

201/ally

AFFID INABILITY TO PAY

NO. 09-06283

FILED

09 MAY 12 PM 1:49

HENRY J. ROBINSON
Plaintiff,

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

V.

193rd-JUDICIAL DISTRICT
GAY SMITH COUNTY

RADIO ONE, INC. AND RICKEY SMILEY
Defendants.

OF DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Henry J. Robinson, hereinafter called Plaintiff, complaining of and about Radio One, Inc. and Rickey Smiley, 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, Henry J. Robinson, is an Individual whose address is 3825 Trinity Hills Lane, Euless, Texas 75040.

- 3. The last three digits of the driver's license number of Henry J. Robinson are 660. The last three digits of the social security number for Henry J. Robinson are 720.

- 4. Defendant Radio One, Inc., a Nonresident Corporation, may be served pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code by serving the registered agent of the corporation, CSC Lawyers Incorporating Service Company, at 701 Brazos Street Suite #1050,

201/ally

Austin, Texas 78701-3232, its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

5. Defendant Rickey Smiley, an Individual who is a resident of Texas, may be served with process at his place of employment at the following address: 13331 Preston Road, Dallas, Texas 75240-1134. Service of said Defendant as described above can be effected by personal delivery.

10/2/09

JURISDICTION AND VENUE

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

7. This court has jurisdiction over Defendant Radio One, Inc., because said Defendant purposefully availed itself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over Radio One, Inc. will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

8. Furthermore, Plaintiff would show that Defendant Radio One, Inc. engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant committed a tort in whole or in part in Texas.

9. Defendant, Radio One, Inc. operates a radio station called 97.9 The Beat in the Dallas metroplex. Defendant aired defamatory broadcasts concerning the Plaintiff during February of 2009.

10. Venue in Dallas 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

11. Henry Robinson worked as a security guard in the Dallas Love Field Airport. Sometime during February of 2009, during one of Robinson's shifts, celebrity Rickey Smiley's airplane arrived at the airport (Rickey Smiley is a nationally known celebrity appearing on the Dallas radio station 97.9 The Beat and network stations such as Black Entertainment Television). Smiley entered into the airport after disembarking from his plane, and immediately numerous people in the airport recognized Smiley and wanted to take pictures with him.

12. Robinson also recognized Rickey Smiley and asked if he could take a picture of the celebrity. Smiley acquiesced and allowed Robinson to take a picture using his cell phone. Robinson then asked Smiley for a second photo where Robinson and Smiley would both be in the photo. Smiley refused to take the picture and began to berate Robinson, calling him "the gay security guard" and "faggot". As Smiley made these false allegations concerning Robinson's sexual orientation, numerous others both colleagues and noncolleagues alike of Robinson, heard the statements. Smiley then threatened to put Robinson "on blast." In other words, Smiley was going to talk about Robinson on air during his morning show.

13. Several days later, sometime in early February 2009, 97.9 The Beat radio broadcast The Rickey Smiley Morning Show and during the radio broadcast, Smiley made reference to Robinson by name, again calling him "the gay security guard." After the airing of the show, people began accosting Robinson calling him gay, an allegation which he expressly denies. Robinson, does not know, nor has he ever known Rickey Smiley on an personal level

and does not know what could have triggered Smiley's demeaning tirade. Robinson has since lost his job and is currently unemployed. Robinson was an exemplary worker and did not have any work related problems until after the radio transmission.

COUNT 1

15. Paragraphs 11 through 13 are incorporated by reference in this paragraph as if they had been fully reproduced here. The Defendants published statements of fact; the statements referred to the Plaintiff; the statements were defamatory; the statements were false; with regard to the truth of the statement, the Defendants were negligent; and as a result the Plaintiff suffered injury.

DAMAGES FOR PLAINTIFF, HENRY J. ROBINSON

16. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Henry J. Robinson, was caused to suffer injuries to character and his reputation, and to incur the following damages:

- A. Loss of earnings in the past;
- B. Loss of earning capacity which will, in all probability, be incurred in the future;
- C. Mental anguish in the past;
- D. Mental anguish in the future; and

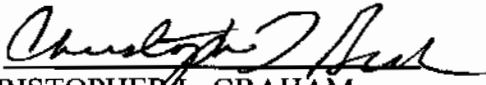
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Henry J. Robinson, 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 Plaintiff's Original Petition: *Henry Robinson v. Radio One, Inc. and Rickey Smiley*

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,

Lauren Graham & Associates PLLC

By: 
CHRISTOPHER L. GRAHAM
Texas Bar No. 24047549
400 N. Saint Paul Street, #1000
Dallas, Texas 75201
Tel. (214) 740-0011
Fax. (214) 740-1188
Attorney for Plaintiff
Henry J. Robinson