

CAUSE NO. _____

J. MARIE BROOKRESON,
Plaintiff,

v.

BRISCOE CAIN,
Defendant.

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IN THE DISTRICT COURT OF

HARIS COUNTY, TEXAS

_____TH **JUDICIAL DISTRICT**

ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

I. INTRODUCTION AND PARTIES

1. Plaintiff J. Marie Brookreson, M.Ed., M.CI (“Plaintiff” or “Ms. Brookreson”), files this Original Petition against Defendant Briscoe Cain (“Defendant” or “Representative Cain”), and in support thereof would respectfully show the Court as follows.

2. **Plaintiff J. Marie Brookreson** is an individual residing in Harris County, Texas. Plaintiff is a career public school educator who holds a Master of Education (M.Ed.) and a Master of Curriculum and Instruction (M.CI) degree. Plaintiff devoted more than two decades of her professional life to educating children in Texas public schools. At all times relevant to this lawsuit, Plaintiff was employed by Crosby Independent School District (“Crosby ISD”) as a classroom teacher. Plaintiff is a **private individual** who has never sought public attention, has never voluntarily injected herself into any public controversy, and was thrust into the public spotlight solely as a result of Defendant’s conduct described herein.

3. **Defendant Briscoe Cain** (“Defendant”) is a member of the Texas House of Representatives and may be served at 1100 Congress Avenue, Room E1.320, Austin, Texas 78701. At all times relevant to this lawsuit, Defendant maintained a large social media following

on platforms including Facebook and X (formerly Twitter). Defendant may be served with process at his official office or at any other address where he may be found.

II. DISCOVERY CONTROL PLAN

4. Plaintiff intends that discovery be conducted under Level 2 of the Texas Rules of Civil Procedure. *See* TEX. R. CIV. P. 190.3.

III. JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action because the amount in controversy exceeds the minimum jurisdictional limits of this Court. TEX. GOV'T CODE § 24.007; TEX. GOV'T CODE § 24.008. Plaintiff seeks damages in excess over \$100,000.00.

6. Venue is proper in Harris County, Texas, pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002 because all or a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in Harris County, Texas. Plaintiff resides in Harris County, Texas, and was employed by Crosby ISD, located in Harris County, Texas, at all relevant times.

IV. JURY DEMAND

77. Plaintiff demands a trial by jury on all issues so triable and tenders the appropriate jury fee with this petition.

V. FACTUAL BACKGROUND

7. At all times relevant to this lawsuit, Plaintiff was a career public school educator employed by Crosby Independent School District ("Crosby ISD") in Harris County, Texas. She has no criminal record, has never encouraged violence, and devoted more than two decades to educating children.

8. On the afternoon of September 10, 2025, Plaintiff saw news of gun violence, including a school shooting at Evergreen High School. Distressed by rampant gun violence,

Plaintiff posted the words "Thoughts and prayers" on her private Facebook page at approximately 5:12 p.m.

9. Shortly thereafter, a Facebook acquaintance named Jennifer commented "Charlie Kirk?", referencing then-breaking news regarding Charlie Kirk. Plaintiff reacted to the comment with a "thumbs-up" emoji to affirm that her "thoughts and prayers" included Charlie Kirk within scope. At no time did Plaintiff write or say anything regarding Mr. Kirk nor did she advocate, endorse, or condone violence against any person.

10. On the early morning of September 11, 2025, before Plaintiff arrived at work, Defendant published posts to his large social media following on Facebook and X (formerly Twitter) with a screenshot of Plaintiff's private Facebook page, identifying her as a Crosby ISD teacher and grossly mischaracterizing her speech. Defendant's posts stated, in substance:

- 1) "Crosby 'teacher' mocks Charlie Kirk assassination."
- 2) "Ms. Brookerson [*sic*] has no business in the classroom. Her only goal in education is the indoctrination of America's youth. She think [*sic*] Charlie Kirk's murder is a joke. On behalf of my constituents, I call on the Crosby ISD school board to FIRE HER NOW."

11. Defendant tagged Crosby ISD in his posts and circulated Plaintiff's full name (misspelled), employer, and district email address, inviting his followers to pressure the district and contact Plaintiff directly. One post stated in substance: "Maybe she'll resign if you ask nicely" next to Plaintiff's district email address.

12. By September 26, 2025, Defendant's posts had generated hundreds of comments and shares, including demands that Plaintiff be fired, threats of physical harm, and accusations that she was a "pedophile," a "groomer," and "unfit to be around children."

