

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

CASE NO.

R.D. JONES, STOP EXPERTS, INC., and
RRFB GLOBAL, INC.,

Plaintiffs,

v.

JURY TRIAL DEMANDED

INTELLIGENT TRAFFIC
EQUIPMENT MARKETING, LTD.,

Defendant.

**COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES
AND DEMAND FOR JURY TRIAL**

Plaintiffs, R.D. JONES, STOP EXPERTS, INC. and RRFB GLOBAL, INC., by their undersigned counsel, hereby sues the Defendant, INTELLIGENT TRAFFIC EQUIPMENT MARKETING, LTD., and alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, et seq., to enjoin and obtain damages resulting from Defendant's unauthorized manufacture, use, offer to sell and sale in the United States of Rapid Rectangular Flashing Beacons (RRFB's) in violation of Plaintiffs' rights under U.S. Patent Nos. 8,081,087 and 9,129,540.

2. Plaintiff, R.D. JONES, STOP EXPERTS, INC. (“STOP EXPERTS”) is a corporation organized and existing under the laws of the state of Florida and having a principal place of business at 225 Center Court, Venice, Sarasota County, Florida.

3. Plaintiff, RRFB GLOBAL, INC. (“RRFB GLOBAL”), is a corporation organized and existing under the laws of the state of Florida, and having a principal place of business at 225 Center Court, Venice, Sarasota County, Florida.

4. Defendant, INTELLIGENT TRAFFIC EQUIPMENT MARKETING, LTD. (ITEM) is a Canadian Corporation having a principal place of business in Canada at 16-755 Vanalman Ave., Victoria, BC, Canada V8Z 3B8.

5. Defendant ITEM does business within the State of Texas including, without limitation, advertising on its website that it has made over 400 installations in Texas.

6. This Court has exclusive subject matter jurisdiction pursuant to 28 U.S.C. §§ 1338(a).

7. This Court has personal jurisdiction over the Defendant pursuant to at least Tex Civ. Prac. & Rem. Code §17.042 in that :

a. Defendant continuously and systematically engaged in business in the State of Texas including but not limited to advertising over 400 installations in the State of Texas;

b. Defendant is subject to specific jurisdiction since Defendant’s Rectangular Rapid Flashing Beacon (“RRFB”) systems, are accused of infringement of Plaintiff’s patents.

8. Venue is proper in this judicial district and division pursuant to 28 U.S.C. § 1391(c) (3) and 28 U.S.C. § 1400(b) because (1) the acts complained of occurred within this judicial district and division; and (2) Defendant is a foreign entity subject to venue in any federal district.

FACTS COMMON TO AND APPLICABLE TO ALL COUNTS

9. The Federal Government, through the Federal Highway Administration (FHWA), an agency of the United States Department of Transportation, promulgated rules for the use of flashing lights (sometimes referred to as flashing beacons) and these rules are published in the Manual on Uniform Traffic Control Devices, known by the acronym MUTCD.

10. On information and belief, the first MUTCD that mentions flashing beacons was the 1948 edition. The 1948 Edition, Part III, Signals, Section 278, states:

a. Flashing Beacon – A flashing beacon is a section of a standard traffic signal head or a similar type device having a yellow or red lens in each face, which is illuminated by rapidly intermittent flashes.

b. Flashing signal – A flashing signal is a standard highway traffic signal in which the yellow or red lens in each face is illuminated by rapidly intermittent flashes.

c. Flashing beacons and signals perform a very useful function at locations where traffic or physical conditions do not justify a conventional type of Stop-and-Go installation. At other special points of hazard, experience has indicated that the flashing beacon or signal is the only device sufficiently conspicuous to identify the hazard to the motorist.

11. The 1961 MUTCD Edition, Part III, Signals, Sections 3G-1 through 3G-7, states: “The illuminating element in a flashing yellow (caution) or flashing red (stop) beacon shall be

flashed at a rate of not less than 50 nor more than 60 times per minute. The illuminated period of each flash shall be not less than half nor more than two-thirds of the total cycle.”

12. The 2003 Edition of the MUTCD, Chapter 4K contained the language “Beacons shall be flashed at a rate of not less than 50 nor more than 60 times per minute. The illuminated period of each flash shall not be less than one-half and not more than two-thirds of the total cycle.” Chapter 4K of the 2003 Edition of the MUTCD also indicated that if Warning Beacons have more than one signal section, they may be flashed either alternately or simultaneously.

