

CAUSE NO. D-1-GN-12-000003

DR. ANDREW J. WAKEFIELD, MB., BS., FRCS.	§	IN THE DISTRICT COURT
	§	
	§	250TH
v.	§	FOR THE ____ JUDICIAL DISTRICT
	§	
	§	
THE BRITISH MEDICAL JOURNAL, a d/b/a of BMJ PUBLISHING GROUP LTD, also d/b/a BMJ GROUP, and BMJ, BRIAN DEER, individually, and DR. FIONA GODLEE, individually.	§	TRAVIS COUNTY, TEXAS
	§	

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE DISTRICT COURT OF TRAVIS COUNTY:

NOW COMES Plaintiff, Dr. Andrew J. Wakefield, MB., BS., FRCS, and files this Original Petition complaining of Defendants The British Medical Journal a d/b/a of BMJ Publishing Group LTD, also d/b/a BMJ Group and BMJ, Brian Deer, individually, and Dr. Fiona Godlee, individually, and in support thereof would show the Court as follows:

**I.
DISCOVERY LEVEL**

1.1 Discovery in this case shall be conducted under a Level 3 Discovery Control Plan.

**II.
PARTIES**

2.1 Plaintiff, Dr. Andrew J. Wakefield, MB., BS., FRCS. ("Dr. Wakefield") is a resident of Austin, Texas.

2.2 Defendant BMJ Publishing Group LTD which does business as The British Medical Journal, BMJ Group, and BMJ (hereinafter collectively "BMJ") is a British limited

liability company organized under the laws of the United Kingdom that may be served with process pursuant to Section 10(a) of the Hague Convention by serving this Original Petition via international registered mail as follows: BMJ Publishing Group LTD, BMA House, Tavistock Square, London, WC1H 9JP, United Kingdom. Issuance of Citation for BMJ Publishing Group LTD d/b/a The British Medical Journal, BMJ Group and BMJ is requested at this time.

2.3 Defendant Brian Deer is a citizen and resident of the United Kingdom who may be served with process pursuant to Section 10(a) of the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters (“Hague Convention”) via international registered mail as follows: Brian Deer, 65 Herne Hill House, Railton Road, London, SE24 OEF, United Kingdom. Issuance of Citation for Brian Deer is requested at this time.

2.4 Defendant Dr. Fiona Godlee is a citizen and resident of the United Kingdom who may be served with process pursuant to Section 10(a) of the Hague Convention via international registered mail as follows: Dr. Fiona Godlee, BMA House, Tavistock Square, London, WC1H 9JP, United Kingdom. Issuance of Citation for Dr. Fiona Godlee is requested at this time.

III. VENUE AND JURISDICTION

3.1 Venue in this defamation lawsuit is mandatory in Travis County, Texas pursuant to TEX. CIV. PRAC. & REM. CODE §15.017, because Travis County was the residence of Plaintiff, Dr. Wakefield, at the time of the accrual of the causes of action alleged herein.

3.2 The amount in controversy is within the jurisdictional range appropriate to this Court’s subject matter jurisdiction.

3.3 This Court has personal jurisdiction over the Defendants pursuant to the Texas Long-Arm Statute and consistent with the requirements of Due Process because the Defendants purposefully availed themselves of the privileges, benefits, advantages, and profits of conducting their affairs in the State of Texas by directing a significant and regular flow of publications, including periodicals, journals, articles, subscriptions, and electronic media to institutional and individual residents of this State. Defendants further committed a tort, which is the subject of this suit, in whole or in part, in this State, to wit, authoring, editing, and approving articles and making statements with knowledge or intent that said articles be published and statements be made and directed to residents of this State, including, but not limited to Plaintiff at his residence in Austin, Texas. Said articles, publications and statements contained false and defamatory allegations about Plaintiff Dr. Wakefield and his affairs, business and reputation in the State of Texas as detailed herein.

