered lost wages and/or loss of earning capacity in the past, and as a result of this incident, in all reasonable probability, lost wages and loss of earning capacity will continue in the future;

16.03 Plaintiff has suffered mental anguish in the past and, in all reasonable probability, it will be sustained in the future.

16.04 As a result of the incident described herein, Plaintiff incurred reasonable and necessary medical expenses and in all reasonable probability such medical expenses will continue in the future.

16.05 As a result of the above, Plaintiff seeks damages within the jurisdictional limits of this Court.

17.00 CLAIM FOR PRE-JUDGMENT AND POST-JUDGMENT INTEREST

17.01 Plaintiffs herein claim lawful interest in accordance with Art. 5069-1.05 of the VATS, and any other applicable law.

18.00 JURY DEMAND

18.01 Plaintiffs request that a jury be convened to try the factual issues in this cause.


19.00 RELIEF REQUESTED

19.01 Plaintiffs pray that Defendants be cited to appear and answer herein, and that upon

final hearing of this cause, Plaintiffs have judgment against Defendants, jointly and severally, for damages described herein, for cost of suit, for pre-judgment interest at the highest rate allowed by law, and from the earliest date allowed by law, and for post-judgment interest at the highest rate allowed by law and from the earliest date allowed by law. Plaintiffs also seek such other and further relief to which they may be justly entitled.

Respectfully submitted,

SOMMERMAN & QUESADA, L.L.P.



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ATTORNEYS FOR PLAINTIFFS