

CAUSE NO. D-1-GN-18-001605

MARCEL FONTAINE,	§	IN DISTRICT COURT OF
<i>Plaintiff</i>	§	
	§	
VS.	§	TRAVIS COUNTY, TEXAS
	§	
ALEX E. JONES, INFOWARS, LLC,	§	
FREE SPEECH SYSTEMS, LLC, and	§	459TH DISTRICT COURT
KIT DANIELS,	§	
<i>Defendants</i>	§	

PLAINTIFF'S ORIGINAL PETITION, INTERROGATORIES, REQUEST FOR PRODUCTION, REQUEST FOR ADMISSIONS, AND REQUEST FOR DISCLOSURE

Plaintiff MARCEL FONTAINE files this original petition against Defendants, ALEX JONES, INFOWARS, LLC, FREE SPEECH SYSTEMS, LLC, and KIT DANIELS, and alleges as follows:

DISCOVERY CONTROL PLAN

1. Plaintiff intends to seek a customized discovery control plan under Level 3 of Texas Rule of Civil Procedure 190.4.

PARTIES

2. Plaintiff Marcel Fontaine in an individual residing in the Commonwealth of Massachusetts.

3. Defendant Alex E. Jones is a resident of Austin, Texas. He is the host of radio and web-based news programming, including "The Alex Jones Show," and he

owns and operates the website InfoWars.com. Mr. Jones can be served at 100 Congress Avenue, 18th Floor, Austin, TX 78701.

4. Defendant InfoWars, LLC is a Texas limited liability company with principal offices located in Austin, Texas. It may be served at the address of its registered agent, Elizabeth M. Schurig, at 100 Congress Avenue, 22nd Floor, Austin, TX 78701.

5. Defendant Free Speech Systems, LLC is a Texas limited liability company with principal offices located in Austin, Texas. It may be served at the address of its registered agent, Eric Taube, at 100 Congress Avenue, 18th Floor, Austin, TX 78701.

6. Defendant Kit Daniels is an individual residing in Travis County. At all times relevant to this suit, Mr. Daniels has been a reporter and writer for InfoWars. Mr. Daniels can be served at his last known address, 3501 South First Street, Apt. 261, Austin, TX 78704.

JURISDICTION & VENUE

7. The damages sought in this case exceed the minimum jurisdictional limits of Travis County District Courts.

8. Venue is proper in Travis County, Texas, because a suit for damages for defamation may be brought in the county in which a defendant resided at the time of filing, or the domicile of any corporate defendant, at the election of the plaintiff. *See* Tex. Civ. Prac. & Rem. Code §15.017.

FACTUAL BACKGROUND

I. Defendants' Long History of Reckless Defamation Has Resulted in Harassment Against Innocent Parties.

9. InfoWars was created in 1999 by Alex Jones, who has controlled its operations since its inception and up to the present day. Wikipedia describes InfoWars as follows:

InfoWars is an American conspiracy theorist website and media platform owned by Alex Jones's Free Speech Systems LLC. The site has regularly published fake stories which have been linked to harassment of victims.¹

10. Mr. Jones' recklessly opportunistic career is littered with the fallout from his willful pattern of malicious defamation, most notably a series of high-profile incidents over the past few years. Mr. Jones garnered significant attention for his slander against the victims of the Sandy Hook massacre, claiming he has seen "evidence" that could lead people to believe "that nobody died there."² Jones has also claimed that the 9/11 attacks were "an inside job" involving the U.S. government.³

11. Mr. Jones was also one of the purveyors of the "Pizzagate" story, which is the allegation that elites in the Democratic Party oversaw a pedophile slave

¹ See <https://en.wikipedia.org/wiki/InfoWars>, citing numerous published reports.

