

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

**RICHARD WEST BO FRENCH, and  
SHERIDAN FRENCH,**

*Plaintiffs,*

v.

**DAVID T. SORENSEN,**

*Defendant.*

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**IN THE DISTRICT COURT**

\_\_\_\_<sup>th</sup> **JUDICIAL DISTRICT**

**TARRANT COUNTY, TEXAS**

**PLAINTIFFS’ ORIGINAL PETITION AND REQUEST FOR DECLARATORY RELIEF**

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

COME NOW Plaintiffs Richard West Bo French and Sheridan French (collectively, the “French Family”) complaining of and against Defendant David T. “Dave” Sorensen (“Sorensen”) and, in support thereof, would respectfully show unto the Court as follows:

**INTRODUCTION**

1. This case arises from a targeted and malicious plan to tarnish the reputation of Plaintiff Richard West Bo French (“Mr. French”) and his family on the eve of the hotly-contested 2016 Republican primary election for House District 99 in the Texas House of Representatives. The evidence and facts will demonstrate that professional political operative Defendant David T. Sorensen maliciously communicated false and disparaging information to Texas Child Protective Services (“CPS”) with the intent to gain an unfair advantage for the political campaign that then employed him—the campaign of the incumbent and still-serving Texas House Member for District 99, Representative Charlie Geren (“Representative Geren”). Defendant Sorensen maliciously made a false but anonymous allegation to CPS that Bo French was abusing and neglecting his young children, thereby triggering a CPS investigation of the French Family. In addition to causing an unconscionable waste of scarce CPS resources, the

false and malicious accusations of child abuse and neglect made by Sorensen caused extreme emotional distress to the French Family. Indeed, Sorensen's malevolent allegations potentially imperiled the French family's sacred guardianship of their four small children. Moreover, this paid campaign worker's false and malicious statements had their intended effect of tarnishing the French Family's good name, reputation, and standing in their Fort Worth community.

### **DISCOVERY CONTROL PLAN**

2. Discovery in this case should be conducted in accordance with the Level 2 Discovery, as provided by Rule 190.3 of the TEXAS RULES OF CIVIL PROCEDURE.

### **PARTIES**

3. Plaintiff **RICHARD WEST BO FRENCH** ("Mr. French") is an individual and resident of Tarrant County, Texas, and who may be served with process through the undersigned counsel for all purposes.

4. Plaintiff **SHERIDAN FRENCH** ("Mrs. French") is an individual and resident of Tarrant County, Texas, and who may be served with process through the undersigned counsel for all purposes.

5. Defendant **DAVID T. "DAVE" SORENSEN** is an individual and resident of Tarrant County, Texas, and who may be served with process at 4724 Houghton Avenue, Apt. 3076, Fort Worth, Texas 76107-6136, or wherever he may be found. Sorensen's telephone number is 682-238-1643.

### **JURISDICTION AND VENUE**

6. Venue is proper in Tarrant County, Texas, because Tarrant County is the county in which all or a substantial part of the acts or omissions which give rise to the claims set forth herein occurred, and is also the county in which the Plaintiffs resided at the time of the accrual of

the cause of action, and is the county in which Defendant Sorensen resided at the time of the filing of suit. *See* TEX. CIV. PRAC. & REM. CODE §§ 15.002, .017.

7. This Court has jurisdiction as the subject matter and the amount in controversy fall within the jurisdictional limits of this Court.

#### **STATEMENT OF RELIEF – RULE 47**

8. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiffs seeks monetary relief from Defendant Sorensen of less than \$100,000.00, and non-monetary relief as described herein, and demands a judgment against Defendant Sorensen for all other relief to which Plaintiffs are justly entitled. Plaintiffs reserve the right to amend this Rule 47 statement during the course of this Litigation.