IV. FACTS

4.1 This defamation lawsuit arises, in part, out of the publication on or about January 5, 2011 and thereafter, in the British Medical Journal, of an article authored for the BMJ by Brian Deer, titled *Secrets of the MMR Scare* (**Exhibit A**) and accompanying editorials by the BMJ's editor, Fiona Godlee (**Exhibit B 1-2**). Defendants' article and editorials, distributed to subscribers in Texas and which form the basis of Plaintiff's claims, contained unfair, incorrect, inaccurate and unjust criticisms of findings previously reported by Dr. Wakefield and 12 other co-authors. More significantly, Defendants accused Dr. Wakefield of fraud and of fraudulently and intentionally manipulating and falsifying data and diagnoses in connection with a clinical paper he co-authored called *Ileal-lymphoid-nodular hyperplasia, non-specific colitis, and pervasive developmental disorder in children*, originally published in the medical journal *The*

Lancet in 1998 (the “Lancet Paper”). Defendants’ false and defamatory allegations have been widely disseminated by Defendants through the BMJ and other sources since their original publication.

4.2 In his work for the Lancet Paper, Dr. Wakefield along with twelve other physicians and researchers reviewed twelve cases of sick children presenting pervasive developmental disorders and gastrointestinal symptoms. For the majority of these children, their parents had reported the onset of their respective initial behavioral symptoms in near temporal proximity to each child having received an injection of the Measles, Mumps & Rubella (“MMR”) vaccine. In the Lancet Paper, Dr. Wakefield and his colleagues described inflammatory disease in the intestinal lining of these children, possibly related to the MMR vaccine being given all at once. The result of these case studies (a “case series”) was documented and summarized in the Lancet Paper that was published in 1998.

4.3 Defendants’ article and editorials, published by the BMJ in January 2011, and thereafter, and Defendants’ subsequent republication of the information contained therein, and additional defamatory statements, including on Defendant Brian Deer’s website and elsewhere, (hereinafter collectively the “Defamatory Statements”) charged Dr. Wakefield with intentionally or knowingly manipulating or falsifying data and diagnoses in connection with the findings in the Lancet Paper. These statements against Dr. Wakefield were directed at Dr. Wakefield’s activities in Texas, where he now is (and was at the time of the publication of the Defamatory Statements) a resident of Austin, Travis County, Texas. The Defamatory Statements were and are false and written and published with actual malice and intended to cause damage to Dr. Wakefield’s reputation and work as a researcher, academic and physician and to permanently impair his reputation and livelihood.

4.4 The charges made by Defendants that Dr. Wakefield fraudulently and intentionally manipulated or falsified data or diagnoses in the Lancet Paper are false. Purporting to offer a “re-analysis” of the medical records – many of which Defendants knew were not in the possession of or used by Dr. Wakefield and his colleagues at the time of the publication of the Lancet Paper – for the twelve subject children, Defendants knowingly and with actual malice misrepresented information, data and diagnoses for the purpose of creating the false impression that it was Dr. Wakefield who had manipulated or altered data or diagnoses. Based on Defendants’ purported “reanalysis,” Defendants made and continue to make assertions that Plaintiff Dr. Wakefield committed fraud and is “a fraudster.”

4.5 On January, 5, 2011, Defendants’ published their article, *Secrets of the MMR Scare: How the Case Against the MMR Vaccine was Fixed* authored by Defendant Brian Deer. **(Exhibit A)**. This article contains numerous false and misleading statements concerning Plaintiff Dr. Wakefield which constitute libel *per se* and *per quod*. Examples of the defamatory statements in this article include the following:

- Dr. Wakefield’s case study was “*fixed*” and based on “*bogus data*”;
- Dr. Wakefield’s findings were “*manufactured*” to give “the appearance of a link [to] autism”;
- Dr. Wakefield’s “undisclosed goal” of the project “was to help sue the vaccine’s manufacturers” and that “Wakefield evidenced his [new] ‘syndrome’ for the lawsuit, and built his platform to launch the vaccine scare”;
- Deer’s self-proclaimed “investigation of the MMR issue exposed the *frauds* behind Wakefield’s research”;

- Dr. Wakefield doctored the underlying subjects' data to reach his conclusions as "[n]o case was free of misreporting or alteration";
- The children who were the subjects of the Lancet Paper "were recruited through anti-MMR campaigners, and the study was commissioned and funded for planned litigation"; and,
- Plaintiff Wakefield, "nevertheless, now apparently self-employed and professionally ruined, remains championed by a sad rump of disciples."

These statements are false and defamatory.

