



C0184784--00013

CITATION

THE STATE OF TEXAS

No. E-0184784

**PRK ENTERPRISES INC ET AL
VS. GOOGLE INC ET AL**

CITATION

**172nd JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS**

To: **HARRISON, MICHAEL NEIL**

by serving at:
3118 TIMBERVIEW

SUGARLAND, TX 77479

DEFENDANT:

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 1001 Pearl St., 2nd floor, Beaumont, TX 77701, or by bringing it to the office. The case is presently pending before the 172nd District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 8th day of February, 2011. It bears cause number E-0184784 and is styled:

PRK ENTERPRISES INC ET AL
VS.
GOOGLE INC ET AL

Plaintiff:

Defendant:

The name and address of the attorney for plaintiff (or plaintiff if pro se) is:

**MORGAN, JOHN S, Atty.
550 FANNIN STREET SUITE 650
BEAUMONT, TX 77701 0**

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (2ND AMENDED) ALSO ATTACHED ORDER DESIGNATING ALL CASES E FILE accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 9th day of February, 2011.

**LOLITA RAMOS, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS**

Ida

PRK ENTERPRISES, INC. AND KLEIN INVESTMENTS, INC.	§	IN THE DISTRICT COURT OF
	§	
	§	
vs.	§	JEFFERSON COUNTY, TEXAS
	§	
GOOGLE, INC., <u>BLOGGER.COM</u> ,	§	
<u>WWW.OPERATIONKLEINWATCH.BLOGSPOT.COM</u> AND <u>WWW.SAMTHEEAGLEUSA.BLOGSPOT.COM</u>	§	
	§	172 ND JUDICIAL DISTRICT

PLAINTIFFS' SECOND AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, PRK ENTERPRISES, INC., KLEIN INVESTMENTS, INC. and PHILLIP KLEIN, Plaintiffs in the above-entitled and numbered cause and files Plaintiffs' Second Amended Petition, complaining of GOOGLE, INC., BLOGGER.COM, WWW.OPERATIONKLEINWATCH.BLOGSPOT.COM, AND WWW.SAMTHEEAGLEUSA.BLOGSPOT.COM, Defendants, and for a cause of action would show the following:

PARTIES

1. Plaintiffs, PRK Enterprises, Inc. and Klein Investments, Inc., are corporations doing business in Jefferson County, Texas and are appearing in court through their attorney of record.
2. Plaintiff, Phillip Klein, is appearing in Court through his attorney of record.
3. Defendant, Google, Inc., is a website and is appearing in Court through its attorney

of record, Dennis M. Lynch, 3400 Bank of America Plaza, Dallas, Texas 75202.

4. Defendant, Blogger.com, is a website appearing in Court through its attorney of record, Jeffrey L. Dorrell, 201 Stratford, Houston, Texas 77006.

5. Defendant, www.operationkleinwatch.blogspot.com, is a website appearing in Court through its attorney of record, Jeffrey L. Dorrell, 201 Stratford, Houston, Texas 77006.

6. Defendant, www.samtheeagleusa.blogspot.com is a website appearing in Court through its attorney of record, Jeffrey L. Dorrell, 201 Stratford, Houston, Texas 77006.

7. Defendant, Michael Neil Harrison, is an individual who may be served with process at 3118 Timberview, Sugarland, Texas 77479.

JURISDICTION AND VENUE

8. The issues in controversy are within the jurisdictional purview of this Court. Venue is proper in this Court, because any potential suit will be filed in this venue.

FACTS AND CAUSES OF ACTION

9. Plaintiff sues these Defendants for defamation per se, libel per se, and invasion of privacy. Petitioners are also making a claim under the Digital Millennium Copyright Act of 1998, 17 U.S.C. Section 512, because the Defendants are currently using, without permission, copyrighted material and copyrighted intellectual property, for the purposes of accomplishing the state law torts identified above.

10. Specifically, the websites being hosted by the Defendant Google, Inc., and/or Blogger.com, identified above, have been engaged in a pattern of libel and defamation per

se, invasion of privacy, and use of copyrighted images (both facial and voice image), without permission. The purpose of these websites are to disparage, harass and cause injury to these Plaintiffs, as well as to Mr. Philip Klein personally. These websites host significant, false information, and invade the privacy of Petitioners throughout the website. For example, without limitation, the website Operation Klein Watch, contains false information on legal proceedings that do not involve either Mr. Klein individually or the other Plaintiffs, falsely represent that judgments have been taken against the Plaintiffs, falsely identify a bankruptcy proceeding, also identify lawsuits that do not involve Plaintiffs. Additionally, this website identifies all members of Mr. Klein's family, for no apparent purpose other than to invade their privacy. A review of the websites make it clear that they are not expressing any "opinions" protected by the First Amendment but instead are solely vehicles for defamation.

11. Plaintiff sues the individual Defendant, Michael Neil Harrison, for these same torts. This Defendant is one of those responsible for hosting the websites at issue, and providing content into those websites. Plaintiffs sue all those associated with those websites, Google, and Defendant Michael Neil Harrison, jointly and severally, and seek to recover all actual damages proximately caused by the torts of the Defendant. Plaintiffs seek to recover loss of reputation damages, mental anguish damages for the individual, Philip Klein, and presumed economic or special damages due to the defamation per se of the Defendants.

12. At all times, the Defendants, including Google, Inc., operated in unison, with a common purpose, therefore Plaintiffs seek the imposition of joint and several liability upon

these Defendants to the full extent to Texas law.

13. Plaintiffs also would show that the acts and omissions of these Defendants were done maliciously, knowingly, intentionally, and with reckless disregard for the rights and welfare of these Plaintiffs. These Plaintiffs, therefore, sue for the imposition of punitive or exemplary damages on a joint and several liability basis, to the full extent of Texas law, to punish these Defendants and also to deter any future misconduct.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, PRK Enterprises, Inc., Klein Investments, Inc. and Phillip Klein, pray that Defendants, GOOGLE, INC., BLOGGER.COM, WWW.OPERATIONKLEINWATCH.BLOGSPOT.COM, WWW.SAMTHEEAGLEUSA.BLOGSPOT.COM and Michael Neil Harrison, be cited to appear and answer herein as the law directs, and that upon hearing, Plaintiffs recover their actual damages, attorney's fees, punitive damages and for such other and further relief, both general and special, statutory or common law, at law and in equity, to which Petitioners may be justly entitled.

Respectfully submitted,

/s/ John S. Morgan

JOHN S. MORGAN
Texas Bar No. 14447475
HARRIS, DUESLER & HATFIELD
550 Fannin, Suite 650
Beaumont, Texas 77701
Telephone: (409) 832-8382
Facsimile: (409) 833-4240

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following counsel of record via facsimile, on this 7th day of February, 2011.

Dennis Lynch
Figari & Davenport
901 Main Street, Suite 3400
Dallas, Texas 75202

Via facsimile (214) 939-2090

Sam the Eagle Webblog
Google Blogspot
Operation Kleinwatch Blog
1600 Amphitheatre Parkway
Mountain View, CA 94043

Via CM/RRR-#7006 2150 0003 0021 1909

Jeffrey L. Dorrell
Escamilla, Poneck & Cruz, LLP
201 Stratford
Houston, Texas 77006

Via facsimile (713) 864-0048

/s/ John S. Morgan
JOHN S. MORGAN