

Cause No. _____		
Gilberto Cruz, et. al	§ § § § §	IN THE DISTRICT COURT OF
Plaintiff		
Quanell Evans, et. al.		HARRIS COUNTY, TEXAS
Defendant		_____ JUDICIAL DISTRICT

CIVIL CASE INFORMATION SHEET

This form must be completed and filed with every original petition, and a copy attached to every original petition served. The information should be the best available at the time of filing, understanding that such information may change before trial. This information does not constitute a discovery request, response, or supplementation, and is not admissible at trial.

Service must be obtained promptly. Notice is hereby given that, per Harris County Local Rule 3.6, any case in which no answer has been filed or default judgment signed FOUR (4) MONTHS from filing will be eligible for DISMISSAL FOR WANT OF PROSECUTION.

Type of action: ☐ Commercial Personal Injury ☐ Death ☒ Other

Check all claims pled:

<input type="checkbox"/> Account due	<input checked="" type="checkbox"/> Defamation	<input type="checkbox"/> Fraud	<input type="checkbox"/> Products liability
<input type="checkbox"/> Admiralty	<input type="checkbox"/> Disbarment	<input type="checkbox"/> Garnishment	<input type="checkbox"/> Post judgment
<input type="checkbox"/> Assault	<input type="checkbox"/> Discrimination	<input type="checkbox"/> Injunction/TRO	<input type="checkbox"/> Railroad
<input type="checkbox"/> Asbestosis	<input type="checkbox"/> Dram shop	<input type="checkbox"/> Insurance bad faith	<input type="checkbox"/> Real estate
<input type="checkbox"/> Auto	<input type="checkbox"/> DTPA	<input type="checkbox"/> Malicious prosecution	<input type="checkbox"/> Securities fraud
<input type="checkbox"/> Bill of review	<input type="checkbox"/> Employment discharge	<input type="checkbox"/> Malpractice/Legal	<input type="checkbox"/> Sequestration
<input type="checkbox"/> Conspiracy	<input type="checkbox"/> Expunction	<input type="checkbox"/> Malpractice/Medical	<input type="checkbox"/> Silicone implant
<input type="checkbox"/> Contract	<input type="checkbox"/> False imprisonment	<input type="checkbox"/> Name change	<input type="checkbox"/> Tortious interference
<input type="checkbox"/> Deed restriction	<input type="checkbox"/> Foreclosure	<input type="checkbox"/> Note	<input type="checkbox"/> Trespass
<input type="checkbox"/> Declaratory judgment	<input type="checkbox"/> Forfeiture	<input type="checkbox"/> Premises liability:	<input type="checkbox"/> Workers compensation
<input type="checkbox"/> Other _____			

Has this dispute previously been in the Harris County courts? ☒ No ☐ Yes, in the following court: _____

Monetary damages sought ☐ less than \$50,000 ☐ 50,001 - \$100,000 ☒ greater than \$100,000

Estimated time needed for discovery ☐ 0-3 months ☐ 4-6 months ☒ 7-12 months ☐ >1 year

Estimated time needed for trial: ☐ 1-2 days ☒ 3-5 days ☐ 6-10 days ☐ > 10 days

Are you going to request Level 3 status? ☐ Yes ☒ No

If yes, please state your estimate for total hours of deposition per side: _____ and the number of interrogatories needed for each party to serve on any other party: _____

Name of party filing this cover sheet: Steven J. Kharkher

Signature of attorney or pro se filing cover sheet: _____

Name printed: _____

Phone No: 713-230-2200 Bar No: 11375950

FOR COURT USE ONLY:

Track assigned ☐ Track 1 ☐ Track 2 ☐ Track 3

Court Coordinator: _____ Date: _____

GILBERTO CRUZ, BACILIO GUZMAN §
and MATTHEW MARIN, Plaintiffs §
§
VS. §
§
QUANELL R. EVANS a/k/a QUANELL §
X a/k/a QUANELL X ABDUL §
FARRAKHAN and MARVIN DRIVER, §
JR. Defendants §
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

_____, JUDICIAL DISTRICT

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, **GILBERTO CRUZ, BACILIO GUZMAN and MATTHEW MARIN,**
Plaintiffs in the above-entitled and numbered cause, and file this, their Original Petition
complaining of the actions of **QUANELL R. EVANS a/k/a QUANELL X a/k/a QUANELL X**
ABDUL FARRAKHAN and MARVIN DRIVER, JR., Defendants, and as good and sufficient
grounds for this cause of action would respectfully show as follows:

1. Discovery between the parties will be conducted under Level 2 of Rule 190, Texas Rules of Civil Procedure.

3. Defendant, **QUANELL R. EVANS a/k/a QUANELL X a/k/a QUANELL X**

4. Defendant, **MARVIN DRIVER, JR.** is a resident of Harris County, Texas, and

may be served with process at: 84 _____ 4.

