

ORIGINAL

CLERK OF DISTRICT COURT  
NORTHERN DISTRICT OF TX  
DALLAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SHARON LEWIS d/b/a PLANET ROCKWALL  
and LISA CAUBLE,

Plaintiffs,

v.

T-F HARBOR, LLC,

Defendant.

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3-12CV-2647G

C.A. No. \_\_\_\_\_

**DEFENDANTS' NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. Sections 1331, 1367(a), 1441(c), and 1446, Defendant T-F Harbor, LLC ("Defendant"), for the purposes only of removing this cause from the 439th Judicial District Court, Rockwall County, Texas, to the United States District Court for the Northern District of Texas, Dallas Division, states:

I.

STATE COURT ACTION

1. Plaintiffs Sharon Lewis d/b/a Planet Rockwall ("Lewis") and Lisa Cauble ("Cauble") (collectively, "Plaintiffs") initiated this action against Defendant by filing, on July 9, 2012, its Original Petition (the "Petition") in the 439th Judicial District Court of Rockwall County, Texas, Cause No. 1-12-672 (the "State Court Action"). In the Petition, Plaintiffs stated claims against Defendant for "Copyright Infringement", tortious interference with existing contracts, conversion and quantum meruit.

2. In the Petition, Plaintiffs allege that Defendant wrongfully took possession of a Facebook page that had been originally created by Cauble and subsequently managed by Lewis. Plaintiffs' claims against Defendant are based on Plaintiffs' allegations that they have been damaged as a result of Defendant's alleged request to Facebook, Inc. that it transfer the administrative rights to the Facebook page over to Defendant. Plaintiff Lewis alleges that, *inter alia*, she owned a copyright in the "compilation of posts on the Facebook page" and that

Defendant “knowingly and intentionally infringed upon” that copyright. Lewis alleges that she has been damaged by this alleged “copyright infringement” and Defendant’s alleged “conversion” of Plaintiffs’ rights in the Facebook page in an amount within the jurisdictional limits of the Texas State district courts.

**II.  
TIMELINESS OF REMOVAL**

3. Defendant received notice of the Petition when it was served on July 10, 2012. Thus, pursuant to 28 U.S.C. § 1446(b), Defendants’ removal of this action is timely.

**III.  
CONSENT TO REMOVAL**

4. As of the time of the filing of this Notice of Removal, Defendant is the only defendant in the State Court Action, and desires that this action be removed to this court.

**IV.  
GROUNDS FOR REMOVAL**

**A. Removal To This Court is Proper**

5. The United States District Court for the Northern District of Texas, Dallas Division, presides over the district and division where the State Court Action was filed (Rockwall County, Texas), and, therefore, it is the proper court to which this action should be removed pursuant to 28 U.S.C. § 1441(a).

**B. The “Copyright Infringement” Claim Constitutes a “Federal Question” Under 28 U.S.C. §§ 1331 and 1441(c).**

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1441, *et seq.* because Plaintiffs’ right to relief requires resolution of substantial question of federal law. *See Franchise Tax Bd. v. Laborers Vacation Trust*, 463 U.S. 1, 8 (1983); *Maroney v. Univ. Interscholastic League*, 764 F.2d 403, 405-06 (5th Cir. 1985).

7. By bringing the “Copyright Infringement” claim against the Defendant in their Petition, Plaintiffs have raised a federal question under the laws of the United States as contemplated by 28 U.S.C. §§ 1331 and 1441. Federal courts have exclusive original

jurisdiction over claims of copyright infringement. See 28 U.S.C. § 1338(a). The Fifth Circuit has adopted a doctrine of “complete preemption” of all state law causes of action falling within the scope of the Federal Copyright Statute. See 17 U.S.C. § 101, *et seq.*; *Carson v. Dynegy, Inc.*, 344 F.3d 446, 456 (5th Cir. 2003) *Daboub v. Gibbons*, 42 F.3d 285, 288 (5th Cir. 1995); *Gemcraft Homes, Inc. v. Sumurdy*, 688 F. Supp. 289 (E.D. Tex. 1988) (federal exclusivity of a copyright claim is so strong that even an unstated copyright claim preempts an explicitly worded state law claim).

8. Lewis’s claim of copyright infringement directly involves the validity and existence of an alleged copyright and seeks remedies (validation of the alleged copyright and the proceeds from the same) expressly granted by the Copyright Act. See *Ultraflo Corp. v. Pelican Tank Parts, Inc.*, 823 F. Supp. 578, 584 (S.D. Tex. 2011). Lewis’s copyright infringement claim also appears to be based on her allegation that Defendant “misappropriated” her exclusive copyright. State law claims of unfair competition by misappropriation generally are preempted when the acts that form the basis of the claim “touch on interests clearly protected by the Copyright Act.” *Alcatel USA, Inc. v. DGI Technologies, Inc.*, 166 F.3d 772, 789 (5th Cir. 1999). Likewise, Plaintiffs’ claim for conversion is clearly one for conversion of alleged intellectual property (the Facebook page and the posts thereto) and is therefore preempted by the Copyright Act. See *Ultraflo Corp.*, 823 F. Supp. at 587-88.

9. Therefore, it follows that, because Lewis clearly states a claim for “Copyright Infringement” in the Petition, that claim is within the scope of the Copyright Act and serves as a basis for exclusive federal jurisdiction. Furthermore, because each of Plaintiffs’ claims are so related to Lewis’s copyright infringement claim, this Court should exercise supplemental jurisdiction over each of Plaintiffs’ claims pursuant to 28 U.S.C. § 1367(a).

