

CC-16-04225-E

CAUSE NO. \_\_\_\_\_

MATISHA WARD,

Plaintiff,

VS.

TIFFINNI ARENA YOUNG AND  
CHRISTOPHER MOORE CHESTNUT

Defendants.

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IN THE COUNTY COURT

AT LAW NO. \_\_\_\_\_

DALLAS COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION AND REQUESTS FOR DISCLOSURES**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COME NOW, Plaintiff, Matisha Ward and files this Plaintiff's Original Petition and Requests for Disclosure complaining of Defendants Tiffinni Arena Young and Christopher Moore Chestnut and for causes of action, would respectfully show the Court as follows:

**TO THE COURT AND JURY**

***THE DARKEST HOUR IN ANY MAN'S or WOMAN'S LIFE IS WHEN THEY SIT DOWN TO SCHEME AND PLAN HOW TO GET MONEY WITHOUT LAWFULLY EARNING IT. THE CRIMINAL CONDUCT COMPLAINED OF HEREIN DEMANDS A JURY'S WRATH.***

**I. DISCOVERY CONTROL PLAN**

Plaintiff intends to conduct discovery in accordance with a Level 3 discovery control plan under Rule 190 of the Texas Rules of Civil Procedure.

**II. PARTIES AND SERVICE**

Plaintiff is a resident of Dallas County, Texas.

Defendant Tiffinni Arena Young may be served with citation by delivery to her at her office located at Dallas City Hall or at her residence address of 4024 O.B. Crowe Drive, Dallas, Texas 75227 or wherever she may be found.

Defendant Christopher Moore Chestnut is an individual who holds himself out to the public as a wrongful death attorney licensed in Florida and Georgia. He may be served with citation by delivery to him at 303 Peachtree Street, Suite 4150, Atlanta, GA 30308 or at 911 NE Blvd., Gainesville, Florida 32601 or wherever he may be found.

### **III. JURISDICTION AND VENUE**

Jurisdiction is proper in this Court because the amount in controversy exceeds the Court's minimum jurisdictional requirements. Venue is proper in Dallas County, Texas pursuant to Texas Civil Practice & Remedies Code § 15.002 because all or a substantial part of the events complained about herein occurred in Dallas County, Texas.

### **IV. CHEATS, HUCKSTERS AND AMBULANCE CHASERS**

On information and belief, each of the named Defendants, and the unincorporated business entities are actively involved in a criminal and civil conspiracy, the object of which is to commit the crime of Barratry a/k/a "ambulance chasing" as defined by Texas Penal Code Section 38.12:

#### **§ 38.12. BARRATRY AND SOLICITATION OF PROFESSIONAL EMPLOYMENT.**

(a) A person commits an offense if, with intent to obtain an economic benefit the person:

(2) solicits employment, either in person or by telephone, for himself or for another;

(d) A person commits an offense if the person:

(1) is an attorney, chiropractor, physician, surgeon, or private investigator licensed to practice in this state or any person licensed, certified, or registered by a

health care regulatory agency of this state;

(F) involves coercion, duress, fraud, overreaching, harassment, intimidation, or undue influence;

(f) An offense under Subsection (a) or (b) is a felony of the third degree.

(h) An offense under Subsection (d) is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted under Subsection (d).

(i) Final conviction of felony barratry is a serious crime for all purposes and acts, specifically including the Texas State Bar Rules and the Texas Rules of Disciplinary Procedure.

Plaintiff is the biological daughter of Antoinette Brown who was attacked by a pack of loose dogs in Dallas County on May 2, 2016. Ms. Brown did not survive her wounds and died on May 9, 2016. While at her mother's bedside Defendant Young was calling and texting Plaintiff and requesting the opportunity to meet with her in person. Defendant Young requested to meet with Plaintiff at Baylor Hospital. Less than 3 days after her mother's death and prior to her funeral service, Defendants Young and Chestnut solicited Plaintiff by telephone. See Plaintiff's sworn Affidavit marked as **Exhibit 1** and the audio transcript of the call made to Ms. Ward which is marked as **Exhibit 2**.

