

CAUSE NO. 19631

MARGIE SCHOEDINGER

IN THE COUNTY CIVIL COURT

AT LAW NUMBER 2

CITY OF SUGARLAND, SUGAR LAND
POLICE DEPARTMENT, OFFICER
JONES, OFFICER SIPE, AND
SERGEANT SCHULTZ

FORT BEND COUNTY, TEXAS

DEFENDANTS' NOTICE OF FILING REMOVAL

TO: Plaintiff, Margie Schoedinger, Pro Se, 12100 Highway 6 South, Unit 6204, Sugar Land, Texas 77478.

Pursuant to the provisions of 28 U.S.C. § 1446(d), you are hereby notified that Defendants, City of Sugar Land, Officer Luke Jones, Officer Jonathan Sipe and Sergeant Scott Schultz, in the above-styled and numbered cause, originally filed in the County Civil Court at Law Number 2, Fort Bend County, Texas, cause number 19631, filed a Notice of Removal of the above-styled cause from the County Civil Court at Law in Fort Bend County, Texas to the United States District Court for the Southern District of Texas, Houston Division on the 24th day of January, 2001. A true and correct copy of the Notice of Removal is attached hereto.

Respectfully submitted,

MAGENHEIM, BATEMAN &
HELFAND, P.L.L.C.

By: 

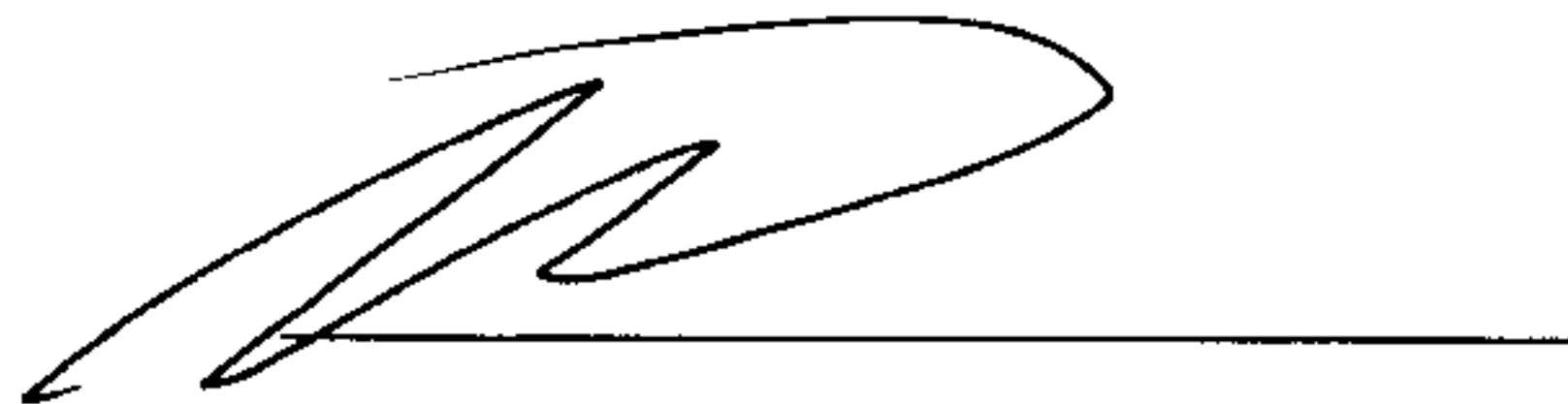
WILLIAM S. HELFAND
SBOT: 09388250
3600 One Houston Center
1221 M^cKinney
Houston, Texas 77010
(713) 609-7881
(713) 609-7777 (Fax)
ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to all counsel of record on this 24th day of January, 2001, as follows:

Margie Shoedinger
12100 Highway 6 South
Unit 6204
Sugar Land, Texas 77478

Via CM/RRR 7099 3220 0008 8762 5538

A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line.

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

Margie Schoedinger, Pro Se

DEFENDANTS

City of Sugar Land, Officer Jones,
Officer Sipe and Sergeant Schultz

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Fort Bend
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Fort Bend
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Margie Schoedinger, Pro Se
12100 Highway 6 South
Unit 6204
Sugar Land, Texas 77478

ATTORNEYS (IF KNOWN) Phone: (713) 609-7881
William S. Helfand Fax: (713) 609-7777
Magenheim, Bateman & Helfand
1221 McKinney, Suite 3600
Houston, Texas 77010

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|---|---|---|---|
| Citizen of This State | PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State | PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3 | Foreign Nation | PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Recording & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Emol. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSIO Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 28 USC 7609

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 U.S.C. Sec. 1983. Plaintiff alleges constitutional violation.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

01/24/01

FOR OFFICE USE ONLY

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
HOUSTON DIVISION

MARGIE SCHOEDINGER

VS.