4.6 Along with the BMJ's publication of Deer's article were equally malicious and defamatory "editorials" by the editor of the BMJ, Defendant Godlee. The first editorial, titled *Wakefield's Article Linking MMR Vaccine and Autism was Fraudulent*, (**Exhibit B-1**) was published on the same day as Deer's article. The editorial states: "it has taken the diligent skepticism of [Deer], *standing outside medicine and science*, to show that the [Lancet Paper] was in fact *an elaborate fraud*." Godlee goes on to state that Deer's article "shows the extent of Wakefield's fraud and how it was perpetrated...and how Wakefield altered numerous facts about the patients' medical histories in order to support his claim of having identified a new syndrome." Godlee's libelous rhetoric, including but not limited to the following, is factually inaccurate, malicious, unwarranted and constitutes defamation *per se*:

"Who perpetrated this fraud? There is no doubt that it was Wakefield. Is it possible that he was wrong, but not dishonest: that he was so incompetent that he was unable to fairly describe the project, or to report even one of the 12 children's cases accurately? *No.*" (**Exhibit B-1 at p. 2**).

The BMJ is supposed to be a respected medical journal, focusing on facts and research. Instead, Godlee, Deer and others at the BMJ used the BMJ to launch an unprecedented personal attack on a doctor who was part of a group of well respected physicians that presented a case study that

simply suggested that there might be a connection between the combined MMR vaccine, when administered as a combination of live viruses to certain children, and autism and that suggested further research is warranted.

4.7 Godlee followed with a second editorial called, *Editor's Choice: The Fraud Behind the MMR Scare* on January 6, 2011. **(Exhibit B-2)**. Likewise false and malicious are the editorial's claims that again parrot the Defendants' earlier groundless assertions. Defendant Godlee's editorial falsely states that, "data had been substantially misrepresented in order to give the result Wakefield needed." Defendants further falsely state that the BMJ had confirmed "extensive falsification" in the Lancet Paper and defamatorily refers to the Lancet case study as Dr. Wakefield's concocted "MMR scare" and falsely states that it was not merely "bad science," but a "deliberate fraud." Similarly false were Godlee's and the BMJ's claims that "in no single case can the medical records be fully reconciled with what was published," by Dr. Wakefield. Additionally, the editorial falsely claims that Dr. Wakefield's findings were not honestly documented which resulted in a "deeply shocking" "breach of trust."

4.8 Interestingly, at the time the editorials and the Deer article were published, the Defendants failed to disclose the fact that the BMJ received significant revenue from the very vaccine manufacturers whose products need further investigation. It was only months later, after the issue was raised by others that the BMJ posted the following: "The BMJ should have declared competing interests in relation to this editorial by Fiona Godlee and colleagues. The BMJ Group receives advertising and sponsorship revenue from vaccine manufacturers, and specifically from Merck and GSK, which both manufacture MMR vaccines." **(Exhibit B-3)**. This statement accompanied the later on-line version of the editorial but was not placed in the

on-line version of the Deer article and was not publicized by the BMJ the way the article and editorials were.

4.9 The allegations in Mr. Deer's article, which are summarized and repeated in Godlee's editorials in the BMJ, are based on intentional misrepresentations of the content of the Lancet Paper, with actual malice, for the purpose of falsely stating that the findings referenced in the Lancet Paper were false and fraudulent and for the purpose of injuring Plaintiff.

4.10 Ironically, the evidence in this case will show that it is Deer, Godlee and BMJ who have provided misleading information regarding these twelve children's histories with the malicious purpose of injuring Dr. Wakefield by falsely making it appear that Dr. Wakefield altered, manipulated or misrepresented data for the twelve cases discussed in the Lancet Paper. In fact, all of the facts and findings in the Lancet Paper are supported by the documents for these twelve patients. Defendants' statement that "[n]o case was free of misreporting or alteration" (**Exhibit A p. 5**) is false.

4.11 In their publications, the Defendants' mislead the reader to believe that Dr. Wakefield and his co-authors reviewed certain medical records and/or NHS records prior to writing the Lancet Paper, a fact that Defendants knew was false when they made statements stating or implying that Dr. Wakefield had altered or ignored data in records that were not, in fact, in the possession of or used by Dr. Wakefield or his colleagues in writing the Lancet Paper. In actuality, it was the Defendants who misrepresented the data in their "re-analysis" in order to conjure their own conclusions in an effort to defame Dr. Wakefield. However, when the data that underlies the Defendants' conclusions is taken in full-context, it not only confirms the veracity of the Lancet Paper's authors and their findings, but also amplifies the nature of the false and defamatory remarks that Defendants posit about Plaintiff and his character.