**V.  
REQUIRED DOCUMENTS**

10. The following attachments are attached hereto pursuant to Local Rule 81.1(a)(3):
- (a) An index of documents filed in the State Court Action, attached as Exhibit A;
  - (b) True and exact copies of all documents, except discovery material, filed in the State Court Action (individually tabbed and arranged in chronological order according to the State Court Action file date), attached to the index as Exhibit A-1 through A-4;
  - (c) A certified copy of the civil docket sheet in the State Court Action, attached hereto as Exhibit B; and,
  - (d) A signed Certificate of Interested Persons that complies with Local Rule 3.2(e), attached hereto as Exhibit C.

11. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this notice of removal will be served upon Plaintiffs' counsel, and a true and correct copy of this notice of removal will be filed with the Clerk of the 439th Judicial District Court, Rockwall County, Texas.

**VI.  
RELIEF REQUESTED**

12. Third Party Defendants respectfully request the following relief:
- (a) that the Court accept this Notice of Removal, make such orders, if any, and take such action, if any, as may be necessary in connection with the removal of the State Court Action to this Court; and
  - (b) that the Court grant Defendant such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted,

By: 

\_\_\_\_\_  
Jon B. Hyland  
State Bar No. 24046131  
Caleb D. Trotter  
State Bar Nno. 24068624  
MUNSCH HARDT KOPF & HARR, P.C.  
3800 Lincoln Plaza  
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[ctrotter@munsch.com](mailto:ctrotter@munsch.com)

**COUNSEL FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served via facsimile on all counsel of record on this 2<sup>nd</sup> day of August, 2012, as follows:

Jamie Pruitt  
THE PRUITT LAW FIRM  
110 S. Goliad, Suite 101  
Rockwall, Texas 75087  
Fax: 469.698.8554

*Counsel for Plaintiffs*

  
\_\_\_\_\_  
Caleb D. Trotter



Respectfully submitted,

By: 

Jon B. Hyland  
State Bar No. 24046131  
Caleb D. Trotter  
State Bar Nno. 24068624  
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**COUNSEL FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served via facsimile on all counsel of record on this 3rd day of August, 2012, as follows:

Jamie Pruitt  
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110 S. Goliad, Suite 101  
Rockwall, Texas 75087  
Fax: 469.698.8554

*Counsel for Plaintiffs*

  
\_\_\_\_\_  
Caleb D. Trotter

No. 1-12-672

SHARON LEWIS,  
d.b.a. PLANET ROCKWALL; and  
LISA CAUBLE  
Plaintiffs,

VS.

TF-HARBOR, LLC  
Defendant,

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FILED FOR RECORD  
ROCKWALL CO., TEXAS  
12 JUL -9 PM 1:11  
BY KAY McDANIEL  
DISTRICT CLERK  
439th JUDICIAL DISTRICT  
ROCKWALL COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES SHARON LEWIS, d.b.a. PLANET ROCKWALL, and LISA CAUBLE, Plaintiffs, and files this Original Petition complaining of TF-HARBOR, LLC and would respectively show the court as follows:

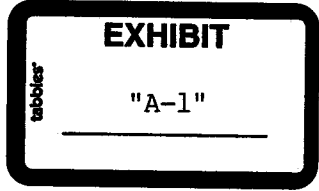
DISCOVERY CONTROL PLAN

1. Pursuant to the Texas Rules of Civil Procedure, this case shall be governed by a Level Two discovery control plan.

PARTIES

2. SHARON LEWIS, d.b.a. PLANET ROCKWALL, Plaintiff, is an individual who resides in Rockwall County, Texas, and is represented by Jamie Pruitt, Attorney at Law, 110 S. Goliad St., Rockwall, Texas 75087, phone 469-698-8550, fax 469-698-8554.

3. LISA CAUBLE, an individual, resides in Rockwall County, Texas, and is represented by Jamie Pruitt, Attorney at Law, 110 S. Goliad St., Rockwall, Texas 75087, phone 469-698-8550, fax 469-698-8554.



THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN MY OFFICE.  
KAY McDANIEL  
DISTRICT CLERK  
ROCKWALL COUNTY TEXAS





4. TF-HARBOR, LLC is a Texas Limited Liability Company may be served by their registered agent, Credit Union Liquidity Services, LLC at 777 E. Campbell Road, Suite 650, Richardson, Texas 75081, as registered with the Texas Secretary of State or wherever it may be found.

JURISDICTION AND VENUE

5. Jurisdiction is proper in this Court pursuant to the Texas Constitution, the Texas Government Code and other applicable law. The Court has jurisdiction over the subject matter and for the amount in controversy is within the jurisdictional limits of this Court.

6. Venue for this action is proper in Rockwall County, Texas, because all or a substantial part of the cause of action arose in Rockwall County, Texas.

FACTS

7. This suit involves a Facebook Fan Page that was created by an individual, LISA CAUBLE, and transferred to SHARON LEWIS, d.b.a. PLANET ROCKWALL.

8. SHARON LEWIS owns PLANET ROCKWALL, a marketing business in Rockwall, Texas.

9. On June 23, 2010, LISA CAUBLE, a merchant who had a business at the Retail Area of the Harbor District, created a Facebook page named "The Harbor Rockwall," ("Facebook Page") and linked the page to her business' Twitter Page (Affinity Twitter Page) and another Facebook page (Preppers of East Texas Facebook Page), so that the postings from the Facebook Page would automatically post to her other pages.

10. In June 2010, LISA CAUBLE gave SHARON LEWIS administrator rights to the Facebook Page and transferred her ownership of the page to SHARON LEWIS, d.b.a. PLANET



ROCKWALL (<https://www.facebook.com/TheHarborRockwall>), because SHARON LEWIS, d.b.a. PLANET ROCKWALL had been promoting the Harbor District through her marketing business for over six (6) years.