CITY OF SUGARLAND, SUGAR LAND
POLICE DEPARTMENT, OFFICER
JONES, OFFICER SIPE, AND
SERGEANT SCHULTZ

§ CIVIL ACTION NO. _____
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NOTICE OF REMOVAL
DEFENDANT DEMANDS JURY

NOTICE OF REMOVAL

Defendants allege:

1. The City of Sugar Land, Officer Luke Jones, Officer Jonathan Sipe and Sergeant Scott Schultz, are named as the Defendants in the civil action filed on December 21, 2000, in the County Civil Court at Law Number 2 of Fort Bend County, Texas, Cause No. 19631.
2. The City of Sugar Land, Texas was served on January 10, 2001, Officer Luke Jones was served on January 8, 2001, Officer Jonathan Sipe was served on January 8, 2001 and Sergeant Scott Schultz was served on January 10, 2001, by Plaintiff's Original Petition, attached as Exhibit B, and incorporated as part of this Notice is the initial pleading setting forth the claim upon which the Plaintiff's Federal action is based. Defendants were served with the Plaintiff's First Amended Petition on or about January 10, 2001.
3. The Plaintiff, by petition alleges a constitutional violation that is redressable under 42 U.S.C. § 1983, over which this Court has original jurisdiction under Title 28 U.S.C. § 1331, and is one that the Defendants are entitled to remove to this Court pursuant to Title 28 U.S.C. § 1441(b), in that the matter in controversy is pursuant to the Constitution and/or statutes of the United States and therefore invokes the "federal question" jurisdiction of this Honorable Court.

4. The Defendants hereby demand a Jury.

WHEREFORE, the Defendants pray that the above action, now pending in the County Civil Court at Law Number 2 of Fort Bend County, Texas, Cause Number 19631, be removed from that State court to this Court.

Respectfully submitted,


WILLIAM S. HELFAND
State Bar No. 09388250
ATTORNEY FOR DEFENDANTS

OF COUNSEL:

MAGENHEIM, BATEMAN
& HELFAND, L.L.P.
1221 McKinney
3600 One Houston Center
Houston, Texas 77010
(713) 609-7881
(713) 609-7777 Fax

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to all counsel of record on this 24th day of January, 2001, as follows:

Margie Shoedinger
12100 Highway 6 South
Unit 6204
Sugar Land, Texas 77478

Via CM/RRR 7099 3220 0008 8762 5538



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
HOUSTON DIVISION

MARGIE SCHOEDINGER

VS.

CITY OF SUGARLAND, SUGAR LAND
POLICE DEPARTMENT, OFFICER
JONES, OFFICER SIPE, AND
SERGEANT SCHULTZ

§ CIVIL ACTION NO. _____
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NOTICE OF REMOVAL
DEFENDANT DEMANDS JURY

LIST OF ATTORNEYS/PARTIES

1. Margie Schoedinger
12100 Hwy 6 So
Unit 6204
Sugar Land, Texas 77478
(281)546 6765
(281) 530-0512
PLAINTIFF PRO SE
2. William S. Helfand
1221 McKinney
3600 One Houston Center
Houston, Texas 77010
(713) 609-7881
(713) 609-7600 (Fax)
ATTORNEY FOR DEFENDANTS

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
HOUSTON DIVISION

MARGIE SCHOEDINGER

VS.

CITY OF SUGARLAND, SUGAR LAND
POLICE DEPARTMENT, OFFICER
JONES, OFFICER SIPE, AND
SERGEANT SCHULTZ

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CIVIL ACTION NO. _____

NOTICE OF REMOVAL
DEFENDANT DEMANDS JURY

INDEX OF DOCUMENTS FILED WITH REMOVAL OF ACTION

- A. State Court Docket Sheet (*a certified copy of said docket sheet has been ordered from State court*)
Will supplement upon receipt.
- B. Plaintiff's Original Petition,
Plaintiff's First Amended Petition.
- C. Citations served on Defendants.

Exhibit "A"

State Court Docket Sheet *(a certified copy of said docket sheet has been ordered from State court)*
Will supplement upon receipt.

EXHIBIT

"A"

NO.

196.31

MARGIE SCHOEDINGER

Plaintiff,

Vs.

CITY OF SUGAR LAND, SUGAR LAND POLICE
DEPARTMENT, OFFICER JONES, OFFICER
SIPE, AND SERGEANT SCHULTZ

Defendants

IN THE COUNTY CIVIL COURT

AT LAW NUMBER

2

FORT BEND COUNTY, T E X A S

PLAINTIFFS' ORIGINAL PETITIONTO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW PRAYING, MARGIE SCHOEDINGER, Plaintiff, complaining of The City of Sugar Land, The Sugar Land Police Department, and its agents, Officer Sipe, Officer Jones and Sergeant Schultz, Defendants, and for causes of action, show the court the following:

I.