II. VENUE

5. Venue is proper in Harris County, Texas under Texas Civil Practice and Remedies Code §15.017 because Plaintiffs resided in Harris County, Texas at the time this cause of action accrued.

III. FACTS

6. Plaintiffs are currently employed as police officers with the Houston Police Department. On November 17, 2008, Officer Marin, who was on-duty and acting in his official capacity, conducted a traffic stop on a vehicle that was being driven by Mr. Driver. The traffic stop occurred near 8300 Gibbons, located in the City of Houston. Officers Cruz and Guzman, who were patrolling the same area in a separate patrol car, observed the traffic stop and stopped to assist Officer Marin.

7. During the traffic stop, Plaintiffs discovered that Mr. Driver had open traffic warrants, for which he was arrested and taken into custody. After Mr. Driver was taken into custody, Officer Marin proceeded to another police call, while Officers Cruz and Guzman transported Mr. Driver to the Southeast Jail, located at 8300 Mykawa Road.

8. When Officers Cruz and Guzman arrived at the jail, they observed that Mr. Driver appeared to be asleep in the backseat of their patrol car. When they stopped at the jail and tried to wake Mr. Driver, he was unresponsive. Officers Cruz and Guzman summoned jail medical personnel out to their vehicle to check on Mr. Driver's condition. The medical personnel indicated that they would not be able to accept Mr. Driver at the jail because he was unresponsive.

9. Officers Cruz and Guzman then called for an ambulance, and Houston Fire Department paramedics arrived at the jail shortly thereafter. After checking Mr. Driver's vital signs, the paramedics loaded him into the ambulance and transported him to Hermann Hospital.

10. Officers Cruz and Guzman then completed a police report regarding the incident and returned to their normal police duties. None of the Plaintiffs had any further contact with Mr. Driver.

11. After Mr. Driver regained consciousness at Hermann Hospital, Mr. Driver, along with Quanell R. Evans a/k/a Quanell X a/k/a Quanell X Abdul Farrakhan ("hereinafter "Quanell X"), began making false and defamatory statements regarding Plaintiffs. The statements alleged that Plaintiffs had engaged in criminal conduct by physically abusing Mr. Driver and violating his civil rights.

12. Specifically, Defendants made the following false and defamatory statements against Plaintiffs: that Plaintiffs physically abused Mr. Driver; that Plaintiffs stopped at a location on their way to the Southeast Jail to physically abuse Mr. Driver; that Plaintiffs took Mr. Driver behind a building and physically abused him; that Plaintiffs forced Mr. Driver to ingest drugs; and that Mr. Driver suffered injuries caused by blunt force trauma as a result of physical abuse by Plaintiffs. These false and defamatory statements were published to numerous third parties, including several media outlets that broadcasted the allegations on local and national television.

IV. DEFAMATION

13. Defendants' statements against Plaintiffs were false and defamatory, injured Plaintiffs' reputations, and exposed Plaintiffs to public hatred, contempt, ridicule and financial injury.

14. Defendants' defamatory statements constitute defamation per se in that they impute that Plaintiffs committed criminal acts towards Mr. Driver.

15. Beginning on November 18, 2008, Defendants published the defamatory statements verbally to numerous third parties, including several media outlets that broadcast the allegations on local and national television. On December 23, 2008, Mr. Driver further published the defamatory statements in writing by issuing a written statement to investigators with the Houston Police Department.

V. INJURY TO PLAINTIFFS AND DAMAGES

16. As a direct and proximate result of Defendants' false and defamatory statements, Plaintiffs have endured shame, embarrassment, humiliation, and mental pain and anguish. In addition, Plaintiffs have been, and will continue to be, seriously injured in their professional reputation, good name, and standing in the community. Further, Plaintiffs have been and will continue to be exposed to the hatred, contempt, and ridicule of the public in general as well as their professional colleagues, associates, friends and relatives. Consequently, Plaintiffs seek actual damages in a sum within the jurisdictional limits of this court.

17. Plaintiffs also seek special damages, including damages for pecuniary loss associated with loss of employment, loss of past and future income, and loss of earning capacity.

18. Finally, Plaintiffs seek exemplary damages from Defendants.


VI. REQUEST FOR JURY TRIAL

19. Plaintiffs hereby request a jury trial in this matter and have tendered the appropriate fee herewith.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer as required by law, and that upon trial, Plaintiffs have judgment against Defendants for actual, special, and exemplary damages in a sum within the jurisdictional limits of the Court, with prejudgment and post-judgment interest as provided by law, costs of court, and such other relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

WILLIAMS KHERKHER HART BOUNDAS, LLP

By: 

Steven J. Kherkher

SBN: 11375950

Charles D. Finley

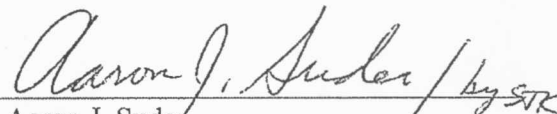
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