4.12 For example, Deer misrepresented the facts of the underlying cases, repeatedly misrepresenting or distorting the content of records for the purpose of falsely accusing Dr. Wakefield of having done precisely what Deer has done. Deer falsely claimed that the records for children 6, 7 and 12 in the Lancet Paper did not have a behavioral diagnosis of autism. Deer states “only one—child 2—clearly had regressive autism. Three of nine so described clearly did not. None of these three even had autism diagnoses, either at admission or on discharge from the Royal Free.” (Exhibit A at p. 3). Contrary to Deer’s statements (it should be noted that Deer is a journalist and not a medical doctor), based on the clear underlying evidence, these subjects did suffer from autism.

4.13 With regard to child 11 detailed in the Lancet Paper, Deer made several misrepresentations in his efforts to falsely suggest Dr. Wakefield had altered or manipulated data and diagnoses. Deer asserts that symptoms of autism appeared for this child two months earlier than reported in the Lancet Paper and prior to the administration of the MMR vaccine. However, prior to publication of the Lancet Paper, the child’s father reported to Dr. Wakefield and his colleagues, and later in person to Deer, (and continues to report) that the child’s symptoms did not appear until after receiving the MMR vaccine. Indeed, the child’s father has since written Deer and the BMJ to explain that Deer was misrepresenting facts about child 11, yet Deer and BMJ have printed no retraction, correction, or mention of this fact. This failure on Defendants’ part is further evidence of their malicious intent to create and foster the false impression that Dr. Wakefield and his colleagues fraudulently altered data and diagnoses for the Lancet Paper.

4.14 Deer asserted in his article that Dr. Wakefield had altered or ignored information from on-duty pathologists as to whether or not the children detailed in the Lancet Paper had intestinal inflammation and specifically, non-specific colitis. However, it was known to the

Defendants that the findings of inflammation were based on a blind and systematic analysis of biopsies taken from the children's terminal ileum and large intestine, conducted by an expert pathologist, Dr. Amar Dhillon, and that this analysis was undertaken independently of Dr. Wakefield's involvement in the interpretation of the biopsy findings. Defendants' publications also misleadingly, omit that a second independent pathologist, Dr. Andrew Anthony, reviewed the same slides and reached the same conclusions with respect to these children. Dr. Anthony was a medically qualified researcher in the Department of Histopathology at the Royal Free with a published expertise in inflammatory intestinal pathology. And like Dr. Dhillon's review, Dr. Anthony's review was conducted in a blind, unbiased, manner, comparing control slides of normal biopsies, and without the benefit of Dr. Dhillon's grading sheets. This information was deliberately left out of the BMJ publications to create the false impression that Dr. Wakefield had altered the diagnosis for some of the children in the Lancet Paper.

4.15 Deer likewise misrepresented information about the onset of the first behavioral symptoms following administration of the MMR vaccine for several of the children, incompletely reporting on the content of the children's medical records to which Deer had access. He did this for the purpose of creating the impression that Dr. Wakefield had altered or manipulated data. Again, the evidence in this case will show that it was Deer who manipulated the data for the purpose of defaming Dr. Wakefield and that he did so with actual malice. BMJ and Godlee knew that at the time of writing the Lancet Paper, Dr. Wakefield and his colleagues did not use or have in their possession the records used by Deer, however they repeated these false assertions against Dr. Wakefield. In truth, the very records which Defendants' use to allegedly support their own conclusions, actually further confirm the accuracy of the Lancet Paper and Dr. Wakefield's conclusions.

4.16 Each of the Defamatory Statements which are the subject of this lawsuit are false, known to be false by the Defendants, and were published or stated with actual malice, with the knowledge or intent to harm Dr. Wakefield.

4.17 The BMJ article and editorials were not the end of Defendants' mass propaganda campaign. Within twenty-four hours of Deer and Godlee's initial publications, Defendants were promoting their stories to major print media, radio and television outlets in the United States and in Texas. As noted above, at that time they failed to disclose that the BMJ received advertising and sponsorship revenue from the pharmaceutical companies that manufacture vaccines, including the MMR vaccine.

