

# Exhibit 1

884

ENTERED

8 P129

CAUSE NO. 202227655

RECEIPT NO. 966670

\*\*\*\*\*

75.00

COL

TR # 74016619

PLAINTIFF: LEHMAN, ANDREW (INDIVIDUALLY AND ON BEHALF OF H L1 H L2 AND H L3)

vs.

DEFENDANT: LEHMAN, FALISHA J

In The 133rd  
Judicial District Court  
of Harris County, Texas  
133RD DISTRICT COURT  
Houston, TX

THE STATE OF TEXAS  
County of Harris

ENTERED  
VERIFIED

CITATION

FILED

Marilyn Burgess  
District Clerk

JUL - 7 2022

Time:

Harris County, Texas

By

Mail Processing Clerk

TO: LEHMAN, FALISHA J

OR WHEREVER ELSE SHE MAY BE FOUND

1809 CAPRI LANE SEABROOK TX 77586

Attached is a copy of VERIFIED COMPLAINT FOR DAMAGES & REQUEST FOR DISCLOSURES

This instrument was filed on the 9th day of May, 2022, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

TO OFFICER SERVING:

This citation was issued on 14th day of June, 2022, under my hand and seal of said Court.

Issued at request of:

LEHMAN, ANDREW (INDIVIDUALLY  
AND ON BEHALF OF H L1 H L2 AND  
H L3)

13602 SHADOW FALLS CT

HOUSTON, TX 77059

Tel: (713) 903-9690

Bar No.: 1



Marilyn Burgess

MARILYN BURGESS, District Clerk  
Harris County, Texas

201 Caroline, Houston, Texas 77002

(P.O. Box 4651, Houston, Texas 77210)

Generated By: JONES, PATRICIA DAVIS K5H71200918

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at \_\_\_\_\_ o'clock \_\_\_\_ .M., on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Executed at (address) \_\_\_\_\_ in

\_\_\_\_\_ County at \_\_\_\_\_ o'clock \_\_\_\_ .M., on the \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_, by delivering to \_\_\_\_\_ defendant, in person, a

true copy of this Citation together with the accompanying \_\_\_\_\_ copy(ies) of the Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

FEE: \$ \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_ County, Texas

By

Affiant

Deputy

On this day, \_\_\_\_\_, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public

2

# Constable Return of Individual

Cause #: 202227655

Tracking #: 74016619

In the case of LEHMAN, ANDREW (INDIVIDUALLY AND ON BEHALF OF H L1 H L2 AND H L3) VS LEHMAN, FALISHA J a CITATION and attached VERIFIED COMPLAINT FOR DAMAGES & REQUEST FOR DISCLOSURES was issued by the 133rd Judicial District court of HARRIS County, TX and came to hand on the 14 day of June, 2022 at 1:00PM to be delivered at 1809 Capri Lane, Seabrook, TX 77586 by delivering to: LEHMAN, FALISHA J

## Attempted Service

(Attempted service at 1809 Capri Lane, Seabrook, TX, 77586 unless otherwise noted.)

Date	Time	Deputy Name	Agency	Service Attempt Type	Attempted Address	Remarks
7/1/2022	8:22:58 AM	ERIC HALL	8	RTC UNSERVED	1809 Capri Lane Seabrook TX 77586	RETURNED TO COURT WITH AFFIDAVIT FOR ALTERNATIVE SERVICE ATTACHED. THE ADDRESS ADDRESS HAS BEEN VERIFIED BY A PARCEL BOX SENT TO THE DEFENDANT AT THE ADDRESS.
6/30/2022	5:36:00 PM	ERIC HALL	8	NO ANSWER/LEFT CARD	1809 Capri Lane - Seabrook, TX 77586	Verified the address with a empty box that was used to ship a package to the defendant left by the garage out front. as I was getting ready to leave a male approx. 15 years of age came out to take some trash out. He said that Felicia was not there. I asked him to have her call and told him I left my card on the door. He did not take it inside with him. He was talking on the phone but I could not hear who he was talking too.
6/30/2022	11:14:00 AM	ERIC HALL	8	NO ANSWER	1809 Capri Lane - Seabrook, TX 77586	Lights on inside. Ftg-3693 in driveway
6/24/2022	10:17:36 AM	MICHAEL HUMPHREYS	8	NO ANSWER	1809 Capri Lane Seabrook TX 77586	
6/22/2022	10:28:24 AM	MICHAEL HUMPHREYS	8	NO ANSWER/LEFT CARD	1809 Capri Lane Seabrook TX 77586	

# Constable Return of Individual

Cause #: 202227655

Tracking #: 74016619

6/17/2022	2:10:00 PM	ERIC HALL	8	OTHER	1809 Capri Lane Seabrook TX 77586	RAN LICENSE PLATE FTG-3693 TO GET REGISTERED OWNER THROUGH CAD SYSTEM. OTHER CALLS ASSOCIATED WITH THE LICENSE PLATE AND THE DEFENDANT CAME UP. CALLED PCT. 8 DISPATCH AND THEY ADVISED AFTER GOING THROUGH THE SEPERATE CALLS THAT EVEN THOUGH THE DEFENDANT IS NOT THE REGISTERED OWNER IT IS THE VEHICLE THAT SHE DRIVES AND USES, RED FORD FLEX BEARING FTG-3693.
6/17/2022	8:03:00 AM	ERIC HALL	8	NO ANSWER/LEFT CARD	1809 Capri Lane - Seabrook, TX 77586	
6/16/2022	9:41:00 AM	ERIC HALL	8	OTHER	1809 Capri Lane - Seabrook, TX 77586	Good address per locate data base. Found possible phone number for defendant 281-993-4835, called and left message.
6/16/2022	8:31:00 AM	ERIC HALL	8	NO ANSWER/LEFT CARD	1809 Capri Lane - Seabrook, TX 77586	Ftg-3693 in driveway
6/15/2022	2:58:00 PM	ERIC HALL	8	NO ANSWER/LEFT CARD	1809 Capri Lane - Seabrook, TX 77586	Lcm 3837 parked in front of residence

NOT EXECUTED to the defendant: LEHMAN, FALISHA J

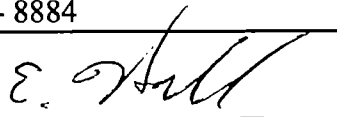
The information received as to the whereabouts of the said defendant being: 1809 Capri Lane Seabrook Tx. 77586

Fee Due \$ 75.00

by Deputy ERIC HALL - 8884

Printed

Deputy Signature



Attempts:

8

Total Attempts:

10

**Phil Sandlin , Constable Precinct #8**

**Harris County Texas**

7330 Spencer Highway, Suite 107  
Pasadena Texas 77505  
281.479.2525

PLAINTIFF: LEHMAN, ANDREW (INDIVIDUALLY AND ON BEHALF OF H L1 H L2  
AND H L3)  
VS  
DEFENDANT: LEHMAN, FALISHA J

Constable Phil Sandlin  
7330 Spencer Highway, Suite 107  
Pasadena Texas 77505

## AFFIDAVIT

THE STATE OF TEXAS  
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, a notary Public in and for the State of Texas, on this day personally appeared E HALL, who being by me duly sworn, upon his oath deposes and says:

I am over the age of 21 years, of sound mind, and fully competent to testify as to the matters stated herein. I hold the office of Deputy Constable of Harris County, Texas and I have personal knowledge of every statement herein made, and I am fully competent to testify as to the matters stated herein.

It is impractical to secure service of Citation on the defendant: LEHMAN, FALISHA J in the above numbered and entitled cause, by delivering to said Defendant, in person, a true copy of the Citation with the date of delivery endorsed thereon with a copy of the VERIFIED COMPLAINT FOR DAMAGES & REQUEST FOR DISCLOSURES attached thereto, because he, she, they absents or secrets himself, herself, or otherwise evades such service each time I have attempted to effect such service on him, her, in this cause.

The defendant's usual place of ABODE (or the place where the said Defendant can probably be found) is 1809 Capri Lane, Seabrook, TX 77586.

I have attempted service on said Defendant by attempting to deliver to him or her, in person, a true copy of the Citation with the date of delivery endorsed thereon with a copy of the VERIFIED COMPLAINT FOR DAMAGES & REQUEST FOR DISCLOSURES attached thereto at the said place above described on the following dates and at the following times but I have not been successful;

Request Service By ☒ Affixing Citation to Door OR ☐ Delivering to Anyone (16) Years of Age or Older (check one)

Date	Time	Result	Comments
7/1/2022	8:22AM	RTC Unserved	RETURNED TO COURT WITH AFFIDAVIT FOR ALTERNATIVE SERVICE ATTACHED. THE ADDRESS HAS BEEN VERIFIED BY A PARCEL BOX SENT TO THE DEFENDANT AT THE ADDRESS.
6/30/2022	5:36PM	No Answer/Left Card	Verified the address with a empty box that was used to ship a package to the defendant left by the garage out front. as I was getting ready to leave a male approx. 15 years of age came out to take some trash out. He said that Felicia was not there. I asked him to have her call and told him I left my card on the door. He did not take it inside with him. He was talking on the phone but I could not hear who he was talking too.
6/30/2022	11:14AM	No Answer	Lights on inside. Ftg-3693 in driveway
6/24/2022	10:17AM	No Answer	
6/22/2022	10:28AM	No Answer/Left Card	

6/17/2022	2:10PM	Other	RAN LICENSE PLATE FTG-3693 TO GET REGISTERED OWNER THROUGH CAD SYSTEM. OTHER CALLS ASSOCIATED WITH THE LICENSE PLATE AND THE DEFENDANT CAME UP. CALLED PCT. 8 DISPATCH AND THEY ADVISED AFTER GOING THROUGH THE SEPERATE CALLS THAT EVEN THOUGH THE DEFENDANT IS NOT THE REGISTERED OWNER IT IS THE VEHICLE THAT SHE DRIVES AND USES, RED FORD FLEX BEARING FTG-3693.
6/17/2022	8:03AM	No Answer/Left Card	
6/16/2022	9:41AM	Other	Good address per locate data base. Found possible phone number for defendant 281-993-4835, called and left message.
6/16/2022	8:31AM	No Answer/Left Card	Ftg-3693 in driveway
6/15/2022	2:58PM	No Answer/Left Card	Lcm 3837 parked in front of residence

Every item in this, my affidavit, is true and correct. Further Affiant sayeth not.

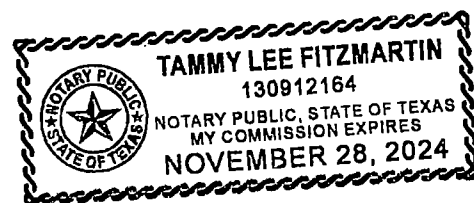
*E. Hall*

Deputy Signature

Phil Sandlin, Constable Pct 8, Harris County

SWORN AND SUBSCRIBED BEFORE ME, the undersigned authority, by E HALL , Affiant, on this the 1 day of July, 2022, to which I certify my hand and seal of office.

*Tammy Lee Fitzmartin*  
Notary Public in and for the State of Texas



2022-27655 / Court: 133

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

Case No. \_\_\_\_\_

ANDREW LEHMAN, individually and on § IN THE DISTRICT COURT  
behalf of HUNTER LEHMAN, HAILEY §  
LEHMAN, and HANNAH LEHMAN, §  
Children; §

Plaintiff; §

vs. §

FALISHA J. LEHMAN, an individual; §  
JUSSIE SMOLLETT, Cook County Inmate §  
# 20220310140; §

DIANE CAMPBELL, an individual §

PAUL CAMPBELL, an individual; §

SHARON WISNIEWSKI, an individual; §

CHARLES NEILL, an individual; §

THE LAW OFFICES OF CHARLES §

NEILL, a professional law corporation; §

ELIZABETH RODRIGUEZ-LIEN, an § OF HARRIS COUNTY, TEXAS  
individual; §

RESOURCE AND CRISES CENTER §

GALVESTON COUNTY, TX., INC., a §

Non-Profit Corporation; §

UTMB HEALTHCARE SYSTEMS, INC., a §

Non-Profit Corporation; §

RUBY CHERION, an individual; §

AEQUILA SMITH, an individual; §

PAUL SMITH, an individual; §

SCHINAL HARRINGTON, an individual; §

DANTE HARRINGTON, an individual; §

ERICA ROSE, Esq., an individual; §

ALEX BEHZADI, Esq., an individual; §

LAW OFFICES OF ALEX BEHZADI §

PLLC, a professional law corporation; §

MACKENZIE DUNHAM, an individual; §

JOE WAGNER, an individual; §

BARRY RACUSIN, an individual; §

*Lehman v. Lehman, et al.*

Verified Complaint for Damages & Request for Disclosures

Page 1 of 128



RACUSIN & WAGNER, a Limited  
Liability Partnership;  
ACCESS JUSTICE HOUSTON, a  
professional law corporation; and  
DOES 1 through 100;

Defendants.

§  
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§

\_\_\_\_\_ DISTRICT COURT

### **VERIFIED COMPLAINT FOR DAMAGES & REQUEST FOR DISCLOSURES**

This lawsuit is about a parental abduction in Harris County, Texas and is brought by the abducted children's father, ANDREW LEHMAN, who is seeking damages for himself and on behalf of his three minor children. ANDREW LEHMAN herein alleges that his ex-wife, FALISHA J. LEHMAN, – a self-professed professional victim – abducted the couple's three minor children HUNTER LEHMAN, HAILEY LEHMAN, and HANNAH LEHMAN (hereafter "H1, H2, and H3" respectively), and secreted the children from ANDREW LEHMAN and his family despite a court order appointing Andrew Lehman as a joint managing conservator of the children. ANDREW LEHMAN is also seeking damages against those Persons who aided and abetted, acted in concert with, and/or conspired with FALAISHA J. LEHMAN to abduct and hide H1, H2, and H3 from ANDREW LEHMAN.

Plaintiff ANDREW LEHMAN is complaining of Defendants FALISHA J. LEHMAN, JUSSIE SMOLLETT, DIANE CAMPBELL, PAUL CAMPBELL, SHARON WISNIEWSKI, CHARLES NEIL, THE LAW OFFICES OF CHARLES NEILL, LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB

HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, JOE WAGNER, BARRY RACUSIN, RACUSIN & WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, and for cause of action would show the Court the following:

**Discovery Control Plan**

1. As provided in Rule 190, Texas Rules of Civil Procedure, Plaintiff intends to conduct discovery under Level 2.

**Relief**

2. Plaintiff seeks monetary relief over \$1,000,000. Tex. R. Civ. P. 47(c)(5).

**Plaintiff**

3. This Petition is filed by ANDREW LEHMAN, an individual plaintiff, and also by ANDREW LEHMAN on behalf of H1, H2, and H3, minor children of which ANDREW LEHMAN is the biological father and a joint managing conservator (hereafter "Plaintiff"). ANDREW LEHMAN resides in Harris County, Texas. The last three digits of Plaintiff ANDREW LEHMAN's driver's license number are 320. The last three digits of Plaintiff's Social Security number are 894.

**Defendants**

4. Defendant, FALISHA J. LEHMAN, is an individual residing in Harris County, Texas who is divorced from ANDREW LEHMAN and is also the biological

mother of H1, H2, and H3, and she may be served with process at Defendant's residence by personal delivery at 1809 Capri Lane, Seabrook, Texas 77586 or wherever else she may be found. This Court has jurisdiction over FALISHA J. LEHMAN because said Defendant is a resident of Texas.

5. Defendant, JUSSIE SMOLLETT, a/k/a Cook County inmate #20220310140, is an individual who resides in Illinois and may be served with process at Defendant's residence by personal delivery at 340 East North Water Street, Chicago, Illinois 60611 or wherever else he may be found. This Court has jurisdiction over JUSSIE SMOLLETT because said Defendant conducts business in Texas and engaged in wrongful activities subject of this suit in Texas.

6. Defendant, DIANE CAMPBELL, is an individual who may be served with process at Defendant's residence by personal delivery in Gulfport, Mississippi or wherever else she may be found. This Court has jurisdiction over DIANE CAMPBELL because said Defendant was a resident of Texas at the time of the alleged acts or omissions committed by the Defendant, or said Defendant committed the acts or omissions alleged herein in the State of Texas.

7. Defendant, PAUL CAMPBELL, is an individual who may be served with process at Defendant's residence by personal delivery in Gulfport, Mississippi or wherever else he may be found. This Court has jurisdiction over PAUL CAMPBELL because said Defendant was a resident of Texas at the time of the alleged acts or omissions committed by the Defendant, or said Defendant committed the acts or omissions alleged herein in the State of Texas.

8. Defendant, SHARON WISNIEWSKI, is an individual who may be served with process at Defendant's residence by personal delivery at 508 Moody, League City, Texas 77573 or wherever else she may be found. This Court has jurisdiction over SHARON WISNIEWSKI because said Defendant is a resident of Texas.

9. Defendant, ERICA ROSE, is an individual who may be served with process at Defendant's place of employment by personal delivery at 1 Greenway Plaza, Suite 100, Houston, Texas 77046 or wherever else she may be found. This Court has jurisdiction over ERICA ROSE because said Defendant is a resident of Texas.

10. Defendant, CHARLES NEILL, is an individual who may be served with process at Defendant's place of employment by personal delivery at 4001 Garth Road, Suite 101, Baytown, Texas 77521 or wherever else he may be found. This Court has jurisdiction over CHARLES NEILL because said Defendant is a resident of Texas.