#### **FACTUAL BACKGROUND**

9. Plaintiffs are longtime residents of Fort Worth, Texas. Bo French is a successful businessman and land owner who has long been an active member of the Fort Worth community. Bo French’s wife, Plaintiff Sheridan French, is a local fashion designer and philanthropist, who, along with her husband, sought to give back to the Fort Worth community. Together, Mr. and Mrs. French are the parents of four young children. The French Family resides in Texas House of Representatives District 99, which is located in Fort Worth and Tarrant County.

##### **A. Mr. French Seeks the 2016 Republican Nomination in House District 99.**

10. Defendant David T. “Dave” Sorensen is a professional political operative and paid campaign worker. Sorensen is a graduate of The George Washington University Graduate School of Political Management. An avowed liberal and progressive, Sorensen has worked primarily for the campaigns of Democratic politicians and office holders. The political consulting firm owned and operated by Sorensen, Consulting 643, publicly brags that it is

“helping the Tarrant County Democratic Party experience some of the best election returns in over a decade.”<sup>1</sup> Similarly, Sorensen’s left-wing political consulting firm also claims to “embody the spirit of . . . Lyndon Johnson, Ann Richards, and Barbara Jordan.”<sup>2</sup> Moreover, Democratic operative Sorensen’s personal Twitter bio proclaims that “James Carville is my spirit animal.”<sup>3</sup> However, during the 2016 election cycle, Sorensen was improbably employed in a Republican primary campaign by a Republican candidate; Defendant Sorensen worked as a campaign staffer for incumbent Representative Charlie Geren in House District 99 from approximately July 2015 to March 2016.

11. At the time of the acts complained of herein, Representative Geren was the incumbent and serving Texas Member for District 99. Likely in part due to the acts of Defendant Sorensen complained of herein, Representative Geren currently serves as the Member of the Texas House of Representatives for House District 99.

12. Frustrated with the lack of adequate representation by Representative Geren of his conservative and liberty-loving constituents, Bo French decided to raise his level of contribution to the Fort Worth community by running in the 2016 Republican Primary for the nomination in House District 99, thus challenging Representative Geren for his seat in the Texas House of Representatives. The winner of the Republican Primary, of course, would be the *de facto* winner of the general election, as no Democrats were running for the seat in heavily Republican House District 99.

13. The 2016 campaign for the House District 99 seat was hard fought and, unfortunately, became increasingly bitter. Prior to the campaign, Mr. French and Representative

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<sup>1</sup> See <https://consulting643.com/our-work/>, last visited December 3, 2017.

<sup>2</sup> See <https://consulting643.com/>, last visited December 3, 2017.

Geren had been longtime family friends in West Fort Worth. That, however, apparently changed once it became clear that Mr. French's campaign posed a real threat to Representative Geren's long-held seat in the Texas Legislature.

14. During the 2016 Republican primary, the Geren Campaign hired various political consultants and staffers, including the usually Democratic operative Sorensen and his left-wing Consulting 643 firm, to hold off Mr. French's conservative challenge. On information and belief, Representative Geren tasked his political team, including Defendant Sorensen, with working to ensure that Mr. French would not defeat him in the March 1, 2016 Republican primary election. But Sorensen would soon take his desire to see his employer prevail far too far.

**B. Defendant Sorensen Acquires the Basic Material Included in his False and Malicious Report to CPS.**

15. With the 2016 Republican primary for House District 99 close, the French Family stationed volunteers at polling places to greet voters throughout the early voting period. On or about February 17, 2016, Plaintiff Sheridan French volunteered at an early voting precinct hosted at the Tarrant County Sheriff's Office North Patrol Division ("Sheriff's Office Precinct"), located at 6651 Lake Worth Blvd., Fort Worth, Texas 76135. Bo French's campaign manager, Mr. Destin Sensky, was also working the precinct on behalf of the French campaign.

16. Defendant Sorensen was at the Sheriff's Office Precinct, as well, greeting voters on behalf of his employer, Representative Geren.