4.18 On January 6, 2011, Defendant Deer appeared on CNN's American Morning touting his journalistic efforts and again voluntarily offering more false and defamatory statements against Plaintiff Dr. Wakefield.¹ For example, during his interview on CNN's American Morning, Defendant Deer made the following defamatory remarks concerning Wakefield and his reputation:

- Dr. Wakefield is "a determined cheat";
- Dr. Wakefield embarked in "a campaign of lies"; and,
- Dr. Wakefield is now trying to "work out a nice little living...at the expense of autistic children."

Defendant Deer stated that "it's not me saying it, it is the editors of that journal [the BMJ] who are behind this." Defendant Deer invited Dr. Wakefield to file a lawsuit against the Defendants stating: "if Wakefield is not 'guilty as charged,' he has the remedy of bringing a libel action

¹ See American Morning, CNN (Jan. 6, 2011), available at <http://www.cnn.com/2011/HEALTH/01/06/autism.vaccines/index.html>.

against me, against the Sunday Times of London, against the BMJ, against [CNN].” The CNN American Morning show is broadcast in Texas and across the nation.

4.19 The same day Defendant Deer also appeared on CNN’s Anderson Cooper 360 Show.² In that appearance Defendant Deer reasserted his slanderous remarks against Dr. Wakefield, including the statement that Plaintiff “takes tangential pieces of research that don’t really relate to what he is saying and represent them as somehow endorsing what he said.” The Anderson Cooper 360 Show is broadcast in Texas and nation-wide.

4.20 On January 25, 2011, Defendant Deer appeared on the radio talk show The Gary Null Show.³ During this talk show, Defendant Deer championed his work and further slandered and defamed Dr. Wakefield stating:

[Wakefield] has been fired by his employers in Austin, Texas. He has now been branded by the British Medical Journal a fraudster. They described his work as an elaborate fraud, and now I think he’s consigned to the realms of being a freelance charlatan preying on the parents of autistic children. So I think that sums up my position.

Defendant Deer went on at length parroting his previous false and defamatory remarks concerning Dr. Wakefield, including the statement: “he [Wakefield] went through the results manually altering test results and diagnoses and histories of the children so to create the appearance that there was a link between MMR and autism.”

4.21 As early as April 22, 2011, Defendant Deer published a lengthy, self-congratulatory, four-part article called, *Nailed: Dr. Andrew Wakefield and the MMR – autism fraud* on the website www.briandeer.com.⁴ This article, published on Deer’s website with links

² See Anderson Cooper 360, CNN (Jan. 6 2011), available at <http://ac360.blogs.cnn.com/2011/01/07/video-journalist-brian-deer-responds-to-dr-andrew-wakefield>.

³ See The Gary Null Show, PRN (Jan. 25, 2011), available at <http://www.garynull.com>.

⁴ See Brian Deer, *Nailed: Dr. A. Wakefield and the MMR – autism fraud*, available at <http://briandeer.com/mmr/lancet-summary.htm>.

to the BMJ article and editorials, contains the following defamatory statements about Dr. Wakefield:

- Dr. Wakefield's work was "a scandal of astounding proportions;"
- Dr. Wakefield's work "had no scientific basis whatsoever";
- Dr. Wakefield's work was a "sham: laundering into medical literature, as apparent facts, the unverified, often vague, memories and assertions of a group of unnamed parents";⁵
- "Wakefield had repeatedly changed and misreported diagnoses, histories and descriptions of the children, which made it appear that the syndrome had been discovered";
- "The Lancet paper had been rigged"; and,
- "Even when [Wakefield] knew that his allegations had been proven baseless, he was found promoting them from a controversial business in Austin, Texas called Thoughtful House."

Deer made specific reference to the impact of his allegations in Texas stating: "Wakefield was ousted by the directors of his Texas business." Clearly, Deer intends for his defamatory statements to be widely broadcast in the US and is proud of the fact that they have been. He states on his website:

Among hundreds of broadcast and newspaper reports on the BMJ series, which included all north America networks and reached 47% of Americans surveyed in a Harris poll, The New York Times said in an editorial on January 13: "Now the British Medical Journal has taken the extraordinary step of publishing a lengthy report by Brian Deer, the British investigative journalist who first brought the paper's flaws to light – and has put its own reputation on the line by endorsing his findings."

⁵ Deer's article now reads "laundering into medical literature, as apparent facts, the unverified, often vague -- and sometimes altered -- memories and assertions of a group of unnamed parents."