11. Defendant, THE LAW OFFICES OF CHARLES NEILL, is an entity used by defendant CHARLES DAVID NEILL to conduct business in Texas. It can be served with process by personal delivery at the published office location at 4001 Garth Road, Suite 101, Baytown, Texas 77521. This Court has jurisdiction over THE LAW OFFICES OF CHARLES NEILL because said Defendant is purportedly doing business in Texas despite not being registered to do so.

12. Defendant, ELIZABETH RODRIGUEZ-LIEN, is an individual who may be served with process at Defendant's place of employment by personal delivery at the UTMB Children's Hospital located at 301 University Boulevard, Galveston, Texas

77550 or wherever else she may be found. This Court has jurisdiction over ELIZABETH RODRIGUEZ-LIEN because said Defendant is a resident of Texas.

13. Defendant, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., is a non-profit incorporation that may be served with process by serving Selah Tacconi, its registered agent, by personal delivery at the registered office located at 1802 Broadway, Suite 122, Galveston, Texas 77550. This Court has jurisdiction over RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC. because said Defendant is a resident of Texas.

14. Defendant, UTMB HEALTHCARE SYSTEMS, INC., is a non-profit incorporation that may be served with process by serving Maria L. Gonzalez, its registered agent, by personal delivery at the registered office located at 301 University Blvd., Rt. 0985, Galveston, Texas 77555-0985. This Court has jurisdiction over UTMB HEALTHCARE SYSTEMS, INC. because said Defendant is a resident of Texas.

15. Defendant, RUBY CHERION, is an individual who may be served with process at Defendant's residence by personal delivery at 1439 Ralston Branch Way, Sugar Land, Texas 77479 or wherever else she may be found. This Court has jurisdiction over RUBY CHERION because said Defendant is a resident of Texas.

16. Defendant, AEQUILA SMITH, is an individual who may be served with process at Defendant's residence by personal delivery at 112 County Road 344A, Brazoria, Texas 77422 or wherever else she may be found. This Court has jurisdiction over AEQUILA SMITH because said Defendant is a resident of Texas.

17. Defendant, PAUL SMITH, is an individual who may be served with process at Defendant's residence by personal delivery at 112 County Road 344A, Brazoria, Texas 77422 or wherever else he may be found. This Court has jurisdiction over PAUL SMITH because said Defendant is a resident of Texas.

18. Defendant, SCHINAL HARRINGTON, is an individual who may be served with process at Defendant's residence by personal delivery in Santa Monica, California or wherever else she may be found. This Court has jurisdiction over PAUL CAMPBELL because said Defendant committed the acts or omissions alleged herein in the State of Texas.

19. Defendant, DANTE HARRINGTON, is an individual who may be served with process at Defendant's residence by personal delivery in Santa Monica, California or wherever else he may be found. This Court has jurisdiction over PAUL CAMPBELL because said Defendant committed the acts or omissions alleged herein in the State of Texas.

20. Defendant, ALEX BEHZADI, Esq., is an individual who may be served with process at Defendant's place of employment by personal delivery at 3102 Cove View Blvd., #G-103, Houston, Texas 77554 or wherever else he may be found. This Court has jurisdiction over ALEX BEHZADI, Esq. because said Defendant is a resident of Texas.

21. Defendant, LAW OFFICES OF ALEX BEHZADI PLLC, is a professional limited liability company conducting business in Texas. It can be served with process by personal delivery upon ALEX BEHZADI at the published office location at 3102

Cove View Blvd., #G-103, Houston, Texas 77554. This Court has jurisdiction over LAW OFFICES OF ALEX BEHZADI PLLC because said Defendant is doing business in Texas.

22. Defendant, MACKENZIE DUNHAM, is an individual who may be served with process at Defendant's residence place of employment by personal delivery at 4900 Woodway Dr., Suite 510, Houston, Texas 77056 or wherever else he may be found. This Court has jurisdiction over MACKENZIE DUNHAM because said Defendant is a resident of Texas.

23. Defendant, JOE WAGNER, is an individual who may be served with process at Defendant's place of employment by personal delivery at 4900 Woodway Dr Suite 510, Houston, Texas 77056 or wherever else he may be found. This Court has jurisdiction over JOE WAGNER because said Defendant is a resident of Texas.

24. Defendant, BARRY RACUSIN is an individual who may be served with process at Defendant's place of employment by personal delivery at 4900 Woodway Dr Suite 510, Houston, Texas 77056 or wherever else he may be found. This Court has jurisdiction over BARRY RACUSIN because said Defendant is a resident of Texas.

25. Defendant, RACUSIN & WAGNER, is a professional limited liability partnership conducting business in Texas. It can be served with process by personal delivery upon BARRY RACUSIN at the published office location at 314900 Woodway Dr Suite 510, Houston, Texas 77056. This Court has jurisdiction over RACUSIN & WAGNER because said Defendant is doing business in Texas.

26. Defendant, ACCESS JUSTICE HOUSTON, is a domestic nonprofit corporation that may be served with process by serving its registered agent, MACKENZIE DUNHAM, at 712 Main Street, Suite 800, Houston, TX. 77002. This Court has jurisdiction over ACCESS JUSTICE HOUSTON because said Defendant is doing business in Texas.

27. Defendants, DOES 1 through 100, are as yet unknown companies and/or individuals affiliated or associated with FALISHA J. LEHMAN who, upon information and belief, may bear some liability for Plaintiff's losses. The true names or capacities, whether individual, corporate or otherwise, of Defendants Does 1 through 100 are unknown to Plaintiff who therefore sue such defendants by such fictitious names, and will amend this Complaint to show their true names and capacities when ascertained.

28. Whenever in this Complaint it is alleged that a Defendant did or failed to do any act or thing, it is meant that the Defendant, the Defendant's governing body, directors, officers, agents, servants, employees and/or other representatives and/or independent contractors subject to its control, did or failed to do any act or thing and that, at the time such conduct occurred, it occurred with the authorization and/or ratification of such Defendant and/or was done in the normal and routine course and scope of employment or agency of the Defendant, and/or pursuant to the Defendant's direction and control.

29. At all relevant times, each Defendant was an agent of the other Defendants. In committing the acts alleged herein, Defendants acted within the scope of their

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agency and were acting with the consent, permission, authorization and knowledge of the other respective Defendants, and perpetrated and/or conspired to or aided and abetted the unlawful acts described herein. All actions of the Defendants alleged herein were ratified and approved by the other respective Defendants or their respective officers, directors, controlling persons, agents, aiders and abettors or co-conspirators.

### **Jurisdiction and Venue**

30. Plaintiffs affirmatively plead that this Court has jurisdiction because the amount in controversy exceeds the minimum jurisdictional limits of the Court. Furthermore, the causes of action asserted in this matter arose in the State of Texas. Therefore, this Court has subject matter and personal jurisdiction over all parties and all causes of actions.

31. The facts of this action and the relief sought are subject to the application of Chapter 17 of the Texas Business and Commerce Code, and Defendants are not exempted from this action by Section 17.49 of that code.

32. This Court has subject matter and personal jurisdiction over all parties for Cause of Action Number 1 under Texas family Code § 42.005.

### **Facts Relevant to All Causes of Action**

33. At all times relevant to this lawsuit, defendant DIANE CAMPBELL is the mother of defendant FELISHA LEHMAN and the maternal grandmother of H1, H2, and H3.

34. At all times relevant to this lawsuit, defendant PHILLIP SMITH is the husband of defendant AEQUILA SMITH and a resident of Brazoria County, Texas.

35. At all times relevant to this lawsuit, defendant ERICA ROSE was an attorney licensed in the State of Texas.

36. At all times relevant to this lawsuit, defendant CHARLES NEILL was an attorney licensed in the State of Texas.

37. At all times relevant to this lawsuit, defendant JOE WAGNER was an attorney licensed in the State of Texas.

38. At all times relevant to this lawsuit, defendant BARRY RACUSIN was an attorney licensed in the State of Texas.

39. At all times relevant to this lawsuit, defendant ALEX BEHZADI was an attorney licensed in the State of Texas.

40. At all times relevant to this lawsuit, defendant MACKENZIE DUNHAM was an attorney licensed in the State of Texas.

41. At all times relevant to this lawsuit, Defendants JOE WAGNER and BARRY RACUSIN employ and supervise MACKENZIE DUNHAM.

42. At all times relevant to this lawsuit, defendant CHARLES NEILL was an attorney licensed in the State of Texas.

43. At all times relevant to this lawsuit, Section 42.001 of the Texas Family Code states:

DEFINITIONS. In this chapter:

(1) "Order" means a temporary or final order of a court of this state or another state or nation.

(2) "Possessory right" means a court-ordered right of possession of or access to a child, including conservatorship, custody, and visitation.

44. At all times relevant to this lawsuit, Section 42.002 of the Texas Family

Code states:

LIABILITY FOR INTERFERENCE WITH POSSESSORY RIGHT. (a) A person who takes or retains possession of a child or who conceals the whereabouts of a child in violation of a possessory right of another person may be liable for damages to that person.

(b) A possessory right is violated by the taking, retention, or concealment of a child at a time when another person is entitled to possession of or access to the child.

45. At all times relevant to this lawsuit, Section 42.003 of the Texas Family

Code states:

AIDING OR ASSISTING INTERFERENCE WITH POSSESSORY RIGHT. (a) A person who aids or assists in conduct for which a cause of action is authorized by this chapter is jointly and severally liable for damages.

(b) A person who was not a party to the suit in which an order was rendered providing for a possessory right is not liable unless the person at the time of the violation:

(1) had actual notice of the existence and contents of the order; or

(2) had reasonable cause to believe that the child was the subject of an order and that the person's actions were likely to violate the order.

46. At all times relevant to this lawsuit, Texas Penal Code 25.03 states:

INTERFERENCE WITH CHILD CUSTODY. (a) A person commits an offense if the person takes or retains a child younger than 18 years of age:

(1) when the person knows that the person's taking or retention violates the express terms of a judgment or order, including a temporary order, of a court disposing of the child's custody;

(2) when the person has not been awarded custody of the child by a court of competent jurisdiction, knows that a suit for divorce or a civil suit or application for habeas corpus to dispose of the child's custody has been filed, and takes the child out of the geographic area of the counties composing the judicial district if the court is a district court or the county if the court is a statutory county court, without the permission of the court and with the intent to deprive the court of authority over the child; or

(3) outside of the United States with the intent to deprive a person entitled to possession of or access to the child of that possession or access and without the permission of that person.

(b) A noncustodial parent commits an offense if, with the intent to interfere with the lawful custody of a child younger than 18 years, the noncustodial parent knowingly entices or persuades the child to leave the custody of the custodial parent, guardian, or person standing in the stead of the custodial parent or guardian of the child.

(c) It is a defense to prosecution under Subsection (a)(2) that the actor returned the child to the geographic area of the counties composing the judicial district if the court is a district court or the county if the court is a statutory county

court, within three days after the date of the commission of the offense.

(c-1) It is an affirmative defense to prosecution under Subsection (a)(3) that:

(1) the taking or retention of the child was pursuant to a valid order providing for possession of or access to the child; or

(2) notwithstanding any violation of a valid order providing for possession of or access to the child, the actor's retention of the child was due only to circumstances beyond the actor's control and the actor promptly provided notice or made reasonable attempts to provide notice of those circumstances to the other person entitled to possession of or access to the child.

(c-2) Subsection (a)(3) does not apply if, at the time of the offense, the person taking or retaining the child:

(1) was entitled to possession of or access to the child; and

(2) was fleeing the commission or attempted commission of family violence, as defined by Section 71.004, Family Code, against the child or the person.

(d) An offense under this section is a state jail felony.

47. At all times relevant to this lawsuit, upon information and belief, the Defendants knew that Texas Penal Code 25.03 was not enforced by law enforcement because law enforcement had established policies and procedures for interference with child custody to be referred as a "civil matter." The Defendants used this knowledge to take advantage of Plaintiff's lack of legal recourse and used said knowledge as a strategic legal tactic against Plaintiff.

48. At all times relevant to this lawsuit, Texas Rule of Civil Procedure 13 states in relevant part:

The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment. ...Courts shall presume that pleadings, motions, and other papers are filed in good faith.

49. At all times relevant to this lawsuit, the “Practice Guidelines” of The American Professional Society on the Abuse of Children (hereafter “APSAC”) (2017) defines Psychological Maltreatment as Child Abuse. According to the Practice Guidelines at page 14, “Child maltreatment” is a precise synonym for “child abuse and neglect.”

50. At all times relevant to this lawsuit, the Practice Guidelines of APSAC cite the Center for Disease Control and Prevention (hereafter “CDC”) as proving a further definition focused on caregiver behaviors. “The CDC states, ‘Child maltreatment is any act or series of acts of commission or omission by a parent or other caregiver that results in harm, potential for harm, or threat of harm to a child.’ Child Abuse and neglect means ‘any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation, or any act or failure to act (emphasis added) which presents an imminent risk of serious harm.’” Alienation, a form of Psychological Maltreatment,

as will be discussed shortly, is well documented to cause emotional disturbances in children and even great harm as they mature.

51. At all times relevant to this lawsuit, the APSAC guidelines go on to define the term “Psychological Maltreatment” as a “repeated pattern or extreme incident(s) of caretaker behavior that thwart the child’s basic psychological needs (e.g., safety, socialization, emotional and social support, cognitive stimulation, respect) and convey a child is worthless, defective, damaged goods, unloved, unwanted, endangered, primarily useful in meeting another’s needs, and/or expendable.” APSAC further states that “Psychological Maltreatment includes acts of commission (e.g., threats by a caregiver toward a child) and acts of omission (e.g., repeatedly ignoring a child’s bids for attention or for comfort when distressed).”

52. At all times relevant to this lawsuit, APSAC identifies six (6) subtypes of Psychological Maltreatment, the most relevant to Parental Alienation are Exploiting/Corrupting, Terrorizing, Isolating, Mental Health, Medical, and Educational Neglect.

53. At all times relevant to this lawsuit, “exploiting/Corrupting” is when a caregiver’s acts encourage a child to develop inappropriate behaviors and attitudes. Encouraging a child to reject another parent or setting the stage via the use of specific strategies would fall under this form of maltreatment. Included in this form of maltreatment is the restricting, interfering with, or directly undermining the child’s important relationships. Restricting communication with the other parent or telling

the child the lack of communication is due to the other parent's lack of love for the child are specific Parental Alienation examples.

54. At all times relevant to this lawsuit, "terrorizing" is when a caregiver threatens or is likely to physically hurt the child or place the child's loved ones in recognizably dangerous or frightening situations. Specifically cited under this form of maltreatment is placing the child in a loyalty conflict by making the child unnecessarily choose to have a relationship with one parent or the other.

55. At all times relevant to this lawsuit, "isolating" is when the caregiver's acts consistently and unreasonably deny the child opportunities to meet their needs for interacting/communicating with adults inside or outside the home. An example related to Parental Alienation is placing unreasonable limitations or restrictions on social interaction with other family members.

56. At all times relevant to this lawsuit, the consequences of Parental Alienation are very significant and not very well recognized by either mental health or legal professionals. According to Clawar and Rivlin, authors of *Children Held Hostage: Identifying Brainwashed Children, presenting a Case and Crafting Solutions* that was published by the American Bar Association in 2013:

***"The influence and impact of programming/brainwashing on children and their families is never benign." The authors cite possible effects of this dynamic as: conflicts with parents; loneliness; memory loss; school dysfunction; conflict with peer relationships; anxiety; regressive behaviors; social identity problems; diminished attention span; heightened fantasy life; sibling conflict; lack of friends; increased technology use as an escape; feeling of***



***isolation; psychosomatic disorder; diminished activity; poor executive functioning; disheveled living space; weight issues; eating disorders; poor eating habits; poor body image; sexual promiscuity; speech problems; substance abuse; sleep problems; and depression."***

57. At all times relevant to this lawsuit, the Texas Bar Association's Texas Disciplinary Rules of Professional Conduct states:

Preamble: A Lawyer's Responsibilities

1. A lawyer is a representative of clients, an officer of the legal system and a public citizen responsible for the quality of justice. Lawyers, as guardians of the law, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship with and function in our legal system. A consequent obligation of lawyers is to maintain the highest standards of ethical conduct.

2. As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealing with others....

3. In all professional functions, a lawyer should zealously pursue clients' interests within the bounds of the law. In doing so, a lawyer should be competent, prompt and diligent....

4. A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate

respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

\* \* \*

7. ...The Texas Disciplinary Rules of Professional Conduct prescribe terms for resolving such tensions. They do so by stating minimum standards of conduct below which no lawyer can fall without being subject to disciplinary action.

58. At all times relevant to this lawsuit, the Texas Lawyers' Creed states: "I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct."

59. The Supreme Court of Texas made the aforementioned provision of the Texas Lawyer's Creed a duty each attorney owes to every adverse party and witness in its November 7, 1989 order on attorney conduct. Therein, The Supreme Court of Texas found:

***"The abusive tactics range from lack of civility to outright hostility and obstructionism. Such behavior does not serve justice but tends to delay and often deny justice. The lawyers who use abusive tactics instead of being part of the solution have become part of the problem."***

60. On or about October 20, 2020, Galveston County Court at law # 3 entered an Order in Case Number 18-FD-2866 which is attached hereto as **Exhibit 1** and incorporated as if fully set forth herein.

61. On December 5, 2018, Galveston County Court at Law Number Three entered a default judgment against ANDREW LEHMAN in the temporary orders hearing of the Divorce case 18-FD-2866, which gave ANDREW LEHMAN an Expanded Possession Order for visitation with joint managing conservatorship of H1, H2, and H3. Defendant, FALISHA J. LEHMAN was appointed the joint managing conservator with the primary right to designate the residence of H1, H2, and H3.