13. Prior to the system and method described and claimed in the patents that are involved in this civil action, studies of flashing beacons at pedestrian crosswalks indicated a range of 18% to 25% driver compliance depending upon the specific location of the crosswalk.

14. In order to test a flashing beacon system that differs from the requirements of the MUTCD, it is necessary to obtain a Federal permit to conduct the testing.

15. In connection with the testing of the system and method described and claimed in the patents that are involved in this civil action, the FHWA granted Experimental Permit PTE No. 4-305(E).

16. The testing of the system and method described and claimed in the patents that are involved in this civil action were undertaken by Plaintiffs in the City of St. Petersburg, state of Florida, and the testing and result of the testing are referred to as the “St. Petersburg study”.

17. The City of St. Petersburg conducted tests of the system and method described and claimed in the patents that are involved in this civil action at 18 marked crosswalks.

18. In response to federal skepticism at the favorable test results of the of the system and method described and claimed in the patents that are involved in this civil action, the City of St. Petersburg extended the experiments for two years at some locations.

19. The remarkable results of the system and method described and claimed in the patents that are involved in this civil action according to the St. Petersburg study was an increase from an average baseline driver compliance of 18 to 25% (depending upon location) to an average sustained compliance above 80% (and as high as 93% at some crosswalks).

20. The City of St. Petersburg and the Florida Department of Transportation then sought Federal approval to use the system and method described and claimed in the patents that are involved in this civil action beyond the experimental stage.

21. On July 16, 2008, the United States Federal Highway Administration issued an Interim Approval (IA-11) to the MUTCD for Rectangular Rapid Flashing Beacons, (RRFB's) based on the results of the testing of the system and method described and claimed in the patents that are involved in this civil action as reported by the City of St. Petersburg.

22. On or about August 3, 2010, the FHWA issued MUTCD- FHWA-DOT Interpretation Letter 4(09)-4(I) that a flashing pattern of two pulses from one unit followed by four pulses of the other unit would meet the requirements of IA-11.

23. On June 13, 2012, the FHWA replaced the initial July 16, 2008 Interim Approval (IA-11) with the following:

As a specific exception to 2003 MUTCD Section 4K.01 requirements for the flash rate of beacons, RRFBs shall use a much faster flash rate. Each of the two yellow indications of an RRFB shall have 70 to 80 periods of flashing per minute and shall have alternating, but approximately equal, periods of flashing light

emissions and dark operation. During each of its 70 to 80 flashing periods per minute, the yellow indications on the left side of the RRFB shall emit two slow pulses of light after which the yellow indications on the right side of the RRFB shall emit four rapid pulses of light followed by a long pulse.

MUTCD-DOT-FHWA Interpretation Letter 4(09)-21 (I). June 13, 2012.

24. The flashing beacon system described in the Interpretation Letter 4(09)-21(I) referred to in this complaint is also referred to as the “2-5 flash pattern.”

25. Attached as Exhibit “A” is a chart illustrating the on and off time periods for two light units according to the “2-5 flash pattern.”

26. On July 25, 2014, the FHWA issued Interpretation Letter 4(09)-41(I) which approved a different flash pattern referred to as the “WW+S flash pattern.”

27. Attached as Exhibit “B” is a chart illustrating the on and off time periods for two light units according to the “WW+S flash pattern.”

28. Defendant ITEM uses the system and method described and claimed in the patents that are involved in this civil action.

29. Defendant ITEM advertises driver yielding rates of 90% in its website referring to its RRFB systems that are marketed under one or more of (a) the 2008 Interim Approval (IA-11) to the MUTCD referred to above, (b) the 2010 MUTCD- FHWA-DOT Interpretation Letter 4(09)-4(I) referred to above, and (c) the 2012 MUTCD-DOT-FHWA Interpretation Letter 4(09)-21 (I) referred to above and (d) the 2014 MUTCD-DOT-FHWA Interpretation Letter 4(09)-41(I) referred to above.