Defendant Deer's website article contains a host of links and references to national and global media organizations that have cited his story, claiming that "in the United States alone, nearly 145 million people knew of Deer's findings." In particular he references a Washington Post article: "Among the extensive international reportage of the MMR investigation was a long and detailed account in the Washington Post by distinguished journalist, Glenn Frankel. Among his findings was a plan by Wakefield to move his crusade to Texas where, according to one source, his 'entrepreneurial spirit' will find 'fertile ground' in US privatized health care."

4.22 On April 15, 2011, Defendant Deer presented at the Association of Health Care Journalists Annual Conference in Philadelphia, Pennsylvania. At that conference Defendant Deer further defamed Dr. Wakefield. At that conference he slandered Plaintiff Wakefield by stating, among other things, that Dr. Wakefield is "not just incompetent but a fraudster" and by stating that Dr. Wakefield's work is "bullshit."

4.23 In September 2011, Godlee slandered and defamed Dr. Wakefield during a lecture given at the National Institutes of Health ("NIH") in Bethesda, Maryland, which was broadcast nation-wide and is still available on the NIH website.⁶ For example, in an additional allegation of fraud against Dr. Wakefield, Dr. Godlee referred, in her lecture, to a comparison of the interval between MMR vaccine exposure and "symptoms" in children reported by Dr. Wakefield and his colleagues in two different versions of the Lancet Article, a draft prepared in August 1997 and the final published paper, the Lancet Paper. Dr. Godlee went on to use this allegation as her basis to conclude that Dr. Wakefield fraudulently manipulated the reduction of the time interval in order to create "a legally compelling case which would be a maximum of 14 days and in this case an average of 6.3 days." She not only falsely suggested that Dr. Wakefield fraudulently misreported this medical data, but she imputed to him a malignant intent that he

⁶ See *Godlee Lecture* (Sept. 6, 2011) available at <http://videocast.nih.gov/Summary.asp?File=16828>.

knowingly altered this data in an effort to influence vaccine injury litigation. Both allegations are false and defamatory. In addition Godlee accused Dr. Wakefield of committing “scientific fraud” and a criminal act. These allegations are defamatory *per se*.

**V.
DEFAMATION**

5.1 Dr. Wakefield hereby brings this common law cause of action libel, slander and defamation against Defendants based on the malicious publication of false claims about Dr. Wakefield as detailed above and incorporated by reference herein.

5.2 Each of the Defendants knowingly misrepresented facts with the purpose of making false accusations against Dr. Wakefield. These false statements were published with actual malice.

5.3 These false claims were known to be false by the Defendants at the time they were made and were made and published with the intent to cause substantial harm to Dr. Wakefield’s reputation, to open him up to scorn in his community, and to damage his livelihood.

5.4 The false statements, intended by Defendants to injure Dr. Wakefield in his trade and profession, constitute defamation *per se*, therefore damages are presumed from the publication of these false statements.

5.5 Alternatively, these statements, intended by Defendants to injure Dr. Wakefield in his trade and profession, constitute defamation *per quod*.

5.6 The malicious publication of the false statements about Dr. Wakefield detailed above have caused and continue to cause actual general and special damages to Dr. Wakefield, including, injury to character and reputation, humiliation, injury to feelings, and loss of earning capacity.

VI.
EXEMPLARY DAMAGES

6.1 Because Defendants acted with actual malice, the Plaintiff is entitled to recover exemplary damages as defined by the Texas Civil Practice & Remedies Code § 43.001, *et seq.*

VII.
DECLARATORY JUDGMENT

7.1 In addition, Plaintiff seeks a declaratory judgment that the Defendants' published false and misleading statements regarding Dr. Wakefield and/or the Lancet Paper.

VIII.
PRAYER

Dr. Wakefield hereby prays for a trial by jury as to all disputed issues of fact, and upon findings appropriate, further prays for judgment from this Court against the Defendants for: nominal damages, actual and compensatory damages, special damages, including injury to reputation and character, injury to feelings, humiliation, loss of earning capacity, exemplary damages pursuant to TEX. CIV. PRAC. & REM. CODE §41.001, *et. seq.*, declaratory relief, costs and expenses, prejudgment and post-judgment interest as allowed by law, and for such other and further relief to which he may be justly entitled.

Respectfully submitted,

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