13. On September 11, 2025, at approximately 6:24 a.m., Crosby ISD's representative told Plaintiff via phone call not to report to campus and that she would be placed on administrative leave and would receive paperwork from Human Resources.

14. Over the following days, Defendant continued to single out Plaintiff on his public platforms, repeatedly referring to her as an example of a "woke" teacher indoctrinating children and demanding her termination. Defendant urged his constituents and followers to contact the Crosby ISD Board of Trustees and attend board meetings to demand that Plaintiff be fired. Defendant's statements during this period included, in substance:

- 1) "We must drive the woke out of our institutions... expel the liberal activists masquerading as teachers from our public schools."
- 2) "We must get rid of every government employee who seeks to indoctrinate and brainwash children. Find them. Expose them."
- 3) "According to parents and students, Ms. Brookreson teaches DEI, in her classroom, discriminates against Christian students and tries to spread the demonic lie that there's more than two genders and that you can change your sex."
- 4) "She celebrated the martyrdom of Charlie Kirk."
- 5) "She is unfit to be in the classroom."

15. Each time Defendant posted about Plaintiff, she experienced another wave of harassment, including death threats, calls for physical harm, accusations that she is a child abuser and groomer, and demands that she be permanently barred from teaching.

16. In one of Defendant's online exchanges, a commenter remarked on Plaintiff's family. Defendant replied, in substance: "She transitioned her own child." In the current Texas legal and political climate—where the Texas Attorney General has declared gender-affirming care for minors to be "child abuse" and the Legislature has enacted Senate Bill 14 ("SB 14") prohibiting gender-affirming medical treatment for minors—this statement carries a clear and defamatory implication that Plaintiff has engaged in or facilitated child abuse or illegal conduct under Texas law.

17. On September 23, 2025, the Crosby ISD Board of Trustees voted 7–0 to propose termination of Plaintiff's employment contract for "good cause."

18. Defendant immediately celebrated this as a political victory, posting on social media in substance: "Victory! 7-0 board vote. Tonight was a win for moral decency. There is no place for woke indoctrination in our public schools."

19. Defendant's social media "doxxing," his calls to "find" and "expose" a specific classroom teacher, and his orchestrated campaign to cause Plaintiff's firing and to brand her as a dangerous extremist and child abuser are not legislative acts, nor good-faith discretionary acts performed within the scope of his official duties. They are political and personal acts that fall outside any plausible legislative or official immunity. *Ballantyne v. Champion Builders, Inc.*, 144 S.W.3d 417 (Tex. 2004); *Franka v. Velasquez*, 332 S.W.3d 367 (Tex. 2011).

20. As a direct and foreseeable result of Defendant's statements and coordinated pressure campaign: (a) Plaintiff's employment contract with Crosby ISD was terminated; (b) Plaintiff has been reported to the Texas Education Agency ("TEA"), placing both her teaching and principal certifications in jeopardy; (c) Plaintiff's professional reputation has been severely damaged in the eyes of her community and peers, both locally and statewide; (d) Plaintiff has endured threats, harassment, and severe emotional distress, including fear for her safety and that of her family; and (e) Plaintiff is currently employed part time at drastically reduced pay and Plaintiff was unemployed until February both as a direct result of Defendant's conduct.

VI. CAUSES OF ACTION

COUNT I: BUSINESS DEFAMATION

21. Plaintiff incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

22. Under Texas law, a claim for business defamation requires proof that the defendant: (1) published a false statement of fact to a third party; (2) that was defamatory concerning the

plaintiff; (3) with the requisite degree of fault regarding the truth of the statement; and (4) damages. *Hancock v. Variyam*, 400 S.W.3d 59 (Tex. 2013).

23. Defendant published numerous false statements of fact concerning Plaintiff to third parties, including but not limited to his thousands of social media followers on Facebook and X (formerly Twitter), Crosby ISD, and the general public. Defendant's false statements included, among others: (a) that Plaintiff "mocks Charlie Kirk assassination"; (b) that Plaintiff thinks "Charlie Kirk's murder is a joke"; (c) that Plaintiff's "only goal in education is the indoctrination of America's youth"; (d) that Plaintiff "teaches DEI, in her classroom, discriminates against Christian students and tries to spread the demonic lie that there's more than two genders and that you can change your sex"; (e) that Plaintiff "celebrated the martyrdom of Charlie Kirk"; and (f) that Plaintiff "transitioned her own child."