17. Texas election law forbids campaign workers to position themselves within 100 feet of a precinct entrance. As a result—and as is typical in many political campaigns at polling

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<sup>3</sup> Defendant Sorensen's Twitter handle is @daveog643, and the quote from his Twitter biography was current as of December 3, 2017. James Carville was, of course, Bill Clinton's famously aggressive political strategist. The Twitter handle for Sorensen's firm, Consulting 643, is @consulting643.

places—staffers and volunteers from the French and Geren campaigns were forced to station themselves in close proximity to one another. Mrs. Sheridan was in easy range to converse with Defendant Sorensen, and periodically did so.

18. That day, Mrs. French, Mr. Sensky, and Defendant Sorensen engaged in a casual conversation as they worked the precinct and greeted voters. At one point in their discussions, Mrs. French received a series of alarming text messages from her husband, Bo French, which contained screen shots of Facebook messages sent to at least one of Bo French’s supporters. In the text messaged screen shots, the sender falsely represented that law enforcement had made numerous trips to the French family house in response to domestic abuse calls. Understandably, Plaintiffs were aghast at these false public statements and their fabricated contents. In truth, however, the police had never been called to the French house for any reason at that point in time.

19. Upon reviewing the messages, Mrs. French read the text messages from her husband out loud to Mr. Sensky. Disgusted and still in shock, Sheridan French then turned to Defendant Sorensen and interrogated him directly as to whether he or any member of the Geren campaign was behind there dissemination. Defendant Sorensen vehemently denied that the Geren campaign had any involvement, and he even called Representative Geren from a mobile phone on the spot to ask whether the campaign was the source of the defamatory messages being sent to Bo French’s constituents. Upon concluding his call with Representative Geren, Defendant Sorensen advised Mrs. French and Mr. Sensky that Representative Geren denied his campaign’s involvement in these fabrications and their dissemination. Acting in reliance upon these representations and under the belief that Defendant Sorensen could be trusted to refrain from further propagation of serious and false allegations, the Frenches thereafter believed that

Defendant Sorensen and the Geren campaign would not use these false rumors in the campaign.

20. On or about February 18, 2016 (and still during the early voting period for the March 1, 2016 primary election), Mrs. French, once again, volunteered for her husband's campaign at a voting precinct hosted at the JPS Viola Pitts/Como: Health Center located at 4701 Bryant Irvin Road N., Fort Worth, Texas 76107 (the "JPS Precinct"). While at the JPS Precinct, Mrs. French began discussing (in confidence) with a close friend and fellow campaign volunteer, Dinah Rowland, that her youngest son had complained of side pain when playing, that she took him to a chiropractor to examine the pain, and that the chiropractor had been able to effectively treat and eliminate her son's side pain by adjusting a rib.

21. At that time, Laramie Stroud ("Stroud"), Representative Geren's campaign manager, was also working at the JPS Precinct and eavesdropped into the confidential discussion between Mrs. French and Ms. Rowland.

22. On information and belief, the information accumulated by Defendant Sorensen and other Geren staffers or volunteers during these two instances would later serve as the basis for the false and anonymous report made by Defendant Sorensen to CPS.

**C. On the eve of the Election, CPS Receives an Anonymous Tip that Bo French is Abusing and Neglecting his Children.**

23. On Friday, February 26, 2016, Texas Child Protective Services received an anonymous "tip" that Mr. French was abusing his children. This tip was made just four days before the Tuesday, March 1, 2016 Republican primary election. The anonymous tipster provided oddly specific information that closely paralleled, but went beyond and distorted, the topics discussed between Sheridan French and Defendant Sorensen on February 17, 2016, and also between Sheridan French and Ms. Rowland on February 18, 2016. For example, building on Mrs. French's description to Ms. Rowland of the side pain experienced by her youngest son,

the anonymous tipster alleged that the French Family's youngest child had suffered broken ribs as a result of abuse by his father, Mr. French. In other words, the anonymous tipster "guessed" correctly as to both which of the four French children had an injury (the youngest son), as well as the location of that injury (ribs), but then wildly exaggerated the situation in order to attract CPS's emergency attention. In short, the odd specificity of the anonymous tipster's information was either a remarkable coincidence, or it was the result of eavesdropping followed by strategic exaggeration.