Plaintiff is a resident of Fort Bend County, Texas. Defendants are Police Officers under the commission of the City of Sugar Land and may be served with process at: City of Sugar Land, City Attorney, Sugar Land City Hall, 10405 Corporate Drive, Sugar Land, TX 77478.

II.

On the evening of October 26, 2000, Plaintiff was driving home alone after a shopping trip. Upon stopping at the red light at the intersection of Dairy Ashford and Highway 90, in Sugar Land, TX, Plaintiff was held against her will by an unknown white male assailant. While Plaintiff had turned her attention to the red light in front of her, the individual had exited the passenger seat of the vehicle, a blue mini-van which had pulled up to the light behind Plaintiff, and began screaming obscenities and pounding Plaintiff driver side window with raised fists. Assailant threatened Plaintiff with physical violence, and held Plaintiff in terror under non-stop psychological warfare all the while assailant continued to attempt to obtain access into Plaintiff's vehicle.

Plaintiff immediately started to try to garner the attention of passing drivers until finally Plaintiff spotted a Texas State Trooper Vehicle waiting at the light, to the left, across the highway. Plaintiff advised assailant that the Trooper was nearby and had noticed her efforts to get help. At which point assailant stated that he, the assailant, would advise the Trooper that Plaintiff had hit the minivan.

At this point Plaintiff noticed that there was a second assailant at the passenger side, rear of Plaintiff's vehicle.

III.

As Trooper exited his vehicle and walked across the highway, Plaintiff noticed that assailant had moved to the back of her vehicle and was in the process of concealing what looked like a switch blade in the pocket of his pants.

At this point, the driver of the mini van got out and both the driver of the mini van and the first assailant began to walk rapidly, back and forth, along the back of Plaintiff's vehicle. After spotting an old gash on Plaintiff's vehicle, the driver of the mini van stated, "Here, Here's something."

IV.

Once it was clear that Trooper was making the turn to come to the scene, Plaintiff partially exited her vehicle and stood by the driver side door with it open, looking back to see what the two assailants were pointing out at the back of her vehicle. At the same time, Plaintiff noticed that the second assailant, a black male was attempting to conceal himself in the back seat of the minivan.

As the assailant and the driver pointed out what damage they were going to claim had been done to Plaintiff's vehicle as a result of this manufactured tale the first assailant had just created to cover their actual intentions, Plaintiff exited her vehicle and ran towards the Trooper.

V.

After this, assailant made the false assertion that Plaintiff had hit said minivan in which the assailant was a passenger, as mentioned earlier in this Petition, to the Texas State Trooper, however, Trooper seeing that the only damage to the mini van was a cracked front passenger side signal, pointed out that the damage to the minivan had been done by a rock or some other direct poke into the glass. The Trooper also pointed out that the Plaintiff's bumper had dust on its entirety, and that because of the height difference between the mini van and the Plaintiff's Explorer it would have caused the Plaintiff's bumper to rub across the mini van and cause paint transfer.

VI.

Plaintiff advised Trooper that Plaintiff felt assailant was going to harm Plaintiff in some manner, and did not make the assertion of an accident until the Trooper was spotted. Plaintiff pointed out the third assailant, now hunched low in the back seat of the mini van. Plaintiff attempted to further advise Trooper of what had occurred, but Sugar Land Police arrived and Trooper advised Plaintiff to return to car and explain the details to Sugar Land Police, who now had jurisdiction.

VII.

The Sugar Land Officers arrived in separate units, both having no nametags and having their badges covered in black tape. After taking some time in their cars, then conversing with one another, the Officers began walking towards the scene.

VIII.

Plaintiff got out of her vehicle and walked towards one of the officers. As soon as Plaintiff began to speak, the officer told Plaintiff to be quiet and get back to her vehicle. Stunned, Plaintiff attempted once again to advise the officer of all that she had just been through. This time the officer's demeanor became extremely aggressive and the officer leaned in towards Plaintiff and yelled at Plaintiff to get back to her vehicle, stand by it, wait until he came to talk to her and he was not going to tell her again, or else.

Plaintiff went back to her vehicle and cried briefly, waiting in her vehicle while both the Sugar Land Officers talked and laughed with the assailants.

IX.

After noticing that Plaintiff had gotten into her vehicle, the second Sugar Land Officer, came to Plaintiff's vehicle and stated that he was ready to hear about the accident. When Plaintiff asserted that there was no accident, officer laughed and told Plaintiff, "Often times certain drivers can have accidents and don't even know it."

Plaintiff then went on to attempt to explain the entire situation to the officer, but with each attempt the Plaintiff made, the officer would interrupt the Plaintiff. Telling Plaintiff she was mistaken, confused or over-reacting. These are the descriptive words the officer chose to use.

X.

At some point, the first officer joined the second officer at Plaintiff's vehicle. Plaintiff then stated firmly that she had a right to file a complaint and have this matter looked at by a jury, the officers gave each other a grin and the first officer told Plaintiff that the only thing they, the Sugar Land Police, were there to do was investigate an accident.

