

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STEPHANIE R. MOORE
Plaintiff,

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§

V.

BLANCO FARMS
Individually, JOHNNY D. PHILLIPS,
Individually, DOVE CREEK EQUINE
RESCUE, a domestic corporation, JOHN
DOE AUCTION SERVICE, I AND II
Defendants,

CIVIL ACTION NO. 2:15-cv-00004-J

PLAINTIFF'S AMENDED PETITION PER ORDER OF THE HONORABLE MARY
LOU ROBINSON UNITED STATES DISTRICT COURT JUDGE FOR THE
NORTHERN DISTRICT OF TEXAS, AMARILLO DIVISION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES STEPHANIE R. MOORE, hereinafter called Plaintiff, complaining of and about BLANCO FARMS, TED M. WHITE III, JOHNNY D. PHILLIPS and DOVE CREEK EQUINE RESCUE, a domestic corporation, John Doe Auction Service, I and II, upon information and belief, licensed Texas businesses engaged in the sale and auction of livestock, cattle, horses, etc. hereinafter called Defendants, in response to and per the Order of the Honorable United States District Court Judge, The Honorable Mary Lou Robinson, Plaintiff submits her amended petition and copy hereto, incorporated herein and referenced as Exhibit "A" Plaintiff's Amended Petition to be filed in Armstrong County District Court upon and pursuant to the remand Order of the Court. In connection therewith, Plaintiff submits the following in support:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, STEPHANIE R. MOORE, is an Individual whose address is 1300 Hwy 237, Claude, Texas 79109.

3. The last three numbers of STEPHANIE R. MOORE's driver's license number are 244.

4. Defendant BLANCO FARMS, Plaintiff is unsure as to the type of entity BLANCO FARMS is, if any, may be served with process by serving TED M. WHITE, III n at 7843 FM 1881, Tulia, Texas 79088. Service of said Defendant as described above can be effected by personal delivery.

5. Defendant TED M. WHITE III, an Individual who is a resident of Texas, may be served with process at his residence at the following address: 7843 FM 1881, Tulia, Texas 79088. Service of said Defendant as described above can be effected by personal delivery.

6. Defendant JOHNNY D. PHILLIPS, is an Individual who is a resident of Texas, he may be served with process at his home at the following address: 113 Buntin, Happy, Texas 79042. Service of said Defendant as described above can be effected by personal delivery.

7. Defendant DOVE CREEK EQUINE RESCUE is a domestic corporation based in Texas, is organized under the laws of the State of Texas, and service of process on the Defendant may be effected pursuant to Article 2.11(A) of the Texas Business Corporation Act, by serving its registered agent of the corporation, Luke Holder at 701 S. Taylor Street, Suite 480, Amarillo, Texas 79101. Service of said Defendant as described above can be effected by personal delivery.

8. Defendant's John Doe I and II are upon information and belief, Texas Auction Firms that participated, aided and abetted, converted and ultimately auctioned, sold and profited from the unlawful conduct of the Defendants. At the time of discovery of the true and correct name of the Auction Firms, Plaintiff will properly serve and notice each of them respectively.

JURISDICTION AND VENUE

9. The subject matter in controversy is within the jurisdictional limits of this court.

10. Plaintiff seeks the following amount:

A. MONETARY RELIEF OVER \$1,000,000.00.

11. This court has jurisdiction over the parties because Defendants are Texas residents.

12. Venue in ARMSTRONG County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

13. On or about April 3, 2013, ARMSTRONG COUNTY, SHERIFF, J.R. WALKER, Hereinafter "WALKER", entered upon the Plaintiff's authorized property located at 1980 Highway 287, Goodnight and confronted the mother of Plaintiff, Patricia Wheeler, regarding "WALKER'S" demand that Ms. Wheeler procure hay for some of the animals located at 10848 Kilo Road, Armstrong County, Claude, Texas. "WALKER" demanded the assurance of Ms. Wheeler that certain quantities of hay would be made available to some of the animals located at Kilo Road every five days. Ms. Wheeler was surprised at the demand, however, given the circumstances and the nature of "WALKERS" presence. "WALKER'S" reputation as a vindictive individual with nearly unlimited power and the acting Sheriff of Armstrong County,

Texas, Ms. Wheeler assured "WALKER" that his demand would be complied with. "WALKER" had prior knowledge, based upon "WALKER'S" prior actions and advice, the animals were owned solely by Plaintiff. Further, "WALKER" did not at the time issue a summons, fine, and/or any type of "official" citation, notice, complaint, written order, notice to appear, etc. to Ms. Wheeler and/or Plaintiff.

