

Louise B. Gohmert, Jr., and states as follows:

NATURE OF THE ACTION

1. This action arises out of a scheme by which Defendants (Parrish, Scott, Kimble, McGregor, Petersen, Sipes, Cluck, and Price) deprived Plaintiff of his Constitutional rights under the Fourth and Fourteenth Amendments by conspiring and/or performing an unlawful search and seizure under color of law without probable cause.

2. This action also arises out of a scheme by which Defendants (Wallace, B. Davis, Fugate, Dixon, Parrish, Scott, Kimble, McGregor, Petersen, Sipes, Cluck, Currin, R.Davis, Van Cleef, Conner, Winslet and Gohmert) conspired to and/or did deprive Plaintiff of his constitutional right of proper and honest judicial administration in Plaintiff's divorce and other legal proceedings and Defendants did conspire and/or did obstruct justice by keeping Plaintiff tied up in court, by failing to address or respond to his motions properly filed with the court, and filing and mailing fraudulent notices of trial and/or hearing settings with the intention that Plaintiff would not have proper notice to appear timely for the requisite setting.

3. In reliance upon numerous misrepresentations and omissions of the Defendants, Plaintiff failed to receive proper and due administration of justice in his legal proceedings.

4. As a consequence of Defendants' unlawful conduct, Plaintiff suffered directly in his business and was deprived of his business and personal property. Plaintiff now seeks relief, including actual, punitive, and treble damages, along with Plaintiff's costs in investigating and prosecuting this action.

5. Through their conduct, as detailed below, Defendants conducted, participated, directly or indirectly, in the affairs of an enterprise through a pattern of racketeering activity, and/or

conspired to do so, in violation of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1961 *et seq.*

6. Defendants committed common law fraud through their misrepresentations, omissions, and concealment of material facts from Plaintiff upon which Plaintiff relied to his detriment.

7. Defendants also breached their duties as fiduciaries. Defendants Cluck, Currin and Conner owed Plaintiff the fiduciary duties of loyalty, of utmost good faith and integrity, to make full and accurate disclosure of material facts, to abstain from self-dealing at the expense of Plaintiff, and to exercise the care, skill and diligence toward Plaintiff's rights and assets that a reasonably prudent person would exercise in regard to his own property. Defendants Cluck, Currin and Conner's misrepresentations, failure to disclose, and concealment of material facts further constituted a breach of the duty of loyalty in the Defendants' interests in the legal proceedings were adverse to those of Plaintiff. Defendants Cluck, Currin and Conner took advantage of the trust place by Plaintiff in them.

PARTIES

8. Plaintiff Jerry Michael Collins is an individual who, after being illegally evicted from his home in September 1995, has continued to reside through out Texas, staying in roadside parks, State Parks, vacant parking lots, farms, and has night watched at public storage facilities in exchange for a safer place to sleep, and anywhere else he could stay while attending to litigation regarding this matter. Collins' current mailing address is P. O. Box 5464, Gun Barrel City, Texas 75147.

9. To accomplish the goal of "the enterprise", Defendants:

(a) JOHN PARRISH, ("Parrish"), formerly a constable of Van Zandt County being

sued in both his official and individual capacities;

(b) TRUMAN PRICE, (“Price”), formerly Sheriff of Van Zandt County, Texas being sue in both his official and individual capacities;

(c) ROXIE CLUCK, (“Cluck”), an attorney whose principal office is in Van Zandt County, Texas is being sued in her individual capacity;

(d) DORIS SIPES, (“Sipes”), an attorney practicing in El Paso County, Texas is being sued in her individual capacity;

(e) MALCOLM MCGREGOR, (“McGregor”), an attorney practicing in El Paso County, Texas is being sued in his individual capacity;

(f) TOMMY W. WALLACE, (“Wallace”), is a district judge of the 294th Judicial District Court of Van Zandt County, Texas and is being sued in his both official and individual capacities;

(g) JENNA L. SCOTT, (“Scott”), is an individual who is being sued in her individual capacity;

(h) PATRICIA KIMBLE, (“Kimble”), is an individual who is being sued in her individual capacity;

