

NO. \_\_\_\_\_

<b>LITISHA PESHOFF,</b> <i>Plaintiff,</i>	§	<b>IN THE DISTRICT COURT OF</b>
	§	
	§	
<b>v.</b>	§	
	§	<b>JEFFERSON COUNTY, TEXAS</b>
<b>KLEIN INVESTMENTS, INC.;</b>	§	
<b>STEPHEN L. HARTMAN; and</b>	§	
<b>CRIME PAYS, LLC, d/b/a AL REED</b>	§	
<b>BAIL BONDS,</b>	§	
<i>Defendants</i>	§	<b>_____ JUDICIAL DISTRICT</b>

**PLAINTIFF’S ORIGINAL PETITION, JURY DEMAND, AND  
REQUESTS FOR DISCLOSURE**

1. Plaintiff Litisha Peshoff files her Original Petition, Jury Demand, and Requests for Disclosure complaining of defendants Klein Investments, Inc.; Stephen L. Hartman; and Crime Pays, LLC, d/b/a Al Reed Bail Bonds; and would show the Court as follows:

**I. DISCOVERY CONTROL PLAN**

2. Plaintiff will conduct discovery under “Level 3,” as that discovery control plan is set forth and made applicable to this suit by TEX. R. CIV. P. 190.4.

**II. PLEADING OF LEVEL OF RELIEF PURSUANT TO TEX. R. CIV. P. 47(C)**

3. Pursuant to TEX. R. CIV. P. 47(c)(5), plaintiff pleads that she seeks monetary relief over \$1,000,000.

**III. NOTICE PURSUANT TO TEX. R. CIV. P. 193.7**

4. Plaintiff hereby gives notice pursuant to TEX. R. CIV. P. 193.7 that documents produced by any party will be used against the producing party.

#### **IV. CONDITIONS PRECEDENT**

5. Pursuant to TEX. R. CIV. P. 54, plaintiff pleads that all conditions precedent to filing this suit have been performed, or have occurred.

#### **V. NO EXPEDITED-ACTIONS PROCESS**

6. This suit is not eligible for the expedited-actions process of TEX. R. CIV. P. 169 because defendants request monetary relief over \$1,000,000.00.

#### **VI. JURY DEMAND**

7. Plaintiff demands trial by jury and tenders the required fee herewith.

#### **VII. REQUESTS FOR DISCLOSURE**

8. Plaintiff requests that each defendant individually disclose the information and materials specified in TEX. R. CIV. P. 194.2(a)-(l) within 50 days of service of this pleading.

#### **VIII. PARTIES**

9. Plaintiff Litisha Peshoff is a natural person.

10. Defendant Klein Investments, Inc., is a Texas corporation that may be served with process through its registered agent Philip Klein at 3016 Nederland Avenue, Nederland, Texas 77627.

11. Defendant Stephen L. Hartman is a natural person who may be served with process at 2730 Avenue M, Nederland, Texas 77627.

12. Defendant Cash Pays, L.L.C., d/b/a Al Reed Bail Bonds, is a Texas limited liability company that may be served with process through its registered agent William Yoes at 3535 Calder Avenue, Suite 235, Beaumont, Texas 77706.

## IX. JURISDICTION AND VENUE

13. The Court has jurisdiction over defendants because they are Texas residents.

14. The Court has jurisdiction over the controversy because the amount in controversy is above the Court's minimum jurisdictional limit.

15. Venue of this action is proper in Jefferson County, Texas, under TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1) because all or a substantial part of the acts or omissions giving rise to this suit occurred in Jefferson County.

## X. FACTS

16. At all relevant times, defendant Hartman was an employee of Klein, which allowed him to be a licensed private investigator.

17. On the date in question, Noel Jackowski was wanted by authorities for failing to appear in court on an issue unrelated to this matter. Jackowski did not know of her outstanding warrant because the warrant was issued in error. Peshoff also did not know of Jackowski's outstanding warrant.

18. On or about October 13, 2016, defendant Al Reed, the holder of Jackowski's bond, independently contracted Hartman as a "bounty hunter"—because of his employment and professional license with Klein—to capture and return Jackowski.

19. Upon information and belief, Klein knew of, approved of, or ratified Hartman's work for Al Reed. Alternatively, Hartman's moonlighting for Al Reed

was foreseeable and reasonable because Hartman was able to perform such work only by virtue of his association with Klein.

20. On the evening of October 13, 2016, Jackowski was riding with her friend Peshoff to pick up Peshoff's daughter. With Jackowski in the passenger's seat, Peshoff began driving in and around Groves, Port Arthur, and Nederland, Texas. Peshoff noticed Hartman's black truck following her. Hartman's truck disappeared briefly, but reappeared after Peshoff and Jackowski left their initial destination.

