

D-1-GN-21-006593
Cause No. _____

LORENZCO, INC., § IN THE DISTRICT COURT OF
Plaintiff, §
v. § TRAVIS COUNTY, TEXAS,
RYAN T. FAIRCLOTH, § 126TH, DISTRICT COURT
Defendant. § _____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES Plaintiff Lorenzco, Inc., and files this Original Petition complaining of Defendant Ryan T. Faircloth and would respectfully show the Court the following:

I. INTRODUCTION

1. On September 29, 2021, Defendant Ryan Faircloth tried to burn down a building owned by Plaintiff because it housed the headquarters of the Travis County Democratic Party. Defendant's violent, criminal conduct caused significant and costly damage to Plaintiff's property. Defendant is liable for economic and exemplary damages for his malicious trespass and arson.

II. DISCOVERY CONTROL PLAN

2. Plaintiff intends that discovery be conducted under Discovery Level 3.

III. PARTIES

3. Plaintiff Lorenzco, Inc., is a Texas company doing business in Travis County and elsewhere in Texas.

4. Defendant Ryan T. Faircloth is an individual residing in Bexar County, Texas, who may be served with process at 6119 Ridge Glade Street, San Antonio, Texas 78250.

IV. JURISDICTION AND VENUE

5. This Court has original and subject matter jurisdiction over Plaintiff's claims, and Plaintiff's claims are within the jurisdictional limit of this Court. Pursuant to Texas Rule of Civil Procedure 47(c)(3), Plaintiff seeks monetary relief over \$250,000 but not more than \$1,000,000.

6. Pursuant to Texas Civil Practice and Remedies Code §§ 15.002 and 15.005, venue is proper in Travis County, Texas, because all or a substantial portion of the causes of action alleged herein occurred in whole or in part within Travis County.

V. FACTUAL BACKGROUND

7. Plaintiff Lorenzco., Inc., is the owner of a commercial office building located at 1311 E. 6th Street in Austin, Texas, at the corner of 6th and Navasota Street (the "Property"). One of Plaintiff's tenants is the Travis County Democratic Party.

8. As set forth in the criminal complaint signed by FBI task force officer Ryan Metcalf (attached as **Exhibit 1**), on September 29, 2021, Defendant Ryan Faircloth was caught on video attempting to burn down Plaintiff's Property with a Molotov cocktail because it is the headquarters of the Travis County Democratic Party. According to Officer Metcalf:

[Faircloth] was observed throwing an object in the direction of the front door....The subject was observed covering his hands with his shirt sleeves and a large bottle with what investigators believe to be a wick was visible in the subject's left hand....Additional surveillance video showed the subject reach into the premises and drop a lit object and then drop the bottle....[A]n object on fire was thrown in the vicinity of the bottle, causing the contents of the bottle to ignite....As the subject ran away flashes of light can be seen in the windows of the Travis County Democratic Office with a flame visible.

Exhibit 1, at 6-7.

9. Two days later, Defendant was arrested, and he "admitted that he had assembled the incendiary device and dropped it into the headquarters of the Travis County Democratic Party."

Id. at 7.

10. Defendant's arson caused significant damage to the Property, as shown in the photo below, which depicts the rock Defendant threw through the glass door of the Property and the fire and smoke damage caused by Defendant's incendiary device:



VI. CAUSES OF ACTION

A. Trespass

11. Plaintiff incorporates by reference the preceding paragraphs of this petition herein.

12. Plaintiff is the owner of the subject Property. Defendant's physical entry onto the Property—by throwing a rock through the door and placing and igniting an incendiary device inside the door—was intentional and unauthorized. Defendant's trespass onto Plaintiff's property caused injury to Plaintiff's right of possession, including economic damages.

B. Private Nuisance

13. Plaintiff incorporates by reference the preceding paragraphs of this petition herein.

14. Plaintiff has a private interest in the subject Property. Defendant's malicious, intentional, and extremely dangerous act of arson substantially interfered with Plaintiff's use and enjoyment of the Property. Defendant's conduct further caused unreasonable discomfort to Plaintiff, and it caused injury, including economic damages.