62. On September 13, 2019, after multiple hearings on a *de novo* appeal from the Default Judgment entered on December 5, 2018, ANDREW LEHMAN was again awarded joint managing conservatorship of H1, H2, and H3, with Defendant, FALISHA J. LEHMAN appointed the joint managing conservator with the primary right to designate the residence of H1, H2, and H3. The Court added a residential geographical restriction to Galveston County, Texas and all Contiguous Counties.

63. On or about July of 2020, ANDREW LEHMAN filed a Writ of Habeas Corpus for return of H1, H2, and H3 which is attached hereto as **Exhibit 2** and incorporated as if fully set forth herein. In response, Defendant, FALISHA J. LEHMAN wantonly filed a frivolous Application for a Protective Order which is attached hereto as **Exhibit 3** and incorporated as if fully set forth herein.

64. On September 13, 2020, Galveston County Court at Law Number Three granted the Writ of Habeas Corpus to return H1, H2, and H3 to the ANDREW LEHMAN and denied Defendant, FALISHA J. LEHMAN's frivolous Application for a Protective Order.

65. On November 1, 2020, the parties entered into a mediated settlement agreement with John Humphries, Esq., which included a stipulation that both parties shall attend a neutral “Parental Alienation Evaluation” by child psychotherapist Dr. Mary Alvarez.

66. The Court appointed child psychiatrist Dr. Mary Alvarez to conduct a parental alienation assessment.

67. On or about January of 2021, plaintiff ANDREW LEHMAN and defendant, FALISHA J. LEHMAN completed the comprehensive Parental Alienation Evaluation, and Dr. Mary Alvarez thereafter published her findings.

68. Dr. Mary Alvarez articulated scathingly stark and powerful admonishments about Defendant, FALISHA J. LEHMAN and her “extreme levels of parental alienation” which Dr. Alvarez reported were some of the worst levels of parental alienation that she had seen. Dr. Mary Alvarez found that Defendant FELISHA LEHMAN has engaged in “Extreme Levels of Parental Alienation [of plaintiff ANDREW LEHMAN] amounting to Child Abuse” of Plaintiff H1, H2 and H3 in her January 2021 report and subsequent testimony in Galveston County Court at Law Number Three in June 2021.

69. Dr. Alvarez later testified that defendant FALISHA J. LEHMAN’s actions rose to the level of child abuse, and would certainly impair the emotional development and psychological well-being of H2 if continued. Specifically, the specific results of her evaluation are as follows:

- a. There were significant differences in the severity, impact and presence of splitting among H1, H2, and H3. Resistance and/or rejection of ANDREW LEHMAN by H1, H2, and H3 was verified.
- b. The least amount of splitting was found in the relationship between H1 and ANDREW LEHMAN.
- c. Of ANDREW LEHMAN's three children, H1 reportedly has the most consistent and most positive relationship with ANDREW LEHMAN. Although H1 does not have a significant degree of splitting which would validate significant parental alienation, the level of negativity expressed by H1 toward ANDREW LEHMAN is still apparent.
- d. H2 had a significant degree of splitting and indicated the use of alienation tactics by FALISHA.
- e. With regard to H2's rejection of ANDREW LEHMAN, there is some basis for her rejection due to reported discipline, degrading remarks and past behavior.
- f. However, the level at which she rejects ANDREW LEHMAN far exceeds that which the research would indicate, and is consistent with parental alienation.
- g. H3 also expressed a measurable splitting, although not as significant as her sister, H2, indicating a negative influence by FALISHA J. LEHMAN regarding her relationship with ANDREW LEHMAN.

- h. In cases of domestic violence, abuse and substance abuse, justifiable estrangement is often the result. Although there have been repeated allegations of domestic violence, no evidence of such was entered as part of this assessment, (as none has actually ever been substantiated at all);
- i. In such cases children are still able to define a relationship with the offending parent and in many cases to continue a relationship with clear limitations and boundaries.
- j. Neither H2 nor H3 are able to define a close relationship with ANDREW LEHMAN which is another indicator of parental alienation committed by Defendant FALISHA J. LEHMAN against Andrew Lehman.
- k. In the absence of any evidence of domestic violence or abuse, the rejection and splitting confirmed in H1, H2, and H3 with regard to their relationship with ANDREW LEHMAN is a result of alienation tactics utilized by their mother.
- l. A key component in this case that differentiates it from many other cases of Parental Alienation is the parenting ability of the alienated parent.
- m. Patterns of inappropriate discipline, verbal communication with and about H1, H2, and H3 were relayed by members of the family, as well as derogatory comments about the other parent.

- n. These interactions may be a reaction to FALISHA's behaviors however; they are harmful to H1, H2, and H3 and must stop.
- o. Although H1, H2, and H3 are affected, according to the data collected, H2 clearly is the most affected by the ongoing conflict between her parents and more specifically by the alienation tactics being used by her mother.
- p. Defendant FALISHA J. LEHMAN's behaviors are currently significantly impacting the functioning of H1, H2 and H3. If the alienating tactics do not cease and positive parenting models do not replace the current interactions between father and children, the ongoing presence of alienating behaviors by the parents will most certainly impact H1, H2, and H3's emotional, psychological and developmental well-being in the future.
- q. The indicators present in this family are consistent with mild parental alienation in H1 and H3 and high moderate alienation in H2. The levels of alienation will continue to increase in severity if a substantial change in behavior is not made.

70. In June of 2020, Dr. Alvarez testified in Case Number 18-FD-2866 where Associate Galveston County Court at Law Number Three was presiding. She stated that measures of high moderate alienation as determined in H2 rise to the level of child abuse and cause serious physical, psychological and emotional harm to the child. Dr. Alvarez's testimony after the assessment is summarized as follows:

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*There were significant differences in the severity, impact and presence of splitting among [H1, H2, and H3]. Resistance and/or rejection of Andrew Lehman by [H1, H2, and H3] was verified in [H1, H2, and H3].... presence of alienating behaviors, including denigrating the other parent, presenting the other parent as unsafe, and interfering with access and communication between the parent and child. Most notable of the alienating behaviors is the interference in access to [H1, H2, and H3].... This indicates a negative influence by FALISHA LEHMAN regarding her relationship with ANDREW LEHMAN....the rejection and splitting confirmed in H1, H2, and H3 with regard to their relationship with ANDREW LEHMAN is a result of alienation tactics utilized by their mother....These behaviors are currently significantly impacting the child's functioning, ...further.... the ongoing presence of alienating behaviors by the parents will most certainly impact [H1, H2, and H3's] emotional, psychological and developmental well-being in the future.*

71. Defendant, FALISHA J. LEHMAN has since ignored all suggestions, written findings by the Doctor, and refused to attend follow-up treatment despite ANDREW LEHMAN paying for the Doctors' visits and despite the child psychotherapist attempts to schedule with FALISHA J. LEHMAN.

72. Defendant FELISHA LEHMAN has secreted the location of Plaintiff H1, H2, and H3 in a domestic violence shelter without any credible evidence of domestic violence or necessity to subject children to any such environment. During the period FELISHA LEHMAN secreted the children from plaintiff ANDREW LEHMAN, she had the financial resources to live comfortably in any home of her choice.



73. Defendant FELISHA LEHMAN has instructed plaintiff H2 to dial 911 and to lie about plaintiff ANDREW LEHMAN in order to elicit a law enforcement response and investigation of ANDREW LEHMAN.

74. Defendant FELISHA LEHMAN has so alienated plaintiff H2 that H2 calls plaintiff ANDREW LEHMAN “stupid bitch mother fucker” among other horrible names.

75. A renowned child psychologist has diagnosed H2 as being “Severely alienated from ANDREW LEHMAN” and suffering from diagnoses ranging from psychosis, schizophrenia, depression, anxiety, and oppositional defiance disorder and hyper-activity attention deficit disorder resulting in being prescribed significant psychotropic medications.

76. Defendant FELISHA LEHMAN, aided and abetted by all the other Defendants, have violated Orders issued by Galveston County Court at Law Number Three in case Number 18-FD-2866 in a tacit scheme to deny ANDREW LEHMAN the joy and love of parenting his children and to further alienate H1, H2, and H3 from ANDREW LEHMAN.

77. Defendant FELISHA LEHMAN rewarded H1, H2, and H3 for publicly showing distaste for ANDREW LEHMAN, but *punished* H1, H2, and H3 if they spoke positively about ANDREW LEHMAN, or asked for ANDREW LEHMAN in any way.

78. On various dates and times, beginning October 2019 continuing through present, defendant Falisha J. Lehman wantonly alienated H1, H2 and H3 from

ANDREW LEHMAN through various means and schemes including, but not limited to:

- a. Badmouthing and demonizing ANDREW LEHMAN;
- b. Eliminating any contact with ANDREW LEHMAN;
- c. Preventing all communications between H1, H2, and H3 and ANDREW LEHMAN;
- d. Interfering with symbolic communications between H1, H2, and H3 and ANDREW LEHMAN;
- e. Forcing H1, H2, and H3 to withdrawal their love from ANDREW LEHMAN;
- f. Telling H1, H2, and H3 that ANDREW LEHMAN is dangerous and requires police supervision;
- g. Forcing H1, H2, and H3 to choose between her and ANDREW LEHMAN;
- h. Telling H1, H2, and H3 that ANDREW LEHMAN does not love them;
- i. Forcing H1, H2, and H3 to reject ANDREW LEHMAN as a condition of their love to her;
- j. Instructing H1, H2, and H3 to keep secrets from ANDREW LEHMAN;
- k. Referring to ANDREW LEHMAN by first name when speaking to H1, H2, and H3;
- l. Withholding medical, academic, and other important information pertaining to H1, H2, and H3 from ANDREW LEHMAN;
- m. Cultivating dependency of H1, H2, and H3 on herself, and undermined the authority of ANDREW LEHMAN in every decision he made; and
- n. Telling H1, H2, and H3 “not to listen to ANDREW LEHMAN’s requests or take his disciplines seriously.”

79. Defendant FELISHA LEHMAN attempted to extort plaintiff ANDREW LEHMAN by demanding \$15,000.00 payment each month for spousal support and maintenance, despite ANDREW LEHMAN only paying \$2,250.00 for child support for H1, H2, and H3.

80. Defendant AEQUILA SMITH was also a primary actor in FELISHA LEHMAN's abduction scheme by requesting \$1,500 as ransom for the whereabouts of H1, H2, and H3.

81. Beginning on or about April 5, 2020, ANDREW LEHMAN was prevented from his scheduled Spring Break visitation with H1, H2, and H3 by defendant FELISHA LEHMAN because she abducted H1, H2, and H3 and went into hiding, refusing to respond to ANDREW LEHMAN regarding H1, H2, and H3.

82. ANDREW LEHMAN filed a police report with the Seabrook Police Department for Intentional Interference with Child Custody and provided the police with a certified copy of the September 2019 Order issued by Galveston County Court at Law Number Three in Case Number 18-FD-2866.

83. ANDREW LEHMAN filed a Missing Children's Report "Amber Alert" with the Texas Department of public Safety after almost an entire month had passed by and ANDREW LEHMAN had not heard from the Defendant, FALISHA J. LEHMAN or H1, H2, and H3 in addition to FALISHA J. LEHMAN's house appearing vacant.

84. Upon information and belief, Defendant JUSSIE SMOLLETT provided FALISHA J. LEHMAN thousands of dollars in order to secret H1, H2, and H3 from ANDREW LEHMAN.

85. Upon information and belief, Defendant JUSSIE SMOLLETT provided FALISHA J. LEHMAN material support and financial assistance to secret H1, H2, and H3 from ANDREW LEHMAN. Said material support and financial assistance included, but is not limited to, providing housing in California for FALISHA J.

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LEHMAN to secret H1, H2, and H3 from ANDREW LEHMAN and monies to retain ERICA ROSE.

86. In or about May of 2020, ANDREW LEHMAN's attorney hired a private investigator that identified Defendant, FALISHA J. LEHMAN as having been seen with Co-Defendants SCHINAL HARRINGTON and DANTE HARRINGTON in Santa Monica, California.

87. As a result of this sighting, ANDREW LEHMAN retained the offices of Cynthia DePetrus, Esq. in Los Angeles, CA. Attorney DePetrus registered the Family Law Department's September 13, 2019 court order in the California, then proceeded via *ex parte* application in the Los Angeles County Superior Court for an application for District Attorney Search and Locate Order on Defendant, FALISHA J. LEHMAN.

88. During the subsequent months, ANDREW LEHMAN spent hundreds of hours desperately searching for his missing children, and posted more than one hundred signs in the local area looking for his missing children, and no one, including any of the co-defendants, contacted ANDREW LEHMAN to provide information regarding the whereabouts, safety and/or welfare of H1, H2, and H3.

89. ANDREW LEHMAN filed an action for enforcement as well as multiple filings in case 18-FD-2866 but was unsuccessful getting or finding the Defendant, FALISHA J. LEHMAN served with process by citation.

90. In or about June 30, 2020, despite ANDREW LEHMAN still not having seen H1, H2, and H3 or knowing their location, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL filed an *ex parte* application for an emergency

protective order (**Exhibit 3**) against the ANDREW LEHMAN, seeking a Court Order to prevent the ANDREW LEHMAN from seeing H1, H2, and H3.

91. This occurred after it became clear to CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL and Defendant RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC. that ANDREW LEHMAN had a lawful court order awarding ANDREW LEHMAN visitation with H1, H2, and H3, and that he and his employer, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., had actual and constructive notice of that Court Order.

92. Defendants CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, and the RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., had been harboring FALISHA J. LEHMAN and H1, H2, and H3 when the fraudulent Application for an Emergency Protective Order was filed to cover up their illegal activities.

93. However, on September 13, 2020, the Court denied the Application for Protective Order (**Exhibit 3**) after determining that no form of domestic violence by ANDREW LEHMAN against FALISHA J. LEHMAN occurred and that there could be no justification made to continue FALISHA J. LEHMAN's criminal course of conduct. A true and correct copy of the Order is attached hereto as **Exhibit 4** and incorporated as if fully set forth herein.

94. On September 13, 2020, Galveston County Court at Law Number Three then ordered that ANDREW LEHMAN's enforcement action be granted as to possession and access to H1, H2, and H3.

95. In express violation of this Court Order, Defendant, FALISHA J. LEHMAN continued to violate the court order and interfere with ANDREW LEHMAN's possessory rights until finally delivering H1, H2, and H3 on October 3, 2020.

96. Upon interacting with H1, H2, and H3 on October 3, 2020, ANDREW LEHMAN discovered some of the serious damage the Defendants had caused to H1, H2, and H3, including but not limited, to:

- a. taking H1, H2, and H3 to multiple houses to sleep while telling H1, H2, and H3 that their own father "wanted to kill them;"
- b. telling H1, H2, and H3 that ANDREW LEHMAN was the reason that they had to hide and live in these despicable places, including the RESOURCE CENTER OF GALVESTON COUNTY TEXAS, INC., a domestic violence shelter;
- c. telling H1, H2, and H3 that ANDREW LEHMAN was a "monster," and that if he found them, he would kill them;
- d. telling H1, H2, and H3 that they would get a "new Father soon;"
- e. telling H1, H2, and H3 that they would "never see ANDREW LEHMAN again,"
- f. telling H1, H2, and H3 that if they continued to ask for ANDREW LEHMAN she was "going to take H1, H2, and H3 to an orphanage and leave them there;"

97. H1 tried to escape the RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC. domestic violence shelter on multiple occasions, but was falsely imprisoned by defendant RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC. and told he could not contact his father or leave with his father.

98. H1, H2, and H3 had attempted to contact ANDREW LEHMAN by phone through a stranger at a gas station while their mother was inside, but Defendant, FALISHA J. LEHMAN came outside of the gas station too quickly and took the phone away from H1, H2, and H3.

99. Defendant, FALISHA J. LEHMAN abducted H1, H2, and H3 and took them to California to visit co-defendants SCHINAL HARRINGTON and DANTE HARRINGTON. FALISHA J. LEHMAN told H1, H2, and H3 that if they told ANDREW LEHMAN their whereabouts, then they would be “beaten.”

100. Defendant, FALISHA J. LEHMAN used friends of hers to call ANDREW LEHMAN to request ransom monies from him in exchange for information concerning H1, H2, and H3,

101. H1, H2, and H3 were physically abused by their mother, Defendant, FALISHA J. LEHMAN, on multiple occasions,

102. Defendants DIANE CAMPBELL and SHARON WISNIEWSKI were regularly visiting and talking to H1, H2, and H3 during the “Abduction Period,” and FALISHA J. LEHMAN and H1, H2, and H3 spent the night at these Defendants’ homes on multiple occasions during the “Abduction Period.”

103. Beginning on or about February 2020 continuing through October 2020, Defendant FELISHA LEHMAN, with the active assistance from all the other Defendants working in concert with FELISHA LEHMAN and each other, kidnapped H1, H2, and H3 and absconded out-of-State with them preventing any and all contact between H1, H2, and H3 and ANDREW LEHMAN for almost nine months.

104. Beginning on or about February 2020 continuing through October 2020, Defendant PAUL CAMPBELL willfully allowed FELISHA LEHMAN to use his home as a hiding spot to secret H1, H2 and H3 from ANDREW LEHMAN.

105. Beginning on or about February 2020 continuing through October 2020, Plaintiff ANDREW LEHMAN has desperately sought assistance from every authority he could; including attempting to have several Amber Alerts issued for FELISHA LEHMAN abducting H1, H2, and H3; and ANDREW LEHMAN has expended over \$100,000.00 in attorney's fees, flyers and to pay people to distribute flyers, pictures and posters of H1, H2, and H3 while they were missing and in the custody of FELISHA LEHMAN.