² "Alex Jones Refuses to Apologize for Sandy Hook Conspiracy Theory." *Newsweek*. June 19, 2017. Last available at: <http://www.newsweek.com/alex-jones-megyn-kelly-sandy-hook-infowars-627129>

³ *Id.*

dungeon in the basement a Washington, D.C. pizzeria.⁴ Mr. Jones told his audience, "You have to go investigate it for yourself...Something's going on. Something's being covered up. It needs to be investigated."⁵ He also expressed a desire to investigate the pizzeria in person.⁶

12. The following week, on December 4, 2016, an armed man fired shots inside the pizzeria as part of a plan to uncover the conspiracy.⁷ Multiple media outlets confirmed that the perpetrator was a fan of InfoWars internet and radio programming.⁸ Under threat of suit from the owner of the establishment, Mr. Jones gave a statement on March 24, 2017 walking back his claims, stating: "To my knowledge today, neither Mr. Alefantis nor his restaurant Comet Ping Pong were involved in any human trafficking as was part of the theories about Pizzagate."⁹

13. On December 15, 2016, the InfoWars website featured stories making similar accusations against Austin restaurant chain East Side Pies, including ominous "undercover" videos speculating upon imaginary, hideous activities by staff or patrons.¹⁰ These stories generated harassment towards the restaurant and an act

⁴ "Conspiracy theorist Alex Jones backs off 'Pizzagate' claims." *The Washington Post*. March 24, 2017. Last available at: <https://www.washingtonpost.com/lifestyle/style/conspiracy-theorist-alex-jones-backs-off-pizzagate-claims/2017/03/24>

⁵ "Infowars Denies It Promoted 'Pizzagate' Conspiracy Theory After Deleting Content From Its Website." *Media Matters*. Last available at: <https://www.mediamatters.org/blog/2017/02/24/infowars-denies-it-promoted-pizzagate-conspiracy-theory-after-deleting-pizzagate-content-its-website/215465>

⁶ *Id.*

⁷ "Conspiracy Theorist Alex Jones Apologizes For Promoting 'Pizzagate'" *National Public Radio*. March 26, 2017. Last available at: <https://www.npr.org/sections/thetwo-way/2017/03/26/521545788/conspiracy-theorist-alex-jones-apologizes-for-promoting-pizzagate>

⁸ *Id.*

⁹ *Id.*

¹⁰ "Alex Jones Apologizes." *The Austin Chronicle*. March 31, 2017. Last available at: <https://www.austinchronicle.com/news/2017-03-31/alex-jones-apologizes/>

of vandalism on a delivery truck.¹¹ Mr. Jones acknowledged his role in promoting this conspiracy theory and apologized to the restaurant.¹²

14. On April 11, 2017, InfoWars published stories claiming that Chobani, an Idaho yogurt manufacturer, was “caught importing migrant rapists.”¹³ Chobani filed a lawsuit against Jones, which Jones settled in Chobani’s favor. Mr. Jones wrote: “On behalf of InfoWars, I regret that we mischaracterized Chobani, its employees and the people of Twin Falls, Idaho, the way we did.”¹⁴

15. On August 15, 2017, in the wake of the Charlottesville “Unite the Right” rally and the murder of counter-protester Heather Heyer, InfoWars published defamatory statements about Brennan Gilmore, the camera man who caught the fatal attack on film. InfoWars, through its website and video content, alleged that Mr. Gilmore was an agent of CIA and George Soros¹⁵ who assisted in conducting a staged murder. Those statements, which generated malicious harassment towards Mr. Gilmore, are the subject of a pending federal defamation lawsuit in Virginia.¹⁶

16. Mr. Jones also published reckless statements about the church shooting in Sutherland Springs, Texas. On November 5, 2017, Mr. Jones first shared his theory

¹¹ *Id.*

¹² *Id.*

¹³ “Alex Jones settles Chobani lawsuit and retracts comments about refugees in Twin Falls.” *The Los Angeles Times*. May 17, 2017. Last available at: <http://www.latimes.com/nation/la-na-chobani-alex-jones-20170517-story.html>

¹⁴ *Id.*

¹⁵ George Soros is a venture capitalist and notable donor to left-wing causes and candidates. Mr. Soros is frequently featured in conspiracy theories about “globalist” control of American politics. Though not even in the top 10 of donors in American politics, Mr. Soros is seen in the InfoWars mythology as an insidious puppet master behind all left-wing political action.