(i) HARRY TOM PETERSEN, (“Petersen”), an attorney practicing in El Paso County, Texas is being sued in his individual capacity;

(j) LESLIE P. DIXON, (“Dixon”), is a district attorney of Van Zandt County, Texas and is being sued in both her official and individual capacities;

(k) BETTY DAVIS, (“B. Davis”), a court coordinator in the 294th Judicial District Court who is being sued in both her official and individual capacities;

(l) RICHARD CURRIN, (“Currin”), an attorney in Van Zandt County, Texas and is being sued in his individual capacity;

(m) ROBERT DAVIS, (“R. Davis”), an attorney in Smith County, Texas who is being sued in his individual capacity;

(n) JOYCE FUGATE, (“Fugate”), the Van Zandt County Tax Assessor and Collector who is being sued in both her official and individual capacities;

(o) CHARLES VAN CLEEF, (“Van Cleef”), an attorney in Smith County, Texas who is being sued in his individual capacity;

(p) COYE CONNER, JR., (“Conner”), an attorney in Smith County, Texas who is being sued in his individual capacity;

(q) GREG K. WINSLETT, (“Winslett”), an attorney in Dallas County, Texas who is being sued in his individual capacity;

(r) LOUIS B. GOHMERT, JR., (“Gohmert”), the District Judge in the 7th Judicial District and is being sued in both his official and individual capacity;

(s) and perhaps others became members of the group of conspirators who agreed among themselves to, directly or indirectly, participate in repeated acts of deception by knowingly and willfully making misleading statements, preparing court documents they knew were false, filing documents with the court which they knew were false, knowingly refusing to set hearing dates, concealing evidence, committing perjury and aggravated perjury, permitting perjury and aggravated perjury to be committed, committing common law fraud, committing mail fraud, permitting common law fraud and mail fraud to be committed, negligence, and breaching fiduciary duties in the affairs of their enterprise, through a pattern of racketeering activity, and/or

conspiring to do so, in violation of the Racketeer Influenced and Corrupt Organizations Act (“RICO”) 18 U.S.C. §1961 *et seq.*

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction pursuant to Title 28, United States Code, Section 1331, *et seq.* (The Racketeering Influenced and Corrupt Organizations Act), the Fourth and Fourteenth Amendments to the Constitution of the United States, 42 U.S.C. Section 1983 and applicable principles of supplemental jurisdiction under 28 U.S.C. section 1367(a), because such claims arise under the laws of the United States, namely Title 18, United States Code, Section 1962(d) and 1964. Pursuant to Title 28, United States Code, Section 1367, this Court has subject matter jurisdiction over the state common law fraud claim alleged in Count number one because it is so related to the RICO claims it forms part of the case or controversy. Pursuant to Title 28, United States Code, Section 1332(a), this Court also has subject matter jurisdiction over the state common law fraud claim alleged in Count number two because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and there is complete diversity of citizenship in that Collins is a citizen and resident of the State of Texas, and Defendants are citizens and residents of this District and various other Districts in Texas.

11. Venue is proper in this District pursuant to Title 28, United States Code, Sections 1391.

EVENTS PRECEDING THE RACKETEERING SCHEME

12. From 1979 until September 1995 Collins provided courtroom documentation services for people experiencing various tragedies that ultimately lead to litigation.

13. In 1991, while providing his documentation service in southern New Mexico, Collins recognized that a lawyer was arranging to “steal” hundreds of thousands of dollars from his client who was an uneducated, uninformed, paraplegic individual resulting from a car/truck collision.

14. After informing the tragedy victim’s family of their lawyer’s obvious intent, Collins’ home and all of his property, including all of his business tools and records were illegally seized by New Mexico law enforcement officers.

15. Unable to recover his property on his own, Collins employed an El Paso lawyer and after one year of litigation Collins accepted an out of court settlement from those who participated in the actual illegal seizure of his property. Then, Collins returned to Dallas to have his services professionally marketed throughout Texas.

16. During his last trip to El Paso in November 1992 to complete his last courtroom exhibit service there, an El Paso law firm employee introduced him to Jenna Scott, who claimed to be a “marketing expert” interested in marketing Collins’ services in the DFW/Houston areas.