14. It was during the same conversation on April 03, 2013, one of the parties accompanying "WALKER", ALICIA MCGEE, Hereinafter, "MCGEE" purportedly from the AMARILLO PANHANDLE HUMANE SOCIETY, pressured and questioned Ms. Wheeler about surrendering the animals on April 03, 2013, to a man that had a "wheat pasture." The aforementioned exchange took place in the presence of Armstrong Counties, Sheriff, J.R. WALKER, "WALKER" had prior knowledge as referenced above, the animals belonged solely to Plaintiff, this fact was clearly explained to "WALKER" and "MCGEE", further, Ms. Wheeler was confused as to why the animals would require "surrendering", as neither "WALKER" nor "MCGEE" were issuing any "official" notice of non compliance, cruelty and/or violation with regard to the animals, however, given the circumstances, the intimidating nature of "WALKER" Ms. Wheeler was to afraid to voice her questions and/or concerns to "WALKER" and "MCGEE." Ms. Wheeler concluded the conversation by appeasing and apparently satisfying "WALKER" and "MCGEE" that the animals would certainly be cared for and that Ms. Wheeler would make the hay available as directed by "WALKER."

15. On or about April 04, 2013, around 10:30 a.m. Ms. Wheeler arrived at the Armstrong County Sheriff's Office to deliver and/or display the fact that the instructions of "WALKER" from the previous day had been completely complied with. "WALKER'S" Chief Deputy BRANDON BROWN, hereinafter, "BROWN" was present during the conversation.

Upon Wheeler's arrival, Wheeler was detained and in her belief arrested without warrant, notice of warrant, notice of violation of penal code, etc., Ms. Wheeler was placed purportedly in a "holding" room and then told that law enforcement had two felony warrants for her arrest and that the Amarillo Panhandle Society was en route to seize the animals purportedly under a lawful seizure warrant. While in custody at the Armstrong County Sheriff's Department, Ms. Wheeler overheard a conversation wherein Amarillo Panhandle Society representatives claimed that a "judge had signed the seizure warrant" and that Amarillo Panhandle Humane Society was en route to "seize" the animals under the purported seizure warrant.

16. Although representing to Ms. Wheeler she was being arrested, arresting Ms. Wheeler, detaining Ms. Wheeler; all executed upon instruction of "WALKER", purportedly under two felony warrants, Ms. Wheeler was released from custody at the Armstrong County Sheriff's Office without posting bond, being arraigned, being booked and/or processed, or otherwise being formally charged with regard to the two purported felony warrants. Ms. Wheeler was never served and/or provided with a copy, notice or ever saw the two purported felony warrants for her arrest. Ms. Wheeler was never indicted, charged, convicted, no billed, nor ever had any charges whatsoever related to the purported two felony warrants filed against her. In fact, there is no evidence whatsoever to substantiate or confirm the purported two felony warrants of arrest ever existing, but for the representations of "WALKER.

17. "WALKER" and his entourage proceeded to the location of the animals on Kilo Road to enter and abscond with the animals on the premises. The entourage included the use of Armstrong County Sherriff's Department official vehicles, licensed deputies, fully equipped with guns, and all available tools and remedies associated with law enforcement officers. Upon information and belief, "WALKER" requested Blanco Farms, "WHITE" and

"PHILLIPS" to aid in the wrongful removal of the animals. After leaving the Armstrong County Sherriff's Office, Ms. Wheeler then went back to the property at Kilo Road in an effort to save the animals, during this time, Ms. Wheeler had phoned Plaintiff, the true and correct sole owner of the animals, Plaintiff is a critical care nurse, works lengthy hours and was unable to leave work. The Defendants proceeded to collectively seize the subject animals under the direction, control and force of Armstrong County Sheriff, J.R. Walker and his Sheriff's Office, Ms. Wheeler was once again threatened with arrest if she attempted to interfere in any manner with the purported seizure. The Defendants were successful in absconding with Plaintiff's animals, Blanco Farms left a check in the amount of \$6,500.00 payable to Ms. Wheeler and proceeded to take additional animals at the direction, upon information and belief, The Armstrong County Sheriff's Department, by and through, Sheriff J.R. Walker. After successfully absconding, stealing and/or otherwise unlawfully taking possession of, Plaintiff's Property Defendants proceeded to refuse to return the property of Plaintiff and ultimately sold the property (livestock, cattle and horses) at auction, for profit, without notice to Plaintiff and/or any compensation to Plaintiff thereafter.