106. Beginning on or about February 2020 continuing through October 2020, DIANE CAMPBELL aided and abetted defendant FELISHA LEHMAN by wantonly making false and deceptive statements to ANDREW LEHMAN about the whereabouts of H1, H2, and H3 and provided an apartment and material support for defendant FELISHA LEHMAN to hide in while abusing H1, H2, and H3.

107. Beginning on or about February 2020 continuing through October 2020, Defendant SHARON WISNIEWSKI aided and abetted defendant FELISHA LEHMAN by willfully providing FELISHA LEHMAN with money and with shelter knowing that FELISHA LEHMAN was illegally secreting H1, H2, and H3 from ANDREW LEHMAN.



108. Beginning on or about February 2020 continuing through October 2020, defendant AEQUILA SMITH knowingly and willfully hid and concealed H1, H2, and H3 from ANDREW LEHMAN.

109. Upon information and belief, beginning on or about February 2020 continuing through October 2020, PHILLIP SMITH and AEQUILA SMITH also provided FELISHA LEHMAN financial and material support to knowingly and willfully allow FELICIA LEHMAN to secret H1, H2, and H3 from ANDREW LEHMAN.

110. On an unknown date in May 2021, Defendants AEQUILA SMITH and PHILLIP SMITH aided and abetted FELISHA LEHMAN to request ransom money from ANDREW LEHMAN and secret H1, H2, and H3 from ANDREW LEHMAN by being present at their home with FELISHA LEHMAN and H1, H2, and H3 when AEQUILA SMITH and PHILLIP SMITH requested \$1,500.00 ransom from ANDREW LEHMAN in exchange for releasing H1, H2, and H3. AEQUILA SMITH and PHILLIP SMITH used a fake Instagram account and burner phone number to make the ransom demands to ANDREW LEHMAN. Defendant AEQUILA SMITH actually put H1 on the phone to prove to ANDREW LEHMAN that they had his kids when this was actually a devious scheme to entice ANDREW LEHMAN to pay the ransom money. PHILLIP SMITH said that once they receive the ransom money, they will put the kids outside of their home for ANDREW LEHMAN to retrieve. Defendant FALISHA J. LEHMAN was present with AEQUILA SMITH and PHILLIP SMITH when this ransom call was made to ANDREW LEHMAN. PHILLIP SMITH and

AEQUILA SMITH never intended to place H1, H2, and/or H3 outside for ANDREW LEHMAN to retrieve. The Brazoria County Sheriff's Department was called to the residence of PHILLIP SMITH and AEQUILA SMITH and they conducted a welfare check of the premises. During this welfare check, FELISHA LEHMAN and H1, H2, and H3 were hiding in the residence and H1, H2, and H3 were commanded to remain very silent until the police left. Consequently, the Brazoria County Sheriff's Department did not find FELISHA LEHMAN or rescue H1, H2, and H3.

111. Defendant ELIZABETH RODRIGUEZ-LIEN, knowingly and willfully authored a false Affidavit in support of the FELISHA LEHMAN's frivolous Application for Protective Order. Said Affidavit was replete with bogus hearsay and factual conclusions based upon statements made from FELISHA LEHMAN.

112. This parental alienation has been persistent since this court entered the Final Judgment on Custody and Visitation in September 2019 until the present day and such alienation includes, not allowing the children to speak to ANDREW LEHMAN, secreting the children's location from ANDREW LEHMAN, demonizing the ANDREW LEHMAN to the Children, allowing the children to be in the presence of other 3<sup>rd</sup> parties demonizing the ANDREW LEHMAN, and even went so far as to take all the children out of school to further hide and conceal the children.

113. In February 2020, Defendant, FALISHA J. LEHMAN kidnapped H1, H2, and H3, abducting them from school at CCISD, despite an approved plan issued by the Clear Creek Independent School District General Counsel Leila Sarmechanic,

Esq., after Defendant, FALISHA J. LEHMAN's repeated interferences with ANDREW LEHMAN's retrieval of H1, H2, and H3.

114. This directive issued by CCISD General Counsel expressly prohibited Defendant, FALISHA J. LEHMAN from being on campus at the time ANDREW LEHMAN was scheduled to pick H1, H2, and H3 up – and he was scheduled to pick up H1, H2, and H3 when she abducted them.

115. Further, Defendant, FALISHA J. LEHMAN's abduction of H1, H2, and H3 occurred just prior to the Spring Break Holiday in 2020, a holiday that ANDREW LEHMAN was Court-Ordered to have possession of H1, H2, and H3. The Defendants all engaged in knowing and intentional actions to aid and assist Defendant, FALISHA J. LEHMAN in her unlawful actions of kidnapping H1, H2, and H3, hiding them, and removing them from the State of Texas.

116. All of the Defendants' actions expressly violated Court Orders prohibiting Defendant, FALISHA J. LEHMAN from hiding and secreting H1, H2, and H3, including Orders from Judge Elizabeth Feiffer in LASC Case No. BF033900; Judge Rading in Harris County District Court case no. No. 12-FD-5788; Judge Smith in Galveston County District Court Case No. 15-FD-0821, Judge Anne Daring, in Galveston County Superior Court Case No. 17-FD-2899; Judge John Grady in Galveston County Superior Court Case No. 18-FD-2866; and finally, several orders from Judge Jack in Galveston County Court at Law Number Three in Galveston County Superior Court Case No. 19-FD-1799.

117. In all of the six court cases identified above, Defendant, FALISHA J. LEHMAN has sought an order for Supervised Visitation against the ANDREW LEHMAN. All of FALISHA J. LEHMAN's requests were denied.

118. Four times Defendant, FALISHA J. LEHMAN, requested ANDREW LEHMAN have only supervised visitation in Galveston County and FALISHA J. LEHMAN was denied every time. (See Case numbers 15-FD0821, 17-FD-2899, 18-FD-2866, 19-FD-1799 in Galveston County, Texas).

119. Defendant, FALISHA J. LEHMAN has abused the court system and wasted judicial resources by engaging in fraud upon the court and presenting a multitude of frivolous, false, fraudulent and vexatious motions, applications and emergency protective orders, every single one of which were either denied or dissolved by court order.

120. In or about July of 2020, ANDREW LEHMAN filed a Writ of Habeas Corpus in Case Number 18-FD-2866 in the District Court of Galveston County, praying for the return of H1, H2, and H3. Ultimately, this filing caused Defendant, FALISHA J. LEHMAN to return H1, H2, and H3 to ANDREW LEHMAN A. Lehman.

121. In response, Defendant, FALISHA J. LEHMAN, through CHARLES NEILL, and THE LAW OFFICES OF CHARLES NEILL, filed an Application for Protective Order. The Application for Protective Order was supported with false statements of material fact; and, in other ways, was frivolous.

122. Defendants FALISHA J. LEHMAN, CHARLES NEILL, and THE LAW OFFICES OF CHARLES NEILL never intended the Application for Protective Order

to be granted, and instead, was filed insidiously only to delay Defendant, FALISHA J. LEHMAN's return of H1, H2, and H3, and to create emotional and financial duress of Plaintiff.

123. Defendants FALISHA, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC.GC, ELIZABETHE-LIEN, CHERIAN, UTMB, CHARLES NEILL, and THE LAW OFFICES OF CHARLES NEILL, all conspired together in corporate form, by trying to state a case against ANDREW LEHMAN for Domestic Violence despite no evidence that any violence occurred. This conspiracy was formed and executed solely for the purpose to deny the ANDREW LEHMAN access to his children

124. On September 13, 2020, Galveston County Court at Law Number Three of Galveston County Court at Law Number Three granted the writ of habeas corpus directing Defendant, FALISHA J. LEHMAN to immediately return H1, H2, and H3 to the ANDREW LEHMAN.

125. Galveston County Court at Law Number Three further stated he was modifying the Order establishing Joint Managing Conservatorship of H1, H2, and H3, and the Expanded Possession Order for visitation, by reducing ANDREW LEHMAN A. Lehman's visitation time to 8 hours on Saturday every two weeks.

126. Galveston County Court at Law Number Three further directed the parties to attend mediation, instructed that the order from that hearing was temporary and that a final order would be entered after ANDREW LEHMAN A. Lehman and Defendant, FALISHA J. LEHMAN attended mediation and returned to Court.

127. Galveston County Court at Law Number Three directed CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL to draft the full order.

128. ANDREW LEHMAN objected to the Order, but his filings were never put on the Court's calendar. ANDREW LEHMAN also moved to have Defendant, FALISHA J. LEHMAN held in contempt for her 8+ month disappearing act in express violation of several pending, valid and binding court orders, ANDREW LEHMAN A. Lehman's fundamental and constitutional rights, and the rights of H1, H2, and H3.

129. CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL prepared an order containing false and fraudulent language, including but not limited to:

- a. "the Court finds that this order is in the best interests of H1, H2, and H3,"
- b. "the court modified the order pursuant to a request for modification," without any finding or determination by Galveston County Court at Law Number Three that erasing ANDREW LEHMAN A. Lehman's visitation time to just 8 hours every two weeks "was in the best interests of H1, H2, and H3"
- c. without a finding or determination that there was any "Immediate Danger to H1, H2, and H3;" while mislabeling the ANDREW LEHMAN's Writ of Habeas Corpus filing as a "Motion for Enforcement as to Possession and Access of H1, H2, and H3;" and
- d. without a request from either party for modification of the Custody Order pending.

130. The order was drafted despite Galveston County Court at Law Number Three clearly stating that the Order CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL were to write was “temporary” because Galveston County Court at Law Number Three would not be entering a “final” order until after the Parties returned from the Mediation it had just ordered.

131. ANDREW LEHMAN A. Lehman objected to Galveston County Court at Law Number Three’s Order, and to the facially bogus order CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL submitted on September 23, 2020.

132. Despite ANDREW LEHMAN’s repeated objections to this bogus order, Galveston County Court at Law Number Three never responded or acknowledged any of the objections and ultimately signed the bogus Order that Defendant CHARLES NEILL had drafted, signed, filed and submitted.

133. Dr. Alvarez was the Court-Ordered psychiatrist who conducted the examination of ANDREW LEHMAN A. Lehman, Defendant, FALISHA J. LEHMAN, and all three Minor ANDREW LEHMANs, both individually and together in a group.

134. During the months of October, November, and December of 2020, ANDREW LEHMAN A. Lehman, Defendant, FALISHA J. LEHMAN and H1, H2, and H3 all attended a Parental Alienation evaluation with a leading Children’s Psychiatrist, Dr. Mary Alvarez at Resetting the Family, LLC.

135. During these visits Dr. Alvarez and her staff met with the ANDREW LEHMAN and Defendant, FALISHA J. LEHMAN, as well as each of H1, H2, and H3, both collectively with each parent present, and individually.

136. Dr. Alvarez reported that “[e]ach parent completed a series of intake tools as well as an intake interview to evaluate family dynamics and determine the presence of alienating tactics being used in interactions involving their children. Additionally, a series of intake tools were completed with each child independently to determine if they were exhibiting negativity or contact resistance towards a parent.”

137. The intake process indicated the use of alienating tactics on some level with each of H1, H2, and H3. The presence of parental contact resistance/rejection is measured by tools which rate the level of “splitting” between the parents from the child’s perspective.

138. There were significant differences in the severity, impact and presence of splitting among H1, H2, and H3. Resistance and/or rejection of ANDREW LEHMAN, ANDREW LEHMAN was verified by all three (3) minor children.

139. “HL1, HL2, and HL3 had a significant degree of splitting and indicated the use of alienation tactics by [Defendant] FALISHA.”

140. This conduct committed by Defendant, FALISHA J. LEHMAN should be enjoined to prevent further abuse by her to H1, H2, and H3.

141. Follow up treatment was recommended for all three (3) children, but Defendant, FALISHA J. LEHMAN refused to participate despite multiple requests both by Dr. Alvarez and by the ANDREW LEHMAN. Defendant still refuses to engage with her doctors and the children’s doctors to get treatment for the extreme parental alienation found to be occurring in Defendant’s presence and perpetuated by Defendant.



142. Beginning in October 2019 continuing through present, Defendant, FALISHA J. LEHMAN continuously usurped ANDREW LEHMAN's authority at all times and told the children "not to listen to ANDREW LEHMAN's requests or take his disciplines seriously."

143. Dr. Alvarez's evaluation results were unequivocal: the Defendant was guilty of child abuse by virtue of the extreme levels of parental alienation that she had committed and has actively been committing to this day.

144. Further, that "H1, H2, and H3 were suffering abuse by Defendant and that keeping H1, H2, and H3 from ANDREW LEHMAN perpetuated further abuse."

145. ANDREW LEHMAN A. Lehman filed a Motion for Modification of the 8 hours every 2 weeks visitation order based mostly on the evaluation results of Dr. Alvarez, the court-ordered and Court-selected child psychologist who evaluated the situation.

146. At the modification hearing in June of 2021, Galveston County Court at Law Number Three Denied ANDREW LEHMAN A. Lehman's request to modify Galveston County Court at Law Number Three's draconian order entered without jurisdiction, which outrageously eviscerated the ANDREW LEHMAN's visitation time to just 8 hours every 2 weeks.

147. This occurred despite the testimony from the Dr. Alvarez about an extreme, alarming and crucial-to-be-addressed-NOW situation of Parental Alienation that Defendant, FALISHA J. LEHMAN had created and fostered within H1, H2, and H3.

148. Defendant has brought frivolous emergency protective orders that were all either denied, or dissolved by court order. Defendant has on all 6 occasions sought "Supervised Visitation Orders against ANDREW LEHMAN," none of which have ever been any more than a mockery of the court and all 4 times Defendant requested said relief in Galveston County she was denied. (15-FD0821, 17-FD-2899, 18-FD-2866, 19-FD-1799),

149. Defendant has testified in court on at least one occasion that she has sought these "Supervised Visitation" Orders not for protection of H1, H2, and H3 but as a ploy to harass, annoy, and testified in the Harris County Divorce that she filed a false police report to "seek vengeance upon the ANDREW LEHMAN because she wanted to see ANDREW LEHMAN suffer at any expense [Sic].

150. ANDREW LEHMAN and Defendant, FALISHA J. LEHMAN, have on four (4) occasions non-suited these divorce proceedings and FALISHA J. LEHMAN immediately resumed habitation with ANDREW LEHMAN under ANDREW LEHMAN's care and custody without limitation. In one instance, 17-FD-0312, with trial date only a few weeks away, Defendant, FALISHA J. LEHMAN convinced ANDREW LEHMAN to non-suit a divorce proceeding and she moved back into the home of ANDREW LEHMAN. Within a few days, FALISHA J. LEHMAN filed an action with the Attorney General's Office for paternity and Child Support and ANDREW LEHMAN was served in the marital home.

151. The Attorney General's paternity case, assigned case number 18-FD-2855, proceeded for several months until the ANDREW LEHMAN filed for Divorce and

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consolidated the issues for Galveston County Court at Law Number Three (18-FD-2866).

152. Defendant, FALISHA J. LEHMAN collected child support from ANDREW LEHMAN several months despite living in his home.

153. On multiple occasions Defendant, FALISHA J. LEHMAN demanded that the ANDREW LEHMAN only be allowed “supervised visitation” and subsequently resumed habitation in ANDREW LEHMAN’s house after the court date within a few hours.

154. In the Harris County 2012 Divorce filed by ANDREW LEHMAN, Defendant forced the ANDREW LEHMAN to have supervised visitation with a police officer present because of her wild claims of abuse.

155. The Police Officers were all warned by FALISHA J. LEHMAN that “ANDREW LEHMAN was a drug dealer with a cache of weapons” and was “dangerous” yet these same police officers then wrote letters to the court about how great a father ANDREW LEHMAN seemed to be with H1, H2, and H3. Thereafter, the court removed all restrictions on ANDREW LEHMAN.

156. The following day Defendant FALISHA J. LEHMAN moved back into ANDREW LEHMAN’s home less than 2 weeks from testifying in court that H1, H2, and H3 needed to be supervised by an armed police officer when with ANDREW LEHMAN.

157. Defendant FALISHA J. LEHMAN’s trial transcripts from the duplicity of divorce proceedings is replete with her lies, half-truths, self-serving statements,

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perjury, fraud, and forgery that only few of the most seasoned legal and medical professionals have seen the likes of in their respective career[s].

158. Defendant FALISHA J. LEHMAN's Responses to Request for Admissions in the current Divorce case and Custody Matter pending 18-FD-2866, yield the following Admissions sworn under penalty of perjury: (a) that FALISHA J. LEHMAN never held a full time job for one year, (b) that FALISHA J. LEHMAN has lied to the police to have ANDREW LEHMAN arrested on 3 or more occasions, (c) that FALISHA J. LEHMAN has lied under oath more times than she can count, (d) that FALISHA J. LEHMAN and H1, H2, and H3 have been victims of gang violence when visiting her family including a drive by shooting that killed her first cousin Jana Collins.

159. In early 2020 during the Covid-19 pandemic, Defendant FALISHA J. LEHMAN "abducted H1, H2, and H3" from school despite an approved plan prohibiting FALISHA J. LEHMAN from being on campus during ANDREW LEHMAN's pick-ups, and just prior to ANDREW LEHMAN's Court Ordered Spring Break Holiday in 2020. FALISHA J. LEHMAN did not return to her home, and did not contact the ANDREW LEHMAN or Police with her location until around October of 2020, and only after a court hearing did Defendant FALISHA J. LEHMAN make any contact with ANDREW LEHMAN.