VII. EXEMPLARY DAMAGES

15. Plaintiff incorporates by reference the preceding paragraphs of this petition herein.

16. Based on Defendant's willful and malicious wrongdoing and property damage described above, Plaintiff is entitled to recover exemplary damages.

VIII. CONDITIONS PRECEDENT

17. All conditions precedent to the relief sought by Plaintiff have occurred or have been performed.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff Lorenzco, Inc., respectfully requests that Defendant Ryan Faircloth be cited to appear, and that Plaintiff have judgment against Defendant, including the following relief:

- (a) Actual damages within the jurisdictional limit of this Court;
- (b) Exemplary damages within the jurisdictional limit of this Court;
- (c) A permanent injunction prohibiting Defendant from coming within 100 feet of the Property;
- (d) Pre-judgment interest as allowed by law;
- (e) Post-judgment interest at the highest lawful rate;
- (f) Court costs; and

- (g) Such other and further relief, at law or in equity, to which Plaintiff may show itself to be justly entitled.

Respectfully submitted,

ARMBRUST & BROWN
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744
Telephone: 512.435.2305
Fax: 512.435.2360

By:



David A. King
Texas State Bar No. 24083310
dking@abaustin.com

ATTORNEYS FOR PLAINTIFF
LORENZCO, INC.

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

FILED

for the

October 01, 2021

Western District of Texas

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States of America
v.

BY: kkc
DEPUTY

Case No. 1:21-mj-827-SH

RYAN TAYLOR FAIRCLOTH

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 29, 2021 in the county of Travis in the
Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 844(i)	Arson and Attempted Arson

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

- Sworn to before me and signed in my presence.
- Sworn to telephonically and signed electronically.

Date: October 1, 2021

City and state: Austin, Texas



Complainant's signature

Ryan Metcalf, FBI Task Force Officer

Printed name and title



Judge's signature

Susan Hightower, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

1:21-mj-827-SH

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION FOR A COMPLAINT**

I, Ryan Metcalf being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Detective with the Austin Police Department and am currently assigned to the FBI Central Texas Joint Terrorism Task Force in Austin, Texas as a Task Force Officer. I have been a law enforcement officer for approximately 20 years. In that time, I have gained experience with various criminal investigations, including organized crime, narcotics investigations, and violent crimes. Based on my training and experience, I am familiar with investigative techniques, including subject interviews, the execution of search warrants, and the review of electronic or digital evidence. I have also discussed this investigation with other law enforcement personnel with specialized experience in arson as well as Austin Fire Department Arson Unit investigators.

2. This affidavit is intended to show only that there is sufficient probable cause for the requested arrest warrant and does not set forth all of my knowledge about this matter. I am relying on my observations of the scenes as well as the facts and information gathered from other law enforcement described below. All facts are relayed in sum and substance.

3. Based on the facts set forth below, there is probable cause to believe that on September 29, 2021, within the Western District of Texas, RYAN TAYLOR FAIRCLOTH committed a violation of Title 18, United States Code, Section 844(i), which provides in relevant