Defendants caused direct contact to be made with Plaintiff by telephone and in person, for the express purpose of soliciting and providing professional legal services. In Texas, solicitation for the express purpose of obtaining professional employment in person, in direct violation of Texas Penal Code Section 38.12 and/or Texas Government Code § 82.0651, is a crime and is subject to civil penalties.

## **V. CAUSES OF ACTION-ALL DEFENDANTS**

### **Count 1- VIOLATION OF TEXAS GOVERNMENT CODE § 82.0651**

Plaintiff incorporates by reference all the factual allegations contained in the preceding paragraphs. Plaintiff belongs to a class of persons that Texas Government Code § 82.061 is specifically designed to protect. Plaintiff's injuries are of the type that the statute was designed to prevent. The statute is one for which tort liability may be imposed when violated and the penalties for such violation are set forth in the statute. Defendants violated the statute without legal excuse. Therefore, Defendants are liable to Plaintiff for violation of Texas Government Code § 82.0651 and the penalties associated therewith, including a \$10,000.00 civil penalty plus attorney's fees and costs of court.

### **Count 2-CIVIL CONSPIRACY**

Plaintiff incorporates by reference the factual allegations contained in the preceding paragraphs. Defendants combined to accomplish a lawful purpose by unlawful means. Defendants had a meeting of the minds on the object and course of action of their combination. Defendants committed an unlawful, overt act to further the object and course of action of their combination. Therefore, Defendants are liable to Plaintiff for civil conspiracy. Moreover, since all the Defendants were involved in the conspiracy, they are each jointly and severally liable to Plaintiff for statutory damages and penalties.

### **Count 3-JOINT ENTERPRISE LIABILITY**

Plaintiff incorporates herein all paragraphs set forth above for all purposes. Defendants and/or co-conspirators are liable for the acts of all Defendants because at the time of the illegal solicitation, Defendants and the co-conspirators were engaged in a joint enterprise. Defendants and the co-conspirators had (1) an agreement to illegally

solicit Plaintiff who is a wrongful death beneficiary as a result of her mother's death; (2) a common purpose in illegally soliciting personal injury victims; (3) a community of pecuniary interest in that common purpose; and (4) an equal right to direct and control the enterprise. At the time of the illegal solicitation, it is the Plaintiff's belief that Defendants were acting in concert and/or acting within the scope of a joint enterprise.

#### **Count 4-PARTNERSHIP LIABILITY**

Plaintiff incorporates herein all paragraphs set forth above for all purposes. Defendants and their co-conspirators are jointly and severally liable for the acts of one another because they operated as a partnership. Specifically, they:

- (a) Shared and/or had a right to share in profits of the business by way of the illegal solicitation.
- (b) Expressed intent to be partners in the business by way of entering into the agreement to illegally solicit personal injury victims.
- (c) Participated and/or had the right to participate in control of the business by way of approval of the method of soliciting Plaintiff and approval of actions of each other regardless of control.
- (d) Contributed and/or agreed to contribute money and/or property to the business.
- (e) Shared and/or had the right to share gross revenues or proceeds of their enterprise.

At the time of the illegal solicitation, Defendant Young, the solicitor making the initial contact with Plaintiff was acting in the ordinary course of business and/or with the authority of the partnership.

#### **Count 5-AGENCY**

Plaintiff incorporates by reference the factual allegations contained in the preceding paragraphs. The Defendants intentionally conferred authority to their agent

and intentionally allowed said agent to believe that he/she had authority, or by lack of due care allowed said agent to believe that he/she had authority. At and during the term of the acts and/or omissions complained of herein, the acts committed by any agent, representative, or employee of Defendants was done and occurred within the scope of their agency. Therefore, the Defendants are liable to Plaintiff for their agent's and employee's actions.