17. In December 1992, Collins and Scott entered into a marketing agreement and on January 1, 1993 Scott moved from El Paso to Dallas to begin marketing Collins services. Scott appeared eager to know every aspect of Collins’ unique services, including all files of every former and current client. Scott agreed to handle the day to day office matters for no salary from Collins and agreed to handle the office functions in an assumed name she had registered. Scott did not purchase nor did she own any of the 15 year collection of materials, supplies and records belonging to Collins.

18. Seven months after Scott moved to Dallas, Collins moved the operations of his of courtroom exhibits to a small, rural farm house in Van Zandt County. Scott remained in her Las

Colinas condo, supposedly “*developing a marketing plan for Collins’ services*”.

19. In August 1993 Scott moved from her Las Colinas condo into the small, farm house in Van Zandt County where Collins and Scott lived together as husband and wife, but were not married.

20. Shortly thereafter, Collins learned Scott had told several persons in El Paso, including her own lawyer, Noel Gage, the State Bar of Texas, and others that Collins was her husband.

21. In March 1994 the Canton Herald newspaper published a lengthy article about Collins and his unique services.

22. In May 1994, upon Scott’s return from one of her frequent trips to El Paso, surprised Collins by expressing her desire to purchase an insurance policy on Collins life. On May 13, 1994, Scott personally paid for a \$200,000 insurance policy on Collins’ life, naming herself beneficiary and his wife.

23. In the fall of 1994 Collins began being asked to speak to various Houston Bar Associations and even State Bar seminars on his unique services which generated new and higher dollar clients for him in the Houston area. Collins began planning to create a school to teach others his skills.

24. In November 1994 Scott began making more frequent and extended trips to El Paso, including a month long visit with “her family” through December 1994. Scott then announced she needed to move back to El Paso but wanted to continue her relationship with Collins.

25. After more trips to El Paso, in February 1995 Scott personally came to Collins home in Van Zandt County, asked for and got Collins’ help in loading the U-Haul rented in her name and with her credit card and moved all of her property back to El Paso except a couch and one

television.

26. Before moving to Van Zandt County in July 1993, Plaintiff had established a profitable business in Forensic Documentation in El Paso and Southern New Mexico, providing innovative ways for professionals and non-professionals to effectively communicate to decision makers (i.e.: juries) the sequence of events in an occurrence, crime or act such as: arson, burglary, motor vehicle wrecks, child abuse, defective products, divorce, industrial accidents, legal and medical malpractice, murder, rape, train collisions, white collar crimes and other types of events that might lead to litigation.

27. This action arises out of a scheme designed for one purpose - to put an end to a unique service Collins created for a specific group of people. The uniqueness of the service Collins created was: (a) The specific group of people Collins' served were tragedy victims. (b) No two of the services Collins provided were alike. (c) The primary market for Collins' services was very small, only those lawyers who were dedicated to providing the best legal representation possible. (d) Over the 15 years Collins provided his service to over 600 tragedies with over 98% achieving their goal. And, (e) should a bunch of lazy, insecure, unethical, lying lawyers ever want to destroy Collins' service, they wouldn't have to go outside their own, local industry to find a hitman to destroy it.

28. The latter uniqueness is what happened to Collins in "*the free state*" of Van Zandt County, Texas. All it took to achieve "the scheme" to destroy Collins' service was some El Paso lawyers, who conspired with 2 women from El Paso, who conspired with at least one east Texas lawyers, who conspired with Van Zandt County law enforcement officers, the 294th district court's coordinator, district judges, the county tax collector, and every lawyers Collins hired to

represent him or attempted to hire to represent him.

Jurisdiction and Venue

29. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 18 U.S.C. § 1961, *et seq.* (the Racketeer Influenced and Corrupt Organizations Act), the Fourth and Fourteenth Amendments to the Constitution of the United States, 42 U.S.C. § 1983 and applicable principles of supplemental jurisdiction under 28 U.S.C. § 1367(a).

30. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

FACTUAL BASIS FOR CLAIMS

Introduction

31. Before moving to Edom, Texas in Van Zandt County in 1993, Plaintiff had established a profitable business in Forensic Documentation in El Paso, providing innovative ways for professionals and non-professionals to effectively communicate to decision makers (ie: jury) the sequence of events in an occurrence, crime or act such as: arson, burglary, automobile accidents, child abuse, defective products, divorce, industrial accidents, legal malpractice, medical malpractice, murder, rape, train collisions, white collar crimes and any other type of event that might lead to litigation.

32. Collins' business in El Paso had proved to be quite successful. Upon leaving town, he had a dispute with one lawyer concerning a settlement agreement about which he was consulted by both the attorney and the client. It was clear to him that the settlement was structured so as to excessively compensated the attorney for the work completed in the case, while under compensating the victim(s)/client for injuries/damages sustained. When Collins indicated his opinion about the proposed settlement agreement to the attorney and the client (as requested by

both), the attorney was displeased and refused to pay his fee of several thousand dollars.

33. Collins also had a dispute with another El Paso attorney who failed to pay his fee upon his completion of the work because she had chosen to leave her law practice and take an administrative position with a nationwide hospital chain.

34. Collins is of the opinion that these attorneys (one of which was employed by Defendant Jenna Scott) did contact or through a straw man to cause to be contacted certain if not all Defendants in the above styled cause and explain that a great deal of money was at stake, so that if certain files, documents, videos, reports and the like were obtained from Collins, they would likely benefit.

Beginning of Fraudulent Scheme

35. As Collins was departing from El Paso, Jenna Scott just happened to bump into him in the elevator and explain that she would be of great assistance in a business such as his since she had a court reporting business. As result of that initial meeting Collins and Scott decided to join forces and in fact moved and did reside together at a property in Edom, Texas in Van Zandt County. Their relationship extended beyond a professional one and became personal in nature.

36. During Collins and Scott's stint together in Edom, Jenna Scott made frequent visits to El Paso. Collins thought nothing of it as her family and prior business was there. Finally in February 1995 she told him that their personal relationship was not working and that she wanted to move back to El Paso.

37. Collins agreed and even helped Scott pack her personal belongings from the Edom residence. Scott spent one last night and they parted on what Collins thought was congenial terms. They had agreed that Collins would purchase the Edom property from her and Collins

employed Roxie Cluck to prepare the legal documents for them to sign. In April 1995 Cluck informed Collins that she could not prepare the closing papers because there was a sickness in her office. Collins notified Scott and she said that she would have one of her El Paso lawyer friends prepare the closing papers.

38. After several months without any contact from Jenna Scott's lawyer friend Malcolm McGregor, Collins called McGregor's office to check on the paperwork he was doing for Collins and Scott. The legal assistant asked Collins, "Oh, you mean the divorce?"

39. Collins was not aware of any divorce proceedings but knew he did not want to be tied up in legal proceedings in El Paso, so as a preemptive strike to have venue in his county, he filed a petition for divorce in Van Zandt County, Texas and promptly had Jenna Scott served.

40. The divorce proceedings should have been relatively simple in that there were no children from the relationship and there was no property to be divided. Despite these facts and that fact that Defendant Scott's attorney (Defendant Roxie Cluck) had only filed an Answer and entered an appearance on behalf of her client, she was paid \$20,000 for her legal services in the matter.

Illegal Search and Seizure

41. Plaintiff brings this case against Defendants for violations of the federal RICO statute, obstruction of justice, common law fraud, and for breach of fiduciary duty. Defendants were participants/part of an enterprise in a scheme to deprive Plaintiff of his intangible right to honest and fair judicial service and process and other constitutional rights which resulted directly in the loss of his home, business and personal property, business reputation and income.

42. On July 17, 1995 Van Zandt County Constable John Parrish, in the above styled cause, entered Plaintiff's home unlawfully, or at the very least stood by and allowed Defendants Jenna

Scott and Patricia Kimble to unlawfully enter, search and seize personal and business belongings of Plaintiff in and from Plaintiff's residence. During the search, the Plaintiff's personal and business files, containing client's private papers, were searched. After their search, Parrish, Scott and Kimble jointly made numerous seizures from Plaintiff's residence in violation of Plaintiff's constitutional rights under the Fourth and Fourteenth Amendments.