11. SHARON LEWIS, d.b.a. PLANET ROCKWALL used the page to post updates about the Harbor District and events that were occurring at the Harbor District in Rockwall, Texas, particularly the concert events organized by the City of Rockwall that occur in the summer months.

12. The Harbor District is an area of Rockwall that is owned by the City of Dallas and is leased to the City of Rockwall.

13. The Harbor District consists of lake access and boat docks on Lake Ray Hubbard owned by the City of Rockwall, a park area owned by the City of Rockwall, an amphitheater owned by the City of Rockwall, a boardwalk owned by the City of Rockwall, a lighthouse owned by the City of Rockwall, public restrooms owned by the City of Rockwall, a large Spray Fountain and Fountain Plaza area owned by the City of Rockwall, many easements for access owned by the City of Rockwall and a private retail development ("Retail Area") that sits back from the Lake, which is owned by TF-HARBOR, LLC ("Defendant").

14. The City of Rockwall and Defendant both refer to the Harbor District area as "The Harbor."

15. From 2010 until approximately February 2012, SHARON LEWIS, d.b.a. PLANET ROCKWALL, posted updates to the Facebook page and promoted the Harbor District regularly, as a community service to bring goodwill and good reputation to her marketing business.



16. Defendant, the City of Rockwall and the previous owner of the Retail Area knew about the Facebook Page and SHARON LEWIS' posts and updates on the Facebook Page.

17. For approximately two years, SHARON LEWIS posted regular updates and items of interest regarding the Harbor District and spent great time and effort obtaining over 2,400 followers on the Facebook Page.

18. As a marketing professional, SHARON LEWIS, d.b.a. PLANET ROCKWALL, took great care in choosing pertinent information to post on the Facebook Page and avoided over-posting, so that her followers would not consider the postings and updates from the Facebook Page to be "SPAM."

19. In or about January of 2012, SHARON LEWIS was told by a merchant in the Retail Area that Defendant's agent, Erin Kincaid reported that SHARON LEWIS, d.b.a. PLANET ROCKWALL was taking down posts the merchant had been putting on the Facebook Page, when in fact SHARON LEWIS, d.b.a. PLANET ROCKWALL had not removed any of his posts.

20. On January 27, 2012, SHARON LEWIS, d.b.a. PLANET ROCKWALL contacted Defendant's agent, Erin Kincaid, and explained that she had not been taking down posts from the Facebook Page and suggested that Defendant and PLANET ROCKWALL work out a partnership agreement for administrating the Facebook Page and promoting Defendant's events on the website maintained by SHARON LEWIS, d.b.a. PLANET ROCKWALL.

21. In or about February of 2012, Defendant's agent, Erin Kincaid, met with SHARON LEWIS, d.b.a. PLANET ROCKWALL to discuss the Facebook Page.



22. On information and belief, on February 19, 2012, Defendant created another Facebook page (“Empty Harbor Retail Page”) called “The Harbor Rockwall” (<https://www.facebook.com/pages/The-Harbor-Rockwall/108372875953355>).

23. As of June 27, 2012, the Empty Harbor Retail Page has obtained zero (0) followers.

24. On information and belief, on February 20, 2012, Defendant created yet another Facebook page (“Harbor Retail Page”) called “The Harbor Rockwall” (<https://www.facebook.com/pages/The-Harbor-Rockwall/112794412183148>).

25. As of June 27, 2012, the Harbor Retail Page has only obtained 207 followers.

26. On February 20, 2012, Defendant’s agent, Erin Kincaid, contacted SHARON LEWIS, d.b.a. PLANET ROCKWALL, and asked her to remove the Facebook Page or to change the title and visuals of the page to ensure that the approximately 2,400 followers would know that the page had no affiliation to Defendant and was being administrated by PLANET ROCKWALL, even though there had always been references to and posts by PLANET ROCKWALL on the Facebook Page since its creation.

27. In or about February 2012, SHARON LEWIS, d.b.a. PLANET ROCKWALL added a disclaimer to the Facebook Page, further explaining the page was not affiliated with Defendant and was actually maintained by SHARON LEWIS’ marketing business, PLANET ROCKWALL.

28. On information and belief, on or about February 29, 2012, Defendant’s agent, Silvana Garcia, demanded that SHARON LEWIS, d.b.a. PLANET ROCKWALL, transfer the



administrator rights of the Facebook Page over to her within "one hour" or she would "take it down" and that she had "done it before."

29. On information and belief, when SHARON LEWIS, d.b.a. PLANET ROCKWALL did not transfer the administrator rights over to Defendant, Defendant's agent, Silvana Garcia, maliciously contacted Facebook and had them remove Lisa Cauble and SHARON LEWIS as administrators of the Facebook Page and transfer the page and the administrator rights over to Defendant.

30. In or about February of 2012, SHARON LEWIS, d.b.a. PLANET ROCKWALL contacted Defendant's agent, Scott Weaver, to discuss the Facebook Page and he told SHARON LEWIS, d.b.a. PLANET ROCKWALL that Silvana Garcia had offered SHARON LEWIS, d.b.a. PLANET ROCKWALL compensation for the Facebook Page, when in fact she had not.

31. In or about March of 2012, Defendant's agent, Scott Weaver, called SHARON LEWIS, d.b.a. PLANET ROCKWALL and arranged a meeting between SHARON LEWIS, d.b.a. PLANET ROCKWALL and Defendant's agents: Todd Kolba, Shelton Weeks and Erin Kincaid.