If Plaintiff is mistaken that the agent had actual authority, then Plaintiff alleges that the agent had apparent authority to act on behalf of the Defendants. Defendants clothed their agent with apparent authority by sending her out to speak with the Plaintiff on Defendants' behalf. As a result of Defendants' actions in clothing their agent in apparent authority, Plaintiff believes that the agent was acting within the scope of their authority in soliciting professional legal and medical services for Defendants. Consequently, Defendants are now estopped from denying the authority of the agent to solicit professional services on behalf of Defendants.

#### **Count 6-RESPONDEAT SUPERIOR**

Plaintiff incorporates by reference the factual allegations contained in the preceding paragraphs. At and during the time of the acts complained of herein, said acts of any employee or agent of Defendants occurred within the scope of general authority and to accomplish the objectives for which the employee or agent was employed. Defendants are therefore liable to Plaintiff for the acts and/or omissions of any such employee and/or agent complained of herein under the doctrine of respondent superior.

#### **VI. DAMAGES**

Plaintiff incorporates by reference the factual allegations contained in the preceding paragraphs. Defendants' acts described above, are in direct violation of Texas Government Code § 82.0651 and each of the Defendants are liable for the damages set forth therein. Damages include an award of \$10,000.00 to be assessed against each named Defendant as set forth by the Texas Legislature as a penalty, plus any actual damages in an amount to be determined by the trier of fact, and reasonable and necessary attorneys' fees for which Plaintiff now prays.

Defendants' acts and/or omissions, when viewed from the standpoint of Defendants at the time of said acts and/or omissions, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff. Defendants had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety and/or welfare of Plaintiff. Therefore, as a result of Defendants' wrongful acts and/or omissions, Plaintiff seeks to recover additional damages in the form of exemplary damages in the amount of an additional \$20,000.00 per Defendant which said amount does not exceed the maximum amount permitted by applicable law based on the amount of statutory damages.

Plaintiff now sues for recovery of monetary damages in an amount within the jurisdiction of the Court. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiffs in good faith plead the value of this case is over one hundred thousand dollars (\$100,000.00) but less than five hundred thousand dollars (\$500,000.00). Plaintiff reserves the right to amend these amounts.

## **VI. REQUESTS FOR DISCLOSURE TO EACH NAMED DEFENDANT**

Plaintiff hereby serves upon each named Defendant their Requests for Disclosure pursuant to Rules 194.2 (a) through (k), and 194.4 of the Texas Rules of Civil Procedure and request that each Defendant serve their answers and responsive documents upon Plaintiffs' counsel within 50 days of service.

## **VII. JURY DEMAND**

In accordance with Rule 216 of the Texas Rules of Civil Procedure, Plaintiff demands a trial by jury.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff requests that Defendants be cited to appear and upon final trial Plaintiff be granted judgment, jointly and severally, against Defendants for:

- A. Statutory penalties as set forth in Texas Gov't Code § 82.0651 in the amount of \$10,000.00 assessed against each named Defendant;
- B. Exemplary damages assessed against each named Defendant in the amount of \$20,000.00 or in an amount to be determined by a jury;
- C. Reasonable and necessary attorneys' fees and taxable court costs;
- D. Pre-judgment and post-judgment interest at the maximum allowed by law;

Plaintiff further requests that she be awarded such other and further relief, both at law and in equity, to which she may be justly entitled.

Respectfully submitted,

**CARSE LAW FIRM**



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**Tom Carse**  
State Bar No. 00796310  
Carse Law Firm



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Dallas, Texas 75248  
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**ATTORNEY FOR PLAINTIFF**

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**AFFIDAVIT OF MATISHA WARD**

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**STATE OF TEXAS**

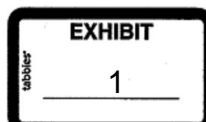
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**COUNTY OF DALLAS**

On this day, Matisha Ward, appeared before me, the undersigned notary public, and after I administered the oath to her, upon oath, she stated:

"I am over 21 years of age and capable of making this affidavit. All of my statements herein are true, correct and they are within my personal knowledge.