Plaintiff asked the officer if they were refusing Plaintiff's complaint. In response, the first officer stated that they had the discretion to ascertain whether or not they wanted to take a report on Plaintiff's issue.

XI.

At this point, Plaintiff said, "I want to know who this man is that threatened me this way, and I will file a complaint with the DA's office, if you two won't take the complaint, so that if he does something to me, at least my family will know who did it."

Ignoring Plaintiff, officer two then went back to one of the units and talked for a short while on the police radio. At this point, officer one asked for Plaintiff's insurance and driver's license. Officer questioned Plaintiff about the address on Plaintiff's driver's license and asked how Plaintiff had maintained a P.O. Box address on the license. Plaintiff explained to officer that she had worked for the State of Texas previously and had obtained a Commercial Drivers License at that time, which allows the use of a P.O. Box address. The Officer then told Plaintiff to stand outside

Plaintiff's vehicle and wait right there, then walked back to the squad car and spoke with the other officer briefly.

When the officers returned to Plaintiff's vehicle, officer one stated that he would drive up to the highway and see if there was any glass on the highway.

At this point, Plaintiff noticed that the first assailant, now sitting in the front passenger seat of the mini van, was bouncing up and down. When Plaintiff looked over, assailant shoved his hand down the front of his pants and seemed to be lifting his chin up and down at the Plaintiff.

Upon officer one's return, he joined the other officer again and they spoke with each other for a moment.

The officers walked over to the mini van. The officers and the assailants spoke with each other briefly in a huddle. The first assailant was now smoking a cigarette and laughing while he and the other assailants talked with the officers. The officers shook hands with the assailants, and then walked back to Plaintiff's vehicle. The mini van drove off. Expecting that the officer's had taken the assailants information, just as they had taken Plaintiff's, Plaintiff asked for the assailants information and was told that the officers had gotten no information from the assailants and had, 'done the Plaintiff a favor and not making a report'.

Plaintiff made one more attempt to tell officer what had happened, but the first officer interrupted Plaintiff, "I know, you are upset because you say he talked about your Blackness."

At that point Plaintiff got in her vehicle and drove away.

XII.

Immediately, upon arriving home, Plaintiff contacted the Sugar Land Police Department and asked to speak with a supervisor, hoping that the assailants might still be located on the road. Plaintiff spoke with Sergeant Schultz at the Sugar Land Police Department, and was offered no help at all.

Sergeant Schultz compared Plaintiff's plight to his wife's personality when complaining around the house, and told Plaintiff that assailants were probably more intimidated by Plaintiff than Plaintiff was by Assailants.

XIII.

VIOLATION OF CONSTITUTIONAL RIGHTS

Plaintiff alleges that by refusing to accept Plaintiff's incident report, or even hear Plaintiff's account of the incident, Officer Jones and Officer Sipe violated Plaintiff's rights under The Equal Protection Clause of Amendment 14 of the United States Constitution.

A.

While this assailant threatened Plaintiff in every way imaginable, and made sure to let Plaintiff know the matter did not end with the evening of October 26, 2000, leaving Plaintiff feeling completely terrorized, the Sugar Land Police Department refused Plaintiff's right to have her accounts of being victimized by the assailants recorded and was denied her rights to be protected from the assailants' threats by Sugar Land Police.

Plaintiff further alleges that Sugar Land Police acted as judge and jury without even hearing the facts and further denied Plaintiff's right to have the assailants answer charges before a tribunal.

B.

Plaintiff further alleges that based on the friendly demeanor of the officers with the assailants, and the fact that the officers spent nearly two hours investigating an imaginary accident in which the damages were approximately \$25.00 to \$50.00, that one or more of the assailants were known to one or both of the Sugar Land Police Officers. And that the officers acted as protectorate to the assailants, and engaged in joking and laughing with the assailants, shielding them from the possibility of prosecution for the unlawful acts that they did engage against the Plaintiff on the evening of October 26, 2000.

And in the end, when Plaintiff stated she would use the accident report to follow up at the District Attorney's office, officers further shielded the

assailants by allowing them to leave the scene without Plaintiff's knowledge that absolutely no information was obtained from assailants throughout the entirety of the nearly two hour process.

XIV.

Discrimination

Plaintiff repeats and re-alleges allegations in Paragraphs I through XII.

Plaintiff further alleges that both gender bias and/or racial biases were furthering the officers' indifference to Plaintiff's plight. The reference to Plaintiff's 'blackness' and comparing Plaintiff's efforts to seek help from the police department to that of an officer's wife's complaining, as mentioned earlier, herein.

XV.

Plaintiff made good faith effort, in every way possible to describe the events of the evening of October 26, 2000. As mentioned earlier herein, Plaintiff was told to stop attempting to assert her charges against the assailants, or else. Thereby, leaving Plaintiff feeling under threat from both assailants and the officers. Plaintiff was in fear throughout the entirety of the process that the officers might leave the scene before the assailants did, or cause the Plaintiff some other harm.