32. On or about March 5, 2012, SHARON LEWIS, d.b.a. PLANET ROCKWALL met with Defendant's agents: Todd Kolba, Shelton Weeks and Erin Kincaid, and Kim Lovett and Kirk Lovett, to discuss the Facebook Page, at which time Defendant's agent, Shelton Weeks, stated that SHARON LEWIS, d.b.a. PLANET ROCKWALL should be compensated for the two years she maintained the Facebook Page.

33. In or about March of 2012, SHARON LEWIS, d.b.a. PLANET ROCKWALL offered Defendant two proposals for the Facebook Page: One where Defendant would utilize



PLANET ROCKWALL as a media/advertising source and would pay SHARON LEWIS \$2,500 for her past two years of working on the Facebook Page and another whereby Defendant could purchase the Facebook Page and rights associated with it for \$19,000 (valued at \$8 per follower on the Facebook Page).

34. In or about March 2012, Defendant began posting substantially more postings and updates on the Facebook Page so that SHARON LEWIS, d.b.a. PLANET ROCKWALL's original 2,400 followers began receiving many more updates in their homefeed by Defendant than they had been receiving from SHARON LEWIS, d.b.a. PLANET ROCKWALL when she was administrating the Facebook Page.

35. After Defendant began posting substantially more postings and updates on the Facebook Page that were not of the original quality or amount of the original postings by SHARON LEWIS, d.b.a. PLANET ROCKWALL, and all of the pages linked to the Facebook Page (Preppers of East Texas Facebook Page and Affinity Twitter Page), was continuously updated with the postings by Defendant.

36. LISA CAUBLE contacted Defendant's agent, Erin Kincaid and asked them to unlink her pages because the postings were not of the same quality and frequency of the original Facebook Page and she was losing followers on her business pages because the current postings from Defendant were considered "SPAM."

37. On information and belief, Defendant's agents did not disable LISA CAUBLE's linked pages for several months, damaging LISA CAUBLE's reputation on her linked pages, particularly the Preppers of East Texas Facebook Page that had followers who were not interested in the type of postings that were now coming from Defendant.



38. On March 14, 2012, SHARON LEWIS, d.b.a. PLANET ROCKWALL, at Defendant's agent, Shelton Weeks' request, emailed an official proposal to Defendant, including explanation of her two proposals and information from five online sources that explained the value of Facebook followers could range anywhere between \$5-\$300 per Facebook follower.

39. On March 15, 2012, Defendant's agent, Shelton Weeks, emailed SHARON LEWIS, d.b.a. PLANET ROCKWALL asking for clarification with the proposals and then asked for SHARON LEWIS' attorney's information because he was unwilling to continue discussions with SHARON LEWIS, d.b.a. PLANET ROCKWALL because she had told Mr. Weeks that Defendant's taking the Facebook Page was not legal.

40. On March 30, 2012, Defendant sent a letter from its attorney, Jon B. Hyland, to SHARON LEWIS, d.b.a. PLANET ROCKWALL, instructing her not to contact anyone from Defendant or Defendant's agents, UCR, and informing SHARON LEWIS, d.b.a. PLANET ROCKWALL that Defendant purportedly has trademark rights in the mark, "The Harbor at Rockwall" and "The Harbor Rockwall."

41. On April 12, 2012, SHARON LEWIS, d.b.a. PLANET ROCKWALL, by its attorney, Jamie T. Pruitt, sent a Cease and Desist letter to Defendant's attorney, Jon B. Hyland, asking for evidence of the purported "trademark rights" of Defendant in "The Harbor at Rockwall" and "The Harbor Rockwall," and demanding that Defendant 1) stop posting on the Facebook Page and transfer the page back to SHARON LEWIS, d.b.a. PLANET ROCKWALL or 2) compensate Ms. Lewis for the Facebook Page.

42. On April 18, 2012, Defendant's attorney, Jon B. Hyland, responded to SHARON LEWIS, d.b.a. PLANET ROCKWALL's April 12, 2012 letter claiming that Defendant had



“common law” trademark rights in “The Harbor at Rockwall” and “The Harbor Rockwall” and did not provide any Federal or State Trademark applications or approved registrations, did not offer any compensation to Ms. Lewis for the Facebook Page and did not comply with her demands to Cease and Desist from using the Facebook Page and to transfer the Facebook Page back to SHARON LEWIS, d.b.a. PLANET ROCKWALL.

43. On May 4, 2012, SHARON LEWIS, d.b.a. PLANET ROCKWALL sent a second Cease and Desist Demand letter to Defendant’s attorney, Jon B. Hyland, explaining that if there were trademark rights in the name of the geographic location “The Harbor at Rockwall” and “The Harbor Rockwall” that the City of Rockwall would have superior rights in any such mark and demanding Defendant cease and desist from using the Facebook Page or compensate SHARON LEWIS, d.b.a. PLANET ROCKWALL for her time and energy in maintaining the Facebook Page for almost two years.

44. As of June 27, 2012, SHARON LEWIS, d.b.a. PLANET ROCKWALL has not been compensated for the Facebook Page and Defendant continues to use the page.

CAUSES OF ACTION

45. **Copyright Infringement:** SHARON LEWIS, d.b.a. PLANET ROCKWALL’s copyright in the compilation of posts on the Facebook Page was knowingly and intentionally infringed upon by Defendant. As a result of Defendant’s actions, SHARON LEWIS, d.b.a. PLANET ROCKWALL has suffered damages within this Court’s jurisdictional limits.