24. Texas law permits the government to redact the identifying information of the person making the report to CPS; hence, the individual—on information and belief, now discovered to be Defendant Sorensen—believed himself to be fully protected from identification, exposure, or discovery of his ties to the Geren reelection campaign.

25. On the same evening that the anonymous tip was made, a CPS worker and a police officer showed up at the French residence in West Fort Worth to investigate the false report of child abuse and neglectful supervision. With Mr. and Mrs. French at a major GOP campaign event in the Stockyards featuring star country musician Pat Green, Mrs. French's parents were babysitting the four children when CPS unexpectedly arrived. Caught off guard by this surprise visit, the French children's grandparents did not allow the CPS worker to interview the children without Mr. and Mrs. French being present. The French children's grandparents did, however, allow the CPS worker to visually check each child for injuries, and to ask the children if they were okay. The CPS worker did not find any injuries on any child, and the French children all stated that they were just fine.

26. In the wake of this shocking nighttime visit from CPS, the next morning Mr. and Mrs. French took all four of their children to a local pediatrician for a complete head-to-toes



examination. The purpose of these examinations was to have a physician definitively confirm that none of the French children had been abused or neglected. The pediatrician (who himself is under a mandatory duty to report evidence of abuse to CPS) provided that confirmation; there were no signs that any of the four French children had been abused or neglected.

27. CPS workers reappeared at the French house again on the morning of Saturday, February 27, 2016, and yet again the day after that on Sunday, February 28, 2016. Strangely, after the Republican Primary was held on Tuesday, March 1, 2016, and Representative Geren won reelection, the CPS workers never again returned to the French house.

28. By this time, however, the damage had been done. CPS and law enforcement very visibly visited the French Family's house multiple times in the final days before the election. False rumors that Bo French abused and neglected his four children began to spread and, in all likelihood, caused substantial damage to the Frenches' personal, professional and political reputations in the Fort Worth community.

29. Distraught by the prospect of CPS placing their children into foster care based on a false and malicious anonymous tip, Mr. and Mrs. French largely abstained from political activity in the final days of the 2016 primary election. Even with the election over, and with CPS having ceased its series of daily visits to the French home, the French Family has endured severe distress from the episode, as their sacred guardianship of their own children was imperiled as the result of a deeply malicious—and, at least in Tarrant County, unprecedented—political “dirty trick.”

**D. The French Family Attempts to Learn the Identity of their Malicious but Anonymous Accuser.**

30. Severely distressed and traumatized by having been falsely accused of child abuse and neglect, the French Family sought to learn the identity of their anonymous and malicious

accuser. On or about June 21, 2017, the French Family filed a Verified Rule 202 Petition to Take Depositions Duces Tecum, styled as *In re: Sheridan French and Richard West Bo French*, Cause No. 048-292813-17, thereby seeking to obtain pre-suit depositions of two paid staffers for the 2016 Geren campaign, Defendant Sorensen and Representative Geren's 2016 campaign manager, Mr. Laramie Stroud. At that time, the true identity of the individual who filed the false report with CPS remained unknown to Plaintiffs as a result of the identity redactions to the CPS report permitted under Texas law.

31. Having filed the Rule 202 Petition seeking the pre-suit deposition of Sorensen, the French family had difficulty serving him with process, but finally succeeded in finding Sorensen at the Tarrant County Democratic Party's end-of-summer pool party. During the Rule 202 proceeding, Sorensen was represented by capable counsel, former Tarrant County Democratic Party Chairman Steve Maxwell.