30. On information and belief Defendant ITEM manufactures, sells and installs RRFB systems that comply with one or more of (a) the 2008 Interim Approval (IA-11) to the

MUTCD referred to above, (b) the 2010 MUTCD- FHWA-DOT Interpretation Letter 4(09)-4(I) referred to above, and (c) the 2012 MUTCD-DOT-FHWA Interpretation Letter 4(09)-21 (I) referred to above and (d) the 2014 MUTCD-DOT-FHWA Interpretation Letter 4(09)-41(I) referred to above.

31. On information and belief Defendant ITEM does not manufacture, sell or install any RRFB systems that fail to comply with one or more of (a) the 2008 Interim Approval (IA-11) to the MUTCD referred to above, (b) the 2010 MUTCD- FHWA-DOT Interpretation Letter 4(09)-4(I) referred to above, and (c) the 2012 MUTCD-DOT-FHWA Interpretation Letter 4(09)-21 (I) referred to above and (d) the 2014 MUTCD-DOT-FHWA Interpretation Letter 4(09)-41(I) referred to above.

32. Prior to June 6, 2006, Mr. Richard Jones invented a new flashing beacon and method for slowing vehicle traffic now known as a Rapid Rectangular Flashing Beacon and referred to by the acronym RRFB which is in general terms the system and method described and claimed in the patents that are involved in this civil action.

33. Plaintiff STOP EXPERTS is the owner of all right, title and interest in and to the patents that are involved in this civil action by way of assignment, including but not limited to the right to sue for past infringement.

34. Plaintiff RRFB GLOBAL is the exclusive licensee of the patents that are involved in this civil action.

35. Plaintiff RRFB GLOBAL manufactures and sells RRFB systems using the system and method described and claimed in the patents that are involved in this civil action (“Plaintiff’s

RRFB Systems”). Stop Experts, Inc. is a Florida corporation that previously sold and developed RRFB systems and is a related company to RRFB GLOBAL and STOP EXPERTS.

36. One or more of STOP EXPERTS, RRFB Global and Stop Experts, Inc. is approved to sell RRFBs in the State of Florida.

37. Plaintiffs have engaged the undersigned attorneys and have agreed to pay them a reasonable fee.

COUNT I
DIRECT INFRINGEMENT OF U.S. PATENT No. 8,081,087

38. Plaintiffs re-allege paragraphs 1 – 37 as fully and completely as if set forth herein verbatim.

39. Prior to June 6, 2006, Mr. Richard D. Jones invented a novel and non-obvious Flashing Beacon as well as a method for the use of the Flashing Beacon.

40. Mr. Richard D. Jones applied for and received U.S. Patent No. 8,081,087 (the ‘087 Patent) which was granted on December 20, 2011. A true and correct copy of the ‘087 Patent is attached as Exhibit “C”.

41. Mr. Richard D. Jones assigned all right, title and interest in and to the ‘087 Patent to STOP EXPERTS.

42. In general terms, the ‘087 Patent relates to a flashing beacon system and method for improving driver compliance at pedestrian crossings thus resulting in increased pedestrian safety and a reduction in vehicle-pedestrian and vehicle-vehicle accidents at pedestrian crossings.

43. Beginning on or after December 20, 2011, Defendant ITEM infringed at least one claim of the '087 Patent by offering to sell, making and selling RRFB products to one or more entities and/or governmental entities within the State of Florida.

44. The '087 Patent has four independent claims.

45. Each of the independent claims of the '087 patent includes the following language: "at least two light units ...configured to generate a wig-wag flash pattern, the pattern including emitting within a predetermined time two light flashes from one light unit on the front face and three light flashes from the other light unit on the front face."

46. Attached as Exhibit "D" is one non-limiting explanation of how the 2-5 flash pattern corresponds to the language of the independent claims of the '087 Patent as set forth above in paragraph 44.

47. Attached as Exhibit "E" is one non-limiting explanation of how the WW+S flash pattern corresponds to the language of the independent claims of the '087 Patent as set forth above in paragraph 44.

48. On information and belief all ITEM RRFB products including but not limited to those sold and/or installed and/or delivered on or after December 20, 2011 operate according to either the 2-5 flash pattern or the WW+S flash pattern.

49. In the event that the ITEM RRFB products including but not limited to those sold and/or installed and/or delivered on or after December 20, 2011, operate according to the aforementioned IA-11, but not according to either the 2-5 flash pattern or the WW+S flash pattern, Plaintiffs reserve the right to supplement this Count.