21. Chasing the women, Hartman began to drive in an unsafe and threatening manner—speeding, pulling alongside Peshoff several times, and following at an unsafe distance. Peshoff and Jackowski could see Hartman leering at them as he attempted to close the distance between their cars. After several minutes of this terrifying behavior, Hartman pulled alongside Peshoff, rolled down his window, and ordered Peshoff to pull to the side of the road. Not knowing Hartman, Peshoff did not comply. Peshoff was fearful of Hartman's threatening and unsafe behavior.

22. After Peshoff refused to submit to the unknown gunman, Hartman attempted to run her off the road. Failing at this, Hartman managed to pull alongside Peshoff again—this time pointing his gun at her. In fear for her life, Peshoff contacted authorities. Hartman admitted on videotape to authorities, and later to Klein, that he *intended* to place Peshoff in fear of her life by pointing a gun at her because she had not obeyed his command to pull over. At the 47:30 point in

a police video taken of Hartman in the back seat of the patrol car taking him to the Jefferson County Correctional Facility, Hartman says, “*I pulled my gun on ’em.*”

23. When the two vehicles came to a stop at an intersection, Hartman jumped out of his truck, approached the Peshoff vehicle in a menacing stance, and pointed his gun at her. Hartman said he would shoot Peshoff and Jackowski if they did not pull over. Peshoff believed he would do so. Finally, Hartman told Peshoff he had a warrant for Jackowski’s arrest, and Peshoff pulled into a church parking lot. Hartman—still intending to cause fear of imminent bodily harm and emotional distress—again pointed his gun at the women through the windshield of Peshoff’s car. Peshoff believed Hartman was going to shoot them.

24. Hartman placed Jackowski in handcuffs, but before he could harm the women further, Groves police officers arrived. After the women described the harrowing experience they had just had, Hartman admitted he worked for Klein and was hired by Al Reed to perform bounty-hunting services—specifically, to capture Jackowski. Hartman also admitted he brandished his weapon to force Peshoff to pull over so he could take Jackowski into custody—despite never making a proper attempt to notify them of the same.

25. Port Arthur Police Officer Fontnette then arrested Hartman for deadly conduct and unlawfully carrying a weapon.

26. After a jury trial that ended on December 13, 2017, Hartman was convicted of deadly conduct under TEX. PEN. CODE § 22.05(a).

## **XI. CAUSES OF ACTION**

### **A. Threat of Bodily Injury**

27. Hartman threatened Peshoff with imminent bodily injury by pointing a gun at her and threatening to shoot if she did not follow his orders. Hartman caused Peshoff to fear imminent, severe bodily injury or death. Peshoff's terror was a foreseeable result of Hartman's unlawful actions.

28. Hartman's threat injured Peshoff by causing her physical pain, mental anguish, and medical care expenses. Because of the malicious manner that Hartman committed his unlawful act, Peshoff will suffer from future mental anguish, pain and suffering, and medical expenses.

29. Hartman's acts were performed as an employee of Klein and were within the scope of that employment or within the authority delegated to the employee. Hartman was able to act on behalf of Al Reed only because of the professional investigator license obtained through his employment with Klein.

### **B. Intentional Infliction of Emotional Distress**

30. Hartman's extreme and outrageous conduct intentionally inflicted emotional distress on Peshoff. Hartman pointed a gun at her from a moving car, while stopped at an intersection, and while stopped in a public parking lot. Hartman threatened to shoot Peshoff if she did not comply with his orders.

31. Hartman's conduct proximately caused Peshoff's severe emotional distress because her damages are foreseeable results of Hartman's malicious actions. Hartman has admitted he intended to inflict distress upon Peshoff so she

would comply with his orders. Peshoff's emotional distress cannot be remedied by any other cause of action because the unique nature of Hartman's criminal acts.

32. Hartman's actions have caused Peshoff to suffer from extreme worry, depression, stress, and anxiety.

33. Hartman's acts were performed while in Klein's employment and were within the scope of that employment, or within the authority delegated to him. Hartman was able to act on behalf of Al Reed only because of the license obtained through his employment with Klein.

### **C. Intrusion Upon Seclusion**

34. Hartman intruded on Peshoff's seclusion when he intentionally intruded on the private space of her private vehicle, and forced her off the road and out of her vehicle. Brandishing a gun in a threatening manner from a moving vehicle with the intent of removing her from that seclusion was highly offensive.