24. These statements were defamatory because they tended to injure Plaintiff in her profession and occupation as a public-school educator, imputed serious moral turpitude, accused Plaintiff of criminal conduct or child abuse, and exposed Plaintiff to public hatred, contempt, ridicule, and financial injury. TEX. CIV. PRAC. & REM. CODE § 73.001; *Cain v. Hearst Corp.*, 878 S.W.2d 577 (Tex. 1994).

25. Defendant's statements constitute defamation *per se* because they injured Plaintiff in her profession and occupation and accused her of criminal conduct—namely, child abuse in light of SB 14 and the Texas Attorney General's opinion. Texas law presumes general damages, including mental anguish, in cases of defamation *per se*. *In re Lipsky*, 460 S.W.3d 579, 596 (Tex. 2015); *Dallas Morning News, Inc. v. Tatum*, 554 S.W.3d 614 (Tex. 2018).

26. Plaintiff is a **private individual** who never sought public attention and was involuntarily thrust into the public eye by Defendant's conduct. As a private figure, Plaintiff need

show only **negligence** as to the truth or falsity of the statements to establish liability. *Foster v. Laredo Newspapers*, 541 S.W.2d 809 (Tex. 1976); *Brady v. Klentzman*, 515 S.W.3d 878 (Tex. 2017).

27. Defendant was at least negligent, and in fact acted with **actual malice**—that is, with knowledge that his statements were false or with reckless disregard for their truth or falsity. Defendant did not contact Plaintiff, Crosby ISD, or any other source to determine Plaintiff's intent before publishing his accusations. The actual text of Plaintiff's Facebook post was facially neutral and consistent with sympathy, not mockery. Yet even after public reporting explained Plaintiff's intent and the limited context of her post, Defendant repeated and amplified his accusations and framed them as justification to fire Plaintiff. *Bentley v. Bunton*, 94 S.W.3d 561 (Tex. 2002). Such conduct supports a finding of actual malice by clear and convincing evidence.

28. Defendant's statements were verifiable assertions of fact—not opinions or rhetorical hyperbole—capable of being proven true or false. *Milkovich v. Lorain Journal Co.*, 497 U.S. 1 (1990).

29. As a direct and proximate result of Defendant's business defamation, Plaintiff has suffered lost employment, loss of earning capacity, damage to her professional reputation and career, and other actual damages.

COUNT II: DEFAMATION BY IMPLICATION

30. Plaintiff incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

31. Under Texas law, a plaintiff may bring a claim for defamation by implication "when discrete facts, literally or substantially true, are published in such a way that they create a substantially false and defamatory impression by omitting material facts or juxtaposing facts in a

misleading way." *Turner v. KTRK TV, Inc.*, 38 S.W.3d 103, 115 (Tex. 2000); *Dallas Morning News, Inc. v. Tatum*, 554 S.W.3d 614 (Tex. 2018); *KBMT Operating Co., LLC v. Toledo*, 492 S.W.3d 710 (Tex. 2016).

32. Defendant's publications, taken as a whole, created a substantially false and defamatory impression of Plaintiff through omission of material facts and misleading juxtaposition. Specifically:

33. (a) Defendant published a screenshot of Plaintiff's private Facebook post—a neutral "Thoughts and prayers" comment and a thumbs-up emoji—and juxtaposed it with his own inflammatory characterization that Plaintiff "mocks Charlie Kirk assassination" and thinks "murder is a joke," omitting the actual context showing sympathy, not mockery.

34. (b) Defendant's repeated references to Plaintiff as a "woke" teacher whose "only goal in education is the indoctrination of America's youth," paired with screenshots of her classroom materials and demands that she be fired, created the false and defamatory *gist* that Plaintiff misuses her classroom to push extremist political ideology, violates district policy and professional ethics, and is unfit and unsafe as a teacher.

35. (c) Defendant's statement that Plaintiff "transitioned her own child," made in the current Texas legal and political climate where the Attorney General has declared such care to be "child abuse" and the Legislature has enacted SB 14, created the substantially false and defamatory implication that Plaintiff has engaged in or facilitated child abuse or illegal conduct under Texas law.

36. The *gist* Defendant repeatedly communicated was that Plaintiff is a public-school teacher who celebrated or mocked a political assassination, "hates" those who share Mr. Kirk's views, is determined to harm children by indoctrinating them, is a dangerous extremist who should

not be around children, and has "transitioned" her own child—implicating her in "child abuse" under prevailing Texas rhetoric and law.