50. The activities of ITEM referred to in this Count literally infringe at least each of claims 1, 2, 9, 10, and 18 of the '087 Patent in violation of 35 U.S.C. § 271(a).

51. The activities of ITEM as set forth in this Count have been without license, permission or authorization from Plaintiffs.

52. The activities of ITEM as set forth in this Count have been and continue to be to the injury and detriment of Plaintiffs and irreparable harm to Plaintiffs.

53. Plaintiffs complied in all respects with the patent marking provisions of 35 U.S.C. § 287.

54. ITEM concedes notice of the '087 Patent prior to the filing of this civil action by virtue of statements on its own website as hereinafter described.

55. The infringement by ITEM has been willful and deliberate.

COUNT II
INDIRECT INFRINGEMENT OF U.S. PATENT NO. 8,081,087

56. Plaintiffs re-allege paragraphs 1 through 38 and 40 through 49 as fully and completely as if set forth herein verbatim.

57. ITEM intends that the RRFB products referred to in Count I be used to slow vehicle traffic.

58. ITEM does not advertise any use of the RRFB products referred to in Count I other than to slow vehicle traffic.

59. ITEM does not know of any substantial use of the RRFB products referred to in Count I other than to slow vehicle traffic.

60. The RRFB products referred to in Count I are not staple articles or commodities of commerce suitable for substantial noninfringing uses.

61. The use of the RRFB products referred to in Count I constitutes literal infringement of at least claim 14 and 17 of the '087 Patent in violation of 35 U.S.C. § 271(a).

62. Regardless of whether ITEM supplies all the elements of any of the claims for the products referred to in Count I, use of those RRFB products by customers and end-users in their intended fashion results in the customer/end-user directly infringing claims 1, 2, 9, 10, 14, and 18 of the '087 Patent in violation of 35 U.S.C. § 271(a).

63. The activities of ITEM referred to in this Count II constitute active inducement of infringement of at least one of claims 1, 2, 9, 10, 14, 17 and 18 of the '087 Patent in violation of 35 U.S.C. § 271(b).

64. The activities of ITEM referred to in this Count II constitute contributory infringement of at least claim 14 of the '087 Patent in violation of 35 U.S.C. § 271(c).

65. The activities of ITEM as set forth in this Count have been without license, permission or authorization from Plaintiffs.

66. The activities of ITEM as set forth in this Count have been and continue to be to the injury and detriment of Plaintiffs and cause irreparable harm to Plaintiffs.

67. Plaintiffs complied in all respects with the patent marking provisions of 35 U.S.C. § 287.

68. ITEM concedes notice of the '087 Patent prior to the filing of this civil action by virtue of postings on its website as hereinafter described.

69. The infringement by ITEM has been willful and deliberate.

COUNT III
DIRECT INFRINGEMENT OF U.S. PATENT No. 9,129,540

70. Plaintiffs re-allege paragraphs 1 through 37 and 40 as fully and completely as if set forth herein verbatim.

71. Mr. Richard D. Jones applied for and received U.S. Patent No. 9,129,540 (the ‘540 Patent) which was granted on September 8, 2015 as a continuation of the patent application that became U.S. Patent No. 8,269,654 which, in turn, is a continuation of the patent application that became the ‘087 Patent. A true and correct copy of the ‘540 Patent is attached as Exhibit “F”.

72. In general terms, the ‘540 Patent relates to a flashing beacon system and method for improving driver compliance at a pedestrian crossings thus resulting in increased pedestrian safety and a reduction in vehicle-pedestrian and vehicle-vehicle accidents at pedestrian crossings.

73. Beginning on or after September 8, 2015, Defendant ITEM infringed at least one claim of the ‘540 Patent by offering to sell, making and selling RRFB products to one or more entities and/or governmental entities within the state of Florida.

74. The ‘540 Patent has three independent claims.

75. Each of the independent claims of the ‘540 Patent includes the following language: “wherein for each cycle a period between at least two light flashes from the first light unit is greater than a period between at least two light flashes from second light unit.”

76. Attached as Exhibit “G” is one non-limiting explanation of how the 2-5 flash pattern corresponds to the language of the independent claims of the ‘540 Patent as set forth above in paragraph 75.

77. Attached as Exhibit “H” is one non-limiting explanation of how the WW+S flash pattern corresponds to the language of the independent claims of the ‘540 Patent as set forth above in paragraph 75.