35. Hartman's acts were performed while in the employment of Klein and were within the scope of that employment or within the authority delegated to the employee. Hartman was able to act on behalf of defendant Al Reed only because of the professional investigator license obtained through his employment with Klein.

### **D. False Imprisonment**

36. Hartman willfully detained Peshoff by threat when he intentionally pointed a gun at her from a moving car for the purpose of detaining her, which was sufficient to overcome Peshoff's free will.

37. Peshoff did not consent to the detention.

38. Hartman did not have legal authority or justification to detain Peshoff.

39. Hartman's unlawful detention of Peshoff caused injury to her, which includes actual damages for physical pain, mental anguish, and medical care expenses. Because of the malicious manner that Hartman committed his unlawful act, Peshoff will suffer from future mental anguish, pain and suffering, and medical expenses.

40. Hartman's acts were performed while in the employment of Klein and were within the scope of that employment or within the authority delegated to the employee. Hartman was able to act on behalf of Al Reed only because of the professional investigator license obtained through his employment with Klein.

41. Al Reed owed plaintiff a nondelegable duty to avoid harm to third parties (*i.e.*, Peshoff) by acts of an independent contractor who performs work that is inherently dangerous. Al Reed breached this duty when Hartman falsely imprisoned Peshoff while in the performance of the inherently dangerous work of bounty hunting.

### **E. Negligence Per Se**

42. Hartman violated TEX. PEN. CODE § 22.05(a), which prohibits a person from recklessly placing another in imminent danger of serious bodily injury. A person acts recklessly if the actor knowingly pointed a firearm at or in the direction of another.

43. The statute is designed to protect a class of persons to which Peshoff belongs, that of the general public, against the type of injury she suffered—being subjected to imminent danger of serious bodily injury.

44. The statute is the type that imposes tort liability because it is a penal statute.

45. Hartman’s violation of the statute was without legal excuse.

46. Hartman’s violation of the duty imposed by the statute proximately caused injury to Peshoff, which resulted in the following damages: physical pain, mental anguish, and medical care expenses.

47. Hartman’s acts were performed while in Klein’s employment and were within the scope of that employment or within the authority delegated to the employee. Hartman was able to act on behalf of defendant Al Reed only because of the professional investigator license obtained through his employment with Klein.

#### **F. Negligence (Al Reed)**

48. Al Reed owed Peshoff a legal duty to use ordinary care when exercising its control over Hartman.

49. Al Reed breached this duty to Peshoff by failing to control Hartman to ensure that he did not perform his duties in an unlawful and criminal manner.

50. Al Reed’s breach of this duty proximately caused injury to Peshoff, which resulted in physical pain, mental anguish, and medical care expenses.

### **G. Negligent Hiring and Supervision (Klein)**

51. Klein had a legal duty to hire and supervise competent employees.

52. Klein breached this duty when it negligently hired, supervised, trained, and retained Hartman. Specifically, Klein breached its duty when it supported and allowed defendant Hartman to perform and continue to perform his duties, which required a professional license through Klein, in an unlawful and criminal manner.

53. Klein's breach of its duty to hire and supervise competent employees proximately caused injury to Peshoff, which resulted in the damages for physical pain, mental anguish, and medical care expenses.

### **XII. EXEMPLARY DAMAGES**

54. Hartman's malicious actions are the proximate cause of Peshoff's mental anguish damages and entitle Peshoff to exemplary damages under TEX. CIV. PRAC. & REM. CODE § 41.003(a)(2).

55. Peshoff's injuries are proximate result of Klein's and Al Reed's gross negligence, which entitles Peshoff to exemplary damages under TEX. CIV. PRAC. & REM. CODE § 41.003(a)(3).

56. Al Reed owed Peshoff a nondelegable duty to avoid harm to third parties (*i.e.*, Peshoff) by acts of an independent contractor who performs work that is inherently dangerous. Al Reed breached this duty when Hartman wrongfully threatened Peshoff with bodily injury while in the performance of the inherently dangerous work of bounty hunting.

### XIII. PRAYER

57. Peshoff asks that, after a trial on the merits, she have and recover of defendants all the following:

- a. Economic damages in the amount of \$1,000,000.00;
- b. Exemplary damages in the amount of \$1,000,000.00;
- c. Reasonable trial and appellate attorney's fees;
- d. Costs of court;
- e. Prejudgment and postjudgment interest in the maximum lawful amounts; and
- f. All other relief, in law and in equity, to which Peshoff may show herself to be justly entitled.

Respectfully submitted,

**HANSZEN  LAPORTE**

By: /s/ Jeffrey L. Dorrell

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