¹⁶ See *Brennan M. Gilmore v. Alexander E. Jones, et al.*, in the United States District Court for the Western District of Virginia, Charlottesville Division.

that the event was “part of the Antifa revolution against Christians and conservatives or a Isis op [sic].”¹⁷ On March 5, 2018, two conspiracy enthusiasts showed up at the church and yelled violent threats at the pastor.¹⁸

17. On November 27, 2017, InfoWars published false statements about the mass shooting in Las Vegas, claiming that “Vegas is as phony as a three-dollar bill or as Obama’s birth certificate.”¹⁹ Following InfoWars promoting his conspiracy theory, the survivors were likewise subject to malicious harassment.²⁰

II. Defendants’ Defamatory Statements -- Delivered to a Shockingly Massive Audience -- are Designed to Drive the Sale of 21st Century Snake-Oil.

18. There was a time when Mr. Jones was a fringe character, little more than a hyper-active carnival barker in the midway of early 2000s conspiracy theory culture. But over the past few years, InfoWars slowly adopted the mantle of “respectable” media outlet and somehow went mainstream. On May 22, 2017, InfoWars’ Washington Bureau Chief was given White House press credentials.²¹

19. Today, InfoWars describes itself as “the frontline of truth journalism” and “the tip of the spear in alternative media - circumventing the dying dinosaur

¹⁷ Alex Jones (@RealAlexJones). *Twitter*. (Nov. 5, 2017, 3:14 PM).

¹⁸ “Conspiracy Theorists Arrested Outside Site of 2017 Sutherland Springs Church Shooting.” *The Washington Times*. March 6, 2018. Last available at:

<https://www.washingtontimes.com/news/2018/mar/6/conspiracy-theorists-claimingsutherland-springs-s/>

¹⁹ “Alex Jones: The Las Vegas Shooting Was as Phony as Obama’s Birth Certificate.” *Media Matters*. November 27, 2017. Last available at: <https://www.mediamatters.org/video/2017/11/27/alex-jones-las-vegas-shooting-was-phony-obama-s-birthcertificate/>

²⁰ “I Hope Someone Truly Shoots You: Online Conspiracy Theorists Harass Vegas Victims.” *The Guardian*. October 27, 2017. Last available at: <https://www.theguardian.com/us-news/2017/oct/26/las-vegas-shooting-conspiracytheories-social-media>

²¹ “InfoWars granted temporary White House press credentials.” *Business Insider*. May 22, 2017. Last available at: <http://www.businessinsider.com/infowars-granted-white-house-press-credentials-2017-5>

media systems of information suppression.”²² The InfoWars brand now reaches an astounding audience. The InfoWars website alone receives more than 30 million page-views per month, to say nothing of its social media accounts and third-party video channels.²³ For comparison, MSNBC.com receives 40 million visitors per month.²⁴

20. Mr. Jones feeds his audience a steady diet of false information intended to convince them that a shadowy association of global elites are hatching countless insidious schemes to destroy their way of life or threaten their bodily fluids.²⁵ The combination of lies and paranoia are designed to drive sales to InfoWars’ lucrative online store, where Mr. Jones sells “Brain Force” pills, “Super Male” vitality formulas, “Liver Shield” supplement drops, fluoride-free toothpaste, post-apocalyptic preparedness accessories, and a host of other products tailored to address the imminent threats forecast by InfoWars’ defamatory new stories.²⁶

21. Mr. Jones’ media operation has also entered the firearms business, promising his audience that “Registration Free Firearms Are A Reality” by selling

²² See <https://twitter.com/infowars>.

²³ See <https://www.quantcast.com/infowars.com>.

²⁴ See <https://www.quantcast.com/msnbc.com>.

²⁵ Sadly, this is not an exaggeration. Mr. Jones rails against what he believes is an international communist conspiracy to sap and impurify our bodily fluids, ranting in 2015: “What do you think tap water is? It’s a gay bomb, baby. And I’m not saying people didn’t naturally have homosexual feelings. I’m not even getting into it, quite frankly. I mean, give me a break. Do you think I’m like, oh, shocked by it, so I’m up here bashing it because I don’t like gay people? I don’t like them putting chemicals in the water that turn the frigging frogs gay! Do you understand that? I’m sick of being social engineered, it’s not funny!”