37. Texas law recognizes liability when a publisher "gets the details right but puts them in a false light so that the story's gist is wrong." *Turner, supra; Tatum, supra; Neely v. Wilson*, 418 S.W.3d 52 (Tex. 2013). Defendant's publications are textbook defamation by implication.

38. As a direct and proximate result of Defendant's defamation by implication, Plaintiff has suffered the damages described herein.

COUNT III: SLANDER AND LIBEL

39. Plaintiff incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

40. **Libel.** Under Texas law, "[a] libel is a defamation expressed in written or other graphic form that tends to blacken the memory of the dead or that tends to injure a living person's reputation and thereby expose the person to public hatred, contempt or ridicule, or financial injury or to impeach any person's honesty, integrity, virtue, or reputation or to publish the natural defects of anyone and thereby expose the person to public hatred, ridicule, or financial injury." TEX. CIV. PRAC. & REM. CODE § 73.001.

41. Defendant committed libel by publishing written statements on Facebook and X (formerly Twitter) that: (a) falsely accused Plaintiff of mocking a political assassination; (b) falsely characterized Plaintiff as thinking "murder is a joke"; (c) falsely labeled Plaintiff as a teacher whose only goal was "indoctrination"; (d) falsely accused Plaintiff of discriminating against Christian students; (e) falsely stated Plaintiff "celebrated the martyrdom of Charlie Kirk"; (f) falsely stated Plaintiff "transitioned her own child"; and (g) publicly branded Plaintiff as unfit to be in a classroom. Each of these written statements tends to injure Plaintiff's reputation, expose

her to public hatred, contempt, and ridicule, and impeach her honesty, integrity, virtue, and reputation.

42. Under the republication rule recognized in Texas, one who repeats or republishes a defamatory statement is subject to liability as if he or she had originally published it. *Neely v. Wilson*, 418 S.W.3d 52 (Tex. 2013). Defendant authored, repeatedly published, and amplified the defamatory statements over a sustained period across multiple platforms, subjecting himself to liability for each publication and republication.

43. **Slander.** To the extent Defendant made oral statements regarding Plaintiff—including but not limited to statements made at public meetings, in video posts, and on other recorded or live media—such oral statements constitute actionable slander under Texas law. Defendant's oral statements carried the same false and defamatory content as his written publications.

44. Defendant's statements, both written and oral, constitute defamation *per se* because they injure Plaintiff in her profession and occupation as a public-school educator and accuse her of criminal conduct. In cases of defamation *per se*, general damages—including mental anguish—are presumed as a matter of law. *In re Lipsky*, 460 S.W.3d 579, 596 (Tex. 2015).

45. As a direct and proximate result of Defendant's slander and libel, Plaintiff has suffered the damages described herein.

COUNT IV: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

46. Plaintiff incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

47. Texas recognizes the tort of Intentional Infliction of Emotional Distress ("IIED") as a "gap-filler" tort, applicable when a defendant intentionally or recklessly engages in extreme

and outrageous conduct that causes severe emotional distress and no other established tort provides a complete remedy. *Hoffmann-La Roche, Inc. v. Zeltwanger*, 144 S.W.3d 438, 447 (Tex. 2004); *Standard Fruit & Vegetable Co. v. Johnson*, 985 S.W.2d 62 (Tex. 1998).

48. The elements of IIED under Texas law are: (1) the defendant acted intentionally or recklessly; (2) the defendant's conduct was extreme and outrageous; (3) the defendant's actions caused the plaintiff emotional distress; and (4) the emotional distress suffered by the plaintiff was severe. *Hoffmann-La Roche*, 144 S.W.3d at 447.

49. **Intentional or reckless conduct.** Defendant acted intentionally and with deliberate purpose when he published false statements about Plaintiff, tagged her employer, circulated her personal information, demanded that she be fired, and orchestrated a sustained public campaign against her. Defendant continued this conduct over a period of weeks despite knowing or recklessly disregarding the devastating impact on Plaintiff's life, career, and safety.

50. **Extreme and outrageous conduct.** Defendant's sustained campaign included but was not limited to: (a) personal vilification of a private individual by name across multiple public platforms; (b) "doxxing" Plaintiff by publishing her name, employer, and work email address to thousands of followers with the express purpose of facilitating public harassment; (c) repeatedly depicting Plaintiff as a threat to children and as a supporter of a political assassination; (d) publicly alleging that Plaintiff "transitioned her own child" in a climate where such conduct is labeled "child abuse" under Texas law; (e) encouraging thousands of strangers to contact Plaintiff's employer and Plaintiff directly; and (f) celebrating the termination of Plaintiff's employment as a personal "victory." *Doe v. Cruz*, 683 S.W.3d 475 (Tex. 4th 2023); *Draker v. Schreiber*, 271 S.W.3d 318 (Tex. 4th 2008).