32. During the Rule 202 proceedings, Defendant Sorensen tacitly self-identified as the person who made the false CPS report by filing an "Anti-SLAPP" Motion to Dismiss under the Texas Citizens Participation Act ("TCPA"), astonishingly claiming that the allegations made by the French Family, if true, were nothing more than an attempt to chill Defendant Sorensen's exercise of his "free speech rights" on a matter of "public concern." Of course, neither the U.S. Constitution nor the Texas Constitution protects one's "right" to knowingly and intentionally make false and malicious accusations to government authorities in an effort to cause emotional distress and reputational damage to an innocent family with four small children. Nor is there a constitutional right to endanger parents' guardianship of their children by knowingly making a false report of child abuse in a crude attempt to hurt a political opponent.

33. The District Court handling the French Family's Rule 202 Petition quite properly

denied Sorensen's TCPA "Anti-SLAPP" Motion to Dismiss. However, the District Court also declined, without explanation or comment, to authorize the Rule 202 pre-suit deposition of Sorensen.

34. In light of the foregoing, and with Sorensen having implicitly self-identified during the Rule 202 proceeding as the individual who provided the anonymous tip to CPS, the French Family now bring this suit against Defendant Sorensen seeking recovery in full for their losses and irreparable damage to their personal and professional reputations caused by Defendant Sorensen's malicious, outrageous and illegal actions.

### **CAUSES OF ACTION**

**A. COUNT I: Defamation – Libel *Per Se*, Libel *Per Quod*, Slander *Per Se*, and Slander *Per Quod* (statutory and common-law).**

35. Plaintiffs hereby incorporate by reference the allegations of all preceding paragraphs as if fully set forth herein.

36. Plaintiffs are private figure plaintiffs under Texas law. Defendant Sorensen is a non-media defendant.

37. On information and belief, Defendant Sorensen knowingly and intentionally (or, alternatively, negligently) orally or in writing communicated, published, or re-published false and defamatory statements of purported fact about Plaintiffs to a third-party, Texas Child Protective Services ("CPS"), and likely others—all of whom were capable of understanding the defamatory meaning of the statements and in a manner in which the third-parties understood.

38. The false and defamatory statements of fact communicated by Defendant Sorensen to CPS (and, likely, other third-parties) referred specifically to Plaintiffs by alleging, *inter alia*, that Bo French was the cause of injuries to his children, that Plaintiffs were neglectful of their children in obtaining immediate and necessary medical treatment, and that Bo French is

abusive and engaged in domestic violence towards Sheridan French. Each of these false statements cast aspersions on Plaintiffs' reputation, moral character, honesty, and business reputations by falsely asserting that Plaintiffs have violently abused (or permitted the abuse of) their children.

39. These false and defamatory statements further defame Plaintiffs by *innuendo* or implication (either by omitting material facts or juxtaposing facts), in that they imply that Plaintiffs have engaged in crimes against one another and against their children.

40. The statements published by Defendant Sorensen were false and defamatory.

41. In communicating, publishing, or re-publishing these false and defamatory statements of purported facts to third-parties, Defendant Sorensen acted with actual malice or negligence without any regard of the truth of the defamatory statements.

42. As a result of Defendant Sorensen's conduct, Plaintiffs have suffered actual injuries, severe emotional distress, harm to their reputation, personal humiliation, mental anguish, suffering, moral characters, reputations of honesty, business reputations, and monetary damages, thereby resulting in economic, non-economic, special, general, consequential, and incidental damages in an amount within the jurisdictional limits of this Court.