Last available at: <https://www.youtube.com/watch?v=kpiUfb7adPE&feature=youtu.be&t=5m39s>

²⁶ See <https://www.infowarsstore.com>

pieces of weaponry to be assembled by the purchaser.²⁷ InfoWars states that the ATF determined each InfoWars product "IS NOT A FIREARM in its present form. This means we can ship it directly to you to be completed."²⁸ For example, pictured below is an InfoWars-branded receiver for the AR-15:



22. In sum, InfoWars is a business built on the idea of generating revenue from the paranoia stoked by its reckless defamation. Defendants' long history of dishonest and irresponsible reporting underscores the malicious nature of the defamatory conduct at issue in this lawsuit.

²⁷ See <https://www.infowarsstore.com/home-page-best-sellers/tennessee-arms-80-hybrid-receiver.html>

²⁸ *Id.*

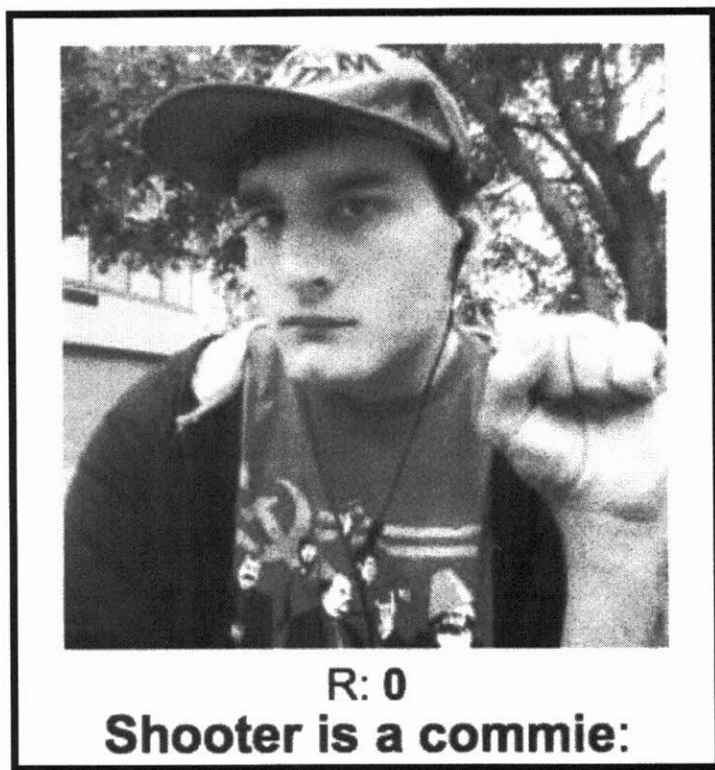
III. The February 14, 2018 Publication

23. On February 14, 2018, InfoWars published an article concerning the identity of the individual who attacked Marjory Stoneman Douglas High School in Parkland, Florida, an event which garnered massive public attention. An archived copy of the article in question is attached as “Exhibit 1.”

24. The InfoWars article was authored by reporter Kit Daniels, and it underwent several revisions. The article was alternatively titled “*Reported Florida Shooter Dressed as Communist, Supported ISIS*,” “*Florida Shooter Inspired by ISIS - ALLAHU AKBAR*,” and “*Reported Florida Shooter Discussed ‘Allahu Akbar’ on Instagram Profile*.”

25. The article was featured on the front page on the InfoWars website on February 14, 2018, the day of the Douglas High School shooting. The article, of which every element was factually incorrect, was also featured on social media accounts belonging to InfoWars and Kit Daniels.

26. Multiple iterations of the article included a photograph of the Plaintiff, Marcel Fontaine, and the articles conveyed the impression that the photograph depicted the suspected Douglas High School shooter. The image as used in the article is shown below:



27. Mr. Fontaine was not involved with the Douglas High School tragedy. Mr. Fontaine resides in the Commonwealth of Massachusetts and has never traveled to Florida. He is an ordinary young man with no connection to these events. The articles were manifestly false and have caused him enormous injury and continuing personal harassment.

