

SP

RECORDER'S MEMORANDUM
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2014 28724
CAUSE NO. _____

FILED
Chris Pantel
District Clerk
MAY 20 2014
Time: _____
By: _____
Harris County, Texas
Deputy

MICHAEL VAN DEELEN
Plaintiff,

v.

Defendant.

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IN THE DISTRICT COURT

165 JUDICIAL DISTRICT
HARRIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Michael Van Deelen brings this lawsuit complaining of
and respectfully shows the Court the following:

**I.
DISCOVERY CONTROL PLAN**

1. Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of
Civil Procedure 190.3.

**II.
PARTIES**

2. Plaintiff is an individual residing in Harris County, Texas.

3. Defendant is an individual residing in Harris County, Texas. He may
be served with process at _____, Houston, Texas.

CONFIRMED FILE DATE: 5/20/2014

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III.
JURISDICTION AND VENUE

4. Venue is proper in Harris County, Texas, because all or substantially all of the Plaintiff's cause of action accrued in Harris County, Texas, and the Plaintiff is a resident of Harris County, Texas.

5. This Court has jurisdiction of this case because the Plaintiff's damages exceed the minimum jurisdictional limits of this Court.

IV.
FACTUAL BACKGROUND

6. At all times material, _____ was a student in Plaintiff's fifth period Geometry class at Klein Forest High School.

7. _____ was continually disruptive in Plaintiff's class and refused to take any direction from Plaintiff. Defendant _____ constantly disrupted the class by refusing to stop talking to his fellow students, by refusing to turn around and face the front of the room where Plaintiff was attempting to give instruction, by verbally abusing the Plaintiff and by frequently getting up and moving about the room as if Plaintiff were not even there. Defendant _____ would also come to class with his pants pulled way down below his waist in violation of Klein Forest's dress code. Defendant _____ refused any and all attempts by Plaintiff to get him to stop being disruptive.

8. On January 22, 2014, Defendant _____, being his usual disruptive self, became angry at Plaintiff's attempts to get him to behave. Defendant _____ then physically threatened the Plaintiff, telling him "You won't be back tomorrow!"

9. After being physically threatened by Defendant ' on January 22, 2014, Plaintiff called an assistant principal for assistance, who came to Plaintiff's classroom and removed Defendant '

10. In order to deflect blame for his disruptive and threatening behavior, Defendant intentionally falsely told Klein Forest administrators orally and in writing that Plaintiff had called him a 'punk' and a 'moron' and asked him to meet Plaintiff after school to fight during the January 22, 2014, incident in Plaintiff's classroom.

**V.
COUNTS 1 AND 2
DEFEMATION AND DEFAMATION PER SE**

11. The plaintiff incorporates all of the foregoing by reference herein.

12. Defendant intentionally published orally and in writing statements that he held out to be fact. The statements, made on or about January 22, 2014, to administrators at Klein Forest High School, including Patricia Crittendon, Jeremy Lewis and Michelle Nance, were that Plaintiff had called Defendant : a 'punk' and a 'moron' and asked him to meet Plaintiff after school to fight on January 22, 2014.

13. The statements referred to the Plaintiff.

14. The statements were defamatory.

15. The statements were false.

16. Defendant was acting with actual malice when he made the statements.

17. Injury is presumed from the defamatory statements Defendant made about the Plaintiff.

18. Plaintiff demanded a retraction from Defendant ' _____ ' within ninety (90) days from when the defamatory statements were made. A retraction was not made.

19. Plaintiff was injured by the defamatory statements Defendant ' _____ ' made about him.

**VI.
JURY DEMAND**

20. Plaintiff demands a trial by jury and submits the appropriate fee.

**VII.
REQUEST FOR DISCLOSURES**

21. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant Stewart is requested to disclose, within fifty (50) days of service of this request, the information or material described in Texas Rules of Civil Procedure Rule 194.2 (a) – (l).

**VIII.
PRAYER**

22. Plaintiff requests that Defendant _____ : be cited to appear and answer and that on final trial the Plaintiff have the following:

1. Judgment against Defendant _____ : for nominal damages.
2. Judgment against Defendant _____ for general damages in a sum within the jurisdictional limits of the court.
3. Judgment against Defendant _____ for exemplary damages in a sum within the jurisdictional limits of the court.
4. Pre-judgment and post-judgment interest as provided by law.
5. Costs of suit.

6. Such other and further relief that the Court deems just and proper.

Respectfully submitted,

By: Michael Van Deelen
MICHAEL VAN DEELEN

Plaintiff pro se

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