78. On information and belief all ITEM RRFB products including but not limited to those sold and/or installed and/or delivered on or after September 8, 2015, operate according to either the 2-5 flash pattern or the WW+S flash pattern.

79. In the event that the ITEM RRFB products delivered on or after September 8, 2015 operate according to the aforementioned IA-11, but not according to either the 2-5 flash pattern or the WW+S flash pattern, Plaintiffs reserve the right to supplement this Count.

80. The activities of ITEM referred to in this Count literally infringe at least claim 6 of the ‘540 Patent in violation of 35 U.S.C. § 271(a).

81. The activities of ITEM as set forth in this Count have been without license, permission or authorization from Plaintiffs.

82. The activities of ITEM as set forth in this Count have been and continue to be to the injury and detriment of Plaintiffs and irreparable harm to Plaintiffs.

83. Plaintiffs complied in all respects with the patent marking provisions of 35 U.S.C. § 287.

COUNT IV
INDIRECT INFRINGEMENT OF U.S. PATENT NO. 9,120,540

84. Plaintiffs re-allege paragraphs 70 through 79 as fully and completely as if set forth herein verbatim.

85. ITEM intends that the RRFB products referred to in Count III be used to control a traffic directing device to provide improved driver compliance.

86. ITEM does not advertise any use of the RRFB products referred to in Count III other than to control a traffic directing device to provide improved driver compliance.

87. ITEM does not know of any substantial use of the RRFB products referred to in Count III other than to control a traffic directing device to provide improved driver compliance.

88. The RRFB products referred to in Count III are not staple articles or commodities of commerce suitable for substantial noninfringing uses.

89. The use of the RRFB products referred to in Court III constitutes literal infringement of at least one claim 9 of the '540 Patent in violation of 35 U.S.C. § 271(a).

90. Regardless of whether ITEM supplies all the elements of any of the claims for the products referred to in Count III, the use of those RRFB products by customers and end-users in their intended fashion results in the customer/end-user directly infringing those claims of the '540 Patent in violation of 35 U.S.C. §271(a).

91. The activities of ITEM referred to in this Count IV constitute active inducement of infringement of at least claims 6 and 9 (as corrected by the Certificate of Correction to depend from claim 8) of the '540 Patent in violation of 35 U.S.C. § 271(b).

92. The activities of ITEM referred to in this Count IV constitute contributory infringement of at least claims 6 and 9 (as corrected by the Certificate of Correction to depend from claim 8) of the '540 Patent in violation of 35 U.S.C. § 271(c).

93. The activities of ITEM referred to in this Count IV constitute contributory infringement of each of claims 9 (as corrected by the Certificate of Correction to depend from claim 8) of the '540 Patent in violation of 35 U.S.C. § 271(c).

94. The activities of ITEM as set forth in this Count have been without license, permission or authorization from Plaintiffs.

95. The activities of ITEM as set forth in this Count have been and continue to be to the injury and detriment of Plaintiffs and irreparable harm to Plaintiffs.

96. Plaintiffs complied in all respects with the patent marking provisions of 35 U.S.C. § 287.

COUNT V
FALSE ADVERTISING UNDER 15 U.S.C. § 1125(a)

97. Plaintiff realleges Paragraphs 1 through 38 as fully and completely as if set forth herein verbatim.

98. This is a Count for unfair competition, namely, False Advertising under The Lanham Act, 15 U.S.C. § 1125(a).

99. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

100. This Count V is joined with a substantial and related claim under the patent laws of the United States.

101. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1338(b)

102. ITEM has made and distributed in interstate commerce and in this District advertisements that contain false and misleading statements of fact regarding its products. These advertisements contain actual misstatements and/or misleading statements or failures to disclose.

103. As one example, ITEM publishes on its website the following statement under the heading “Is it Patented?”

Under the MUTCD (Manual on Uniform Traffic Control Devices, 2003 Edition, Rev. 1& 2),

“Any traffic control device design or application provision contained in this Manual shall be considered to be in the public domain. Traffic control devices contained in this Manual shall not be protected by a patent, trademark or copyright, except for the Interstate Shield and any other items owned by FHWA.”

104. On information and belief ITEM’s purposes for making the statement referred to in paragraph 103 is to convey to ITEM’s customers and potential customers that (a) RRFB products purchased from ITEM cannot be protected by patent and that (b) ITEM’s customers for RRFB products would be free from any patent infringement lawsuit.