STEPHANIE R. MOORE'S CLAIM FOR CIVIL CONSPIRACY

18. Plaintiff brings this claim for civil conspiracy against the Defendants for the reasons and facts stated herein, which are incorporated herein by reference. Upon information and belief, Defendant "PHILLIPS" son, is the grandson of "MCGEE" the representative from the Amarillo Panhandle Humane Society. The Defendants utilized the force and power of the Armstrong County Sheriff's Office, to enter Plaintiff's property unlawfully, steal, convert and exercise dominion unlawfully, possibly in violation of the Texas Penal Code, without warrant, writ, Order of Court, notice and/or lawful authority. The Defendants had meeting of the minds.

agreed upon an objective to in essence steal and/or abscond with Plaintiff's animals and property.

PLAINTIFF'S CLAIM FOR TRESPASS TO REAL PROPERTY

19. In addition to other Counts, Plaintiff brings this claim for Trespass to Real Property, for all of the reasons and facts stated herein, which are incorporated herein by reference. Plaintiff had a lawful right to possess the real property at Kilo Road. Defendants entered the premises without Court Order, Seizure Warrant, Writ or any permissible manner prescribed under Texas Law. In essence, Defendants committed theft by trespass to real property under the supervision, control, enforcement and more than likely assistance of the Armstrong County Sheriff's Department by and through Sheriff, J.R. Walker. The Sheriff's presence and purported instructions, do not amount to authority under Texas Law, absent Court Order, to seize, abscond, steal, convert, misappropriate and/or exercise dominion and/or control over, property of anyone absent Order of Court or official Order by and through the State of Texas; none of the aforementioned predicates were implemented, served, noticed and upon information and belief, not in existence in connection with the seizing, absconding and theft of the animals

20. Defendant's entered Plaintiff's land, intentionally, voluntarily, without permission of Plaintiff, Order of Court and or valid Order under the laws or direction of the State of Texas. Defendant's trespass caused injury to the Plaintiff's right of possession. Defendant's unlawful conduct caused Plaintiff to suffer actual damages, nominal damages, and exemplary damages.

PLAINTIFF'S CLAIM FOR THEFT OF PROPERTY

21. In addition to other counts, Plaintiff brings this claim of Theft under the Texas Theft Liability Act for unlawful appropriation of property under Texas Penal Code Section 31.03, for all the reasons and facts stated herein, which are incorporated herein by reference. Plaintiff was the sole owner and entitled to possession of the animals. Defendants unlawfully

seeks damages within the jurisdictional limits of the Court. Plaintiff seeks exemplary damages because Plaintiff's injury resulted from Defendants actual fraud or malice, which entitle Plaintiff to exemplary damages under TCRP Section 41.003(a).

PLAINTIFFS CLAIM FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

26. In addition to other counts, Plaintiff brings this claim for intentional infliction of emotional distress for all the reasons and facts stated herein and are incorporated by reference herein. After the unlawful seizure, the Defendants, upon information and belief, utilizing the Armstrong County Sheriff's Office have made intentional efforts to further, harass, annoy, alarm, and bring emotional distress to Plaintiff by intentionally or recklessly causing to have marked Armstrong County Sheriff's Department vehicles, near or just outside the Kilo Road gate, (the subject property location of the theft by Defendants) upon information and belief to create the impression, intimidation in an effort to create the impression that Plaintiff is being constantly monitored, Plaintiff's animals are being constantly monitored and/or Plaintiff's children are being constantly monitored. This conduct places Plaintiff and her family in fear of harm or further injury by the Armstrong County Sheriff's Department, Plaintiff at a previous time, worked for the Armstrong County Sheriff's Department, specifically, Sheriff J.R. Walker, Plaintiff has seen the vindictive nature, harassment, violation of constitutional rights, disregard for any laws pertaining to the rights of citizens, the ability to exercise unlimited power and abuse of authority by Sheriff J.R. Walker directly. This places Plaintiff in even greater fear of the Armstrong County Sheriff's Department and/or the Defendants.

27. Plaintiff and her family have suffered severe emotional distress due to the actions of the Defendants. The Defendants conduct has been extreme and outrageous. The Defendant's conduct has caused Plaintiff severe emotional distress. Plaintiff seeks actual, exemplary and

damages within the jurisdictional limits of the Court.