28. It appears that Mr. Fontaine was targeted by InfoWars due to the t-shirt he was wearing in his photograph. That novelty t-shirt, sold by online retailer Threadless.com, makes a visual pun on the phrase "communist party" by depicting

communist historical figures in a state of merriment and intoxication, complete with German economist Karl Marx wearing a lampshade on his head.²⁹



29. Mr. Jones and InfoWars have long been consumed with paranoia over the prospect of communist infiltration and indoctrination. Over the past year alone, InfoWars has featured hundreds of sensationalist articles and videos focusing on the of threat of communist agitation and conspiracies. When publishing the Plaintiff's photograph, InfoWars told its audience that it showed the Florida shooter dressed in "communist garb." (*See* Ex. 1).

30. Following the February 14, 2018 publication and endorsement by InfoWars, Plaintiff's photograph spread across social media platforms with astonishing speed, resulting in its distribution to millions of additional people, typically accompanied by ridicule or malicious threats.

²⁹ See https://www.threadless.com/product/383/the_communist_party

31. The content of the February 14, 2018 InfoWars article was re-published verbatim by numerous ring-wing news websites, further increasing the distribution of the defamatory accusation.³⁰

32. Representative Larry Pittman, a Republican legislator from North Carolina, shared comments about Plaintiff's photograph following its mass distribution by InfoWars. Representative Pittman stated that it was "not surprising" because "many of these shooters turn out to be communist democrats."³¹ Representative Pittman claimed, consistent with InfoWars mythology, that a conspiracy of communist democrats "are doing these things to push for gun control so they can more easily take over the country."³²

33. So wide was the proliferation of Plaintiff's photograph following InfoWars' publication that it was being discussed by users on Chinese social media. While it is difficult to estimate the total number of people who saw the false accusation as a result of InfoWars' mass dissemination and endorsement, the figure would be measured in the hundreds of millions. Due to Defendants' conduct, Plaintiff's image has been irreparably tainted. InfoWars' story became a lie told round the world.

³⁰ See, e.g., <https://michaelsavage.com/?p=1206> ; <http://www.libertyonenews.com/florida-hs-shooter-allegedly/> ; <http://thedeploablearmy.com/reported-florida-shooter-dressed-communist-supported-isis/> ; <http://www.raptureready.com/2018/02/15/15-feb-2018/> ;

³¹ "NC Republican apologizes for 'clumsy' comment about 'communist Democrats.'" *The News & Observer*. February 18, 2018. Last available at: <http://www.newsobserver.com/news/politics-government/state-politics/article200807499.html>