43. There was no probable cause. There was no search warrant. There was no court order authorizing any of these acts.

44. Although Scott later explained in legal proceedings that she needed copies of her tax returns, it is not reasonable or even plausible for a woman who could obtain copies from the IRS with relative ease for a small fee would enlist a friend (Patricia Kimble) to fly from El Paso and rent a car and drive to Edom, Texas and then enlist the aid of a constable (Parrish) to unlawfully enter someone else's residence without their permission simply to obtain copies of tax returns. As previously mentioned the separation/ending of the relationship was on relatively congenial terms and Collins and Scott had had at least two reasonable telephone conversations since her move from the residence.

45. Among the Plaintiff's business property stolen and never returned was videotape(s) of State Bar Investigators concerning an investigation of Collins, construction materials and supplies, and records in El Paso.

46. On September 10, 1995 Plaintiff was at home working when he was interrupted by the insistent barking of his dog. He went outside to find a stranger behind some trees just over the property fence about 150 feet from his home. Plaintiff recognized the man as Parrish and noticed something in Parrish's hand that looked like a gun. Afraid Plaintiff retreated inside, but Plaintiff

decided to face Parrish without anything to defend himself. When he went back outside and yelled to Parrish, Parrish ran to his car and sped off.

47. Served with a notice to appear and show cause on Friday, September 8, 1995 at approximately 8:30 p.m. by Roxie Cluck's paralegal to appear on Monday, September 11, 1995 at 9:00 a.m.

Pattern of Fraudulent Conduct and Manipulation of the Judicial System

48. The fraudulent acts committed by the Defendants as part of their dealings with Plaintiff in legal proceedings are not isolated but rather are part of a fraudulent pattern of conduct through which Defendants illegally manipulated the judicial system in such a way to deprive Plaintiff of his constitutional rights under the Fourth and Fourteenth Amendments and his intangible right to honest judicial administration.

49. Through an enterprise comprised of individuals, Defendants conspired to and/or did deprive Plaintiff of his intangible right to due process and honest judicial administration through a scheme by which Defendants intentionally and wilfully made misrepresentations, omissions and concealment of material facts that caused:

- (1) Plaintiff to be tied up in court despite the relative simplistic nature of the divorce proceedings and Plaintiff's outstanding Motions to Dismiss and for NonSuit;
- (2) hearings to be continued for which Plaintiff appeared in order to delay and prolong his legal proceedings; and
- (3) obstruction of justice where Defendants failed to notify or actively concealed hearing dates and trial dates from Plaintiff with the

intention that Plaintiff would not and/or could not appear for these hearings without proper and/or timely notice; and Defendants would have the hearing in Plaintiff's absence.

50. Attached hereto and incorporated herein by reference for all purposes is a chronology of events which refers to various facts and exhibits.

COUNT I - RICO

51. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1-50 as if fully set forth herein.

52. At all relevant times, each of the Defendants was a "person" within the meaning of RICO, 18 U.S.C. §§ 1961(3), 1962^o and (d) and 1964(c).

53. At all relevant times, Defendants formed an association-in-fact for the purpose of defrauding Plaintiff. This association-in-fact was an "enterprise" within the meaning of RICO, 18 U.S.C. § 1961(4).

54. At all relevant times, this enterprise was engaged in, and its activities affected, interstate and foreign commerce, within the meaning of RICO, 18 U.S.C. § 1962 (c).

55. At all relevant times, Defendants associated with this enterprise conducted or participated, directly or indirectly, in the conduct of the enterprise's affairs through a "pattern of racketeering activity" within the meaning of RICO, 18 U.S.C. § 1961 (5), in violation of RICO, 18 U.S.C. § 1962 (c).

56. Specifically, at all relevant times, Defendants engaged in "racketeering activity" within the meaning of 18 U.S.C. § 1961 (1) by engaging in the acts set forth above. The acts set forth above constituted a violation of one or more the following statutes: 18 U.S.C. § 1341 (mail fraud) and

18 U.S.C. § 1343 (wire fraud). Defendants and other Conspirators each committed and/or aided and abetted the commission of two or more of these acts of racketeering activity.