DAMAGES FOR PLAINTIFF STEPHANIE R. MOORE

28. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, STEPHANIE R. MOORE, was caused to suffer severe emotional distress, public humiliation, and to incur the following damages:

- A. Mental anguish in the past;
- B. Mental anguish in the future; and
- C. Economic Damages;
- D. Punitive Damages;
- E. Exemplary Damages

CONCLUSION

29. Plaintiff submits to this Court, at the conclusion of the entire fiasco surrounding the unlawful seizure, purported arrest of Ms. Wheeler, threatened arrest of Plaintiff, neither Plaintiff nor her mother, Patricia Wheeler were ever formally charged with any type of animal cruelty, negligence, abuse. Plaintiff, nor her mother, Ms. Wheeler, were fined, sanctioned or otherwise noticed outside of April 3, 2013, of any negligence, mistreatment, malnourishment or injury to any animal. This case surrounds the ultimate type of misconduct, utilization of the misconduct and unlawful nature of the utilization of the Armstrong County Sheriff's Office, by and through, Sheriff, J.R. Walker, in support of the outright theft, sale, conversion and ultimately profit by the Defendants of Plaintiff's property. There has not been a lawful Court Order, Seizure, Notice of Seizure, Writ of Process, etc. ever issued, served and/or noticed upon Plaintiff by which the events described herein could have been authorized under the State of Texas. However, as we sit here today on April 10, 2015, we have recently witnessed and are witnessing the corruption,

corruptive behavior of law enforcement, law enforcement officials and those employed by law enforcement agencies. The Defendants simply utilized the ultimate presence of the Armstrong County Sheriff's Department, by and through Sheriff, J.R. Walker to unlawfully enter, trespass, steal, abscond, convert and commit fraud upon Plaintiff by creating a rouse and/or false impression of a legal proceeding that never existed to steal and commit theft upon the Plaintiff. There cannot be any other conclusion reached outside of the facts and pleadings stated herein, Defendant Blanco Farms left a \$6,500.00 check, payable to Patricia Wheeler, yet were supposedly acting under the authority of the State of Texas. We cannot as a society allow this type of conduct in a free society, it must be stopped and in this case, addressed, scrutinized and/or exposed.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, STEPHANIE R. MOORE, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

THE BROOKS LAW FIRM

By: /s/ Douglas J. Brooks

DOUGLAS J. BROOKS

Texas Bar No. 03064000

Email: djbrookslaw@gmail.com

**JP MORGAN CHASE INTERNATIONAL
BUILDING PLAZA III**

14241 Dallas Parkway, Suite 650

DALLAS, TX 75254

TEL: (214)) 704.3456

FAX: (866) 430.9004

ATTORNEY FOR PLAINTIFF

STEPHANIE R. MOORE

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY

Certificate of Service

I certify to the Court that a true and correct copy of the foregoing Plaintiff's Amended Petition as per the Court's Order has been served on all parties of record relevant to the Court's Order has been served via ECF Filing this the 10th day of April, 2015.

/s/ Douglas J. Brooks

Attorney for Plaintiff

STEPHANIE R. MOORE

Exhibit A

NO. 2517

STEPHANIE R. MOORE	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
V.	§	
	§	
BLANCO FARMS, TED M. WHITE III	§	47 th JUDICIAL DISTRICT
Individually, JOHNNY D. PHILLIPS,	§	
Individually, DOVE CREEK EQUINE	§	
RESCUE, a domestic corporation, JOHN	§	
DOE AUCTION SERVICE, I AND II	§	
Defendants,	§	ARMSTRONG COUNTY, TEXAS

**PLAINTIFF'S AMENDED PETITION PER ORDER OF THE HONORABLE MARY
LOU ROBINSON UNITED STATES DISTRICT COURT JUDGE FOR THE
NORTHERN DISTRICT OF TEXAS, AMARILLO DIVISION**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES STEPHANIE R. MOORE, hereinafter called Plaintiff, complaining of and about BLANCO FARMS, TED M. WHITE III, JOHNNY D. PHILLIPS and DOVE CREEK EQUINE RESCUE, a domestic corporation, John Doe Auction Service, I and II, upon information and belief, licensed Texas businesses engaged in the sale and auction of livestock, cattle, horses, etc. hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, STEPHANIE R. MOORE, is an Individual whose address is 1300 Hwy 237, Claude, Texas 79109.
3. The last three numbers of STEPHANIE R. MOORE's driver's license number are

244.