XVI.

Plaintiff further alleges that because of the actions of Sugar Land Police Officers Jones, Sipe and Sergeant Schultz, Plaintiff has no idea as to the identity of the assailants who threatened Plaintiff. Plaintiff is left with no other option but to re-live the night of October 26, 2000, over and over again, realizing that for some reason, the officers from which Plaintiff sought help, and felt relieved to see, treated her with disdain and indifference.

XVII.

Plaintiff is afraid to go outside, Plaintiff is afraid to drive. Plaintiff is in fear for her life. Plaintiff is afraid of retaliation by the Sugar Land Police Department. Plaintiff is tired and overtaxed from trying to understand why these officers were so indifferent to Plaintiff.

XVIII.

By their actions in refusing to take down Plaintiff's account of the facts and record the identity of the assailants, and treating Plaintiff with such disdain in the presence of the assailant, officers Jones and Sipe advocated the behavior of the assailant, thereby making assailant feel free of any consequence, comfortable enough to make obscene gestures towards Plaintiff while officers were still on the scene.

Plaintiff alleged that because of the assailants' level of organization: the driver waiting in the mini van; the second assailant secreting himself on the opposite side of Plaintiff's vehicle, apparently to

catch Plaintiff at the other side if Plaintiff attempted to exit via the passenger side door; the way the first assailant was able to create an alternate reason for his actions upon the Plaintiff gaining assistance from the State Trooper; and, the assailant's level of rage towards the Plaintiff, leaves Plaintiff in fear that this was not a random attack, but that Plaintiff had been followed and/or watched by assailants for sometime prior to the attack.

Plaintiff further alleges that because of the assailant being able to witness Plaintiff's being put under further distress by members of law enforcement, the entire encounter was made even more thrilling for the assailant and thus the assailant will feel even more comfortable about seeking Plaintiff out again to cause Plaintiff further harm.

A.
By reason of the foregoing, Plaintiff is in fear for her life and left with no other reasonable alternative but to relocate and seek to feel safe again.

B.

To Plaintiff's detriment, Plaintiff relied upon the Sugar Land Police to be diligent, fair and thorough in the performance of their duties. Defendants' actions have left Plaintiff with no other option but to seek relief within the courts to prescribe effective remedy to signal that such treatment of citizens by Law Enforcement will not be tolerated and to insure that the message is sent that officers of the Law do not have the right to

effectively deny any citizen their right under the United States Constitution to file a complaint and have the outcome of that complaint decided by a judge or jury.

XIX.

Plaintiff repeats and re-alleges allegations in Paragraphs I through XVIII.

The Defendant's conduct as described in this petition was in gross violation of Plaintiff's right to equal access and protection under the law, resulting in Plaintiff's damages, and justifies an award of exemplary damages, exceeding the minimum jurisdictional limits of the courts.

Plaintiff prays that in addition to the aforementioned recovery, Plaintiff is entitled to recover a reasonable amount for any such attorney's services, as fixed by the Court, in connection with the preparation, trial and appeal of this action.

WHEREFORE, Plaintiff prays that the Defendants, be sited to appear and answer, and that on final trial, Plaintiff be granted the following:

1. Judgment against the defendants for damages in excess of the minimum jurisdictional limits of the Court.
2. Costs of Relocating Family.
3. Costs of Suit.
4. Pre-Judgment Interest

5. Post-Judgment Interest

6. Such other and further relief to which plaintiff may be
justly entitled.

RESPECTFULLY SUBMITTED,

BY:


Margie Schoedinger

PRO SE

For Plaintiff

12100 HWY 6 SO
UNIT 6204
SUGAR LAND TX 77478
(281) 546-6763

NO. 19631

MARGIE SCHOEDINGER

Plaintiff,

Vs.

CITY OF SUGAR LAND, SUGAR LAND POLICE
DEPARTMENT, OFFICER JONES, OFFICER
SIPE, AND SERGEANT SCHULTZ

Defendants

) IN THE COUNTY CIVIL COURT
)
) AT LAW NUMBER 2
)
) FORT BEND COUNTY, T E X A S

PLAINTIFF'S FIRST AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MARGIE SCHOEDINGER, Plaintiff, in the above styled and numbered cause, with respect, submitting Plaintiff's First Amended Petition, and shows the court the following:

I.

Plaintiff is a resident of Fort Bend County, Texas. Defendants are Police Officers under the commission of the City of Sugar Land and may be served with process at: City of Sugar Land, City Attorney, Sugar Land City Hall, 10405 Corporate Drive, Sugar Land, TX 77478.

II.