160. Defendant FALISHA J. LEHMAN violated the new October 1, 2020, Order issued by Galveston County Court at Law Number Three in Case Number 18-FD-2866, and missed the first two visitations, until finally agreeing to minimally follow the court's orders: 1) granting ANDREW LEHMAN's Enforcement Action to

Possession and Access; and 2) Denying the Defendants Emergency Protective Order on September 13, 2020.

161. Furthermore, Defendant, FALISHA J. LEHMAN acted in concert with several other persons who themselves are currently being criminally prosecuted in Brazoria County by the United States Justice Department after investigation by the through the Federal Bureau of Investigations, for their acts of ransoming H1, H2, and H3, in exchange for thousands of dollars from ANDREW LEHMAN with the promise that H1, H2, and H3 would be delivered to the ANDREW LEHMAN safely.

162. On September 9, 2019, the Galveston County Court at Law Number Three issued an Order on Final Judgment.

163. Defendant, FALISHA J. LEHMAN secreted H1, H2, and H3 and withdrew H1, H2, and H3 from of all extracurricular activities, hid in a domestic violence shelter, and prevented H1, H2, and H3 from seeing or talking to ANDREW LEHMAN for more than nine months during the abduction period.

164. In a desperate attempt to locate H1, H2, and H3, ANDREW LEHMAN requested multiple Amber Alerts and repeated requests to the police for welfare checks.

165. The entire time, Defendant, FALISHA J. LEHMAN falsely and fraudulently masqueraded as the “victim” to avoid the harsh and guaranteed criminal consequences for willfully violating Galveston County Court at Law Number Three’s Possession Order while ruthlessly “alienating” H1, H2, and H3 from ANDREW LEHMAN.

166. On a date between February 2020 through October 2020, Defendant FALISHA J. LEHMAN was again hiding H1, H2, and H3 from ANDREW LEHMAN and the Galveston County Court. H1, H2, and H3 managed to contact ANDREW LEHMAN and cry out for him to “save them” from the horrible abuses by Defendant, FALISHA J. LEHMAN. During this time period, H1, H2, and H3 unsuccessfully attempted to escape from Defendant, FALISHA J. LEHMAN on multiple occasions.

167. On a date between February 2020 through October 2020, FALISHA J. LEHMAN’s attorney at the time, defendant ERICA ROSE, knew of the whereabouts of FALISHA J. LEHMAN and H1, H2, and/or H3 and intentionally refused to tell ANDREW LEHMAN or his attorney Eric Little of their whereabouts. Both ANDREW LEHMAN and Eric Little sent multiple emails to ERICA ROSE asking about their whereabouts and ERICA ROSE always refused to provide same.

168. The alienation got so bad that when ANDREW LEHMAN went to H2’s School after being notified by the Seabrook Police Department and the school Principal that she was at school, ANDREW LEHMAN, a Seabrook Police Officer and the school principal went to retrieve H2 from her class. In response, H2 immediately yelled out, “*Call 911*” and further proclaimed “*my father is here trying to kidnap me, and he is going to kill me, please come now!*” All the while, an actual uniformed Seabrook Police Officer was standing right next to ANDREW LEHMAN.

169. During one period of abduction by Defendant, FALISHA J. LEHMAN, H2 was reported as having rode her bicycle several miles to the Seabrook Police Station

asking the Officers on duty to please call ANDREW LEHMAN and that she wanted to see him, but her mother refused to allow her.

170. Defendant FELISHA LEHMAN has weaponized law enforcement by making numerous false reports of assault, child neglect and abuse to various law enforcement agencies, including but not limited to, Seabrook Police Department, League City Police Department, Clear Lake Shores Police Department, Harris County Precinct 8 Constable's Office, and more than 10 reports of child abuse and neglect by plaintiff ANDREW LEHMAN within a 12-month period to the Texas Department of Family Services Child Protective Services Division (hereafter "CPS"). All of these false reports were made knowingly and willfully by Defendant FELISHA LEHMAN with full knowledge of the falsity of each report and with the intent to punish plaintiff ANDREW LEHMAN and to attempt to garner a strategic advantage in ongoing family court litigation in Galveston Court of Law Number 3 Case Number 18-FD-2866.

171. Plaintiff FELISHA LEHMAN has admitted that she files false police reports against plaintiff ANDREW LEHMAN and has also testified that she:

"Fil[ed] multiple false and fraudulent police reports to have ANDREW LEHMAN arrested despite being the aggressor"

And she has also testified under oath that she:

"Escalated things out of anger and to retaliate against him [ANDREW LEHMAN] by calling the police and having him arrested. This was an act of vindictiveness because I wanted Andrew to suffer"

172. One of the more recent CPS / Police Reports stated on 05/20/2020 and during the “Child Abduction Period” of defendant FELISHA LEHMAN, Seabrook Police Detective R. Ojeda (336904) stated as follows:

*“Reading this report it states the father, Andrew Lehman is the suspect in this case. Andrew Lehman resides in Clear Lake Shores. It is also known through multiple reports and calls that Falisha Lehman and the children no longer reside in Seabrook. CPS has already closed this case as with over ten other cases regarding the reportee and the alleged suspect. This case is closed and classified as UNFOUNDED.”*

(Detective R. Ojeda Seabrook Police Dept. Case Suppl. Report 05/20/2021)

*“I contacted cps on Tuesday May 5, 2020 and spoke with Christina (5317) reference # 73488170. She advised this was called in April 9, 2020 and closed the same day (at intake). The notes state this case is not recommended for investigation. The last investigation was opened December 5, 2019 and closed January 19, 2020. There have been over ten cases reported since that have all been closed at intake. It is also noted that Falisha has moved and no longer lives in Seabrook. There is no forward address or additional info. This case is closed and UNFOUNDED.”*

(Detective R. Ojeda Seabrook Police Dept.: Case Suppl. Report 05/11/2020)

173. One of defendant FALISHA J. LEHMAN's modus operandi is to file repetitive police reports against ANDREW LEHMAN until she is not believable anymore, then to move to another city and file another plethora of Police reports in that city – until they discover she cannot be believed as well. She has filed more than fifty (50) bogus police reports against ANDREW LEHMAN falsely alleging that



ANDREW LEHMAN has committed crimes including, but not limited to, harassment, burglary, theft of kids' clothing, stalking, battery, and car theft. In regards to the false car theft allegation, FALISHA J. LEHMAN acquired the title of a vehicle purchased by ANDREW LEHMAN – which he had also included FALISHA J. LEHMAN on the title – and FALISHA J. LEHMAN forged the signature of ANDREW LEHMAN on the title and then went to the Department of Motor Vehicles and called the police accusing ANDREW LEHMAN of auto theft for a vehicle that he had paid cash for only few weeks prior. As a result, ANDREW LEHMAN was arrested, had to post bond, and ultimately cleared of any wrong doing. Additionally, FALISHA J. LEHMAN has falsely accused ANDREW LEHMAN of Class C Domestic Violence on four (4) occasions; Class A Domestic Violence three (3) times; Continuous Domestic Violence Against A Person (a Class 111 felony) because of the two aforementioned Class C misdemeanor accusations within a one year period; Driving Under the Influence three (3) times after FALISHA J. LEHMAN would wait for ANDREW LEHMAN to use his vehicle for an errand and then she would call police and falsely report that she saw ANDREW LEHMAN using drugs; and violation of a protective order three (3) times despite ANDREW LEHMAN never violating any protective order. Consequently, after more than fifty false accusations made by FALISHA J. LEHMAN against ANDREW LEHMAN, ANDREW LEHMAN has been arrested ten (10) times and never convicted of any crime at all.

174. Naturally, Defendant, FALISHA J. LEHMAN was also falsely making the same horrendous allegations against ANDREW LEHMAN in Case Number 18-FD-2866, including that:

- a. That ANDREW LEHMAN is a drug addict, (despite a Court-ordered hair follicle test that was negative for controlled substances);
- b. that ANDREW LEHMAN is a criminal; and
- c. that ANDREW LEHMAN is abusive to H1, H2, and H3, (despite CPS and all local authorities having to field dozens of false reports against ANDREW LEHMAN that have never resulted in any finding of reason to suspect or determination of abuse or neglect regarding any such falsely alleged crime or incident actually occurring).

175. During the time FALISHA J. LEHMAN had abducted H1, H2, and H3, Doctor Lien, a physician with UTMB HEALTHCARE SYSTEMS, INC., and general counsel Ruby Cherian with UTMB HEALTHCARE SYSTEMS, INC., advised ANDREW LEHMAN via email that based upon documents submitted to them, that ANDREW LEHMAN was not allowed in the facility and also prohibited from participating in any of the mental healthcare appointments for H2.

176. Beginning on or about July1, 2021, Defendant MACKENZIE DUNHAM was retained by FALISHA J. LEHMAN. Soon thereafter, MACKENZIE DUNHAM filed a vacation notice in the Plaintiff's divorce matter for the entire summer which

restricted ANDREW LEHMAN's possession and access of H1, H2, and/or H3 and bolstered FALISHA J. LEHMAN's parental alienation. Additionally, MACKENZIE DUNHAM filed multiple continuances in bad faith as a strategic tool to delay the administration of justice and also filed and argued a frivolous motion to compel and motion to terminate sanctions.

177. Beginning on or about July1, 2021, Defendant MACKENZIE DUNHAM was present when, or knew of, FALISHA J. LEHMAN filing false police reports against ANDREW LEHMAN and MACKENZIE DUNHAM knew said police reports were false.

178. Beginning on or about July1, 2021, Defendant MACKENZIE DUNHAM was present when, or knew of, FALISHA J. LEHMAN filing false reports with CPS against ANDREW LEHMAN and MACKENZIE DUNHAM knew said CPS reports were false.

179. Beginning on or about May 1, 2021, continuing through present, MACKENZIE DUNHAM refused to communicate with ANDREW LEHMAN regarding the divorce case despite ANDREW LEHMAN being *pro se*. In fact, on one occasion, after ANDREW LEHMAN called MACKENZIE DUNHAM regarding a child custody issue MACKENZIE DUNHAM threatened to file a restraining order against ANDREW LEHMAN to prevent ANDREW LEHMAN from calling him.

180. During hearings and/or trial, Defendant MACKENZIE DUNHAM made several misrepresentations against ANDREW LEHMAN and was admonished by

Judge Ewing for making false statements. Following the hearing / trial, Judge Ewing issued a written order stating:

“The Respondents arguments and evidence was not credible” and that the “expanded possessory order and all [of ANDREW LEHMAN’s] rights should be restored as deferred back to the exact same order that he made after trial in September of 2019.”

181. On or about December 15, 2021, Defendant MACKENZIE DUNHAM filed a fraudulent proposed Final Divorce Decree which made it easier for FALISHA J. LEHMAN to hide and conceal H1, H2 and/or H3 from ANDREW LEHMAN. Specifically, the bogus proposed Final Decree inserted the words “to the extent possible” into specific orders regarding notifying me of various obligations as a joint managing conservator. MACKENZIE DUNHAM also added more than ten (10) provisions into the proposed Final Decree regarding shared rights in the courts order that he was ordered to draft identically. ANDREW LEHMAN objected and a hearing was held during which Judge Ewing scolded MACKENZIE DUNHAM for trying to defraud ANDREW LEHMAN. A true and correct copy of said “Final Decree of Divorce” is attached hereto as **Exhibit 5** and incorporated as if fully set forth herein.

182. On or about December 15, 2021, ANDREW LEHMAN telephoned BARRY RACUSIN who admitted he employed and supervised MACKENZIE DUNHAM and that MACKENZIE DUNHAM and RACUSIN & WAGNER represent FALISHA J. LEHMAN in the divorce case. During said telephone call, ANDREW LEHMAN told BARRY RACUSIN that MACKENZIE DUNHAM is not returning his

communications and is complicit with FALISHA J. LEHMAN secreting H1, H2, and/or H3 from ANDREW LEHMAN.

183. On or about January 11, 2022, ANDREW LEHMAN filed an objection to the proposed “Final Decree of Divorce” because it contained numerous misrepresentations regarding the court’s order on FALISHA J. LEHMAN’s duty to notify ANDREW LEHMAN and the court’s order on ANDREW LEHMAN’s shared rights as a joint managing conservator of H1, H2, and H3. ANDREW LEHMAN e-served his objections to MACKENZIE DUNHAM who is employed by RACUSIN & WAGNER and supervised and consulted by BARRY RACUSIN and JOE WAGNER. A true and correct copy of Andrew Lehman’s “Objections” is attached hereto as **Exhibit 6** and incorporated as if fully set forth herein.

184. On or about January 12, 2022, Galveston County Court at Law Number Three affirmed the prior Final Judgment and reduced the amount of child support to be paid to Defendant FALISHA J. LEHMAN from to thousand one hundred dollars each month to seven hundred seventy dollars each month.

185. On or about February 10, 2022, ANDREW LEHMAN mailed a true and correct of the filed Final Decree of Divorce to defendants RACUSIN & WAGNER, BARRY RACUSIN and JOE WAGNER via the United States Postal Service.

186. Upon information and belief, on various dates and times, defendant FALISHA J. LEHMAN has instructed H1, H2, and H3 to call the police and report that ANDREW LEHMAN has harmed them, even if he has not caused any harm.

187. Upon information and belief, on a date prior to February 20, 2022, Defendant FALISHA J. LEHMAN picked up H1 after a period of possession and access at ANDREW LEHMAN's house, and drove directly to the Harris County Precinct 8 Constable's Office and reported that ANDREW LEHMAN had caused injury to H1's foot. Initially, the on-call Harris County District Attorney in the intake department accepted charges against ANDREW LEHMAN but said charges were subsequently declined. Law enforcement examining H1's foot noted that there was a scratch across H1's toe and that the scratch did not appear to be new and was reported by H1 to have occurred during a basketball game.

188. On or about February 20, 2022, H2 climbed on ANDREW LEHMAN's roof and threatened to jump off in an attempt to harm or kill herself. ANDREW LEHMAN climbed onto the roof, grabbed H2 around her chest, and lowered her to the ground where she then dropped only a couple of feet to the ground. As soon as H2 hit the ground, she ran into the house, out the front door, and to a neighbor advising the neighbor to dial 911 because her dad had choked her. Consequently, law enforcement and emergency medical services personnel responded and ANDREW LEHMAN was charged with Injury to a Child in Case Number 175980101010-3 and also Assault of a family Member by Impeding Circulation in Case Number 175980101010. Both of these cases were litigated in the 263<sup>rd</sup> Judicial District Court in Harris County, Texas.

189. As of the date of this filing, defendants MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN and JOE WAGNER have not communicated with ANDREW LEHMAN.

## **CAUSES OF ACTION**

### **Cause of Action Number 1**

#### **Violation of Texas Family Code Section 42.002: Interference with Possessory Right**

190. Plaintiff incorporates and realleges the facts set forth above.

191. Defendants FALISHA J. LEHMAN, DIANE CAMPBELL, PAUL CAMPBELL, and SHARON WISNIEWSKI, took or retained possession of H1, H2, and/or H3, children, in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

192. Defendants FALISHA J. LEHMAN, DIANE CAMPBELL, PAUL CAMPBELL, and SHARON WISNIEWSKI concealed the whereabouts of H1, H2, and/or H3 in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

193. As a direct and proximate cause of the Defendants actions, ANDREW LEHMAN has suffered serious emotional trauma, including depression, loss of appetite, anxiety, stress, worry, fear, pain, hopelessness, feelings of giving up, grief, hypertension, nightmares, requiring medical treatment and therapy and medical

illness undisclosed, and the ANDREW LEHMAN will continue to suffer from this pain for the rest of his life.

194. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

195. ANDREW LEHMAN seeks actual damages to recover the costs of locating H1, H2, and/or H3; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of a violation of the order.

196. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

197. Attorney fees. Plaintiff is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b) and Texas Family Code Section 42.006.

## **Cause of Action Number 2**

### **Violation of Texas Family Code Section 42.002: Interference with Possessory Right – Concert of Action**

198. Plaintiff incorporates and realleges the facts and allegations set forth above.

199. The Defendants JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE



SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, aided and abetted FALISHA J. LEHMAN to take or retain possession of H1, H2, and/or H3, children, in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

200. The Defendants JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, acted in concert with FALISHA J. LEHMAN to take or retain possession of H1, H2, and/or H3, children, in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

201. The Defendants JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW

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OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, aided and abetted FALISHA J. LEHMAN to conceal the whereabouts of H1, H2, and/or H3, children, in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

202. The Defendants JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, acted in concert with FALISHA J. LEHMAN to conceal the whereabouts of H1, H2, and/or H3, children, in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

203. Defendants JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and

DOES 1 through 100, agreed with each of the other Defendants to conceal the whereabouts of H1, H2, and/or H3, children, in violation of ANDREW LEHMAN's possessory right of H1, H2, and/or H3.

204. The Defendants had actual notice of the existence and contents of the order or had reasonable cause to believe that H1, H2, and/or H3 was/were the subject of an order and that the Defendants' actions were likely to violate the order.

205. Defendants JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, own acts in carrying out the agreement with each of the other Defendants were intentional and/or grossly negligent.

206. Defendants' own acts and the acts of each of the other Defendants in carrying out the agreement caused injury to ANDREW LEHMAN.

207. As a direct and proximate cause of the Defendants actions, ANDREW LEHMAN has suffered serious emotional trauma, including depression, loss of appetite, anxiety, stress, worry, fear, pain, hopelessness, feelings of giving up, grief, hypertension, nightmares, requiring medical treatment and therapy and medical

illness undisclosed, and the ANDREW LEHMAN will continue to suffer from this pain for the rest of his life.

208. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

209. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of a violation of the order.

210. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

211. Attorney fees. Plaintiff is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b) and Texas Family Code Section 42.006.

### **Cause of Action Number 3**

#### **Violation of Texas Family Code Section 42.00: Interference with Possessory Right – Conspiracy**

212. In the alternative to Cause of Action Number 2, Defendants violated Texas Family Code Section 42.003: Aiding or Assisting Interference with Possessory Right – Conspiracy.

213. Plaintiff incorporates and realleges the facts and allegations set forth above.

214. The Defendants FALISHA J. LEHMAN, JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, aided and abetted FALISHA J. LEHMAN to take or retain possession of H1, H2, and/or H3, children, in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

215. The Defendants FALISHA J. LEHMAN, JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, acted in concert with FALISHA J. LEHMAN to take or retain possession of H1, H2, and/or H3, children, in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

216. The Defendants FALISHA J. LEHMAN, JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, aided and abetted FALISHA J. LEHMAN to conceal the whereabouts of H1, H2, and/or H3, children, in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

217. The Defendants FALISHA J. LEHMAN, JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, acted in concert with FALISHA J. LEHMAN to conceal the whereabouts of H1, H2, and/or H3, children, in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

218. Defendants FALISHA J. LEHMAN, JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, agreed with each of the other Defendants to conceal the whereabouts of H1, H2, and/or H3, children, in violation of ANDREW LEHMAN's possessory right of H1, H2, and/or H3.

219. The Defendants had actual notice of the existence and contents of the order or had reasonable cause to believe that H1, H2, and/or H3 was/were the subject of an order and that the Defendants' actions were likely to violate the order.

220. Defendants FALISHA J. LEHMAN, JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, in combination with one or more of the other named Defendants and FALISHA J. LEHMAN, agreed to conceal the

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whereabouts of H1, H2, and/or H3, children, in violation of ANDREW LEHMAN's possessory right of H1, H2, and/or H3; and/or to prevent ANDREW LEHMAN from exercising his lawful possessory rights of H1, H2, and/or H3 he was entitled to under a court order.

221. Defendants FALISHA J. LEHMAN, JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, own acts in carrying out the agreement with each of the other Defendants were intentional and/or grossly negligent.

222. To accomplish the object of their agreement, Defendants FALISHA J. LEHMAN, JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and



DOES 1 through 100, lied to ANDREW LEHMAN about the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3; provided financial and other material support to FALISHA J. LEHMAN while she secreted H1, H2, and/or H3 from ANDREW LEHMAN; employed and/or engaged in various schemes to wrongfully change ANDREW LEHMAN's lawful right to possession of H1, H2, and/or H3 through lying in pleadings filed or via live testimony in the Galveston County Court at Law Number Three in Case Number 18-FD-2866; wantonly refusing to cooperate with law enforcement officials attempting to locate H1, H2, and/or H3 or law enforcement officials attempting to enforce ANDREW LEHMAN's lawful right of possession of H1, H2, and/or H3.

223. Defendants' own acts and the acts of each of the other Defendants in carrying out the agreement caused injury to ANDREW LEHMAN.

224. As a direct and proximate cause of the Defendants agreement, ANDREW LEHMAN has suffered serious emotional trauma, including depression, loss of appetite, anxiety, stress, worry, fear, pain, hopelessness, feelings of giving up, grief, hypertension, nightmares, requiring medical treatment and therapy and medical illness undisclosed, and the ANDREW LEHMAN will continue to suffer from this pain for the rest of his life.

225. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

226. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3;

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enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of a violation of the order.

227. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

228. Attorney fees. Plaintiff is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b) and Texas Family Code Section 42.006.

#### **Cause of Action Number 4**

##### **Violation of Texas Family Code Section 42.003: Aiding or Assisting Interference with Possessory Right – Concert of Action**

229. In the alternative to Cause of Action Numbers 2 and 3, Defendants violated Texas Family Code Section 42.003: Aiding or Assisting Interference with Possessory Right – Concert of Action.

230. Plaintiff incorporates and realleges the facts and allegations set forth above.

231. The Defendants JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN &

WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, aided and abetted FALISHA J. LEHMAN to take or retain possession of H1, H2, and/or H3, children, in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

232. The Defendants JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER ACCESS JUSTICE HOUSTON, and DOES 1 through 100, acted in concert with FALISHA J. LEHMAN to take or retain possession of H1, H2, and/or H3, children, in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

233. The Defendants JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER ACCESS JUSTICE HOUSTON, and DOES 1 through 100, aided and abetted FALISHA J. LEHMAN to conceal the

whereabouts of H1, H2, and/or H3, children, in violation of a possessory right of ANDREW LEHMAN without the express consent of ANDREW LEHMAN.

234. Defendants JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and DOES 1 through 100, agreed with FALISHA J. LEHMAN to conceal the whereabouts of H1, H2, and/or H3, children, in violation of ANDREW LEHMAN's possessory right of H1, H2, and/or H3.

235. The Defendants had actual notice of the existence and contents of the order or had reasonable cause to believe that H1, H2, and/or H3 was/were the subject of an order and that the Defendants' actions were likely to violate the order.

236. Defendants JUSSIE SMOLLETT, CHARLES NEILL, THE LAW OFFICES OF CHARLES NEILL, ELIZABETH RODRIGUEZ-LIEN, RESOURCE AND CRISES CENTER GALVESTON COUNTY, TX., INC., UTMB HEALTHCARE SYSTEMS, INC., RUBY CHERION, AEQUILA SMITH, PAUL SMITH, SCHINAL HARRINGTON, DANTE HARRINGTON, ERICA ROSE, ALEX BEHZADI, LAW OFFICES OF ALEX BEHZADI PLLC, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, JOE WAGNER, ACCESS JUSTICE HOUSTON, and

DOES 1 through 100, own acts in carrying out the agreement with each of the other Defendants were intentional and/or grossly negligent.

237. Defendants' own acts and the acts of each of the other Defendants in carrying out the agreement caused injury to ANDREW LEHMAN.

238. As a direct and proximate cause of the Defendants actions, ANDREW LEHMAN has suffered serious emotional trauma, including depression, loss of appetite, anxiety, stress, worry, fear, pain, hopelessness, feelings of giving up, grief, hypertension, nightmares, requiring medical treatment and therapy and medical illness undisclosed, and the ANDREW LEHMAN will continue to suffer from this pain for the rest of his life.

239. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

240. ANDREW LEHMAN seeks damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of a violation of the order.

241. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

242. Attorney fees. Plaintiff is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b) and Texas Family Code Section 42.006.

**Cause of Action Number 5**

**Fraudulent Misrepresentation**

243. Plaintiff incorporates and realleges the facts and allegations set forth above.

244. Defendants AEQUILA SMITH and PAUL SMITH committed a false statement of a material fact.

245. Beginning on or about February 2020 continuing through October 2020, Defendants AEQUILA SMITH and PAUL SMITH verbally stated to ANDREW LEHMAN that if he sent Defendants \$1,500.00 via "Cash App," then they would release H1, H2, and H3 to him.

246. Defendants AEQUILA SMITH and PAUL SMITH's statement was false and they knew the statement was false when they made said statement.

247. Defendants AEQUILA SMITH and PAUL SMITH never intended to release H1, H2, and H3.

248. Defendants AEQUILA SMITH and PAUL SMITH made the false statement in a tacit scheme to take ANDREW LEHMAN's \$1,500.00 without providing the ANDREW LEHMAN H1, H2, and H3.

249. ANDREW LEHMAN justifiably relied upon the accuracy of the defendants AEQUILA SMITH and PAUL SMITH's statement because ANDREW LEHMAN had known these Defendants previously from coaching their son in youth football.

250. ANDREW LEHMAN sent the money to Defendants AEQUILA SMITH and PAUL SMITH via Cash App and Defendants AEQUILA SMITH and PAUL SMITH thereafter refused to produce H1, H2, and H3.

251. Defendants AEQUILA SMITH and PAUL SMITH refused to produce H1, H2, and H3 even when the Brazoria County Sheriff's Department went to their house for a "welfare check."

252. Defendants AEQUILA SMITH and PAUL SMITH have never returned the \$1,500 to ANDREW LEHMAN.

253. As a direct and proximate cause of the Defendants' actions, ANDREW LEHMAN has suffered serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

254. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

255. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

256. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

257. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

### **Cause of Action Number 6**

#### **Common-Law Fraud**

258. Plaintiff incorporates and realleges the facts and allegations set forth above.

259. Defendants AEQUILA SMITH and PAUL SMITH made the above-described material representations to ANDREW LEHMAN in order to induce ANDREW LEHMAN to one thousand five hundred dollars (\$1,500) to learn of the whereabouts of his missing children, H1, H2 and/or H3.

260. The representations of Defendants AEQUILA SMITH and PAUL SMITH were false, and Defendants AEQUILA SMITH and PAUL SMITH knew said statements were false.

261. Defendants AEQUILA SMITH and PAUL SMITH intended for ANDREW LEHMAN to rely on or had reason to expect ANDREW LEHMAN would act in reliance on the false representation.

262. ANDREW LEHMAN justifiably relied on and acted on the representations of Defendants AEQUILA SMITH and PAUL SMITH.

263. ANDREW LEHMAN suffered injury thereby, including but not limited to the loss of the one thousand five hundred dollars (\$1,500).



264. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

265. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

266. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

267. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

268. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

### **Cause of Action Number 7**

#### **Conversion**

269. Plaintiff incorporates and realleges the facts and allegations set forth above.

270. Plaintiff owned the following personal property: one thousand five hundred dollars (\$1,500).

271. Plaintiff legally possessed the following personal property: one thousand five hundred dollars (\$1,500).

272. Plaintiff had a right to immediate possession of the following personal property: one thousand five hundred dollars (\$1,500).

273. Defendants PHILLIP SMITH and AEQUILA SMITH wrongfully acquired and exercised dominion and control over Plaintiff's one thousand five hundred dollars (\$1,500).

274. Alternatively, Defendants PHILLIP SMITH and AEQUILA SMITH, who legally acquired possession of Plaintiff's one thousand five hundred dollars (\$1,500), wrongfully exercised dominion and control over the property by using it in a way that departed from the conditions under which it was received.

275. Defendants PHILLIP SMITH and AEQUILA SMITH refused to return the property on Plaintiff's demand.

276. The wrongful acts of defendants' PHILLIP SMITH and AEQUILA SMITH proximately caused injury to Plaintiff, which resulted in the following damages: loss of use of the one thousand five hundred dollars (\$1,500).

277. Plaintiff seeks return of the converted property and damages within the jurisdictional limits of this Court.

278. Exemplary damages. Plaintiff's injury resulted from defendant's malice, which entitles plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

279. Court costs. Plaintiff is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

280. Attorney fees. Plaintiff is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

### **Cause of Action Number 8**

#### **Theft Liability Act**

281. In the alternative to Cause of Action Number 6, Defendants PHILLIP SMITH and AEQUILA SMITH violated the Texas Theft Liability Act.

282. Defendants PHILLIP SMITH and AEQUILA SMITH have unlawfully exercised dominion and control over property belonging to ANDREW LEHMAN, including the theft of one thousand five hundred dollars (\$1,500).

283. As a result, ANDREW LEHMAN has suffered injury by being deprived of the use and value of his personal property.

284. ANDREW LEHMAN seeks the return of his one thousand five hundred dollars (\$1,500), plus actual damages for loss of use, including lost profits.

285. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

286. Statutory Damages. ANDREW LEHMAN is entitled to statutory damages in the amount of \$1,000 in addition to any damages.

287. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

288. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

### **Cause of Action Number 9**

#### **Unjust Enrichment**

289. As set forth above, Defendants PHILLIP SMITH and AEQUILA SMITH obtained a benefit from ANDREW LEHMAN by fraud or the taking of an undue advantage. Among other things, Defendants PHILLIP SMITH and AEQUILA SMITH made false representations to ANDREW LEHMAN, conspired to steal his money and after ANDREW LEHMAN gave Defendants PHILLIP SMITH and AEQUILA SMITH one thousand five hundred dollars (\$1,500) to learn of the whereabouts of his missing children, H1, H2 and/or H3.

290. Defendants PHILLIP SMITH and AEQUILA SMITH did in fact unjustly and unlawfully steal his money.

291. Defendants were unjustly enriched at ANDREW LEHMAN's expense and the Court should order Defendants PHILLIP SMITH and AEQUILA SMITH to return the money to ANDREW LEHMAN or repay him the entire one thousand five hundred dollars (\$1,500) from their own resources.

292. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

**Cause of Action Number 10**  
**Fraudulent Misrepresentation**

293. Plaintiff incorporates and realleges the facts and allegations set forth above.

294. Defendants SCHINAL HARRINGTON and DANTE HARRINGTON committed a false statement of a material fact. Specifically, SCHINAL HARRINGTON and DANTE HARRINGTON told ANDREW LEHMAN that they did not know the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3.

295. Defendants SCHINAL HARRINGTON and DANTE HARRINGTON's aforementioned statement was false and they knew the statement was false when they made said statement.

296. Defendants SCHINAL HARRINGTON and DANTE HARRINGTON never intended to reveal the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 to ANDREW LEHMAN.

297. ANDREW LEHMAN justifiably relied upon the accuracy of SCHINAL HARRINGTON and DANTE HARRINGTON's aforementioned statement because ANDREW LEHMAN had known these Defendants previously, and it was unreasonable for ANDREW LEHMAN to believe that SCHINAL HARRINGTON and DANTE HARRINGTON would falsify information about the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 to him during the abduction period.

298. ANDREW LEHMAN did in fact rely upon SCHINAL HARRINGTON and DANTE HARRINGTON's aforementioned false statement to his detriment.

299. At the time Defendants SCHINAL HARRINGTON and DANTE HARRINGTON made the aforementioned false statement, SCHINAL HARRINGTON and DANTE HARRINGTON were actively hiding FALISHA J. LEHMAN, H1, H2, and/or H3. Had SCHINAL HARRINGTON and DANTE HARRINGTON refrained from making the aforementioned false statements of material fact to ANDREW LEHMAN, then ANDREW LEHMAN would have regained custody of H1, H2, and H3 much sooner and expended less money in his search for his abducted children.

300. As a direct and proximate cause of Defendants SCHINAL HARRINGTON and DANTE HARRINGTON's actions, ANDREW LEHMAN has suffered serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

301. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

302. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

303. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

304. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

### **Cause of Action Number 11**

#### **Common Law Fraud**

305. Plaintiff incorporates and realleges the facts and allegations set forth above.

306. Defendants SCHINAL HARRINGTON and DANTE HARRINGTON committed a false statement of a material fact. Specifically, SCHINAL HARRINGTON and DANTE HARRINGTON told ANDREW LEHMAN that they did not know the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3.

307. Defendants SCHINAL HARRINGTON and DANTE HARRINGTON's aforementioned statement was false and they knew the statement was false when they made said statement.

308. Defendants SCHINAL HARRINGTON and DANTE HARRINGTON never intended to reveal the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 to ANDREW LEHMAN.

309. ANDREW LEHMAN justifiably relied upon the accuracy of SCHINAL HARRINGTON and DANTE HARRINGTON's aforementioned statement because ANDREW LEHMAN had known these Defendants previously, and it was unreasonable for ANDREW LEHMAN to believe that SCHINAL HARRINGTON and

DANTE HARRINGTON would falsify information about the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 to him during the abduction period.

310. ANDREW LEHMAN did in fact rely upon SCHINAL HARRINGTON and DANTE HARRINGTON's aforementioned false statement to his detriment.

311. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

312. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

313. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

314. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

315. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

**Cause of Action Number 12**  
**Fraudulent Misrepresentation**

316. Plaintiff incorporates and realleges the facts and allegations set forth above.



317. Defendants DIANE CAMPBELL and PAUL CAMPBELL committed a false statement of a material fact. Specifically, DIANE CAMPBELL and PAUL CAMPBELL told ANDREW LEHMAN that they did not know the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3.

318. Defendants DIANE CAMPBELL and PAUL CAMPBELL's aforementioned statement was false and they knew the statement was false when they made said statement.

319. Defendants DIANE CAMPBELL and PAUL CAMPBELL never intended to reveal the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 to ANDREW LEHMAN.

320. ANDREW LEHMAN justifiably relied upon the accuracy of DIANE CAMPBELL and PAUL CAMPBELL's aforementioned statement because ANDREW LEHMAN had known these Defendants previously, and it was unreasonable for ANDREW LEHMAN to believe that DIANE CAMPBELL and PAUL CAMPBELL would falsify information about the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 to him during the abduction period.

321. ANDREW LEHMAN did in fact rely upon DIANE CAMPBELL and PAUL CAMPBELL's aforementioned false statement to his detriment.

322. At the time Defendants DIANE CAMPBELL and PAUL CAMPBELL made the aforementioned false statement, DIANE CAMPBELL and PAUL CAMPBELL were actively hiding FALISHA J. LEHMAN, H1, H2, and/or H3. Had DIANE CAMPBELL and PAUL CAMPBELL refrained from making the aforementioned false

statements of material fact to ANDREW LEHMAN, then ANDREW LEHMAN would have regained custody of H1, H2, and H3 much sooner and expended less money in his search for his abducted children.