105. On information and belief there is no other substantial and/or meaningful purpose for the statement referred to in paragraph 103.

106. The RRFB products sold by ITEM include features not required by the MUTCD.

107. The RRFB products sold by ITEM include patented features that are not precluded by the MUTCD.

108. The statement referred to in paragraph 103 is either false *per se* or is false when taken in context.

109. The statement referred to in paragraph 103 actually deceives, or has a tendency to deceive, a substantial segment of ITEM's customers and potential customers into believing that they cannot have any liability for patent infringement when purchasing RRFB products from ITEM.

110. The statement and deception referred to in the preceding paragraph are material in that it concerns the intellectual property and legal status of ITEM's product and is intended to influence and is likely to influence the purchasing decision of ITEM's customers.

111. ITEM's false and misleading advertising statements and omissions injure both consumers and Plaintiffs.

112. ITEM's false and misleading advertising statements and omissions violate Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

113. ITEM has caused, and will continue to cause, immediate and irreparable injury to Plaintiffs, including injury to Plaintiffs' business, reputation, goodwill, for which there is no adequate remedy at law.

114. Plaintiffs have been damaged in an amount to be determined at trial but in no event less than \$75,000 exclusive of interest, attorney fees and costs.

WHEREFORE, PLAINTIFFS PRAY:

A. For judgment that ITEM has directly or indirectly infringed at least one claim of the '087 Patent;

B. For judgment that ITEM has directly or indirectly infringed at least one claim of the '540 Patent;

C. For an accounting and an award of damages sufficient to compensate Plaintiffs for the infringement but in no event less than a reasonable royalty;

D. That the Court Enter Temporary Restraining Order, as well as Preliminary Injunction, in favor of Plaintiffs, enjoining Defendant and all other person in active concert or participation with them, either directly or indirectly, from:

i. making, using, selling, importing, repairing, assembling or offering for sale RRFB devices that infringe any claim of the '087 patent or any product no more than colorably different from such devices;

ii. infringing any claim of the '087 patent;

iii. aiding, contributing or cooperating with third parties who make, use, sell, import, assemble or offer for sale parts or components that when finally assembled and/or used will infringe the '087 patent;

iv. making, using, selling, importing, repairing, assembling or offering for sale RRFB devices that infringe any claim of the '540 patent or any product no more than colorably different to such devices;

v. infringing any claim of the '540 patent;

vi. aiding, contributing or cooperating with third parties who make, use, sell, import, assemble or offer for sale parts or components that when finally assembled and/or used will infringe the '540 patent;

E. That the Court Enter a Permanent Injunction in favor of Plaintiffs enjoining the patent infringement by Defendant;

F. That the Court find that there is willful infringement at least as to the '087 patent and award enhanced damages;

G. That the Court determine that this is an exceptional case at least as to the '087 patent;

H. That the Court awarding Plaintiffs their attorney fees under 35 U.S.C. § 285;

I. That the Court enter an injunction under 15 U.S.C. § 1116 restraining ITEM, its agents, employees, representatives and all persons acting in concert with ITEM from engaging in future acts of false advertisement and ordering removal of all of ITEM's false advertisements;

J. That Plaintiffs recover from ITEM the damages sustained by Plaintiffs as a result of ITEM's acts in violation of 15 U.S.C. § 1125(a);

K. That Plaintiffs recover from ITEM the gains, profits and advantages that ITEM has obtained as a result of ITEM's acts in violation of 15 U.S.C. § 1125(a);

L. That the Court award Plaintiffs their costs; and

M. For such other and further relief as to the Court appears just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial as to all issues so triable.

DATED: August 10, 2016

Respectfully submitted,

/s/Jay Johnson

JAY JOHNSON

State Bar No. 24067322

D. BRADLEY KIZZIA

State Bar No. 11547550
ANTHONY RICCIARDELLI
State Bar No. 24070493
KIZZIA JOHNSON, PLLC
1910 Pacific Ave., Suite 13000
Dallas, Texas 75201
(214) 451-0164
Fax: (214) 451-0165
jay@kjpllc.com
bkizzia@kjpllc.com
anthony@kjpllc.com

ATTORNEYS FOR PLAINTIFF