46. **Interference with Existing Contract:** SHARON LEWIS, d.b.a. PLANET ROCKWALL had a contract with each of the 2,400 Facebook Page followers and LISA CAUBLE had a contract with each of her Affinity Twitter Page followers and each of her Preppers of East





Texas Facebook Page followers. Defendant willfully and intentionally interfered with SHARON LEWIS, d.b.a. PLANET ROCKWALL and LISA CAUBLE's contracts, of which such intentional interference proximately caused damage to SHARON LEWIS, d.b.a. PLANET ROCKWALL and LISA CAUBLE. As a result of Defendant's actions, SHARON LEWIS, d.b.a. PLANET ROCKWALL and LISA CAUBLE has suffered damages within this Court's jurisdictional limits.

47. **Conversion:** SHARON LEWIS, d.b.a. PLANET ROCKWALL owned, possessed and had the immediate right to possess the Facebook Page and Defendant wrongfully exercised dominion or control over the Facebook Page to the exclusion of and inconsistent with the rights of SHARON LEWIS, d.b.a. PLANET ROCKWALL. SHARON LEWIS, d.b.a. PLANET ROCKWALL demanded return of the Facebook Page many times and Defendant failed to return the Facebook Page. As a result of Defendant's actions, SHARON LEWIS, d.b.a. PLANET ROCKWALL has suffered damages within this Court's jurisdictional limits.

48. **Quantum Meruit:** SHARON LEWIS, d.b.a. PLANET ROCKWALL furnished valuable services and material to Defendant with the intention that Defendants would retain her marketing services and pay her or that she would transfer the Facebook Page to Defendant with proper compensation for two years of her time and energy regularly posting to the Facebook Page. The Defendant has been furnished with and has accepted the Facebook Page under such circumstances that Defendant was notified by SHARON LEWIS, d.b.a. PLANET ROCKWALL that in performing such services and providing such material, she expected to be paid by Defendant. As a result of Defendant's actions, SHARON LEWIS, d.b.a. PLANET ROCKWALL has suffered damages within this Court's jurisdictional limits.

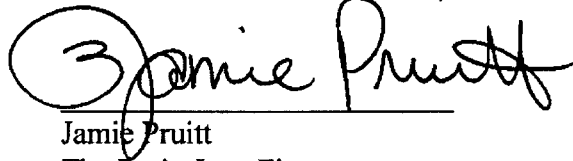
PRAYER



49. SHARON LEWIS, d.b.a. PLANET ROCKWALL and LISA CAUBLE respectfully request that Defendant be cited to appear and that after trial, the Court enter judgment in favor of Plaintiffs and further award Plaintiffs the following relief:


1. Compensatory damages;
2. Punitive damages;
3. Interest;
4. Court costs;
5. Attorneys fees; and
6. Such other and further relief for which Plaintiffs are justly entitled.

Respectfully submitted,



Jamie Pruitt  
The Pruitt Law Firm  
110 South Goliad, Suite 101  
Rockwall, Texas 75087  
Tel: (469) 698-8550  
Fax: (469) 698-8554  
State Bar Number 24070452  
Attorney for Plaintiff

THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN MY OFFICE.

KAY McDANIEL  
DISTRICT CLERK  
ROCKWALL COUNTY TEXAS  
BY  Richardson 08-01-2012

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): 1-12-672 COURT (FOR CLERK USE ONLY): 43977  
 STYLED Sharon Lewis Lisa Pruitt Rockwell v TF-HARBOR LLC  
 (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		Names of parties in case:	Person or entity completing sheet is:
Name: <u>JAMIE PRUITT</u>	Email: <u>[REDACTED]</u>	Plaintiff(s)/Petitioner(s): <u>SHARON LEWIS</u> <u>LISA CAUBLE</u>	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____
Address: <u>110 S. GOLIAD</u>	Telephone: <u>469 698 8550</u>	Defendant(s)/Respondent(s): <u>TF-HARBOR LLC</u>	Additional Parties in Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____
City/State/Zip: <u>Rockwell, TX 75087</u>	Fax: _____	State Bar No: <u>24070452</u>	
Signature: <u>JAMIE PRUITT</u>			

2. Indicate case type, or identify the most important issue in the case (select only 1):

Civil		Family Law		
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract:  <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <b>Malpractice</b> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <b>Product Liability</b> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input checked="" type="checkbox"/> Other Injury or Damage: <u>Intellectual Property</u>	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property:  <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children  <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocal (UFSA) <input type="checkbox"/> Support Order  <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:			
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings	<b>Probate &amp; Mental Health</b> <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:		

**EXHIBIT**  
"A-2"

3. Indicate procedure or remedy, if applicable (may select more than one):

<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Receivership <input type="checkbox"/> Restraining Order/Injunction <input type="checkbox"/> Turnover
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------

THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN MY OFFICE.  
 KAY McDALE, DISTRICT CLERK, ROCKWALL COUNTY, TEXAS  
 08-01-2012

**CIVIL CITATION**

**THE STATE OF TEXAS**

439th District Court

Cause No. 1-12-672

**THE STATE OF TEXAS**

**NOTICE TO DEFENDANT:** "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.

TO TF-HARBOR LLC BY SERVING ITS REGISTERED AGENT, CREDIT UNION LIQUIDITY SERVICES LLC, 777 E. CAMPBELL ROAD, SUITE 650, RICHARDSON, TEXAS 75081

You are hereby commanded to appear before the 439th District Court of Rockwall, Texas in Rockwall, Texas, at the Rockwall County Courthouse, 1111 E. Yellowjacket Lane, Suite 200, in Rockwall, Texas by filing a written answer to Plaintiff's ORIGINAL PETITION at or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in cause number 1-12-672, styled SHARON LEWIS D.B.A. PLANET ROCKWALL; AND LISA CAUBLE vs. TF-HARBOR, LLC.