323. When ANDREW LEHMAN discovered that DIANE CAMPBELL and PAUL CAMPBELL had lied and defrauded him, ANDREW LEHMAN demanded DIANE CAMPBELL and PAUL CAMPBELL return H1, H2, and H3. However, DIANE CAMPBELL and PAUL CAMPBELL refused to produce H1, H2, and H3, even when the Webster Police Department went to their house for a “welfare check.”

324. As a direct and proximate cause of Defendants DIANE CAMPBELL and PAUL CAMPBELL’s actions, ANDREW LEHMAN has suffered serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

325. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

326. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

327. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

328. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

### **Cause of Action Number 13**

#### **Common Law Fraud**

329. Plaintiff incorporates and realleges the facts and allegations set forth above.

330. Defendants DIANE CAMPBELL and PAUL CAMPBELL committed a false statement of a material fact. Specifically, DIANE CAMPBELL and PAUL CAMPBELL told ANDREW LEHMAN that they did not know the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3.

331. Defendants DIANE CAMPBELL and PAUL CAMPBELL's aforementioned statement was false and they knew the statement was false when they made said statement.

332. Defendants DIANE CAMPBELL and PAUL CAMPBELL never intended to reveal the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 to ANDREW LEHMAN.

333. ANDREW LEHMAN justifiably relied upon the accuracy of DIANE CAMPBELL and PAUL CAMPBELL's aforementioned statement because ANDREW LEHMAN had known these Defendants previously, and it was unreasonable for ANDREW LEHMAN to believe that DIANE CAMPBELL and PAUL CAMPBELL

would falsify information about the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 to him during the abduction period.

334. ANDREW LEHMAN did in fact rely upon DIANE CAMPBELL and PAUL CAMPBELL's aforementioned false statement to his detriment.

335. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

336. When ANDREW LEHMAN discovered that DIANE CAMPBELL and PAUL CAMPBELL had lied and defrauded him, ANDREW LEHMAN demanded DIANE CAMPBELL and PAUL CAMPBELL return H1, H2, and H3. However, DIANE CAMPBELL and PAUL CAMPBELL refused to produce H1, H2, and H3, even when the Webster Police Department went to their house for a "welfare check."

337. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

338. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

339. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

340. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

**Cause of Action Number 14**  
**Fraudulent Misrepresentation**

341. Plaintiff incorporates and realleges the facts and allegations set forth above.

342. Defendant SHARON WISNIEWSKI committed a false statement of a material fact. Specifically, SHARON WISNIEWSKI told ANDREW LEHMAN that she did not know the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3.

343. Defendant SHARON WISNIEWSKI's aforementioned statement was false and they knew the statement was false when they made said statement.

344. Defendant SHARON WISNIEWSKI never intended to reveal the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 to ANDREW LEHMAN.

345. ANDREW LEHMAN justifiably relied upon the accuracy of Defendant SHARON WISNIEWSKI's aforementioned statement because ANDREW LEHMAN had known SHARON WISNIEWSKI previously, and it was unreasonable for ANDREW LEHMAN to believe that SHARON WISNIEWSKI would lie and falsify information about the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 to him during the abduction period.

346. ANDREW LEHMAN did in fact rely upon Defendant SHARON WISNIEWSKI's aforementioned false statement to his detriment.

347. At the time Defendant SHARON WISNIEWSKI made the aforementioned false statement, SHARON WISNIEWSKI were actively hiding FALISHA J. LEHMAN, H1, H2, and/or H3. Had SHARON WISNIEWSKI told the truth to ANDREW LEHMAN and disclosed the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3, then ANDREW LEHMAN would have regained custody of H1, H2, and H3 much sooner and expended less money in his search for his abducted children.

348. When ANDREW LEHMAN discovered that Defendant SHARON WISNIEWSKI had lied and defrauded him, ANDREW LEHMAN demanded SHARON WISNIEWSKI return H1, H2, and H3. However, SHARON WISNIEWSKI refused to disclose the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 or produce H1, H2, and H3, even when the League City Police Department went to their house for a "welfare check."

349. As a direct and proximate cause of Defendant SHARON WISNIEWSKI's actions, ANDREW LEHMAN has suffered serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

350. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

351. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3;

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enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

352. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

353. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

### **Cause of Action Number 15**

#### **Common Law Fraud**

354. Plaintiff incorporates and realleges the facts and allegations set forth above.

355. Defendant SHARON WISNIEWSKI committed a false statement of a material fact. Specifically, SHARON WISNIEWSKI told ANDREW LEHMAN that she did not know the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3.

356. Defendant SHARON WISNIEWSKI's aforementioned statement was false and they knew the statement was false when they made said statement.

357. Defendant SHARON WISNIEWSKI never intended to reveal the whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 to ANDREW LEHMAN.

358. ANDREW LEHMAN justifiably relied upon the accuracy of SHARON WISNIEWSKI's aforementioned statement because ANDREW LEHMAN had known these Defendants previously, and it was unreasonable for ANDREW LEHMAN to believe that SHARON WISNIEWSKI would falsify information about the

whereabouts of FALISHA J. LEHMAN, H1, H2, and/or H3 to him during the abduction period.

359. ANDREW LEHMAN did in fact rely upon Defendant SHARON WISNIEWSKI's aforementioned false statement to his detriment.

360. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

361. When ANDREW LEHMAN discovered that Defendant SHARON WISNIEWSKI had lied and defrauded him, ANDREW LEHMAN demanded SHARON WISNIEWSKI disclose the location of H1, H2, and/or H3 and return H1, H2, and H3. However, SHARON WISNIEWSKI refused to disclose the whereabouts of H1, H2, and/or H3 and she also refused to produce H1, H2, and H3, even when the League City Police Department went to their house for a "welfare check."

362. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

363. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

364. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).



365. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

### **Cause of Action Number 16**

#### **Common Law Fraud**

366. Plaintiff incorporates and realleges the facts and allegations set forth above.

367. Defendants, attorney CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL, committed a false statement of a material fact. Specifically, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL knew that: 1) no request to modify the possession of H1, H2, and/or H3 was pending before Galveston County Court at Law Number Three in Case Number 18-FD-2866; 2) no judge in said court and case had made any findings on the record and determined that ANDREW LEHMAN's periods of possession and access to H1, H2, and H3 should be reduced; 3) no judge in said court and case had made any findings on the record and determined that any domestic violence had occurred; and 4) the judge in said court and case requested a "temporary" order. Despite this knowledge, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL drafted, signed and filed with the court a document titled: "Judgment on Final Orders." This document falsely included a draconian reduction of the ANDREW LEHMAN's periods of possession and access to H1, H2, and H3 from over two hundred (200) hours per month, to just sixteen (16) hours; and it falsely stated the reduction of ANDREW LEHMAN's periods of

possession and access to H1, H2, and H3 was made in response to a request for modification.

368. Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL's aforementioned written statement was false and they knew the statement was false when they made said statement.

369. ANDREW LEHMAN and the aforementioned judge of said court justifiably relied upon the accuracy of CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL's "Judgment on Final Orders."

370. ANDREW LEHMAN did in fact rely upon CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL's aforementioned false statement to his detriment.

371. As a direct and proximate cause of Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL's actions, ANDREW LEHMAN has suffered serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

372. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

373. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3;

enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

374. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

375. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

376. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

**Cause of Action Number 17**  
**Fraudulent Misrepresentation**

377. Plaintiff incorporates and realleges the facts and allegations set forth above.

378. Defendants, attorney CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL, committed a false statement of a material fact. Specifically, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL knew that: 1) no request to modify the possession of H1, H2, and/or H3 was pending before Galveston County Court at Law Number Three in Case Number 18-FD-2866; 2) no judge in said court and case had made any findings on the record and determined that ANDREW LEHMAN's periods of possession and access to H1, H2, and H3 should be reduced; 3) no judge in said court and case had made any findings on the record and

determined that any domestic violence had occurred; and 4) the judge in said court and case requested a “temporary” order. Despite this knowledge, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL drafted, signed and filed with the court a document titled: “Judgment on Final Orders.” This document falsely included a draconian reduction of the ANDREW LEHMAN’s periods of possession and access to H1, H2, and H3 from over two hundred (200) hours per month, to just sixteen (16) hours; and it falsely stated the reduction of ANDREW LEHMAN’s periods of possession and access to H1, H2, and H3 was made in response to a request for modification.

379. Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL filed the document with the intent to take advantage of ANDREW LEHMAN’s *pro se* litigant status, and to also wrongfully usurp possession of H1, H2, and H3 under false pretenses to avoid a drawn-out litigation proceeding.

380. Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL’s aforementioned written statement was false and they knew the statement was false when they made said statement.

381. ANDREW LEHMAN and the aforementioned judge of said court justifiably relied upon the accuracy of CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL’s “Judgment on Final Orders.”

382. Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL drafted the document titled “Judgment on Final Orders” with full knowledge of the actual truth, and full knowledge that filing and submitting the “Judgment on

Final Orders” with false statements would cause serious harm to ANDREW LEHMAN. Furthermore, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL titled the document “Judgment on Final Orders” knowing he was actually only ordered to draft a “temporary” order for the aforementioned judge to sign.

383. ANDREW LEHMAN did in fact rely upon CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL’s aforementioned false statement to his detriment.

384. As a direct and proximate cause of Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL’s actions, ANDREW LEHMAN has suffered serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

385. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

386. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

387. Exemplary damages. ANDREW LEHMAN’s injury resulted from defendant’s actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

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388. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

389. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

**Cause of Action Number 18**

**Negligent Misrepresentation**

390. In the alternative to Cause of Action Number 17, Plaintiff sues Defendants, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL for negligent misrepresentation.

391. Plaintiff incorporates and realleges the facts and allegations set forth above.

392. Defendants, attorney CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL, in the course of his business, profession or employment, or in any transaction in which he has a pecuniary interest, supplied false information for the guidance of others in their business transactions. Specifically, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL drafted, signed and filed with the court a document titled: "Judgment on Final Orders." This document falsely included acts of domestic violence committed by ANDREW LEHMAN which had never occurred and CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL knew said allegations were false.

393. Defendant CHARLES NEILL signed the proposed “Judgment on Final Orders” under THE LAW OFFICES OF CHARLES NEILL signature block as an attorney.

394. Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL’s proposed “Judgment on Final Orders” was false and they knew the statement was false when they signed and filed the pleading with the court.

395. Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL were both aware of the non-client and intended for the non-client to rely on the information when he filed the document.

396. Plaintiff ANDREW LEHMAN, Galveston County Court-at-Law Number 3, and Judge Ewing justifiably relied upon the “Judgment on Final Orders” under Texas Rules of Civil Procedure 11. Galveston County Court-at-Law Number 3 scheduled a hearing on the document and Judge Ewing facilitated the hearing.

397. As a direct and proximate cause of Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL’s actions, ANDREW LEHMAN has suffered court costs, expenses and fees, serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

398. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

399. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

400. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

401. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

402. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

### **Cause of Action Number 19**

#### **Common Law Fraud**

403. Plaintiff incorporates and realleges the facts and allegations set forth above.

404. Defendants, attorney CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL, committed a false statement of a material fact. Specifically, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL drafted, signed and filed with the court a document titled: "Application for Protective Order." This document falsely included acts of domestic violence committed by ANDREW LEHMAN which had never occurred and CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL knew said allegations were false.



405. Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL filed the document with the intent to take advantage of ANDREW LEHMAN's *pro se* litigant status, and to also wrongfully usurp possession of H1, H2, and H3 under false pretenses to avoid a drawn-out litigation proceeding.

406. Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL's aforementioned written statement was false and they knew the statement was false when they signed and filed the pleading with the court.

407. ANDREW LEHMAN justifiably relied upon the accuracy of CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL's "Application for Protective Order."

408. As a direct and proximate cause of Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL's actions, ANDREW LEHMAN has suffered serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

409. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

410. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

411. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

412. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

413. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

### **Cause of Action Number 20**

#### **Fraudulent Misrepresentation**

414. Plaintiff incorporates and realleges the facts and allegations set forth above.

415. Defendants, attorney CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL, committed a false statement of a material fact. Specifically, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL drafted, signed and filed with the court a document titled: "Application for Protective Order." This document falsely included acts of domestic violence committed by ANDREW LEHMAN which had never occurred and CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL knew said allegations were false.

416. Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL filed the document with the intent to take advantage of ANDREW LEHMAN's *pro se* litigant status, and to also wrongfully usurp possession of H1, H2, and H3 under false pretenses to avoid a drawn-out litigation proceeding.

417. Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL's aforementioned written statement was false and they knew the statement was false when they signed and filed the "Application for Protective Order" with the court.

418. ANDREW LEHMAN justifiably relied upon the accuracy of CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL's "Application for Protective Order."

419. As a direct and proximate cause of Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL's actions, ANDREW LEHMAN has sustained court costs, fees and expenses and also suffered serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

420. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

421. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

422. Exemplary damages. ANDREW LEHMAN's injury resulted from , defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

423. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

424. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

#### **Cause of Action Number 21**

#### **Negligent Misrepresentation**

425. In the alternative to Cause of Action Number 20, Plaintiff sues Defendants, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL for negligent misrepresentation.

426. Plaintiff incorporates and realleges the facts and allegations set forth above.

427. Defendants, attorney CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL, in the course of his business, profession or employment, or in any transaction in which he has a pecuniary interest, supplied false information for the guidance of others in their business transactions. Specifically, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL drafted, signed and filed with the court a document titled: "Application for Protective Order." This document falsely included acts of domestic violence committed by ANDREW LEHMAN which had never

occurred and CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL knew said allegations were false.

428. Defendant CHARLES NEILL signed the “Application for Protective Order” under THE LAW OFFICES OF CHARLES NEILL signature block as an attorney.

429. Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL’s “Application for Protective Order” was false and they knew the statement was false when they signed and filed the pleading with the court.

430. Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL were both aware of the non-client and intended for the non-client to rely on the information when he filed the document.

431. Plaintiff ANDREW LEHMAN, Galveston County Court-at-Law Number 3, and Judge Ewing justifiably relied upon the “Application for Protective Order” under Texas Rules of Civil Procedure 11. Galveston County Court-at-Law Number 3 scheduled a hearing on the document and Judge Ewing facilitated the hearing.

432. As a direct and proximate cause of Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL’s actions, ANDREW LEHMAN has suffered court costs, expenses and fees, serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

433. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

434. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

435. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

436. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

437. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

## **Cause of Action Number 22**

### **Common Law Fraud**

438. Plaintiff incorporates and realleges the facts and allegations set forth above.

439. Defendants, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER, committed a false statement of a material fact. Specifically, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER drafted, signed and filed with the court a document titled: "Application for Protective Order." This document falsely included acts of domestic violence committed by ANDREW LEHMAN which had never occurred and

MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER knew said allegations were false.

440. Defendants MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER filed the document with the intent to take advantage of ANDREW LEHMAN's *pro se* litigant status, and to also wrongfully usurp possession of H1, H2, and H3 under false pretenses to avoid a drawn-out litigation proceeding.

441. Defendants MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER's aforementioned written statement was false and they knew the statement was false when they signed and filed the pleading with the court.

442. ANDREW LEHMAN justifiably relied upon the accuracy of MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER's "Application for Protective Order."

443. As a direct and proximate cause of Defendants MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER's actions, ANDREW LEHMAN has suffered serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

444. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

445. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

446. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

447. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

448. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

### **Cause of Action Number 23**

#### **Fraudulent Misrepresentation**

449. Plaintiff incorporates and realleges the facts and allegations set forth above.

450. Defendants, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER, committed a false statement of a material fact. Specifically, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER drafted, signed and filed with the court a document titled: "Final Divorce Decree." This document falsely included acts of domestic violence committed by ANDREW LEHMAN which had never occurred and MACKENZIE DUNHAM,



RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER knew said allegations were false.

451. Defendants MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER filed the document with the intent to take advantage of ANDREW LEHMAN's *pro se* litigant status, and to also wrongfully usurp possession of H1, H2, and H3 under false pretenses to avoid a drawn-out litigation proceeding.

452. Defendants MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER's aforementioned written statement was false and they knew the statement was false when they signed and filed the "Final Divorce Decree" with the court.

453. ANDREW LEHMAN justifiably relied upon the accuracy of MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER's "Final Divorce Decree."

454. As a direct and proximate cause of Defendants MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER's actions, ANDREW LEHMAN has sustained court costs, fees and expenses and also suffered serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

455. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

456. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

457. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

458. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

459. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

#### **Cause of Action Number 24**

#### **Negligent Misrepresentation**

460. In the alternative to Cause of Action Number 23, Plaintiff sues Defendants, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER for negligent misrepresentation.

461. Plaintiff incorporates and realleges the facts and allegations set forth above.

462. Defendants, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER, in the course of his business, profession or

employment, or in any transaction in which he has a pecuniary interest, supplied false information for the guidance of others in their business transactions. Specifically, MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER drafted, signed and filed with the court a document titled: "Final Divorce Decree." This document falsely included verbiage stating "to the extent possible" into specific orders regarding notifying ANDREW LEHMAN of various obligations as a joint managing conservator more than ten (10) provisions were added into the proposed Final Decree regarding ANDREW LEHMAN's shared rights as a joint managing conservator. MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER knew said provisions inserted into the "Final Decree of Divorce" were false and not ordered by the court.

463. Defendant MACKENZIE DUNHAM signed the "Final Divorce Decree" under the RACUSIN & WAGNER signature block as an attorney.

464. Defendants MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER's "Final Divorce Decree" was false and they knew the statement was false when MACKENZIE DUNHAM signed and filed the pleading with the court. MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER failed to amend the bogus "Final Decree of Divorce" after ANDREW LEHMAN filed an objection to it because of the misrepresentations stated above.