51. **Causation.** Defendant's extreme and outrageous conduct caused Plaintiff severe emotional distress, as detailed herein.

52. **Severe emotional distress.** As a direct result of Defendant's conduct, Plaintiff has endured severe anxiety, fear for her safety and that of her family, ongoing emotional trauma from being publicly targeted and vilified by a state official with a large platform, and the devastating emotional toll of losing her career of more than two decades. Plaintiff has received death threats, threats of physical harm, and relentless online harassment.

53. To the extent any of Defendant's conduct falls outside the reach of traditional defamation and tortious interference doctrines, IIED is available as an alternative theory of recovery. *Vaughn v. Drennon*, 372 S.W.3d 726 (Tex. 12th 2012).

54. As a direct and proximate result of Defendant's intentional infliction of emotional distress, Plaintiff has suffered the damages described herein.

COUNT V: TORTIOUS INTERFERENCE WITH AN EXISTING CONTRACT

55. Plaintiff incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

56. Under Texas law, the elements of tortious interference with an existing contract are: (1) the existence of a valid contract subject to interference; (2) a willful and intentional act of interference; (3) that proximately caused the plaintiff's injury; and (4) actual damages or loss. *Holloway v. Skinner*, 898 S.W.2d 793 (Tex. 1995); *Prudential Ins. Co. of Am. v. Financial Review Servs., Inc.*, 29 S.W.3d 74 (Tex. 2000). The Texas Supreme Court has specifically held that a contract terminable at will, including an at-will employment contract, can support a claim for tortious interference. *Texas Beef Cattle Co. v. Green*, 921 S.W.2d 203 (Tex. 1996); *Sterner v. Marathon Oil Co.*, 767 S.W.2d 686 (Tex. 1989).

57. **Existence of a valid contract.** At the time of Defendant's tortious conduct, Plaintiff had a valid employment contract with Crosby ISD. That contract, even if terminable at will or for "good cause," is a valid contract subject to interference under Texas law.

58. **Willful and intentional interference.** Defendant willfully and intentionally interfered with Plaintiff's employment contract by: (a) publicly demanding that the Crosby ISD school board "FIRE HER NOW"; (b) publishing Plaintiff's work email address to facilitate pressure on the district; (c) urging his followers to attend board meetings and demand Plaintiff's termination; (d) tagging Crosby ISD in his posts to ensure the district was aware of the pressure campaign; and (e) framing Plaintiff as a dangerous and abusive "indoctrinator" unfit to be in a classroom—all with the express purpose of causing the termination of Plaintiff's employment.

59. **Proximate cause.** Immediately after Defendant's campaign began, Crosby ISD removed Plaintiff from the classroom, placed her on administrative leave, initiated termination proceedings, and ultimately voted 7–0 to propose termination of her contract. Defendant's own posts claimed credit for that outcome as a "victory." But for Defendant's tortious conduct, Plaintiff's employment contract would not have been terminated.

60. **Actual damages.** Plaintiff suffered actual damages including but not limited to loss of employment, loss of salary and benefits, loss of future professional opportunities as an educator, and damage to her professional reputation and career trajectory.

61. As a direct and proximate result of Defendant's tortious interference with Plaintiff's existing contract, Plaintiff has suffered the damages described herein.

COUNT VI: TORTIOUS INTERFERENCE WITH PROSPECTIVE BUSINESS RELATIONS

62. Plaintiff incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

63. Under Texas law, the elements of tortious interference with prospective business relations are: (1) a reasonable probability that the plaintiff would have entered into a business relationship with a third party; (2) the defendant intentionally interfered with that relationship; (3) the defendant's interference was independently tortious or unlawful; and (4) the plaintiff suffered actual harm or damage as a result. The independently tortious requirement is what distinguishes this tort from interference with an existing contract.

64. **Reasonable probability of business relationships.** Prior to Defendant's tortious conduct, Plaintiff was a credentialed, experienced public-school educator with more than two decades of service, holding both a Master of Education and a Master of Curriculum and Instruction. She had a reasonable probability of continuing her employment with Crosby ISD and of entering into future employment relationships with other Texas school districts and educational institutions. Additionally, Plaintiff held teaching and principal certifications with the Texas Education Agency, which are necessary prerequisites to employment in Texas public schools.

