

2011-13462 / Court: 133

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Chris Daniel - District Clerk
Harris County
ED101J016203888
By: Sharon Carlton

NO. _____

**WESTON & ASSOCIATES, PLLC
AND MICHAEL W. WESTON**

Plaintiffs,

V.

**JON PETER WILLIAMS and AMBER
WILLIAMS;**

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IN THE DISTRICT COURT

_____ **JUDICIAL DISTRICT**

OF HARRIS COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Weston & Associates, PLLC and Michael Weston ("Weston") complaining of and about Jon Peter Williams and Amber Williams hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiffs intend that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff Weston & Associates, PLLC, is a Professional Limited Liability Company whose address is 5001 Bissonnet, Suite 200, Bellaire, Texas 77401.

3. Plaintiff, Michael W. Weston, is an individual whose address is 5001 Bissonnet, Suite 200, Bellaire, Texas 77401.

4. Defendant, Jon Peter Williams, is an Individual whose address is 5527 W. 43rd Street, Houston, Texas 77092.

5. Defendant Amber Williams is an Individual whose address is 5527 W. 43rd Street, Houston, Texas 77092.

JURISDICTION AND VENUE

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

7. This court has personal jurisdiction herein because Plaintiffs are residents of Texas and Defendants also are residents here.

8. Venue in Harris County is proper in this cause pursuant to Section 17.56 of the Texas Business and Commerce Code and 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

9. On October 11, 2010 Weston hired Defendant Amber Williams for employment as a paralegal. Williams was terminated for insubordination on November 6, 2010.

10. On November 22, 2010, Jon Peter Williams and Amber Williams, posing as former clients, posted a false and derogatory review on Citysearch.com. The false review states:

"I went to this attorney on the recommendation of a friend. He had used the father for a bankruptcy. I would be using the son to help with debt settlement. I found him to be condescending to my situation and cold in demeanor. If you are looking for a factory that turns out debt settlements then this attorney is for you. If you want someone to answer your questions and help you through a hard time in your life then find another firm!!!!!!!"

11. The review was posted under the screen name "Jon77088". A simple search of this screen name traced to the email address of jon77088@yahoo.com. The email address was then traced back to the facebook page of Jon Williams. Additional documentation will be subpoenaed from Citysearch.

12. Plaintiffs were unaware of this fraudulent posting until March 3, 2010 when it was discovered through a google.com search of "Weston & Associates".

13. The fraudulent posting was picked up by google.com and has been made public to thousands of potential clients since November 22, 2010, resulting in hundreds of thousands of dollars of lost income.

DEFAMATION

14. Plaintiff incorporates paragraphs 1-13 above.

15. All Defendants have defamed the Plaintiffs. The Defendants published a statement of fact in a public forum that the Defendants knew to be false and defamatory.

16. As a proximate result of such fraud, Plaintiffs sustained the damages described more fully hereinbelow.

COMMON LAW FRAUD

17. Plaintiff incorporates paragraphs 1-16 above.

18. Defendants made material false representations about Plaintiffs with the knowledge of their falsity or with reckless disregard of the truth with the intention that such representations be acted upon by the public.

19. As a proximate result of such fraud, Plaintiffs sustained the damages described more fully hereinbelow.

CONSPIRACY

20. Plaintiff incorporates paragraphs 1-19 above.

21. Plaintiffs would further show that the actions Defendants described hereinabove show evidence of a conspiracy. Soon after Amber Williams was terminated for cause, she conspired with Jon Williams to defame the Plaintiffs.

ECONOMIC AND ACTUAL DAMAGES

22. Plaintiffs sustained the following economic and actual damages as a result of the actions and/or omissions of Defendants described hereinabove:

- (a) Out-of-pocket expenses, including but not limited to all costs of pay-per-click advertising, estimated at \$20,000.00.
- (b) Lost profits in the amount of \$250,000.00.
- (c) Damage to reputation estimated at \$1,000,000.00.

OTHER DAMAGES

23. Plaintiffs would further show that acts and/or omissions of Defendants complained of herein were a producing cause and a proximate cause of the following damages sustained by Plaintiffs:

MULTIPLE DAMAGES

24. As alleged hereinabove, Plaintiffs would show that the false, misleading and deceptive acts, practices and/or omissions complained of herein were committed "knowingly" in that Defendants had actual awareness of the falsity, deception, or unfairness of such acts, practices, and/or omissions.

25. Plaintiffs further aver that such acts, practices, and/or omissions were committed "intentionally" in that Defendants specifically intended that Plaintiffs act in detrimental reliance on the falsity or deception or in detrimental ignorance of the unfairness.

26. Therefore, Plaintiffs are entitled to recover multiple damages as provided by 17.50(b)(1) of the Texas Business and Commerce Code.

EXEMPLARY DAMAGES

27. Plaintiffs would further show that the acts and omissions of Defendants complained of herein were committed knowingly, willfully, intentionally, with actual awareness, and with the specific and predetermined intention of enriching said Defendants at the expense of Plaintiffs. In order to punish said Defendants for such unconscionable overreaching and to deter such actions and/or omissions in the future, Plaintiffs also seek recovery from Defendants for exemplary damages as provided by Section 41.003(1) of the Texas Civil Practice and Remedies Code.

ATTORNEY'S FEES

28. Request is made for all costs and reasonable and necessary attorney's fees incurred by or on behalf of Plaintiffs herein, including all fees necessary in the event of an appeal of this cause to the Court of Appeals and the Supreme Court of Texas, as the Court deems equitable and just, as provided by: (a) Section 17.50(d) of the Texas Business and Commerce Code; (b) Chapter 38 of the Texas Civil Practice and Remedies Code; and, (c) common law.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Weston & Associates, PLLC and Michael W. Weston respectfully pray that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendants for the economic and actual damages requested hereinabove in an amount in excess of the minimum jurisdictional limits of the Court, together with prejudgment and postjudgment interest at the maximum rate allowed by law, attorney's fees, costs of court, and such other and further relief to which the Plaintiffs may be entitled at law or in equity, whether pled or unpled. In addition, Plaintiffs pray for:

- A. Injunctive relief for the Defendant's violations,
- B. Treble damages,
- C. Punitive Damages,
- D. Such other and further relief as may be just and proper.

Respectfully submitted,

Weston & Associates, PLLC

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Unofficial Copy Office of Chris ~~Patney~~ District Clerk