4. Defendant BLANCO FARMS, Plaintiff is unsure as to the type of entity BLANCO FARMS is, if any, may be served with process by serving TED M. WHITE, III n at 7843 FM 1881, Tulia, Texas 79088. Service of said Defendant as described above can be effected by personal delivery.

5. Defendant TED M. WHITE III, an Individual who is a resident of Texas, may be served with process at his residence at the following address: 7843 FM 1881, Tulia, Texas 79088. Service of said Defendant as described above can be effected by personal delivery.

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JURISDICTION AND VENUE

9. The subject matter in controversy is within the jurisdictional limits of this court.

10. Plaintiff seeks:

A. MONETARY RELIEF OVER \$1,000,000.00.

11. This court has jurisdiction over the parties because Defendants are Texas residents.

12. Venue in ARMSTRONG County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

13. On or about April 3, 2013, ARMSTRONG COUNTY, SHERIFF, J.R. WALKER, Hereinafter "WALKER", entered upon the Plaintiff's authorized property located at 1980 Highway 287, Goodnight and confronted the mother of Plaintiff, Patricia Wheeler, regarding "WALKER'S" demand that Ms. Wheeler procure hay for some of the animals located at 10848 Kilo Road, Armstrong County, Claude, Texas. "WALKER" demanded the assurance of Ms. Wheeler that certain quantities of hay would be made available to some of the animals located at Kilo Road every five days. Ms. Wheeler was surprised at the demand, however, given the circumstances and the nature of "WALKER'S" presence. "WALKER'S" reputation as a vindictive individual with nearly unlimited power and the acting Sheriff of Armstrong County, Texas, Ms. Wheeler assured "WALKER" that his demand would be complied with. "WALKER" had prior knowledge, based upon "WALKER'S" prior actions and advice, the animals were owned solely by Plaintiff. Further, "WALKER" did not at the time issue a

summons, fine, and/or any type of "official" citation, notice, complaint, written order, notice to appear, etc. to Ms. Wheeler and/or Plaintiff.

14. It was during the same conversation on April 03, 2013, one of the parties accompanying "WALKER", ALICIA MCGEE, Hereinafter, "MCGEE" purportedly from the AMARILLO PANHANDLE HUMANE SOCIETY, pressured and questioned Ms. Wheeler about surrendering the animals on April 03, 2013, to a man that had a "wheat pasture." The aforementioned exchange took place in the presence of Armstrong Counties, Sheriff, J.R. WALKER, "WALKER" had prior knowledge as referenced above, the animals belonged solely to Plaintiff, this fact was clearly explained to "WALKER" and "MCGEE", further, Ms. Wheeler was confused as to why the animals would require "surrendering", as neither "WALKER" nor "MCGEE" were issuing any "official" notice of non compliance, cruelty and/or violation with regard to the animals, however, given the circumstances, the intimidating nature of "WALKER" Ms. Wheeler was to afraid to voice her questions and/or concerns to "WALKER" and "MCGEE." Ms. Wheeler concluded the conversation by appeasing and apparently satisfying "WALKER" and "MCGEE" that the animals would certainly be cared for and that Ms. Wheeler would make the hay available as directed by "WALKER."

15. On or about April 04, 2013, around 10:30 a.m. Ms. Wheeler arrived at the Armstrong County Sheriff's Office to deliver and/or display the fact that the instructions of "WALKER" from the previous day had been completely complied with. "WALKER'S" Chief Deputy BRANDON BROWN, hereinafter, "BROWN" was present during the conversation. Upon Wheeler's arrival, Wheeler was detained and in her belief arrested without warrant, notice of warrant, notice of violation of penal code, etc., Ms. Wheeler was placed purportedly in a "holding" room and then told that law enforcement had two felony warrants for her arrest and

of the animals, Plaintiff is a critical care nurse, works lengthy hours and was unable to leave work. The Defendants proceeded to collectively seize the subject animals under the direction, control and force of Armstrong County Sheriff, J.R. Walker and his Sheriff's Office, Ms. Wheeler was once again threatened with arrest if she attempted to interfere in any manner with the purported seizure. The Defendants were successful in absconding with Plaintiff's animals, Blanco Farms left a check in the amount of \$6,500.00 payable to Ms. Wheeler and proceeded to take additional animals at the direction, upon information and belief, The Armstrong County Sheriff's Department, by and through, Sheriff J.R. Walker. After successfully absconding, stealing and/or otherwise unlawfully taking possession of, Plaintiff's Property Defendants proceeded to refuse to return the property of Plaintiff and ultimately sold the property (livestock, cattle and horses) at auction, for profit, without notice to Plaintiff and/or any compensation to Plaintiff thereafter.