57. The acts of racketeering activity referred to in the previous paragraph constituted a "pattern of racketeering activity" within the meaning of 18 U.S.C. § 1961 (5). The acts alleged were related to each other by virtue of common participants, a common victim (Plaintiff), a common method of commission, and the common purpose and common result of depriving Plaintiff of his constitutional rights of due process, against unlawful search and seizure, right of honest judicial administration, and statutory right of proper judicial administration (by Defendants manipulating the judicial system and obstructing justice) at Plaintiff's expense while concealing the Defendants'/Conspirators' fraudulent activities. The fraudulent scheme continued for over 4 years and threatens to continue longer but for the institution of this case.

58. As a result of Defendants and the other Conspirators' violation of 18 U.S.C. § 1962 (c), the Plaintiff lost his home, business reputation, income from the business, business property and personal property that was never returned to him because of the fraudulent scheme.

59. As a result of their misconduct, Defendants are liable to Plaintiff for his losses and damages in an amount to be determined at trial.

60. Pursuant to RICO, 18 U.S.C. § 1964 (c), Plaintiff is entitled to recover threefold his damages plus costs and attorneys' fees from Defendants.

61. The pattern of racketeering engaged in by the Defendants involved fraudulent acts in support of the above schemes constituting mail fraud (18 U.S.C. § 1341) and wire fraud (18 U.S.C. § 1343), all of which is "racketeering activity" as defined in 18 U.S.C. § 1961(1)(B).

62. There are numerous predicate acts of mail and wire fraud related to Plaintiff. These

predicate acts include mailings containing misrepresentations or omissions made in furtherance of the schemes, telephone calls containing misrepresentations or omissions made in furtherance of the schemes and facsimile transmissions containing misrepresentations or omissions in furtherance of the schemes. These predicate acts and evidence of the schemes constituting the pattern of racketeering, include, but are not limited to, the following mail fraud and wire fraud.

63. As result of the pattern of racketeering activity, Plaintiff and others? Suffered damages to business and property.

64. The predicate acts committed by Defendants relating to the Plaintiff include, but are not limited to, those described earlier in this complaint.

65. Plaintiff relied upon the misrepresentations and omissions directed at Plaintiff by Defendants as part of their pattern of racketeering activity and as direct result suffered damage to his business and property.

COUNT II - RICO CONSPIRACY

66. Plaintiff repeats and realleges paragraphs 1 through 65 as if fully set forth herein.

67. At all relevant times, Plaintiff was a "person" within the meaning of RICO, 18 U.S.C. §§ 1961(3) and 1964(c).

68. At all relevant times, Defendants and the Conspirators were each a "person" within the meaning of RICO, 18 U.S.C. §§ 1961 (3) and 1962(d).

69. At all relevant times, Defendants formed an association-in-fact for the purpose of defrauding Plaintiff. This association-in-fact was an "enterprise" within the meaning of RICO, 18 U.S.C. § 1961(4).

70. At all relevant times, this enterprise was engaged in, and its activities affected, interstate and foreign commerce, within the meaning of RICO, 18 U.S.C. § 1962(c).

71. As set forth in Count One, Defendants and each of the other Conspirators associated with this enterprise conducted or participated, directly or indirectly, in the conduct of the enterprise's affairs through a "pattern of racketeering activity" within the meaning of RICO, 18 U.S.C. § 1961(5), in violation of 18 U.S.C. § 1962(c).

72. At all relevant times, Defendants and other Conspirators each were associated with the enterprise and agreed and conspired to violate 18 U.S.C. § 1962(c), that is agreed to conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, in violation of 18 U.S.C. § 1962(d).

73. Defendants and other Conspirators committed and cause to be committed a series of overt acts in furtherance of the Conspiracy and to affect the objects thereof, including but not limited to the acts set forth above.

74. As a result of Defendants and the other Conspirators' violations of 18 U.S.C. § 1962(d), Plaintiff lost his business and personal property, income from his business, and was deprived of his constitutional rights of due process, honest judicial administration where Defendants illegally manipulated the judicial system to obstruct justice.

75. As result of the Conspiracy, Defendants are liable to Plaintiff for his losses in an amount to be determined at trial.