On the evening of October 26, 2000, Plaintiff was driving home alone after a shopping trip. Upon stopping at the red light at the intersection of Dairy Ashford and Highway 90, in Sugar Land, TX, Plaintiff was held against

her will by an unknown white male assailant. While Plaintiff had turned her attention to the red light in front of her, the individual had exited the passenger seat of the vehicle, a blue mini-van which had pulled up to the light behind Plaintiff, and began screaming obscenities and pounding Plaintiff's driver side window with raised fists. Assailant threatened Plaintiff with physical violence, and held Plaintiff in terror under non-stop psychological warfare all the while assailant continued to attempt to obtain access into Plaintiff's vehicle.

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At this point Plaintiff noticed that there was a second assailant at the passenger side, rear of Plaintiff's vehicle.

III.

As Trooper exited his vehicle and walked across the highway, Plaintiff noticed that assailant had moved to the back of her vehicle and was in the process of concealing what looked like a switch blade in the pocket of his pants.

At this point, the driver of the mini-van got out and both the driver of the mini-van and the first assailant began to walk rapidly, back and forth, along the back of Plaintiff's vehicle. After spotting an old gash on Plaintiff's vehicle, the driver of the mini-van stated, "Here,, Here's something."

IV.

Once it was clear that Trooper was making the turn to come to the scene, Plaintiff partially exited her vehicle and stood by the driver side door with it open, looking back to see what the two assailants were pointing out at the back of her vehicle. At the same time, Plaintiff noticed that the second assailant, a black male was attempting to conceal himself in the back seat of the mini-van.

As the first assailant and the driver pointed out what damage they were going to claim had been done to Plaintiff's vehicle as a result of this manufactured tale the first assailant had just created to cover their actual intentions, Plaintiff exited her vehicle and ran towards the Trooper.

V.

After this, assailant made the false assertion that Plaintiff had hit said mini-van in which the assailant was a passenger, as mentioned earlier in this Petition, to the Texas State Trooper, however, Trooper seeing that the only damage to the mini-van was a cracked front passenger side signal, pointed out that the damage to the mini-van had been done by a rock or some other direct poke into the glass. The Trooper also pointed out that the

Plaintiff's bumper had dust on its entirety, and that because of the height difference between the mini-van and the Plaintiff's Explorer would have caused the Plaintiff's bumper to rub across the mini-van and cause paint transfer.

VI.

Plaintiff advised Trooper that Plaintiff felt assailant was going to harm Plaintiff in some manner, and that assailant did not make the assertion of an accident until the Trooper was spotted. Plaintiff pointed out the third assailant, now hunched low in the back seat of the mini-van. Plaintiff attempted to further advise Trooper of what had occurred, but Sugar Land Police arrived and Trooper advised Plaintiff to return to car and explain the details to Sugar Land Police, who now had jurisdiction.

VII.

The Sugar Land Officers arrived in separate units, both having no nametags and having their badges covered in black tape. After taking some time in their cars, then conversing with one another, the Officers began walking towards the scene.

VIII.

Plaintiff got out of her vehicle and walked towards one of the officers. As soon as Plaintiff began to speak, the officer told Plaintiff to be quiet and get back to her vehicle. Stunned, Plaintiff attempted once again to advise the officer of all that she had just been through. This time the officer's demeanor became extremely aggressive and the officer leaned

in towards Plaintiff and yelled at Plaintiff to get back to her vehicle, stand by it, wait until he came to talk to her and he was not going to tell her again, or else.

Plaintiff went back to her vehicle and cried briefly, waiting in her vehicle while both the Sugar Land Officers talked and laughed with the assailants.

IX.

After noticing that Plaintiff had gotten into her vehicle, the second Sugar Land Officer came to Plaintiff's vehicle and stated that he was ready to hear about the accident. When Plaintiff asserted that there was no accident, officer laughed and told Plaintiff "Often times certain drivers can have accidents and don't even know it."

Plaintiff then went on to attempt to explain the entire situation to the officer, but with each attempt the Plaintiff made, the officer would interrupt the Plaintiff, telling Plaintiff she was mistaken, confused or over-reacting. These are the descriptive words the officer chose to use.

X.

At some point, the first officer joined the second officer at Plaintiff's vehicle. Plaintiff then stated firmly that she had a right to file a complaint and have this matter looked at by a jury. The officers gave each other a grin and the first officer told Plaintiff that the only thing they, the Sugar Land Police, were there to do was investigate an accident.

Plaintiff asked the officer if they were refusing Plaintiff's complaint. In response, the first officer stated that they had the discretion to ascertain whether or not they wanted to take a report on Plaintiff's issue.

XI.

At this point, Plaintiff said, "I want to know who this man is that threatened me this way, and I will file a complaint with the DA's office, if you two won't take the complaint, so that if he does something to me, at least my family will know who did it."