STEPHANIE R. MOORE'S CLAIM FOR CIVIL CONSPIRACY

18. Plaintiff brings this claim for civil conspiracy against the Defendants for the reasons and facts stated herein, which are incorporated herein by reference. Upon information and belief, Defendant "PHILLIPS" son, is the grandson of "MCGEE" the representative from the Amarillo Panhandle Humane Society. The Defendants utilized the force and power of the Armstrong County Sheriff's Office, to enter Plaintiff's property unlawfully, steal, convert and exercise dominion unlawfully, possibly in violation of the Texas Penal Code, without warrant, writ, Order of Court, notice and/or lawful authority. The Defendants had meeting of the minds, agreed upon an objective to in essence steal and/or abscond with Plaintiff's animals and property.

PLAINTIFF'S CLAIM FOR TRESPASS TO REAL PROPERTY

19. In addition to other Counts, Plaintiff brings this claim for Trespass to Real Property, for all of the reasons and facts stated herein, which are incorporated herein by reference. Plaintiff had a lawful right to possess the real property at Kilo Road. Defendants entered the premises without Court Order, Seizure Warrant, Writ or any permissible manner prescribed under Texas Law. In essence, Defendants committed theft by trespass to real property under the supervision, control, enforcement and more than likely assistance of the Armstrong County Sheriff's Department by and through Sheriff, J.R. Walker. The Sheriff's presence and purported instructions, do not amount to authority under Texas Law, absent Court Order, to seize, abscond, steal, convert, misappropriate and/or exercise dominion and/or control over, property of anyone absent Order of Court or official Order by and through the State of Texas; none of the aforementioned predicates were implemented, served, noticed and upon information and belief, not in existence in connection with the seizing, absconding and theft of the animals

20. Defendant's entered Plaintiff's land, intentionally, voluntarily, without permission of Plaintiff, Order of Court and or valid Order under the laws or direction of the State of Texas. Defendant's trespass caused injury to the Plaintiff's right of possession. Defendant's unlawful conduct caused Plaintiff to suffer actual damages, nominal damages, and exemplary damages.

PLAINTIFF'S CLAIM FOR THEFT OF PROPERTY

21. In addition to other counts, Plaintiff brings this claim of Theft under the Texas Theft Liability Act for unlawful appropriation of property under Texas Penal Code Section 31.03, for all the reasons and facts stated herein, which are incorporated herein by reference. Plaintiff was the sole owner and entitled to possession of the animals. Defendants unlawfully appropriated the Plaintiff's personal property in violation of Texas Penal Code 31.03, by taking

possession of the property without Plaintiff's effective consent. Defendants committed these acts without warrant, Notice of Seizure, Writ of process, execution, sequestration, attachment and/or any type of Order of Court. Although he may disagree, Sheriff J.R. Walker does not have the authority under Texas Law to aid, instruct, oversee and/or compel the seizure of animals or property absent Order of the Court. Further, "WALKER" had prior knowledge that the animals were solely owned by Plaintiff as "WALKER" had instructed Plaintiff to cause to be filed the Notice of Ownership in the District Court far in advance of the actions stated herein.

22. Defendants appropriated the Plaintiff's property in violation of Texas Penal Code, 31.03 by taking possession of the property without the Plaintiff's effective consent. Defendants wrongful conduct caused injury to Plaintiff. Plaintiff seeks actual damages, additional damages, and exemplary damages.

PLAINTIFF'S CLAIM FOR FRAUD

23. In addition to other counts, Plaintiff brings this claim for Fraud for all the reasons and facts stated herein, which are incorporated herein by reference.

24. The Defendants utilized the Armstrong County Sheriff's Department, by and through Sheriff J.R. Walker to commit trespass, theft, convert and ultimately profit for their outrageous, overt, brazen and unlawful conduct upon Plaintiff and her property. The Defendants false claim that a warrant, possibly warrants existed, the utilization, implementation and presence of the Armstrong County Sheriff's Department to create the rouse, false impression that some type of "seizure warrant", Writ of process, execution, sequestration and/or Order of Court provided for the theft of Plaintiff's property constitutes fraud.

