

CAUSE NO. DC-13-07079

FILED

13 JUN 21 PM 3:25

TRENT ALLEN HACKNEY
Plaintiff,

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IN THE DISTRICT COURT

v.

101st-E

JUDICIAL DISTRICT

MARION GRILTZ
Defendant.

DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

I. DISCOVERY CONTROL PLAN

1.1 Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

II. PARTIES, JURISDICTION, AND VENUE

2.1 Plaintiff, Trent Allen Hackney, is an individual residing in Dallas County, Texas.

2.2 Defendant, Marion Griltz, is an individual who may be served with process at 5604 Lewis Street, Apt. F, Dallas, TX 75206.

2.3 This is an action for defamation where Plaintiff damages in an amount that is within the jurisdiction of this Court. Plaintiff seeks over \$1,000,000.00 in actual and punitive damages.

2.4 Venue is proper under Tex. Civ. Prac. & Rem. Code § 15.017 because this is the county of Plaintiff's resident and it was the county of Plaintiff's residence at the time the causes of action complained of herein arose.

III. FACTS

3.1 Plaintiff is a small business owner and chief operations officer of a small business commonly known Profit Seek Inc.

- 3.2 Plaintiff and Defendant were previously in a consensual sexual relationship that was terminated by Plaintiff.
- 3.3 On March 29, 2013, Defendant called the police and falsely stated that Plaintiff had threatened to kill her with a firearm on March 16, 2013. In reality, Plaintiff does not own a firearm and was attending a St. Patrick's Day celebration hosted at the home of a friend and co-worker the entire day. Plaintiff is in possession of several affidavits from the home owner and others who were attending the same party which state that he was there the entire time and did not leave.
- 3.4 On April 1, 2013, Defendant again called the police and falsely stated that Plaintiff came to her house, knocked on the door, pointed a firearm at her, and again threatened to kill her. This telephone call was place at approximately 6:03 p.m. that day while Plaintiff was making purchases at Lakewood Hardware store. Plaintiff has affidavit evidence of this fact from the person that checked him out of the store at that same time as well as a credit card receipt indicating that he was at Lakewood Hardware during the time that he was supposedly threatening the Defendant.

IV. CAUSES OF ACTION

(Defamation and Slander *Per Se*)

- 4.1 Defendant made the false and defamatory statements about Plaintiff referred to in paragraphs 3.3 and 3.4 above. Specifically, she falsely claimed to have been threatened with a firearm by Plaintiff on two separate occasions.
- 4.2 The defamatory language was clear and reasonably capable of only one meaning.

- 4.3 The defamatory language was designed to (a) injure Plaintiff's reputation; (b) expose Plaintiff to public hatred, contempt, or ridicule; (c) impeach Plaintiff's honesty, integrity, virtue or reputation; and (d) cause harm to Plaintiff.
- 4.4 Defendant's statements were not privileged in any way.
- 4.5 Defendant's statements imputing that Plaintiff committed several crimes constitute slander *per se* under Texas law.
- 4.6 As a direct and proximate cause of Defendant's defamatory statements, Plaintiff has been damaged in an amount that exceeds the jurisdictional minimum of this Court.
- 4.7 Defendant malicious and intentional acts against Plaintiff impose liability for exemplary or punitive damages as they were performed with malice and with knowledge of the actual truth.

V. DAMAGES

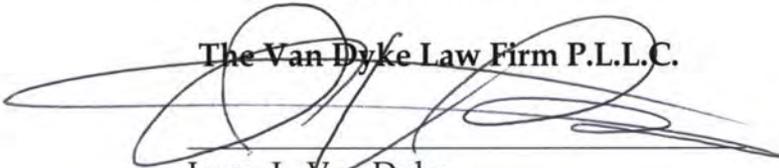
- 5.1 As a direct and proximate cause of the actions of Defendant above, Plaintiff has suffered damages in an amount that exceeds one million dollars. These damages include, but are not limited to, lost earning capacity, out of pocket expenses, emotional distress, and mental anguish.

VI. PRAYER

- 6.1 Plaintiff prays that Defendant be cited to appear and answer and that, upon trial herein, the Defendant be held liable for the causes of action pled and a judgment be entered against Defendant awarding Plaintiff all of the following:
- (a) Actual damages;

- (b) Consequential damages;
- (c) Lost wage-earning capacity;
- (d) Damages for emotional distress and mental anguish;
- (e) Exemplary damages;
- (f) Pre-and-post judgment interest;
- (g) Costs of court; and
- (h) All such further relief, in law and in equity, to which Plaintiff may show himself to be justly entitled.

Respectfully submitted,


The Van Dyke Law Firm P.L.L.C.

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The Van Dyke
LAW FIRM

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DALLAS COUNTY CLERK
DALLAS TEXAS
DEPUTY

CM

June 19, 2013

Dallas District Clerk
600 Commerce St., #103
Dallas, TX 75202

101st-B

Re: File Lawsuit

DC-13-07079

Dear Sir or Madame Clerk:

Please file the enclosed lawsuit in district court and issue citation for the Defendant. After citation is issued, please return the process to my attention in the enclosed postage paid envelope for service by private process server. A check in the amount of \$260.00 is enclosed.

Very truly yours,

Jason L. Van Dyke
Attorney at Law, Receiver

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