76. Pursuant to RICO, 18 U.S.C. § 1964(c), Plaintiff is entitled to recover threefold his damages plus costs and attorneys' fees from Defendants.

77. At all times relevant to this Complaint, Defendants were an association-in-fact enterprise

84. Defendants conduct was knowing, intentional, with malice, demonstrated a complete lack of care, and was in conscious disregard for the rights of Plaintiff. Plaintiff is therefore entitled to an award of punitive damages from Defendants.

COUNT IV - BREACH OF FIDUCIARY DUTIES

85. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1 through 84 as if fully set forth herein.

86. Defendant Roxie Cluck undertook to act as Plaintiff's attorney to prepare an earnest money contract concerning the property in Edom (Van Zandt County), Texas. Plaintiff paid her with a check in the amount of \$100.

87. Plaintiff reasonably relied on Defendant Cluck's representations and promise that she would independently and objectively advise Plaintiff concerning the earnest money deed in a manner that would primarily serve the interests of Plaintiff that Plaintiff had divulged to Cluck in confidence. Plaintiff reasonably placed confidence in Cluck, due in part to her expressed expertise in such transactions and her attorney-client relationship, and Defendant Cluck thereby acquired influence over Plaintiff's decisions concerning the earnest money deed. The representations and promises of Cluck and Plaintiff's foreseeable and reasonable reliance on them gave rise to a fiduciary relationship between Defendant Cluck and Plaintiff.

88. Defendants Cluck, Currin and Conner owed Plaintiff fiduciary duties of loyalty, of utmost good faith and integrity, to make full and accurate disclosure of material facts, to abstain from self-dealing at the expense of Plaintiff, and to exercise the care, skill and diligence towards Plaintiff's rights and assets that a reasonably prudent person would exercise in regard to his own property. Defendants Cluck, Currin and Conner owed Plaintiff the duty to disclose fully and all

material risks inherent in legal proceedings. Defendants' misrepresentations and failure to disclose further constituted a breach of the duty of loyalty in that Defendants' interest in the transaction were adverse to those of Plaintiff. Defendants took advantage of the trust placed by Plaintiff in Defendants.

89. As a proximate result of such breaches of duty, Plaintiff has been damages as previously alleged. Moreover, such breaches of duty violated attorney-client privileges and Plaintiff's civil rights and intangible entitlement to honest judicial service.

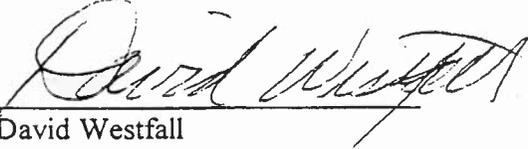
90. Defendants' conduct was reckless, willful and wanton, with malice, demonstrated a complete want of care and attention to duty, and was in conscious disregard of Plaintiff's rights. Plaintiff is therefore entitled to an award of punitive damages from Defendants.

WHEREFORE, Plaintiff respectfully prays that this Court enter Judgment in his favor and against Defendants, jointly and severly, as follows:

1. Awarding Plaintiff's actual and compensatory damages;
2. Awarding Plaintiff treble damages;
3. Awarding Plaintiff punitive damages;
4. Prejudgment and postjudgment interest in the maximum amount allowed by law;
5. Ordering Defendants to produce and to deliver to Plaintiff any and all of Plaintiff's business and/or personal property they still maintain;
6. Awarding Plaintiff his costs, expenses and attorney's fees incurred in prosecuting this action; and
7. Granting such other relief as may be appropriate.

Respectfully submitted,

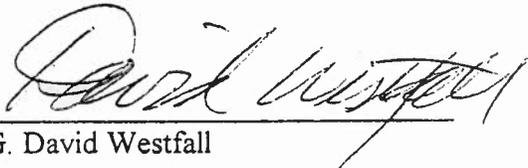
LAW OFFICES OF G. DAVID WESTFALL, P.C.
714 Jackson Street
700 Renaissance Place
Dallas, Texas 75202
(214) 741-4741
(214) 741-4746 Facsimile

By: 
G. David Westfall
State Bar No. 21224000

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon opposing counsel via 1st class mail on this the 7th day of July, 1999.


G. David Westfall