1. On or about May 2, 2016, my mother, Antoinette Brown was attacked by several dogs. The injuries she received as a result of the attack ultimately led to her death on May 9, 2016.
2. On or about May 6, 2016 at approximately 4:49 p.m., I was at work when I received a text message from Tiffinni A. Young. The text message stated that Ms. Young had received information about me from a police officer at Baylor Hospital. The text message stated that Ms. Young was praying for my family and that she was saddened by what had happened to my mother. Ms. Young then asked me to call her when I had a moment.
3. I called Ms. Young on May 6, 2016. Ms. Young told me that the City of Dallas had captured the dogs that attacked my mother and that they were going to be put down. I asked Ms. Young if the City of Dallas had the dogs owner's information. Ms. Young told me they did.
4. At approximately 6:15 p.m. on May 6, 2016, I received another text



message from Ms. Young asking me to call her.

5. At approximately 6:35 p.m. on May 6, 2016, I received another text message from Ms. Young asking me to call her again.

6. At approximately 6:36 p.m. on May 6, 2016, I received another text message from Ms. Young stating that the information she had previously provided to me regarding the dogs capture and the dogs' owner's identity was false and that she did not have any information on the case, but that someone from the police department would be contacting me.

7. At approximately 6:37 p.m., I replied to Ms. Young's text message. I was very upset due to being provided with misinformation. I asked Ms. Young why she would tell me that she had the information on the case if the information was false. Ms. Young responded that she had obtained the information from someone in her office. I told Ms. Young that they needed to make sure the information was correct. Ms. Young apologized.

8. At approximately 7:29 p.m. on May 6, 2016, I received a text message from Ms. Young asking if I was available to meet with her at 7:30 p.m.

9. On May 8, 2016 at approximately 10:27 a.m., I received a message from Ms. Young telling me "good morning" and telling me that she was praying for my mom, my siblings and my entire family.

10. At approximately 10:32 a.m., Ms. Young offered to meet me at noon at Baylor Hospital where my mother was hospitalized.

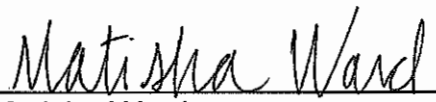
11. I met with Ms. Young in the Robertson building. Ms. Young told me I had a case but that she could not refer me to a lawyer because to do so was illegal.

12. On May 12, 2016, at approximately 5:47 p.m., I informed Ms. Young that I had a lawyer.

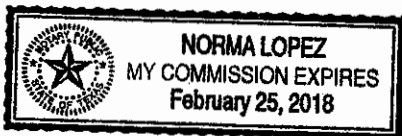
13. On May 13, 2016, 4 days after my mother passed, at approximately 8:39 p.m., Ms. Young sent me a text message that read "call me". I called Ms. Young and she asked me to tell her the names of the attorneys I had spoken with. She told me she had a lawyer sitting next to her and asked if I wanted to speak to him. Ms. Young handed the telephone to a male who identified himself to me as Chris Chestnut, an attorney with offices in Georgia and Florida. Mr. Chestnut offered to meet with me for the purpose of providing legal representation in connection my mother's wrongful death.

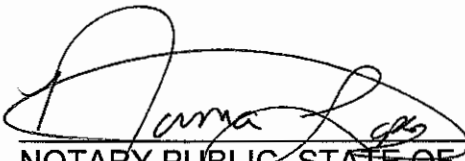
14. I believe Ms. Young and Mr. Chestnut purposely acted together for the purpose of unlawfully soliciting me for legal representation.

"Further Affiant sayeth not."

  
Matisha Ward

SWORN TO and SUBSCRIBED before me on the 15<sup>th</sup> day of July, 2016.



  
NOTARY PUBLIC, STATE OF TEXAS

TIFFINNI: Hey, how are you?