43. Plaintiffs further seek an award of exemplary damages against Defendant Sorensen as a result of Defendant Sorensen's malicious propagation of false and defamatory statements against Plaintiffs. *See* TEX. CIV. PRAC. & REM. CODE § 41.001, *et seq.*

44. ***Application of Discovery Rule.*** Plaintiffs respectfully submit that the Discovery Rule applies to their claims for defamation against Defendant Sorensen in that the full and complete nature of Plaintiffs' injuries was inherently undiscoverable as a result of the statutory redactions of the information identifying Defendant Sorensen as the person who communicated

these false and defamatory statements to CPS. As a result, Plaintiffs' claims for defamation against Defendant Sorensen were tolled until Defendant Sorensen self-identified in pleadings filed on or about September 12, 2017 wherein Defendant Sorensen claimed he was merely exercising his "right to free speech as to matters of public concern."

**B. COUNT II: Business Disparagement (by Plaintiff Bo French, only).**

45. Plaintiffs hereby incorporate by reference the allegations of all preceding paragraphs as if fully set forth herein.

46. On information and belief, Defendant Sorensen knowingly and intentionally (or, alternatively, negligently) orally or in writing communicated, published, or re-published false and defamatory statements of purported fact about Plaintiff Bo French to a third-party, Child Protective Services ("CPS"), and likely others—all of whom were capable of understanding the disparaging meaning of the statements and in a manner in which the third-parties understood.

47. The false and defamatory statements of fact communicated by Defendant Sorensen to CPS (and, likely, other third-parties) referred specifically to Plaintiff Bo French by alleging, *inter alia*, that Bo French was "running for office of some sort, and has had some failed business ventures" and that Bo French was the cause of injuries to his children, that Bo French was neglectful of his children in obtaining immediate and necessary medical treatment, and that Bo French is abusive and engaged in domestic violence towards Mrs. French. Each of these false statements casted aspersions on Bo French's reputation, moral character, honesty, and business reputation by falsely asserting that Bo French has violently abused (or permitted the abuse of) his children and beings and implying that Bo French is incapable of holding public office or heading local business ventures.

48. On information and belief, Defendant Sorensen published statements disparaging Bo French's economic interests, including Bo French's interests in public office or running

successful business ventures in Fort Worth and elsewhere in Texas. By submitting a false and bad faith report of child abuse to CPS, Defendant Sorensen assailed Bo French by accusing him of having low moral character, being untrustworthy, and as having blatant disregard for the law. Defendant Sorensen's statements were patently false, and he made the statements with malice, and without any privilege or right to make such statements.

49. As a result of Defendant Sorensen's conduct, Bo French has suffered actual injuries, severe emotional distress, harm to his reputation, personal humiliation, mental anguish, suffering, moral character, reputation of honesty, business reputation, and monetary damages, thereby resulting in economic, non-economic, special, general, consequential, and incidental damages in an amount within the jurisdictional limits of this Court.

50. Bo French further seeks an award of exemplary damages against Defendant Sorensen as a result of Defendant Sorensen's malicious propagation of false and defamatory statements against Bo French. *See* TEX. CIV. PRAC. & REM. CODE § 41.001, *et seq.*

51. ***Application of Discovery Rule.*** Bo French respectfully submits that the Discovery Rule applies to his claims for business disparagement against Defendant Sorensen in that the full and complete nature of Bo French's injuries was inherently undiscoverable as a result of the statutory redactions of the information identifying Defendant Sorensen as the person who communicated these false and defamatory statements to CPS. As a result, Bo French's claims for business disparagement against Defendant Sorensen were tolled until Defendant Sorensen self-identified in pleadings filed on or about September 12, 2017 wherein Defendant Sorensen claimed he was merely exercising his "right to free speech as to matters of public concern."

**C. COUNT III: Intrusion on Seclusion.**

52. Plaintiffs hereby incorporate by reference the allegations of all preceding

paragraphs as if fully set forth herein.