³² *Id.*

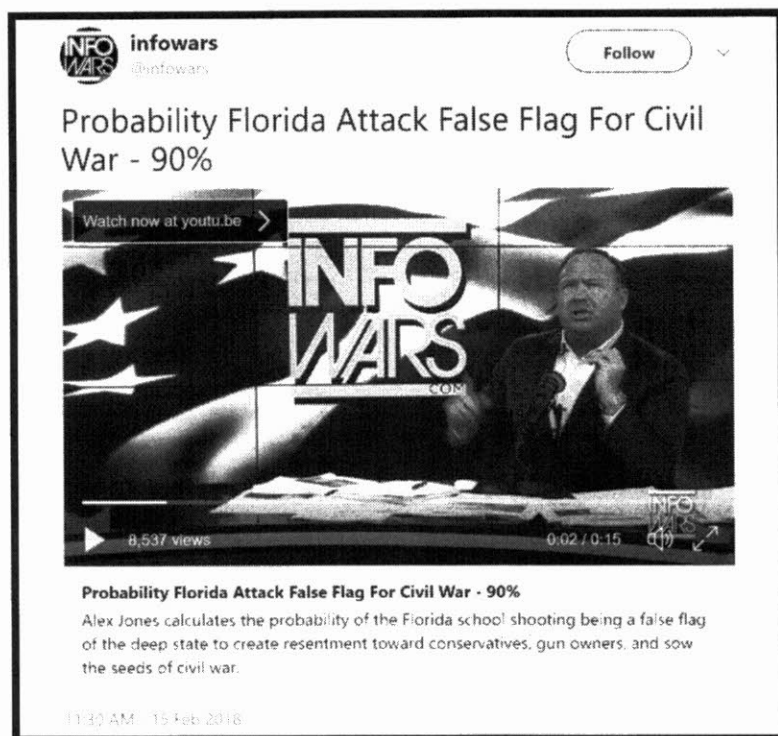


34. Further compounding the defamation is the fact the Mr. Jones, Mr. Daniels, and other employees have used InfoWars' various media platforms to cast doubt on the facts surrounding the Florida shooting, just as InfoWars has done with prior national tragedies. The day following the shooting, InfoWars published a video of Mr. Jones stating that the Florida shooting was "a false flag of the deep state to create resentment towards conservatives, gun owners, and sow the seeds of civil war."³³

35. A "false flag" is common conspiracy theory lingo for a scenario in which a government orchestrates an attack on its own citizens while making it appear that the attack was actually carried out by an enemy nation or domestic terrorist, thus giving the government a pretext for some desired action. After the Douglas High

³³ See <https://twitter.com/infowars/status/964220278002794496>

School shooting in Florida, Mr. Jones told his audience that it was 90% likely the event was a false flag:



36. According to numerous press accounts, YouTube demonetized Mr. Jones' video content from its website following his claim that the shooting was a "deep state false flag operation," and that the survivors who have emerged as vocal critics of the gun lobby were actors.³⁴

37. Because InfoWars advises its audience to distrust mainstream media sources, the subsequent mainstream news reports showing Nikolas Cruz as the

³⁴ "YouTube Pulls Alex Jones Video Saying Student Anti-Gun Activists Were Actors." *Fortune*. February 24, 2018. Last available at: <http://fortune.com/2018/02/24/youtube-pulls-alex-jones-infowars-video/>

Florida shooter did not remove the threat to Marcel Fontaine. Some InfoWars readers now believe that Mr. Fontaine is part of the supposed “false flag” operation.

38. In one disturbing example, Twitter user @ExtinctMedia, an InfoWars reader, was confronted by other social media users over the fact that Plaintiff had no involvement in the Douglas High School shooting.³⁵ Undeterred, @ExtinctMedia posted what purports to be facial analysis between Plaintiff and suspect Nikolas Cruz, while also alleging that the shape of Plaintiff’s nose had been altered, consistent with the use of “crisis actors.”³⁶



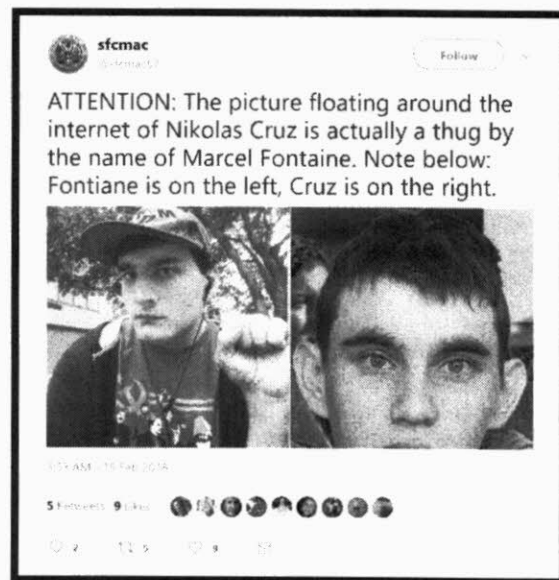
39. In other words, Mr. Fontaine continues to suffer harassment and peril even from individuals aware of his identify as a Massachusetts resident, but who nevertheless remain convinced he was part of a horrifying conspiracy. As part of InfoWars’ reckless money-making scheme, Mr. Jones is causing his audience to

³⁵ See https://twitter.com/huitz_warrior/status/966154367286984704

³⁶ *Id.* A “crisis actor” is a term used by conspiracy theorists to describe individuals who they believe were paid by the government or global elites to play some role in a fake disinformation event.

disbelieve the basic facts of the incident in favor a labyrinthine conspiracy that calls into question the very nature of reality. These sorts of reckless lies are what caused a disturbed individual to enter pizzeria and begin firing.