465. Defendants MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER were both aware of the non-client and intended for the non-client to rely on the information when he filed the document.

466. Plaintiff ANDREW LEHMAN, Galveston County Court-at-Law Number 3, and Judge Ewing justifiably relied upon the “Final Divorce Decree” under Texas Rules of Civil Procedure 11. Galveston County Court-at-Law Number 3 scheduled a hearing on January 12, 2022 to enter the “Final Decree of Divorce” and Judge Ewing facilitated the hearing.

467. As a direct and proximate cause of Defendants MACKENZIE DUNHAM, RACUSIN & WAGNER, BARRY RACUSIN, and JOE WAGNER’s actions, ANDREW LEHMAN has suffered court costs, expenses and fees, serious emotional trauma, including but not limited to, depression, loss of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, grief, hypertension, nightmares, requiring medical treatment and therapy and Plaintiff will continue to suffer from this pain for the rest of his life.

468. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

469. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

470. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

471. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

472. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

#### **Cause of Action Number 25**

##### **Abuse of Process**

473. Plaintiff incorporates and realleges the facts and allegations set forth above.

474. Defendants FALISHA J. LEHMAN, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL maliciously and deliberately misused civil or criminal court process that is not justified by the underlying legal action.

475. Specifically, Defendants CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL drafted, signed, filed an "Application for Protective Order" in Galveston County Court at Law Number Three in case Number 18-FD-2866 and then had ANDREW LEHMAN served with a summons to appear on said pleading.

476. The aforementioned "Application for Protective Order" was based upon allegations that Defendants FALISHA J. LEHMAN, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL knew were bogus.

477. Defendants FALISHA J. LEHMAN, CHARLES NEILL and THE LAW OFFICES OF CHARLES NEILL was interested only in accomplishing some improper purpose similar to the proper object of the process by filing the frivolous and false “Application for Protective Order” and having ANDREW LEHMAN served with a summons to appear on same.

478. After ANDREW LEHMAN was served to appear and did appear, the “Application for Protective Order” was denied outright.

479. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

480. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

481. Exemplary damages. ANDREW LEHMAN’s injury resulted from defendant’s actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

482. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

483. Attorney fees. ANDREW LEHMAN is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b).

**Cause of Action Number 26**

**Malicious Prosecution**

484. Plaintiff incorporates and realleges the facts and allegations set forth above.

485. Criminal prosecutions against ANDREW LEHMAN have been commenced in Harris County, Texas with the aid of Defendant FALISHA J. LEHMAN knowingly making false allegations against ANDREW LEHMAN of engaging in criminal conduct. Defendant FALISHA J. LEHMAN has also instructed H1, H2, and H3 to make false reports of criminal activity against ANDREW LEHMAN.

486. Specifically, criminal prosecutions against ANDREW LEHMAN were based upon false allegations in case numbers 175980101010-3 and 175980201010-3 in the 263<sup>rd</sup> Judicial District Court.

487. The aforementioned prosecutions were caused by Defendant FALISHA J. LEHMAN or with her aid.

488. The aforementioned prosecutions terminated in the ANDREW LEHMAN's favor.

489. ANDREW LEHMAN was innocent.

490. Defendant FALISHA J. LEHMAN acted without probable cause.

491. Defendant FALISHA J. LEHMAN acted with malice.

492. The aforementioned prosecutions damaged ANDREW LEHMAN.

493. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

494. ANDREW LEHMAN seeks actual damages to recover the costs of locating a child who is the subject of the order; recovering possession of H1, H2, and/or H3; enforcing the order and prosecuting this lawsuit; and mental suffering and anguish incurred by ANDREW LEHMAN because of the Defendants fraud.

495. Exemplary damages. ANDREW LEHMAN's injury resulted from defendant's actual fraud, gross negligence, or malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

496. Court costs. ANDREW LEHMAN is entitled to recover court costs under Texas Civil Practice & Remedies Code section 134.005(b).

### **Cause of Action Number 27**

#### **Intentional Infliction of Emotional Distress**

497. Plaintiff incorporates and realleges the facts and allegations set forth above.

498. The Defendants' acted intentionally or recklessly.

499. The Defendants' conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.

500. The Defendants' conduct caused Plaintiff severe emotional distress.

501. The emotional distress suffered by Plaintiff was severe.

502. As a direct and proximate cause of the Defendants actions and omissions, Plaintiff has suffered serious emotional duress and trauma, including depression, loss



of appetite, anxiety, stress, worry, anger, fear, pain, hopelessness, helplessness, feelings of giving up, grief, hypertension, nightmares, suicidal ideations. Said emotional duress also had physiological effects on Plaintiff including bouts of nausea and diarrhea, gastrointestinal distress, bouts of crying, and fatigue. Plaintiff required medical treatment and therapy Plaintiff will continue to suffer from this pain for the remainder of their lives.

503. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

504. Exemplary Damages. ANDREW LEHMAN seeks exemplary damages under TEX. CIV. PRAC. & REM. CODE § 41.003 because the Defendants acted intentionally or recklessly causing harm to ANDREW LEHMAN and the harm resulted from the Defendants extreme and outrageous conduct. Because the Defendants negligent activities, actions, and/or inactions constitutes a State Jail Felony, the limit of exemplary damages under TEX. CIV. PRAC. & REM. CODE § 41.008 is inapplicable.

505. Attorney fees. Plaintiff is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.005(b) and Texas Family Code Section 42.006.

**Cause of Action Number 28**

**Defamation**

506. Plaintiff incorporates and realleges the facts and allegations set forth above.

507. Defendants, FALISHA J. LEHMAN, DIANE CAMPBELL, PAUL CAMPBELL, SCHINAL HARRINGTON, and SHARON WISNIEWSKI wantonly made false written and oral statements within one year from the date this Complaint was filed about ANDREW LEHMAN to third parties, such as:

- a. ANDREW LEHMAN is a bad father;
- b. ANDREW LEHMAN is a drug addict;
- c. ANDREW LEHMAN is a deadbeat father;
- d. ANDREW LEHMAN does not pay his child support;
- e. ANDREW LEHMAN has sex with prostitutes;
- f. ANDREW LEHMAN beats H1, H2, and H3;
- g. ANDREW LEHMAN is abusive to H1, H2, and H3 and his family;
- h. ANDREW LEHMAN has a criminal record;
- i. ANDREW LEHMAN is a criminal; and
- j. ANDREW LEHMAN uses methamphetamine.

508. These statements made by the Defendants were false, and Defendants knew said statements were false when they made said statements, but the Defendants made the false statements anyway.

509. The Defendants' false statements were intentional and malicious.

510. The Defendants' false statements are defamation *per se* as they falsely state ANDREW LEHMAN is a criminal.

511. The Defendants' false statements have damaged ANDREW LEHMAN's professional and personal reputation and endangered a state license.

512. As a direct and proximate cause of the Defendants actions, ANDREW LEHMAN has suffered serious emotional trauma, including depression, loss of appetite, anxiety, stress, worry, fear, pain, hopelessness, feelings of giving up, grief, hypertension, nightmares, requiring medical treatment and therapy and medical illness undisclosed, and the ANDREW LEHMAN will continue to suffer from this pain for the rest of his lives.

513. As a further direct and proximate result of the Defendants actions, the ANDREW LEHMAN suffered damages of at least \$1,000,000, and is entitled to compensation for the same.

514. The Defendants intentionally or recklessly inflicted severe emotional distress on ANDREW LEHMAN or were certain or substantially certain that such distress would result from their conduct.

515. The Defendants' conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.

516. ANDREW LEHMAN seeks damages within the jurisdictional limits of this Court.

517. On this basis, the ANDREW LEHMAN is entitled to exemplary or punitive damages to punish the Defendants and set an example that will prevent others from engaging in the same behavior.

## Damages

518. The Defendants' activities, actions, and/or inactions, as detailed above, directly and/or proximately caused personal injury and property damage to ANDREW LEHMAN which include the following:

- a. Actual Damages.
- b. Return of the converted property.
- c. Emotional harm and mental anguish in the past, present, and future – for Plaintiff “symptoms typical of discomfort rather than disease,” which include but are not limited to: unreasonable fear, apprehension, offense, discomfort, annoyance, sickness, injury to physical health, impairment of physical health, exacerbation of physical health and/or preexisting health conditions, harm from assault on Plaintiff senses, nausea, loss of peace of mind, emotional harm/distress, inconvenience, and deprivation of enjoyment of property.
- d. Emotional harm and mental anguish in the past, present, and future – for Plaintiff’s symptoms typical of discomfort rather than disease, which include but are not limited to: unreasonable fear, apprehension, offense, discomfort, annoyance, sickness, injury to physical health, impairment of physical health, exacerbation of physical health and/or preexisting health conditions, harm from assault on Plaintiff senses, nausea, loss of peace of mind, emotional harm/distress, inconvenience, and deprivation of enjoyment of property.
- e. Medical expenses in the past, present, and future – for Plaintiff “symptoms typical of discomfort rather than disease,” which include but are not limited to: unreasonable fear, apprehension, offense, discomfort, annoyance, sickness, injury to physical

health, impairment of physical health, exacerbation of physical health and/or preexisting health conditions, harm from assault on Plaintiff senses, nausea, loss of peace of mind, emotional harm/distress, inconvenience, and deprivation of enjoyment of property. Plaintiff seeks at least \$20,000 per year for thirty years per child and for Plaintiff for a total of at least \$2,400,000 for future medical and mental care expenses.

- f. Loss of services in the past, present, and future – for Plaintiff “symptoms typical of discomfort rather than disease,” which include but are not limited to: unreasonable fear, apprehension, offense, discomfort, annoyance, sickness, injury to physical health, impairment of physical health, exacerbation of physical health and/or preexisting health conditions, harm from assault on Plaintiff senses, nausea, loss of peace of mind, emotional harm/distress, inconvenience, and deprivation of enjoyment of property.
- g. Loss of for the Defendants flagrant, outrageous and intentional acts causing the loss of Plaintiff right to love; give advice, comfort, companionship, and society in an amount greater than \$1,000,000.
- h. Expenses incurred, as a result of the incidents related to the secreting of H1, H2, and/or H3.
- i. Unliquidated damages within the jurisdictional limits of this court.
- j. Court costs, fees and expenses to litigate this lawsuit.
- k. Attorney’s fees. See, inter alia, Tex. Civ. Prac. & Rem. Code §102.002(b), and other statutory authority providing same.

- l. Exemplary damages under Texas Civil Practice & Remedies Code §§ 41.001, 41.003(a), et seq and Texas Family Code Section 42.006.
- m. Pre-judgment and post-judgment interest. Texas Finance Code §304.001 and Texas Government Code §2260.106et seq., and any other applicable law.

### **Exemplary Damages**

519. Plaintiff injuries resulted from Defendants' malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a). The Defendants' flagrant conduct towards ANDREW LEHMAN was outrageous and committed intentionally and methodically with the intent of causing loss of consortium, serious emotional and psychological harm to ANDREW LEHMAN, H1, H2, and/or H3.

520. Plaintiff injuries resulted from Defendants' actual fraud, which entitles plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a). The Defendants' flagrant conduct towards ANDREW LEHMAN was outrageous and committed intentionally and methodically with the intent of causing serious emotional and psychological harm to ANDREW LEHMAN, H1, H2, and/or H3.

521. Plaintiff ANDREW LEHMANs' injuries resulted from Defendants' malice and actual fraud, which entitles ANDREW LEHMAN to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a). The Defendants' flagrant conduct towards ANDREW LEHMAN was outrageous and committed intentionally

and methodically with the intent of depriving ANDREW LEHMAN of personal property in the form of one thousand five hundred dollars (\$1,500) and enriching Defendants while concurrently causing serious emotional and psychological harm to ANDREW LEHMAN.

#### **Jury Trial Demand**

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

#### **Conditions Precedent**

523. Plaintiff affirmatively plead that all conditions precedent have been satisfied prior to the filing of this lawsuit.

#### **Request for Disclosure**

524. Under Texas Rule of Civil Procedure 194.2, Plaintiff requests that Defendants disclose, within 30 days of the defendant's first Answer, the information or material described in Rule 194.2.

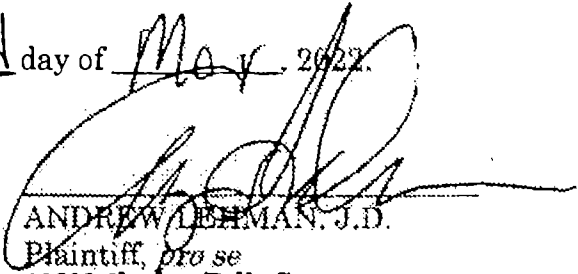
#### **Objection to Associate Judge**

525. Plaintiff objects to the referral of this case to an associate judge for hearing a trial on the merits or presiding at a jury trial.

526. For these reasons, Plaintiff asks that the Court issue citation for Defendants to appear and answer, and that plaintiff be awarded a judgment against Defendants for the following:

- a. Actual damages including lost wages of at least \$1,000,000.
- b. Return of converted property.
- c. Costs for missing children posters, banners, and contract labor in an amount greater than \$25,000.00.
- d. Emotional harm and mental anguish in the past, present, and future
- e. Medical expenses in the past, present, and future.
- f. Exemplary damages.
- g. Prejudgment and post-judgment interest pursuant to Texas Finance Code §304.001 and Texas Government Code §2260.106 et seq., and any other applicable law.
- h. Court costs.
- i. Attorney fees.
- j. All other relief to which plaintiff is entitled.

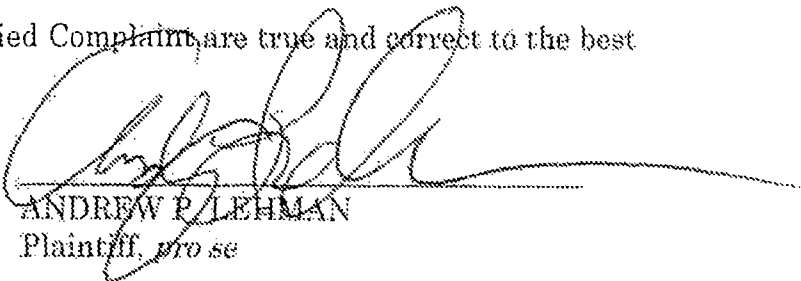
Respectfully submitted on this 3rd day of May, 2022.

  
ANDREW LEHMAN, J.D.  
Plaintiff, *pro se*  
18602 Shadow Falls Ct.  
Houston, Texas 77059  
Tel. (713) 903\_9690  
Email: lehmanlaw2002@yahoo.com



Verification

My name is ANDREW LEHMAN, I am the Plaintiff in the foregoing Verified Complaint for Damages and Request for Disclosures. The facts and circumstances contained in this Verified Complaint are true and correct to the best of my knowledge and belief.

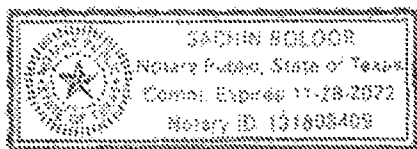
  
ANDREW P. LEHMAN  
Plaintiff, *pro se*

On this day, plaintiff-affiant, ANDREW LEHMAN, known to me to be the person whose signature appears on the foregoing verification, personally appeared. plaintiff-affiant's identity was proved to me by Texas Identification Card. After being by me duly sworn, he stated that he has read the foregoing Verified Complaint for Damages & Request for Disclosures; and that the facts and circumstances contained in said document are true and correct to the best of his knowledge and belief.

SWORN TO AND SUBSCRIBED BEFORE ME on this 3rd day of  
May, 2022.

  
\_\_\_\_\_  
Notary Public

NOTARY SEAL



MARILYN BURGESS DISTRICT CLERK

Action: Other Injury or Damage

Case: 202227655-7

Trans ID: 214375981

Court: 133

Style

PLT: LEHMAN, ANDREW (INDIVIDUALLY AND ON BEHALF OF H L1 H L2  
AND H L3)

DEF: LEHMAN, FALISHA J

Fee	Description	Amount
121	CITATION WITH 1 COPY	\$184.00
350	CONST-PERSONAL SERVICE	\$675.00
475	LAW LIBRARY	\$35.00
502	JURY FEE (Rule 216 (2) T.R.C.)	\$10.00
601	DISPUTE RESOLUTION FEE	\$15.00
711	COURT FACILITY FEE	\$20.00
712	CLERK OF THE COURT	\$50.00
713	CLERK RECORDS MANAGEMENT PRESERVATION	\$30.00
714	COURT REPORTER SERVICE	\$25.00
715	COURTHOUSE SECURITY SERVICE	\$20.00
716	LANGUAGE ACCESS FEE	\$3.00
717	COUNTY JURY FEE	\$10.00
720	STATE CONSOLIDATION FEE	\$137.00
775	APPELLANT JUDICIAL FUND	\$5.00

Payment Paupers Due	\$1,219.00
Amount Due :	\$1,219.00
Payment Amount:	\$0.00
Amount Applied:	\$0.00
Amount Due:	\$1,219.00

Received      McBarron, Thomas C      12098920  
Of

ONE THOUSAND TWO HUNDRED NINETEEN AND 00/100  
\*\*\*\*\*Dollars

Payment Date:      File Date: 5/9/2022  
IF PAUPER'S OATH IS DENIED, PAYMENT IS DUE IMMEDIATELY

Assessed By: JONES, PATRICIA D  
Validated: 5/9/2022      By :SYSTEM GENERATED, Texas.gov 101  
Manual Receipt Nbr: 0

Comment: Envelope number: 64307080 - 0