53. Defendant Sorensen has intentionally intruded upon Plaintiffs' solitude, seclusion, and/or private affairs.

54. As described herein, Defendant Sorensen's intrusion would be highly offensive to any reasonable person.

55. As a result of Defendant Sorensen's conduct, Plaintiffs have suffered actual injuries, severe emotional distress, harm to their reputation, personal humiliation, mental anguish, suffering, moral characters, reputations of honesty, business reputations, and monetary damages, thereby resulting in economic, non-economic, special, general, consequential, and incidental damages in an amount within the jurisdictional limits of this Court.

**D. COUNT IV: Invasion of Privacy – Public Disclosure of Private Facts.**

56. Plaintiffs hereby incorporate by reference the allegations of all preceding paragraphs as if fully set forth herein.

57. Defendant Sorensen has publicized information about Plaintiffs' private lives and affairs.

58. As described herein, Defendant Sorensen's publicity would be highly offensive to any reasonable person.

59. The matters publicized are not of any legitimate public concern.

60. As a result of Defendant Sorensen's conduct, Plaintiffs have suffered actual injuries, severe emotional distress, harm to their reputation, personal humiliation, mental anguish, suffering, moral characters, reputations of honesty, business reputations, and monetary damages, thereby resulting in economic, non-economic, special, general, consequential, and incidental damages in an amount within the jurisdictional limits of this Court.

**E. COUNT V: Intentional Infliction of Emotional Distress (alternatively).**

61. Plaintiffs hereby incorporate by reference the allegations of all preceding paragraphs as if fully set forth herein.

62. Alternatively, and as described herein, Defendant Sorensen has intentionally inflicted emotional distress against Plaintiffs.

63. Plaintiffs are “persons” seeking relief in their individual capacities against Defendant Sorensen.

64. Defendant Sorensen’s conduct described herein was intentional in that Defendant Sorensen desired to cause unto Plaintiffs the consequences of his acts and/or believed that the consequences of his acts were substantially certain to result in emotional distress to Plaintiffs as a result of his false and malicious acts, as his bad faith, false report of child abuse to CPS was a planned and politically motivated attack on the Plaintiffs. Defendant Sorensen’s conduct was also reckless because Defendant Sorensen knew or had reason to know of facts that created a high-degree of risk of harm to Plaintiffs, and then deliberately proceeded to act in conscious disregard of or with indifference to that risk.

65. Defendant Sorensen’s conduct was extreme, outrageous, and harassing in nature, especially given that Plaintiffs were threatened with losing their sacred guardianship of their children as a result of the false and malicious report of child abuse and neglect submitted to CPS by Defendant Sorensen.

66. The emotional distress suffered by Plaintiffs is severe in degree.

67. As a proximate result of Defendant Sorensen’s conduct, Plaintiffs have suffered actual injuries, severe emotional distress, harm to their reputation, personal humiliation, mental anguish, suffering, moral characters, reputations of honesty, business reputations, and monetary damages, thereby resulting in economic, non-economic, special, general, consequential, and



incidental damages in an amount within the jurisdictional limits of this Court.

68. Plaintiffs' claims for Intentional Infliction of Emotion Distress are pleaded in the alternative to the claims asserted above and in the event that there is no alternative cause of action which would provide a remedy for the severe emotional distress caused by Defendant Sorensen's conduct.

**F. COUNT VI: Request for Declaratory Relief – Disclosure of Confidential Information under TEX. FAM. CODE § 261.201(b).**

69. Plaintiffs hereby incorporate by reference the allegations of all preceding paragraphs as if fully set forth herein.

70. Pursuant to TEXAS FAM. CODE § 261.201(b), Plaintiffs seek declaratory relief allowing for the disclosure of any and all information redacted in the CPS Report referenced herein, including any redacted information concerning the identification of the individual who made the statements contained in the report to CPS.

71. Upon notice of hearing and service of a motion upon CPS and Defendant Sorensen and after hearing and an in camera review of the requested information, Plaintiffs request that the Court make findings that the requested information: (a) is essential to the administration of justice; (b) is not likely to endanger the life or safety of: (i) the Plaintiffs' children (who were the subject of the CPS Report), (ii) the person(s) who made the report of alleged or suspected abuse or neglect, or, (iii) any other person who participated in the investigation of reported abuse or neglect or who provided care for Plaintiffs' children.