40. Additionally, Plaintiff continues to suffer ridicule, harassment and threats of violence even from those who acknowledge that Plaintiff was not involved in the Florida shooting, such as the examples shown below:



41. Due to these events, it is no exaggeration to say that Plaintiff's life remains in genuine peril.

42. On February 26, 2018, Mr. Fontaine issued a demand for correction pursuant to Sec. 73.055 of the Texas Civil Practice & Remedies Code. Defendants did not respond.

43. Due to the reckless and malicious nature of Defendants' conduct, Mr. Fontaine now brings this lawsuit.

CAUSES OF ACTION

I. Defamation and Defamation *Per Se*

44. All previous allegations are incorporated by reference.

45. Mr. Fontaine is a private individual and is neither a public official nor a public figure.

46. The publications by Defendants were false, both in their particular facts and in the main point, essence, or gist in the context in which they were made.

47. The publications by Defendants directly used Mr. Fontaine's image in connection with a grievous national tragedy.

48. Defendants' defamatory publications were designed to harm Plaintiff's reputation and subject the Plaintiff to public contempt, disgrace, ridicule, or attack.

49. Defendants acted with actual malice. Defendants' defamatory statements were knowingly false or made with reckless disregard for the truth or falsity of the statements at the time the statements were made.

50. Defendants' defamatory publications were not privileged.

51. Defendants' defamatory statements constitute defamation *per se*. The harmful nature of the defamatory publications is self-evident. The defamatory publications implicate the Plaintiff in heinous criminal conduct. False implications of criminal conduct are the classic example of defamation *per se*.

52. Defendants publicly disseminated the defamatory publications to an enormous audience causing significant damages to the Plaintiff.

53. Defendants' defamatory publications have injured Mr. Fontaine's reputation and image, and they have exposed Mr. Fontaine to public and private hatred, contempt, ridicule, harassment, and death threats.

54. In light of their prior experience with these kind of reckless statements, Defendants knew that their publication would cause Plaintiff to suffer harassment and potential violence.

55. Defendants' defamatory publications have and will continue to cause harm to Mr. Fontaine. Due to Defendants' conduct, the Plaintiff has suffered and continues to suffer substantial damages in an amount to be proven at trial.

II. Intentional Infliction of Emotional Distress

56. All previous allegations are incorporated by reference.

57. Defendants knew or should have known that their publication of Mr. Fontaine's photograph connecting him with the Douglas High School shooting would

cause him to be the subject of harassment, ridicule, and threats, thereby causing severe emotional distress.

58. Defendants decision to publish Mr. Fontaine's photograph was outrageous and intolerable, going beyond all possible bounds of decency.

59. In claiming Mr. Fontaine's image as the Douglas High School shooter, Defendants acted intentionally or recklessly.

III. Conspiracy

60. All previous allegations are incorporated by reference.

61. Defendants acted together, as a cabal, to accomplish their campaign of defamation. Defendants had a meeting of the minds on the object or course of action underlying their pattern of recklessly defamatory publications.

62. As a result of this meeting of the minds, Defendants collectively committed the unlawful overt acts detailed above.

63. Defendants are jointly and severally liable for the injuries Mr. Fontaine suffered due to Defendants' wrongful actions.

IV. Respondeat Superior

64. All previous allegations are incorporated by reference.

65. When InfoWars employees acted in the manner described in this Petition, they did so as agents of InfoWars and within the scope of their authority from Mr. Jones.

66. InfoWars and Alex Jones are liable for the damages proximately caused by the conduct of employees and agents, including Kit Daniels, pursuant to the doctrine of *respondeat superior*.

DAMAGES

67. Plaintiff has suffered general and special damages, including a severe degree of mental stress and anguish which has disrupted his daily routine.

68. Plaintiff has also suffered damage to his reputation and image, both up to the present and into the future.

69. Because Defendants' conduct amounts to defamation *per se*, Plaintiff is also entitled to an award of presumed damages.