MATISHA: I'm good. How are you?

TIFFINNI: I'm good. Now, what -- tell me what attorneys you've talked to.

MATISHA: I haven't talked to one yet.

TIFFINNI: Oh, you haven't?

MATISHA: No.

TIFFINNI: I have one sitting here. Do you want to talk to him?

MATISHA: Yes, ma'am.

TIFFINNI: Hold on one second.

Can you talk to her Chris?

CHRIS: How are you doing?

MATISHA: I'm fine. How are you?

CHRIS: I'm good, I'm good. I was just talking -- and I'm so sorry to hear about your mother. Talking to Tiffinni here.

MATISHA: Yes, sir.

CHRIS: Is this a good time to talk to you? My name's Chris Chestnut. I'm a wrongful death lawyer.

MATISHA: Oh, yes, sir.

CHRIS: I'm out of Florida and Atlanta. I specialize in wrongful death cases. She was telling me about what happened. That's a tragedy.

MATISHA: Yeah.

**EXHIBIT**

tabbles  
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1 CHRIS: It's absurd.

2 MATISHA: Yeah, it was messed up.

3 CHRIS: Yeah. I mean, just goodness, I  
4 just don't understand. So -- go ahead. Go ahead.

5 MATISHA: No, no, I -- yeah, I don't  
6 understand that neither. And then it's like, you know,  
7 the Mayor was getting on TV. Like he really don't even  
8 know what to say about the situation.

9 So, I mean, something need to be done  
10 because, obviously, people kept trying to, you know, get  
11 in contact with them to come and get them dogs and, you  
12 know, all that stuff.

13 It shouldn't take for my mama to pass for  
14 them to go out there and, you know, do their job. Like  
15 that don't make any sense to me.

16 CHRIS: Right.

17 MATISHA: And I feel like somebody really  
18 need to pay for what happened to my mom, you know --

19 CHRIS: Right.

20 MATISHA: -- regardless of her life pass.  
21 That did not have to happen to my mama.

22 CHRIS: That's right. Just --

23 MATISHA: And I feel like somebody need to  
24 pay me, I mean, because they took me -- they took my  
25 mama away from her grandkids. You know, like, we'll

1 never see my mom again and they owe us that, you know.

2 That don't make sense to us. So we still can't --

3 CHRIS: And the way she died, you know, you  
4 just can't -- that's just a horrible way, that's  
5 just horrible, you know.

6 MATISHA: I mean, it's ridiculous, the  
7 wounds, I mean, the wounds that I seen for myself. I  
8 have a couple of them on my phone, you know. My mama  
9 didn't deserve that.

10 It was -- them dogs was fighting dogs. You  
11 know, ain't no stray dogs going to do that to nobody.  
12 They're not just going to attack nobody the way they  
13 attacked my mama. You know, it was to her bones, you  
14 know. So, I mean, that's --

15 CHRIS: Wow.

16 MATISHA: That's uncalled for.

17 CHRIS: Yeah.

18 MATISHA: I mean, so that -- the owner need  
19 to pay. The Mayor need to pay. The animal business,  
20 whoever the people is, they need to pay.

21 CHRIS: Yeah.

22 MATISHA: They need to pay.

23 CHRIS: That's right.

24 MATISHA: So whatever I need to do to get  
25 justice for my mama, then that's what I'm going to do.

1                   CHRIS: Are you in Dallas? Do you live in  
2 Dallas, too?

3                   MATISHA: Yes, sir, I do, I stay off of 75,  
4 635 and 75, North Dallas area.

5                   CHRIS: Yeah. I tell you what, why don't  
6 we do this then. I'm going to give you my cell phone --  
7 you can Google me to get the information here -- but  
8 I'll call you tomorrow.

9                   MATISHA: Okay.

10                  CHRIS: We can schedule a time. I can come  
11 out maybe this weekend and meet with you.

12                  MATISHA: Okay.

13                  CHRIS: Okay, because you do need  
14 representation. We need to do an investigation. Have  
15 you found a mortuary?