72. Pursuant to TEX. CIV. PRAC. & REM. Code § 37.009, Plaintiffs further seek payment of their attorneys' fees and costs as are equitable, just, and as permitted by the Court in securing the aforementioned declaratory relief against Defendants.

**G. COUNT VII: Request for Declaratory Relief – Declaration of no immunity under TEX. FAM. CODE § 261.106(a).**

73. Plaintiffs hereby incorporate by reference the allegations of all preceding paragraphs as if fully set forth herein.

74. Plaintiff further seek declaratory relief that the immunities or limitations of civil or criminal liability under TEX. FAM. CODE § 261.106(a) do not immunize or otherwise limit Defendant Sorensen's civil or criminal liability because Defendant Sorensen acted in bad faith and with a malicious purpose against Plaintiffs in submitting the false report of child abuse or neglect.

75. Pursuant to TEX. CIV. PRAC. & REM. Code § 37.009, Plaintiffs further seek payment of their attorneys' fees and costs as are equitable, just, and as permitted by the Court in securing the aforementioned declaratory relief against Defendant Sorensen.

**INTEREST**

76. Plaintiffs seek to recover pre-judgment and post-judgment interest at the maximum legal rate.

**CONDITIONS PRECEDENT**

77. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 54, all conditions precedent to Plaintiffs' claims for relief have been performed or have occurred.

**JURY DEMAND**

78. Plaintiffs hereby demand a jury trial and tender the appropriate fee with this Petition.

**REQUESTS FOR DISCLOSURE**

79. Pursuant to Rule 194 of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiffs hereby request that Defendant Sorensen disclose the information or material described in Rule 194.2 (a);

(b); (c); (d); (e); (f); (g); (h); (i); and (l), within the time allotted by the TEXAS RULES OF CIVIL PROCEDURE. Said information or material shall be produced at the law offices of Dykema Cox Smith, 1717 Main Street, Suite 4200, Dallas, Texas 75201.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiffs respectfully request that Defendant Sorensen be cited to appear and answer herein; and that upon final hearing, the Court enter judgment in favor of Plaintiffs and against Defendant Sorensen as requested above, including, but not limited to the following:

- (a) Actual, consequential, incidental and special damages in the amount determined to have been sustained by Plaintiffs;
- (b) Declaratory relief as requested herein;
- (c) Costs and expenses of this lawsuit, including reasonable attorneys' fees incurred by Plaintiffs in prosecuting this action;
- (d) Pre-judgment and post-judgment interest on all monetary relief sought herein at the highest rates allowed by law;
- (e) Such other and further relief, both at law and in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

By: /s/ Christopher D. Kratovil

Christopher D. Kratovil

State Bar No. 24027427

[ckratovil@dykema.com](mailto:ckratovil@dykema.com)

John C. Sokatch

Texas Bar No. 24083889

[jsokatch@dykema.com](mailto:jsokatch@dykema.com)

Cliff P. Riley

State Bar No. 24094915

[criley@dykema.com](mailto:criley@dykema.com)

**DYKEMA COX SMITH**

1717 Main Street, Suite 4200

Dallas, Texas 75201

Telephone: (214) 462-6400

Facsimile: (214) 462-6401

**AND**

Timothy J. O'Hare

State Bar No. 00795565

[tim@oharelawfirm.com](mailto:tim@oharelawfirm.com)

**THE LAW OFFICES OF TIM O'HARE**

1038 Elm Street

Carrollton, Texas 75234

Telephone: (972) 960-0000

Facsimile: (972) 960-1330

**ATTORNEYS FOR PLAINTIFFS**

**RICHARD WEST BO FRENCH**

**AND SHERIDAN FRENCH**