70. Plaintiff is also entitled to an award of nominal damages and a judgment clearing his name.

71. Plaintiff is also entitled to exemplary damages because the Defendants acted with malice.

72. Plaintiff is also entitled to pre-judgment and post-judgment interest, costs of court, and attorney's fees.

73. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff is seeking relief over \$1,000,000.

JURY DEMAND

74. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

REQUEST FOR DISCLOSURE

75. Plaintiff requests that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS

76. Take notice that pursuant to Rules 192 and 197 of the Texas Rules of Civil Procedure, Plaintiff serves the attached interrogatories, Exhibits "B", "D", "F", and "I" to be propounded to Defendants. You are hereby instructed to answer the following interrogatories separately, fully, in writing, and under oath as required by Rule 197.2(d) of the Texas Rules of Civil Procedure and the provisions of Rule 14 shall not apply.

77. You are further advised that, pursuant to Rule 193.5, the party responding to these Interrogatories is under a duty to supplement his answer if he obtains information upon the basis of which (a) he knows that the answer was incorrect when made, or (b) he knows the answer, though correct when made, is no longer true and the circumstances are such that he failure to amend the answer is in substance a knowing concealment.

78. If any space left for your answer is insufficient, please attach a separate sheet to complete such answer. The answers shall be served upon the undersigned counsel within 50 days after the service of these interrogatories.

PLAINTIFF'S REQUESTS FOR PRODUCTION TO DEFENDANTS

79. Plaintiff propounds the attached Requests for Production as Exhibits "C", "E", "G", and "J" pursuant to Rule 196 of the Texas Rules of Civil Procedure, that Defendants produce or permit the undersigned attorney, to inspect and copy or reproduce the items hereinafter designated on Exhibits "C", "E", "G", and "J" attached hereto. Within 50 days after service of these Requests for Production, you must serve a written response to the undersigned attorney at 1010 Lamar, Suite 1600, Houston, Texas 77002, including the items requested or stating with respect to each request that an inspection and copying or reproduction will be permitted as requested. In the event a request is objected to, please specifically state (a) the legal or factual basis for the objection, and (b) the extent to which you refuse to comply with the request. Pursuant to Rule 193.2(b) of the Texas Rules of Civil Procedure, a party must comply with as much of the request to which the party has made no objection unless it is unreasonable under the circumstances to do so before obtaining a ruling on the objection. Furthermore, demand is made for the supplementation of your answers to these discovery requests as required by Rule 193.5 of the Texas Rules of Civil Procedure.

PLAINTIFF'S REQUESTS FOR ADMISSION TO DEFENDANTS

80. Plaintiff propounds the attached Requests for Admission as Exhibits "H" and "K" under the provisions of Rules 192 and 198 of the Texas Rules of Civil Procedure. You hereby are requested to admit the truth of the following matters for

the purpose of this action only and subject to all proper objections to admissibility which may be made at time of trial. Each of the matters to which an admission is requested shall be deemed admitted unless the party to whom the request is directed delivers responses, either denying specifically the matters to which an admission is requested or setting forth in detail the reasons why such cannot truthfully be either admitted or denied, to the undersigned counsel for Plaintiff within fifty (50) days after the delivery of this request.

81. Pursuant to Rule 215.4(b) of the Texas Rules of Civil Procedure, take notice that should Defendant fail to admit the genuineness of any document or the truth of any matter as requested under Rule 198 and which follows hereunder and Plaintiff proves the genuineness of the document or the truth of the matter, Plaintiff shall seek an order from the Court requiring the Defendant to pay reasonable expenses incurred in making that proof, including but not limited to, reasonable expenses and attorney's fees incurred in making that proof.

PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiff Marcel Fontaine asks that the Court issue citation for each Defendant to appear and answer, and that Plaintiff be awarded all the damages set forth above, and to grant whatever further relief to which Plaintiff is justly entitled.

Respectfully submitted,

KASTER, LYNCH, FARRAR & BALL, LLP

A handwritten signature in black ink, appearing to read 'M D Bankston', written over a horizontal line.

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