65. **Intentional interference.** Defendant intentionally interfered with Plaintiff's prospective business relations by: (a) publishing false and defamatory statements about Plaintiff to a wide audience, permanently associating her name with accusations of mocking a political assassination, indoctrinating children, and engaging in child abuse; (b) causing Plaintiff to be reported to the TEA, jeopardizing her certifications and her ability to obtain future employment in education; and (c) creating a permanent, searchable online record of his defamatory campaign that any prospective employer would discover upon even a cursory background or internet search.

66. **Independently tortious or unlawful conduct.** Defendant's interference was independently tortious because it was accomplished through defamation, defamation *per se*, and

defamation by implication—each of which is an independent tort under Texas law—as well as through the intentional infliction of emotional distress, all as described herein.

67. **Actual harm.** Plaintiff was unemployed until February and has been unable to find full employment as a direct result of Defendant's conduct. Plaintiff's professional reputation has been so severely damaged that she is effectively unable to pursue her chosen career. Plaintiff has suffered loss of future earning capacity, disruption of her career trajectory, and jeopardy to her state certifications and future employability as an educator.

68. As a direct and proximate result of Defendant's tortious interference with Plaintiff's prospective business relations, Plaintiff has suffered the damages described herein.

VII. DAMAGES

69. As a direct and proximate result of Defendant's wrongful conduct as described herein, Plaintiff has suffered and continues to suffer the following categories of damages:

70. **Economic damages**, including but not limited to: (a) past and future lost wages and employment benefits resulting from termination of her employment with Crosby ISD; (b) diminished future earning capacity due to reputational harm and the TEA reporting; and (c) costs associated with securing alternative employment and defending her professional certifications.

71. **Non-economic damages**, including but not limited to: (a) presumed general damages for loss of reputation and mental anguish due to defamation *per se*; (b) actual mental anguish, emotional distress, humiliation, and loss of enjoyment of life; and (c) damage to Plaintiff's personal and professional reputation in her community and statewide.

72. **Exemplary (punitive) damages.** Given the evidence of Defendant's actual malice, specific intent to cause substantial injury, and Defendant's continued repetition and celebration of the harm he caused, Plaintiff seeks exemplary damages pursuant to TEX. CIV. PRAC. & REM. CODE

§ 41.003. Exemplary damages may be awarded if the claimant proves by clear and convincing evidence that the harm results from (1) fraud, (2) malice, or (3) gross negligence. *Id.* The facts alleged herein establish that Defendant acted with actual malice—knowledge of the falsity of his statements or reckless disregard for their truth or falsity—and with the specific intent to cause injury to Plaintiff. TEX. CIV. PRAC. & REM. CODE § 41.003; §73.055.

73. **Pre-judgment and post-judgment interest** at the maximum rates allowed by law.

74. **Court costs and reasonable and necessary attorneys' fees** to the extent allowed by statute and common law.

VIII. CONDITIONS PRECEDENT

75. All conditions precedent to Plaintiff's right to recover have been performed or have occurred.

76. Specifically, in compliance with the Texas Defamation Mitigation Act, TEX. CIV. PRAC. & REM. CODE §§ 73.051 *et seq.*, Plaintiff timely served upon Defendant a written demand for correction, clarification, and retraction of the defamatory statements, within the time period prescribed by the statute. *See* TEX. CIV. PRAC. & REM. CODE § 73.055. Defendant failed to issue any retraction, correction, or clarification. Plaintiff has therefore satisfied all prerequisites to the recovery of exemplary damages under the Texas Defamation Mitigation Act.

IX. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff J. Marie Brookreson respectfully prays that upon final trial of this cause, judgment be entered in her favor and against Defendant Briscoe Cain for the following:

- a. Compensatory damages (economic and non-economic) in an amount to be determined by the jury;
- b. Presumed general damages for defamation per se;
- c. Exemplary (punitive) damages pursuant to TEX. CIV. PRAC. & REM. CODE § 41.003;
- d. Pre-judgment and post-judgment interest at the maximum rates allowed by law;
- e. Court costs and reasonable and necessary attorneys' fees;
- f. Such other and further relief, both general and special, at law or in equity, to which Plaintiff may show herself to be justly entitled.

RESPECTFULLY SUBMITTED,

/s/ Ashley M. Spencer
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