16                  MATISHA: She's actually going to get  
17 cremated at Golden Gate.

18                  CHRIS: Oh, Golden Gate, yeah, I know  
19 Golden Gate.

20                  MATISHA: Yes, sir. I have to go out there  
21 tomorrow to fill out some more paperwork, so, yeah.

22                  CHRIS: You tell them that you talked to  
23 Chris Chestnut. I do a lot of work with him and the  
24 association --

25                  MATISHA: Okay.



1                   CHRIS:  -- Golden Gate.  And so whatever  
2  you-all need, you know, if you have any problem, you let  
3  me know.

4                   MATISHA:  Oh, no, he --

5                   CHRIS:  Chris Chestnut he'll know.

6                   MATISHA:  Yeah, he -- my mom and him grew  
7  up with them.

8                   CHRIS:  Did they?

9                   MATISHA:  Yeah, I just found that out  
10  recently that, you know, he and my mom, they grew up  
11  together.

12                   CHRIS:  Okay.  Yeah, so, all right.  So my  
13  name is Chris Chestnut.  I'm going to get you -- I'll  
14  text you my cell phone and I'll follow up with you  
15  tomorrow.

16                   MATISHA:  Okay.  Okay.

17                   CHRIS:  But -- because part of -- part of  
18  what we want to do is I want to make sure they preserve  
19  pictures and things they take of your mom so when we  
20  file a report --

21                   MATISHA:  Okay.

22                   CHRIS:  -- that there's evidence of how  
23  bad --

24                   MATISHA:  And it is.

25                   CHRIS:  Because it was --

1                   MATISHA: It is. I have two of the  
2 pictures in my phone, but they wouldn't allow me to take  
3 any more.

4                   CHRIS: Yeah.

5                   MATISHA: But they -- it shows, you know,  
6 some of them at the hospital before we actually took her  
7 off of life support, you know, and they were -- it  
8 was -- you know, I don't set that on nobody. You know,  
9 it's something out of a horror movie, that's how bad it  
10 is. That's how --

11                  CHRIS: I believe it. Well, so let's make  
12 sure before they cremate her, because the only thing  
13 with the cremation is all the evidence -- you know --

14                  MATISHA: I'm not sure if they cremated her  
15 yet, because they haven't called me and told me. So I  
16 will probably have to call them tomorrow to see.

17                  CHRIS: Okay.

18                  MATISHA: But they should have pictures.

19                  CHRIS: Find out, find out. Just make sure  
20 they take photos, especially if they're going to do an  
21 autopsy.

22                  MATISHA: Yeah. They did.

23                  CHRIS: -- they'll take pictures.

24                  MATISHA: Okay. So would a medical  
25 examiner take pictures of her?

1                   CHRIS: They would have some photos, too,  
2 but we can also ask them -- especially if --he'll take  
3 pictures --

4                   MATISHA: Okay. Okay. Okay. Okay, so I'm  
5 going to go over there tomorrow and I'm going call them  
6 in the morning to see if they can take them.

7                   CHRIS: Okay. That sounds good. I'm going  
8 to text you my name and my cell phone number and get  
9 back with you tomorrow. Okay?

10                  MATISHA: Okay.

11                  CHRIS: All right. If you need anything --  
12 I'm here, just will text you my phone number. Okay.

13                  MATISHA: Okay. I will. I will.

14                  CHRIS: I'm sorry about your mother. We'll  
15 talk tomorrow.

16                  MATISHA: Yeah, I appreciate that. I'm  
17 just --

18                  CHRIS: That's a lot.

19                  MATISHA: Yeah.

20                  CHRIS: Hang in there. I'll talk to you  
21 tomorrow.

22                  MATISHA: Okay.

23                  CHRIS: Okay. All right. Tiffinni will  
24 call you back.

25                  MATISHA: Okay. Okay. Okay. Thank you.