Ignoring Plaintiff, officer two then went back to one of the units and talked for a short while on the police radio. At this point, officer one asked for Plaintiff's insurance and driver's license. Officer questioned Plaintiff about the address on Plaintiff's driver's license and asked how Plaintiff had maintained a P.O. Box address on the license. Plaintiff explained to officer that she had worked for the State of Texas Previously and had obtained a Commercial Drivers License at that time, which allows the use of a P.O. Box address. The Officer then told Plaintiff to stand outside Plaintiff's vehicle and wait right there, then walked back to the squad car and spoke with the other officer briefly.

When the officers returned to Plaintiff's vehicle, officer one stated that he would drive up to the highway and see if there was any glass on the highway.

At this point, Plaintiff noticed that the first assailant, now sitting in the front passenger seat of the mini-van, was bouncing up and down. When Plaintiff looked over, assailant shoved his hand down the front of his pants and seemed to be lifting his chin up and down at the Plaintiff.

Upon officer one's return, he joined the other officer again and they spoke with each other for a moment.

The officers walked over to the mini-van. The officers and the assailants spoke with each other briefly in a huddle. The first assailant was now smoking a cigarette and laughing while he and the other assailants talked with the officers. The officers shook hands with the assailants, and then walked back to Plaintiff's vehicle. The mini-van drove off. Expecting that the officer's had taken the assailants information, just as they had taken Plaintiff's, Plaintiff asked for the assailants information and was told that the officers had gotten no information from the assailants and had, 'done the Plaintiff a favor by not making an accident report'.

Plaintiff made one more attempt to tell officer what had happened, but the first officer interrupted Plaintiff, "I know, you are upset because you say he talked about your Blackness."

At that point Plaintiff got in her vehicle and drove away.

XII.

Immediately, upon arriving home, Plaintiff contacted the Sugar Land Police Department and asked to speak with a supervisor, hoping that the assailants might still be located on the road. Plaintiff spoke with Sergeant Schultz at the Sugar Land Police Department, and was offered no help at all.

Sergeant Schultz compared Plaintiff's plight to his wife's personality when complaining around the house, and told Plaintiff that assailants were probably more intimidated by Plaintiff than Plaintiff was by Assailants.

XIII.

VIOLATION OF CONSTITUTIONAL RIGHTS

Plaintiff alleges that by refusing to accept Plaintiff's incident report, or even hear Plaintiff's account of the incident, Officer Jones and Officer Sipe violated Plaintiff's rights under The Equal Protection Clause of Amendment 14 of the United States Constitution.

A.

While this assailant threatened Plaintiff in every way imaginable, and made sure to let Plaintiff know the matter did not end with the evening of October 26, 2000, leaving Plaintiff feeling completely terrorized, the Sugar Land Police Department refused Plaintiff's right to have her accounts of being victimized by the assailants recorded and was denied her rights to be protected from the assailants' threats by Sugar Land Police.

Plaintiff further alleges that Sugar Land Police acted as judge and jury without even hearing the facts and further denied Plaintiff's right to have the assailants answer charges before a tribunal.

B.

Plaintiff further alleges that based on the friendly demeanor of the officers with the assailants, and the fact that the officers spent nearly two hours investigating an imaginary accident in which the damages were approximately \$25.00 to \$50.00, that one or more of the assailants were known to one or both of the Sugar Land Police Officers. And that the officers acted as protectorate to the assailants, and engaged in joking and laughing with the assailants, shielding them from the possibility of prosecution for the unlawful acts that they did commit against the Plaintiff on the evening of October 26, 2000.

And, in the end, when Plaintiff stated she would use the accident report to follow up at the District Attorney's office, officers further shielded the assailants by allowing them to leave the scene without Plaintiff's knowledge that absolutely no information had been obtained from assailants throughout the entirety of the nearly two hour process.

XIV.

Discrimination

Plaintiff repeats and re-alleges allegations in Paragraphs I through

XII.

Plaintiff further alleges that both gender bias and/or racial biases were a contributing cause of the officers' indifference to Plaintiff's plight. The reference to Plaintiff's 'Blackness' and comparing Plaintiff's efforts to seek help from the police department to that of an officer's wife's complaining, as mentioned earlier, herein.

XV.

Plaintiff made good faith effort, in every way possible to describe the events of the evening of October 26, 2000. As mentioned earlier herein, Plaintiff was told to stop attempting to assert her charges against the assailants, or else. Thereby, leaving Plaintiff feeling under threat from both assailants and the officers. Plaintiff was in fear throughout the entirety of the process that the officers might leave the scene before the assailants did, or cause the Plaintiff some other harm.

XVI.

Plaintiff further alleges that because of the actions of Sugar Land Police Officers Jones, Sipe and Sergeant Schultz, Plaintiff has no idea as to the identity of the assailants who threatened Plaintiff. Plaintiff is left with no other option but to re-live the night of October 26, 2000, over and over again, realizing that for some reason, the officers from which Plaintiff sought help, and felt relieved to see, treated her with disdain and indifference.

XVII.