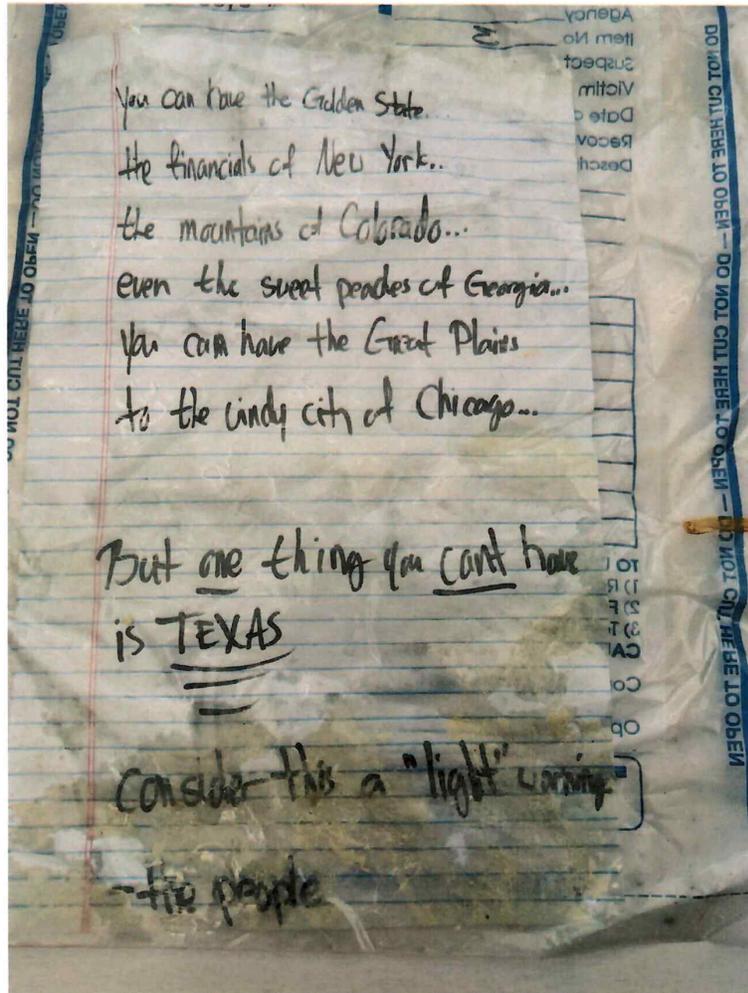
part: “Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both[.]”

PROBABLE CAUSE

4. On Wednesday, September 29, 2021, Austin 911 received a call for service to 1311 E. 6th Street Suite B in Austin, Travis County, Texas. 1311 E. 6th Street Suite B is the headquarters office of the Travis County Democratic Party. The 911 caller reported damage to the door of the Democratic Party headquarters and fire inside. Members of the AFD and the Austin Police Department (APD) were dispatched to the scene; however, upon arrival the fire had been extinguished by the 911 caller with a fire extinguisher. No subject was located or identified on scene and AFD Arson Investigators were requested to the scene to conduct the initial investigation.

5. Arson investigators found, among other things, a note left at the scene. The following is a photograph of the note:

EXHIBIT 1



6. AFD Arson Unit conducted a media release containing subject photos and the Travis Democratic Party Office released surveillance video of the incident. The clothing worn by the subject as well as the subject's body build and gait could all be seen in the video released publicly. Significantly, the individual was wearing an American flag face mask/neck gaiter on his face.

EXHIBIT 1

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7. In response to the public media release of subject photos and the resulting media attention, investigators received information from three witnesses familiar with FAIRCLOTH who identified him as the likely perpetrator. In addition, an Arson Investigator reviewed public social media accounts for FAIRCLOTH and observed photographs where FAIRCLOTH is wearing an American flag face mask/neck gaiter consistent with the mask worn by the subject in the media press release.

8. I have reviewed surveillance footage from 1311 E. 6th Street taken on September 29, 2021. Among other things, the video showed the following and all timestamps are early in the morning (a.m.):

- At video timestamp 09-29-2021 Wed 02:01:05, a dark red or maroon colored truck, consistent with the features and body style of a Ford F-150, can be observed turning from northbound Navasota St to westbound East 6th Street. This direction of travel goes directly past the front door of the Travis County Democratic party office. The maroon truck was not operating its headlights after dark as required by Texas Traffic Code and stood out in contrast to other vehicles observed traveling on East 6th in the video during a night of thunderstorms in the early hours of September 29th. I have visually compared the maroon truck observed in the Democratic Party Headquarters surveillance video to a maroon Ford F-150 registered to FAIRCLOTH and I believe they are the same vehicle. An agent was able to locate and photograph the Ford F-150 currently registered to FAIRCLOTH bearing Texas License Plate NYB-3528. FAIRCLOTH's F-150 was observed by an agent parked in the parking garage at FAIRCLOTH's residence on September 30, 2021.