25. The Plaintiff suffered injury proximately caused by Defendants actions. Plaintiff seeks damages within the jurisdictional limits of the Court. Plaintiff seeks exemplary damages

because Plaintiff's injury resulted from Defendants actual fraud or malice, which entitle Plaintiff to exemplary damages under TCRP Section 41.003(a).

PLAINTIFFS CLAIM FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

26. In addition to other counts, Plaintiff brings this claim for intentional infliction of emotional distress for all the reasons and facts stated herein and are incorporated by reference herein. After the unlawful seizure, the Defendants, upon information and belief, utilizing the Armstrong County Sheriff's Office have made intentional efforts to further, harass, annoy, alarm, and bring emotional distress to Plaintiff by intentionally or recklessly causing to have marked Armstrong County Sheriff's Department vehicles, near or just outside the Kilo Road gate, (the subject property location of the theft by Defendants) upon information and belief to create the impression, intimidation in an effort to create the impression that Plaintiff is being constantly monitored, Plaintiff's animals are being constantly monitored and/or Plaintiff's children are being constantly monitored. This conduct places Plaintiff and her family in fear of harm or further injury by the Armstrong County Sheriff's Department, Plaintiff at a previous time, worked for the Armstrong County Sheriff's Department, specifically, Sheriff J.R. Walker, Plaintiff has seen the vindictive nature, harassment, violation of constitutional rights, disregard for any laws pertaining to the rights of citizens, the ability to exercise unlimited power and abuse of authority by Sheriff J.R. Walker directly. This places Plaintiff in even greater fear of the Armstrong County Sheriff's Department and/or the Defendants.

27. Plaintiff and her family have suffered severe emotional distress due to the actions of the Defendants. The Defendants conduct has been extreme and outrageous. The Defendant's conduct has caused Plaintiff severe emotional distress. Plaintiff seeks actual, exemplary and damages within the jurisdictional limits of the Court.

DAMAGES FOR PLAINTIFF STEPHANIE R. MOORE

28. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, STEPHANIE R. MOORE, was caused to suffer severe emotional distress, public humiliation, and to incur the following damages:

- A. Mental anguish in the past;
- B. Mental anguish in the future; and
- C. Economic Damages;
- D. Punitive Damages;
- E. Exemplary Damages

CONCLUSION

29. Plaintiff submits to this Court, at the conclusion of the entire fiasco surrounding the unlawful seizure, purported arrest of Ms. Wheeler, threatened arrest of Plaintiff, neither Plaintiff nor her mother, Patricia Wheeler were ever formally charged with any type of animal cruelty, negligence, abuse. Plaintiff, nor her mother, Ms. Wheeler, were fined, sanctioned or otherwise noticed outside of April 3, 2013, of any negligence, mistreatment, malnourishment or injury to any animal. This case surrounds the ultimate type of misconduct, utilization of the misconduct and unlawful nature of the utilization of the Armstrong County Sheriff's Office, by and through, Sheriff, J.R. Walker, in support of the outright theft, sale, conversion and ultimately profit by the Defendants of Plaintiff's property. There has not been a lawful Court Order, Seizure, Notice of Seizure, Writ of Process, etc. ever issued, served and/or noticed upon Plaintiff by which the events described herein could have been authorized under the State of Texas. However, as we sit here today on April 10, 2015, we have recently witnessed and are witnessing the corruption, corruptive behavior of law enforcement, law enforcement officials and those employed by law

enforcement agencies. The Defendants simply utilized the ultimate presence of the Armstrong County Sheriff's Department, by and through Sheriff, J.R. Walker to unlawfully enter, trespass, steal, abscond, convert and commit fraud upon Plaintiff by creating a rouse and/or false impression of a legal proceeding that never existed to steal and commit theft upon the Plaintiff. There cannot be any other conclusion reached outside of the facts and pleadings stated herein. Defendant Blanco Farms left a \$6,500.00 check, payable to Patricia Wheeler, yet were supposedly acting under the authority of the State of Texas. We cannot as a society allow this type of conduct in a free society, it must be stopped and in this case, addressed, scrutinized and/or exposed.

PRAYER

WHEREFORE, PREMISES CONSIDERED. Plaintiff, STEPHANIE R. MOORE, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

THE BROOKS LAW FIRM