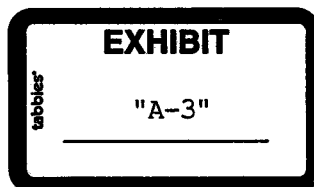
Said Petition was filed in the 439th District Court on JULY 9, 2012 by Jamie Pruitt, Attorney for Plaintiff, whose address is 110 SOUTH GOLIAD SUITE 101, ROCKWALL, TEXAS 75087, 469-698-8550.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of Court at office this 9th day of July, 2012

Kay McDaniel, District Clerk  
Rockwall County, Texas

By: *Karen Petty*, Deputy  
KAREN PETTY

File Copy



THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN MY OFFICE.



KAY McDANIEL  
DISTRICT CLERK  
ROCKWALL COUNTY TEXAS

RETURN OF SERVICE

Cause No. :1-12-672 439th District Court
SHARON LEWIS D.B.A. PLANET ROCKWALL; AND LISA CAUBLE vs. TF-HARBOR, LLC

Executed when copy is delivered:

This is a true copy of the original citation, was delivered to defendant \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_, Officer
\_\_\_\_\_, County, Texas

By: \_\_\_\_\_, Deputy

ADDRESS FOR SERVICE:

777 E. CAMPBELL ROAD, SUITE 650, RICHARDSON, TEXAS 75081

OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_, o'clock \_\_\_\_m., and executed in \_\_\_\_\_ County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the ORIGINAL PETITION, at the following times and places, to-wit:

Name Date/Time Place, Course and Distance from Courthouse

And not executed as to the defendant(s), \_\_\_\_\_

The diligence used in finding said defendant(s) being: \_\_\_\_\_

And the cause or failure to execute this process is: \_\_\_\_\_

And the information received as to the whereabouts of said defendant(s) being: \_\_\_\_\_

FEES:

Serving Petition and Copy \$ \_\_\_\_\_

Total: \$ \_\_\_\_\_

\_\_\_\_\_, Officer
\_\_\_\_\_, County, Texas

By: \_\_\_\_\_, Deputy

Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty or perjury and contain the following statement.

" My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_

(First, Middle, Last)

(Street, City, Zip) \_\_\_\_\_

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_.

THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN MY OFFICE.



KAY McDANIEL
DISTRICT CLERK

ROCKWALL COUNTY TEXAS

By Kay Richardson 08-01-2012

Declarant/Authorized Process Server

(Id # & expiration of certification)

# CIVIL CITATION

## THE STATE OF TEXAS

439th District Court

Cause No. 1-12-672

### THE STATE OF TEXAS

**NOTICE TO DEFENDANT:** "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.

**TO TF-HARBOR LLC BY SERVING ITS REGISTERED AGENT, CREDIT UNION LIQUIDITY SERVICES LLC, 777 E. CAMPBELL ROAD, SUITE 650, RICHARDSON, TEXAS 75081**

You are hereby commanded to appear before the 439th District Court of Rockwall, Texas in Rockwall, Texas, at the Rockwall County Courthouse, 1111 E. Yellowjacket Lane, Suite 200, in Rockwall, Texas by filing a written answer to Plaintiff's ORIGINAL PETITION at or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in cause number 1-12-672, styled SHARON LEWIS D.B.A. PLANET ROCKWALL; AND LISA CAUBLE vs. TF-HARBOR, LLC.

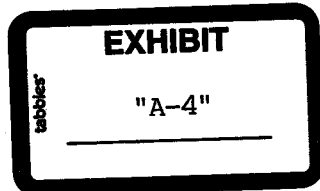
Said Petition was filed in the 439th District Court on JULY 9, 2012 by Jamie Pruitt Attorney for Plaintiff, whose address is 110 SOUTH GOLIAD SUITE 101, ROCKWALL, TEXAS 75087, 469-698-8550.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of Court at office this 9th day of July, 2012

Kay McDaniel, District Clerk  
Rockwall County, Texas

By: *Karen Petty* Deputy  
KAREN PETTY

Court Return



THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN MY OFFICE.



KAY McDANIEL  
DISTRICT CLERK  
ROCKWALL COUNTY TEXAS

FILED FOR RECORD  
ROCKWALL COUNTY TEXAS  
12 JUL 12 AM 11:32  
BY KAY McDANIEL  
DISTRICT CLERK

RETURN OF SERVICE

Cause No. :1-12-672 439th District Court  
SHARON LEWIS D.B.A. PLANET ROCKWALL; AND LISA CAUBLE vs. TF-HARBOR, LLC

Executed when copy is delivered:  
This is a true copy of the original citation, was delivered to defendant TF-Harbor LLC, on the 10 day of July, 2012.

\_\_\_\_\_, Officer  
\_\_\_\_\_, County, Texas  
By: Steve Tuttle, Deputy

ADDRESS FOR SERVICE:  
777 E. CAMPBELL ROAD, SUITE 650, RICHARDSON, TEXAS 75081

OFFICER'S RETURN

Came to hand on the 10 day of July, 2012, at 830 o'clock A.m., and executed in Dallas County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the ORIGINAL PETITION, at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
<u>TF Harbor LLC Registered Agent</u>	<u>7-10-12 1030 AM</u>	<u>777 E Campbell Richardson TX</u>
<u>Credit Union Liquidity Services LLC</u>		

And not executed as to the defendant(s), \_\_\_\_\_

The diligence used in finding said defendant(s) being:

And the cause or failure to execute this process is:

And the information received as to the whereabouts of said defendant(s) being:  
777 E Campbell Richardson TX #650 75081

FEES:  
Serving Petition and Copy \$ \_\_\_\_\_  
Total: \$ \_\_\_\_\_

\_\_\_\_\_, Officer  
\_\_\_\_\_, County, Texas  
By: Steve Tuttle, Deputy  
Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.


In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty or perjury and contain the following statement.

"My name is Steve M Tuttle, my date of birth is 2-16-63, and my address is PO Box 2152 Rockwall TX 75087  
(First, Middle, Last)  
(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in Rockwall County, State of Texas, on the 10 day of July

THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN MY OFFICE. 5497 7-31-12  
Declarant/Authorized Process Server  
KAY McDANIEL (Id # & expiration of certification)

  
DISTRICT CLERK  
ROCKWALL COUNTY TEXAS  
By Kay Richardson 08-01-2012

# Civil Docket

439th District Court

Case No. 1-12-672  
Rockwall County

August 1st, 2012  
11:25am

SHARON LEWIS D.B.A. PLANET ROCKWALL;  
AND LISA CAUBLE vs. TF-HARBOR, LLC

Filed : 07/09/2012  
Status: Filed  
Type: OTHER CIVIL-DISTRICT

Date		Volume	Page
<b>Events &amp; Orders of the Court</b>			
07/09/12	\$FILE		
07/09/12	Plaintiff's Original Petition KP	I	
07/09/12	CIVIL CASE INFORMATION SHEET KP	I	
07/09/12	CIT/1 COPY TF-HARBOR, LLC/CIT TO BE PICKED UP BY AGENT FOR ATTY AT COUNTER FOR PROCESS KP	I	
07/09/12	CITATION Issued -Defendant, TF-HARBOR LLC		
07/12/12	CONSTABLE RETURN CIT/TF-HARBOR LLC/SERVED 7-10-2012 KP	I	

**EXHIBIT**  
"B"

THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN MY OFFICE.



KAY McDANIEL  
DISTRICT CLERK  
ROCKWALL COUNTY TEXAS

*By Kay McDaniel* 08-01-2012



**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

*Dallas Division*

Sharon Lewis d/b/a Planet Rockwall

Plaintiff

1-12-672

v.

Civil Action No.

TF-Harbor, LLC

Defendant

**CERTIFICATE OF INTERESTED PERSONS**

(This form also satisfies Fed. R. Civ. P. 7.1)

Pursuant to Fed. R. Civ. P. 7.1 and LR 3.1(c), LR 3.2(e), LR 7.4, LR 81.1(a)(3)(D), and LR 81.2,

Defendant TF-Harbor, LLC

provides the following information:

For a nongovernmental corporate party, the name(s) of its parent corporation and any publicly held corporation that owns 10% or more of its stock (if none, state "None");

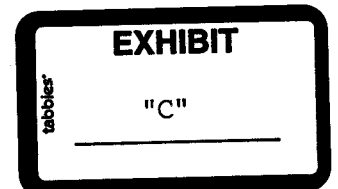
***\*Please separate names with a comma. Only text visible within box will print.***

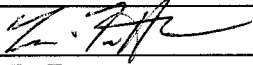
Credit Union Liquidity Services, LLC

A complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case:

***\*Please separate names with a comma. Only text visible within box will print.***

Facebook, Inc., Credit Union Liquidity Services, LLC, Steve Roerman, Judith Clikard-Moore, Mike Sauer, Bill Henderson, Mark Morganfield, Todd Frerichs, Twitter, Inc., Texans Credit Union



Date: 8/3/2012  
Signature:   
Print Name: Caleb D. Trotter  
Bar Number: 24068624  
Address: 500 N. Akard St., Suite 3800  
City, State, Zip: Dallas, TX 75201  
Telephone: 214.855.7500  
Fax: 214.855.7584  
E-Mail: ctrotter@munsch.com

**NOTE:** To electronically file this document, you will find the event in our Case Management (CM/ECF) system, under Civil/Other Documents/Certificate of Interested Persons

CIVIL COVER SHEET

BY [Signature] AUG - 3 2012 CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS

3-12CV-2647G

JS 44 (Rev. 11/04)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Sharon Lewis d/b/a Planet Rockwall Lisa Cauble (b) County of Residence of First Listed Plaintiff Rockwall County, Texas (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) Jamie Pruitt, The Pruitt Law Firm 110 South Goliad, Suite 101 Rockwall, Texas 75087 (469) 698-8550

DEFENDANTS TF-Harbor, LLC County of Residence of First Listed Defendant n/a (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) Jon B. Hyland, Caleb D. Trotter, Munsch, Hardt, Kopf & Harr, P.C. 500 North Akard Street, 3800 Lincoln Plaza Dallas, Texas 75201 (214) 855-7500

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) 1 U.S. Government Plaintiff 2 U.S. Government Defendant 3 Federal Question (U.S. Government Not a Party) 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) PTF DEF 1 Citizen of This State 2 Citizen of Another State 3 Citizen or Subject of a Foreign Country 4 Incorporated or Principal Place of Business In This State 5 Incorporated and Principal Place of Business In Another State 6 Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only) CONTRACT 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property TORTS PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury PERSONAL INJURY 362 Personal Injury - Med. Malpractice 365 Personal Injury - Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability FORFEITURE/PENALTY 610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC 630 Liquor Laws 640 R.R. & Truck 650 Airline Regs. 660 Occupational Safety/Health 690 Other LABOR 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 730 Labor/Mgmt. Reporting & Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act BANKRUPTCY 422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 840 Trademark SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW(405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS - Third Party 26 USC 7609 OTHER STATUTES 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influence and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 810 Selective Service 850 Securities / Commodities / Exchange 875 Customer Challenge 12 USC 3410 890 Other Statutory Actions 891 Agriculture Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionally of State Statutes

V. ORIGIN (Place an "X" in One Box Only) 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. (Do not cite jurisdictional statutes unless diversity.) Brief description of cause: Defendant's Removal of Action Due to Exclusive Federal Jurisdiction.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint JURY DEMAND: Yes No

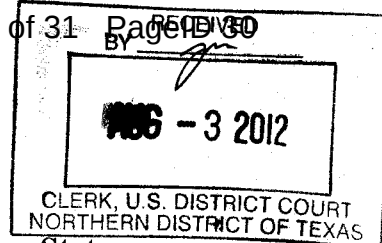
VIII. RELATED CASE(S) IF ANY (See Instructions) JUDGE N/A DOCKET NUMBER N/A

DATE 08/03/2012 SIGNATURE OF ATTORNEY OF RECORD s/ [Signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING FIP JUDGE MAG. JUDGE

**ORIGINAL**  
United States District Court  
Northern District of Texas



**Supplemental Civil Cover Sheet For Cases Removed From State Court**

**3-12CV-2647G**

**This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.**

**1. State Court Information:**

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

<u>Court</u>	<u>Case Number</u>
439th Judicial District Court	1-12-672

**2. Style of the Case:**

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code.)

<u>Party and Party Type</u>	<u>Attorney(s)</u>
PLAINTIFFS: Sharon Lewis d/b/a Planet Rockwall Lisa Cauble	Jamie Pruitt, SB# 24070452 The Pruitt Law Firm 110 South Goliad, Suite 101 Rockwall, Texas 75087 Phone: 469.698.8550 Fax: 469.698.8554
DEFENDANT: TF-Harbor, LLC	Jon B. Hyland, SB# 24046131 Caleb D. Trotter, SB# 24068624 Munsch Hardt Kopf & Harr, P.C. 500 North Akard Street, Suite 3800 Dallas, Texas 75201 Phone: 214.855.7800 Fax: 214.855.7584

3. **Jury Demand:**

Was a Jury Demand made in State Court?  Yes  No

If "Yes," by which party and on what date?

N/A

Party(ies) Date

4. **Answer:**

Was an Answer made in State Court?  Yes  No

If "Yes," by which party and on what date?

N/A

Party(ies) Date

5. **Unserved Parties:**

The following parties have not been served at the time this case was removed:

Party Reason(s) for No Service

None

6. **Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

Party Reason

None

7. **Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

Party Claim(s)

Plaintiffs:  
Sharon Lewis d/b/a Planet Rockwall  
and Lisa Cauble

Plaintiffs Sharon Lewis d/b/a Planet Rockwall and Lisa Cauble allege that Defendant TF-Harbor, LLC wrongfully took possession and control of a Facebook page in which they claim to have possessory and copyright interests. Plaintiffs have brought claims against Defendant for copyright infringement, tortious interference with existing contracts, conversion and quantum meruit.

Defendant:  
TF-Harbor, LLC

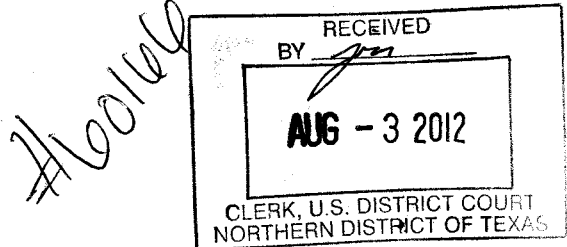
Defendant TF-Harbor, LLC intends to defend itself against Plaintiffs' claims and to remove this action to federal court, but has not, at this stage, asserted any claims against Plaintiffs or any third party.

**MUNSCH HARDT  
KOPF & HARR** PC  
ATTORNEYS & COUNSELORS  
Dallas | Houston | Austin

3800 Lincoln Plaza  
500 N. Akard Street  
Dallas, Texas 75201-6659  
Main 214.855.7500  
Fax 214.855.7584  
munsch.com

Writer's Direct Dial: 214.855.7597  
E-Mail: ctrotter@munsch.com  
Direct Fax: 214.978.5326

August 3, 2012



**VIA HAND DELIVERY**

Ms. Karen Mitchell, Clerk of Court  
U.S. District Court, Northern District of Texas  
1100 Commerce Street, Room 1452  
Dallas, Texas 75242

Re: *Sharon Lewis d/b/a Planet Rockwall and Lisa Cauble v. TF-Harbor, LLC*

Dear Ms. Mitchell:

I have enclosed an original and three copies of the following documents concerning the above-referenced matter:

1. Civil Cover Sheet with attached Supplemental Cover Sheet for Removed Cases;
2. TF-Harbor, LLC ("Defendant") Notice of Removal;
3. Index of Documents;
4. Docket Sheet for the State Court Action; and
5. The Defendant's Certificate of Interested Persons.

Please file the originals of the above documents and return any remaining file-stamped copies with the courier delivering the same. Also enclosed is this Firm's check in the amount of \$350.00 for the filing fee of the Notice of Removal.

Additionally, in compliance with Local Rule 81.1, we have enclosed a "judge's copy" of the Notice of Removal. If you would, please forward the "judge's copy" to the appropriate judge.

In advance, thank you for your assistance with this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Caleb D. Trotter

WJM:adb

Enclosures

cc: Jamie Pruitt (via Facsimile and Hand Delivery)