EXHIBIT 1

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- At video timestamp 09-29-2021 Wed 02:06:16, the subject is observed entering the video frame approaching the front door of the building. The subject wore an American flag style bandana/gaiter face covering over the top of his head and another red and white (possibly American flag) bandana/gaiter covering the lower part of his face. The subject wore a long-sleeved tight fitting white or gray (light colored) t-shirt, blue or black (dark colored) cargo style shorts, tennis shoes with white on top and black around the bottom with black shoe laces. Based on visible skin on his hands and legs below his shorts the subject had a light skin tone. The subject was observed throwing an object in the direction of the front door at video timestamp 09-29-2021 Wed 02:06:36. The subject then exited the camera frame.
- At video timestamp 09-29-2021 Wed 02:11:05 the previously described male subject re-entered the surveillance camera view from Navasota Street turning west onto E 6th Street and then exited the camera view. The subject was observed covering his hands with his shirt sleeves and a large bottle with what investigators believe to be a wick was visible in the subject's left hand. Approximately two minutes later, he returned into camera view. Additional surveillance video showed the subject reach into the premises and drop a lit object and then drop the bottle. Based on investigators' review of the footage, it appears that the lit object did not ignite the bottle fully at the time. At video timestamp 09-29-2021 Wed 02:18:34, an object on fire was thrown in the vicinity of the bottle, causing the contents of the bottle to ignite. At approximately the same time, the subject is seen running away from the front door of the Travis

EXHIBIT 1

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County Democratic Office east on E 6th street then turning south on Navasota Street. As the subject ran away flashes of light can be seen in the windows of the Travis County Democratic Office with a flame visible.

9. On October 1, 2021, investigators executed federal search warrants for FAIRCLOTH's residence, vehicle, and person, and he was arrested on a state arrest warrant. FAIRCLOTH was provided with *Miranda* warnings, indicated he understood them, and agreed to answer the investigators' questions. In sum and substance, FAIRCLOTH admitted that he had assembled the incendiary device and dropped it into the headquarters of the Travis County Democratic Party. He described using a wine bottle, gasoline, and a sock to construct the device. He admitted knowing that gasoline is flammable. He further confirmed his participation in the events described above from the surveillance video. FAIRCLOTH also described his motive.

10. During the execution of the search warrants, investigators found, among other things, clothes consistent with the clothes FAIRCLOTH wore while committing the offense on September 29, 2021, including the American flag bandana/gaiter, shoes, and shirt. During his interview, FAIRCLOTH admitted to wearing these clothes during the offense and pointed investigators to their location. Agents also recovered writing materials, including a notepad with paper similar to that used for the note and written material with similar verbiage to the one left at the scene, lighters, fireworks, and tape consistent with the tape used on the note left at the scene.

11. Agents have spoken with a representative of the Travis County Democratic party, who confirmed the Travis County Democratic Party receives many out of state donations and solicitations totaling approximately \$50,000 annually. Based on records from the Texas Ethics

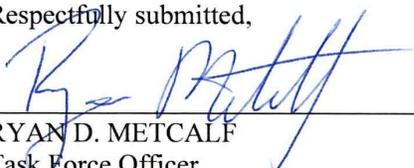
EXHIBIT 1

Commission, agents have confirmed that the Travis County Democratic Party received donations from individuals out of state.

12. Based on my training and experience and discussions with other law enforcement officers, the device used by FAIRCLOTH was capable of damaging or destroying a building by means of fire.

13. Based on the above, I respectfully submit that there is probable cause to believe that FAIRCLOTH violated Title 18, United States Code, Section 844(i) and request the issuance of a warrant for his arrest.

Respectfully submitted,



RYAN D. METCALF
Task Force Officer
Federal Bureau of Investigation

Subscribed and sworn to before me
on October 1, 2021:



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE