

CAUSE NO. 10-01420

FILED

IN THE DISTRICT COURT

10 FEB - 5 AM 2:59
CLERK
DALLAS CO., TEXAS

19200 K

JUDICIAL DISTRICT

DEPUTY

MICHAEL IRVIN,

PLAINTIFF,

V.

NICOLE ALICIA MUSTAFA,

DEFENDANT.

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DALLAS COUNTY, TEXAS



TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Michael Irvin ("Irvin") and files this, his Original Petition Complaining of and Against Nicole Mostafa, (the "Defendant") and, in support thereof, would respectfully show unto this Honorable Court as follows:

DISCOVERY CONTROL PLAN

1. This matter is subject to Discovery Level 2 in accordance with the Texas Rules of Civil Procedure.

PARTIES

- 2. Michael Irvin is a resident of the State of Texas.
- 3. Nicole Alicia Mustafa, is a resident of Broward County, Florida and may be served with process at 6661 Peters Road Plantation, Florida 33317-4216.

Jurisdiction and Venue

4. Jurisdiction is proper in this Honorable Court as the damages fall within the jurisdictional limits of this Honorable Court.

5. Venue is proper in Dallas County, Texas, because it is the county in which all or part of the events or omissions which give rise to the claims set forth herein occurred.

BASIS OF SUIT

6. This suit is the vehicle through which Michael Irvin can recover against the outlandish, brazen acts of the Defendant – a morally-bankrupt individual attempting to destroy the hard earned reputation and career of a highly acclaimed Sports Broadcaster.

FACTS

7. Michael Jerome Irvin is a former NFL football player who spent his entire professional career playing for the Dallas Cowboys. Irvin is regarded as one of the most successful wide receivers in the history of the NFL, having won three (3) Super Bowls and was recently inducted into the Pro Football Hall of Fame. Irvin is also a highly regarded sports broadcaster, radio personality and recent contestant of Dancing with the Stars.

8. Fortunately, Irvin has not only had success on the football field but his dynamic personality has allowed him to have success off the field in movies, television, radio, in addition to his numerous philanthropic contributions. Unfortunately, Irvin is a

victim of his own success, and has been the target of devious unsuccessful individuals who seek to prey on successful high profile individuals such as Irvin.

9. In July of 2007, Mustafa, went to the Seminole County Police Department claiming she was raped by Michael Irvin on July 5, 2007, fifteen (15) days after the alleged incident. On July 21, 2007, the day after opening a file with the Police Department Mustafa signed not one (1) but two (2) waivers of prosecution. The Seminole Police Department found Mustafa's claims un-credible and stopped actively investigating the file over two (2) years ago.

10. After seeing Irvin's success on Dancing with the Stars and his new show Fourth and Long, Mustafa, decided to take another shot at Irvin.

11. It is typical for fame-seekers to attack celebrities of Irvin's stature to try and make a quick buck. In 2009, Andrea McNulty attempted to extort Ben Roethlisberger and Robert J. "Joe" Halderman attempted to extort David Letterman. In both instances the fame-seeker's extortion attempt failed.

12. Sometime in the fall of 2009, Mustafa's new found attorneys created a salacious lawsuit and were sending copies around Dallas and Miami looking for people with ties to Irvin. When Mustafa's attorneys finally reached Irvin, they told him that if he did not pay them a million dollars that they would file a lawsuit that would ruin his career. Notably, the bogus lawsuit that was actually filed was very different from the salacious harassment lawsuit Mustafa was using to extort Irvin.

13. Over the next five (5) months, Mustafa's attorneys constantly called inquiring into whether Irvin was going to "pay up." Finally, sometime in January 2010, Mustafa's attorneys let it be known that if they did not get paid, that they would file a

pleading more detailed than required by the rules of court during the Super Bowl, so that everyone would know and his career would be over. This is nothing more than a thinly veiled effort to carry out Plaintiff's extortion plot, while capitalizing on the media circus that is Super Bowl weekend.

14. On or about February 4, 2010, Mustafa filed a frivolous lawsuit against Irvin alleging rape. Subsequently, on February 5, 2010, Irvin was terminated from ESPN Radio over Mustafa's false allegations.

15. These statements made by Mustafa are currently, and at the time made, absolutely false. Further, these statements were known by Mustafa to be false at the time they were made and were made with the specific intent to defame Irvin and disparage his business, his image, reputation and ultimately destroy his career.

16. Further, upon information and belief the Defendant has published similar defamatory and slanderous statements to other third parties, business associates, and potential business associates of Irvin - - the cumulative effect of which has damaged and continues to damage Irvin. These statements were made with malice, and the intent to injure Irvin's business and reputation. This is nothing more than a weak attempt to extort a celebrity with baseless salacious allegations that only effectuate the destruction of an innocent man's hard earned career.

CAUSES OF ACTION

COUNT ONE: TORTIOUS INTERFERENCE WITH CURRENT AND PROSPECTIVE BUSINESS RELATIONS

17. Irvin incorporates by reference each of the allegations in the preceding paragraphs of this pleading as though fully set forth here.

18. These relationships contained current and future economic benefit in the form of profitable contracts.

19. The Defendant was aware of these economic relationships and intended to interfere with and disrupt them.

20. The Defendant' conduct was wrongful by a measure beyond the fact of the interference itself.

21. As a direct and proximate result of Defendant's actions, Irvin has suffered economic harm, including, but not limited to, loss of income.

22. The Defendant's wrongful conduct was a substantial factor in causing this harm.

23. As a proximate result of the Defendant's tortious interference, Irvin has suffered economic damages, including but not limited to actual and consequential damages, potential lost costs, lost income, lost profits and exemplary damages for which Irvin is entitled to recover, and now brings this suit. The damages suffered by Irvin that are in excess of the minimum jurisdictional limits of this Court and in excess of \$100,000,000.00.

COUNT TWO: CIVIL CONSPIRACY

24. Irvin incorporates each of the foregoing paragraphs by reference as if fully set forth herein verbatim.

25. The Defendant has engaged in a conspiracy to tortiously interfere with Irvin's existing contracts and prospective business relationships.

26. The Defendant had a meeting of the minds to tortiously interfere with Irvin's existing contracts and prospective business relationships.

27. The Defendant committed an unlawful, overt act to further the object or course of action. Irvin has suffered injury as a proximate result of the wrongful act, for which Irvin now brings this suit, seeking recovery of its actual damages and exemplary damages. The damages suffered by Irvin that are in excess of the minimum jurisdictional limits of this Court and in excess of \$100,000,000.00.

28. Further, the Defendant willfully, intentionally, and knowingly agreed and conspired with others to engage in the alleged wrongful conduct, including Defendant's interference with the Irvin's business relationships.

29. The Defendant did the acts alleged pursuant to, and in furtherance of, that agreement and/or furthered the conspiracy by cooperating, encouraging, ratifying, or adopting the acts of the others.

30. As a direct and proximate result of the acts in furtherance of the conspiracy, the Irvin has suffered injury, damage, loss, and harm, including, but not limited to, loss of income and loss of future contracts.

31. The Defendant's intentional agreement to commit, and commission of, these wrongful acts was willful, malicious, oppressive, and in conscious disregard of the Irvin's rights, and the Irvin is therefore entitled to an award of punitive damages to punish their wrongful conduct and deter future wrongful conduct.

COUNT THREE: DEFAMATION AND SLANDER

32. Irvin incorporates each of the foregoing paragraphs by reference as if fully set forth herein verbatim.

33. On the occasions in question, the Defendant published false statements purporting to be facts about Irvin to third persons. No privilege,

absolute or conditional, attaches to these malicious statements. The Defendant's false statements and omissions caused damages to Irvin's reputation.

34. Each of the above-referenced acts and omissions, single or in combination with others, constituted defamation and caused the damages suffered by Irvin that are in excess of the minimum jurisdictional limits of this Court and in excess of \$100,000,000.00.

COUNT FOUR: DEFAMATION PER SE

35. Irvin incorporates each of the foregoing paragraphs by reference as if fully set forth herein verbatim.

36. On the occasions in question, the Defendant's false and malicious statements negatively affected Irvin in his business profession or occupation.

37. Each of the above-referenced acts and omissions, singly or in combination with others, constituted defamation per se, which proximately caused the general and special damages suffered by Irvin which are in excess of the minimum jurisdictional limits of this Court and in excess of \$100,000,000.00.

COUNT FIVE: CIVIL EXTORTION AND DURESS

38. Irvin incorporates each of the foregoing paragraphs by reference as if fully set forth herein verbatim.

39. The conduct of the Defendant as described above amounts to civil extortion and duress. In their communications with the Irvin and his representatives, the Defendant had threatened to act and has now acted in an unlawful manner unless the Plaintiff pays her to keep quiet. As a result of this

duress and extortion, Irvin has suffered damages to date and will continue to suffer damages.

40. Accordingly, Irvin requests that this Court enter a judgment against the Defendant for the amount of actual damages suffered as a result of such civil extortion/duress, in an amount within the jurisdictional limits of this Court. As a result of the Defendant's malicious and deceitful actions, Irvin seeks the recovery of exemplary damages. The damages suffered by Irvin that are in excess of the minimum jurisdictional limits of this Court and in excess of \$100,000,000.00.

COUNT SIX: EXEMPLARY DAMAGES

41. Irvin incorporates and re-alleges the allegations set forth above.

42. The acts of the Defendant complained of herein were committed knowingly, willfully, intentionally, with actual awareness, or with actual malice. In order to punish the Defendant for such unconscionable overreaching acts and to deter such actions and/or omissions in the future, Irvin seeks recovery from the Defendant exemplary damages as provided by Chapter 41 of the Texas Civil Practice and Remedies Code.

REQUEST FOR JURY TRIAL

43. Irvin hereby request a jury trial on all issues.

REQUEST FOR DISCLOSURE

44. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Irvin hereby requests that the Defendant disclose the information or material described in TEX. R. CIV. P. 194 (a)-(j).

PRAYER

WHEREFORE, PREMISES CONSIDERED, Irvin respectfully requests that the Court enter a judgment in favor of Irvin awarding him all of his costs, expenses and attorneys' fees; and, for all such other and further relief, both general or special, at law or in equity, to which he may show himself to be justly entitled.

Dated: this 5th day of February, 2010.

Respectfully submitted,

FRIEDMAN & FEIGER, L.L.P.

By: Lawrence J. Friedman w/permission
JH

Lawrence J. Friedman
State Bar No. 07469300
Jason H. Friedman
State Bar No. 24059784

FRIEDMAN & FEIGER, L.L.P.
5301 Spring Valley Road
Suite 200
Dallas, Texas 75254
(972) 788-1400 (Telephone)
(972) 788-2667 (Telecopy)

**ATTORNEYS FOR MICHAEL
IRVIN**