Plaintiff is afraid to go outside, Plaintiff is afraid to drive. Plaintiff is in fear for her life. Plaintiff is afraid of retaliation by the Sugar Land Police Department. Plaintiff is tired and overtaxed from trying to understand why these officers were so indifferent to Plaintiff.

XVIII.

By their actions in refusing to take down Plaintiff's account of the facts and record the identity of the assailants, and treating Plaintiff with such disdain in the presence of the assailant, officers Jones and Sipe advocated the behavior of the assailant, thereby making assailant feel free of any consequence, comfortable enough to make obscene gestures towards Plaintiff while officers were still on the scene.

Plaintiff alleges that because of the assailants' level of organization: the driver waiting in the mini-van; the second assailant secreting himself on the opposite side of Plaintiff's vehicle, apparently to catch Plaintiff at the other side if Plaintiff attempted to exit via the passenger side door; the way the first assailant was able to create an alternate reason for his actions upon the Plaintiff gaining assistance from the State Trooper; and, the assailant's level of rage towards the Plaintiff, leaves Plaintiff in fear that this was not a random attack, but that Plaintiff had been followed and/or watched by assailants for sometime prior to the attack.

Plaintiff further alleges that because of the assailant being able to witness Plaintiff's being put under further distress by members of law enforcement, the entire encounter was made even more thrilling for the assailant and thus the assailant will feel even more comfortable about seeking Plaintiff out again to cause Plaintiff further harm.

A.

By reason of the foregoing, Plaintiff is in fear for her life and left with no other reasonable alternative but to relocate and seek to feel safe again.

B.

To Plaintiff's detriment, Plaintiff relied upon the Sugar Land Police to be diligent, fair and thorough in the performance of their duties. Defendants' actions have left Plaintiff with no other option but to seek relief within the courts to prescribe effective remedy to signal that such treatment of citizens by Law Enforcement will not be tolerated and to insure that the messages is sent that officers of the Law do not have the right to effectively deny any citizen their right under the United States Constitution to file a complaint and have the outcome of that complaint decided by a judge or jury.

C.

The City of Sugar Land Police Department has acknowledged to Plaintiff that Defendants: Officer Jones, Officer Sipe and Sergeant Schultz are

members of the City of Sugar Land Police Force, and were on duty on the evening of October 26, 2000.

The City of Sugar Land Police Department has acknowledged to Plaintiff that the Defendants: Officer Jones, Officer Sipe were the two officers that arrived on the scene to answer Plaintiff's call for help on the evening of October 26, 2000, and were in the performance of their duties as Police Officers with the City of Sugar Land at that time.

The City of Sugar Land Police Department further acknowledged to Plaintiff that Sergeant Schultz is the officer that answered Plaintiff's further call to the City of Sugar Land Police Department for help in locating the assailants while they were still on the road, and that Sergeant Schultz was in the performance of his duties as a police officer with the City of Sugar Land at that time.

The City of Sugar Land has refused to provide plaintiff with the full name and badge number of the defendants: Officer Jones, Officer Sipe and Sergeant Schultz. The defendants are police officers with the City of Sugar Land Police Department, and the City of Sugar Land is responsible for the actions taken by the defendants, as described herein, on the evening of October 26, 2000.

XIX.

Plaintiff repeats and re-alleges allegations in Paragraphs I through XVIII.

To date, Plaintiff has sustained at least \$1 in actual damages, and seeks punitive damages in the amount of \$50,000.00 for the emotional distress, loss of sense of security and loss of peace of mind that Plaintiff has suffered as a result of the actions taken by defendants as described herein.

The Defendant's conduct as described in this petition was in gross violation of Plaintiff's right to equal access and protection under the law, resulting in Plaintiff's damages, and justifies an award of exemplary damages, exceeding the minimum jurisdictional limits of the courts.

Plaintiff prays that in addition to the aforementioned recovery, Plaintiff is entitled to recover a reasonable amount for any such attorney's services, as fixed by the Court, in connection with the preparation, trial and appeal of this action.

WHEREFORE, Plaintiff prays that the Defendants, be sited to appear and answer, and that on final trial, Plaintiff be granted the following:

1. Judgment against defendants for actual damage suffered by the Plaintiff.
2. Judgment against the defendants for punitive damage.

3. A further judgment against the defendants for damages in excess of the minimum jurisdictional limits of the Court.
4. A judgment against the defendants for the initial costs associated with the relocating of Plaintiff's family.
5. Costs of Suit.
6. Pre-Judgment Interest
7. Post-Judgment Interest
8. Such other and further relief to which plaintiff may be justly entitled.

RESPECTFULLY SUBMITTED,

BY:


PRO SE

For Plaintiff

12100 HWY 6 SO
UNIT 6204
SUGAR LAND TX 77478
(281) 546-6765

Jan 23 01 03:59p

Cl Manager's Office

281 75-2721

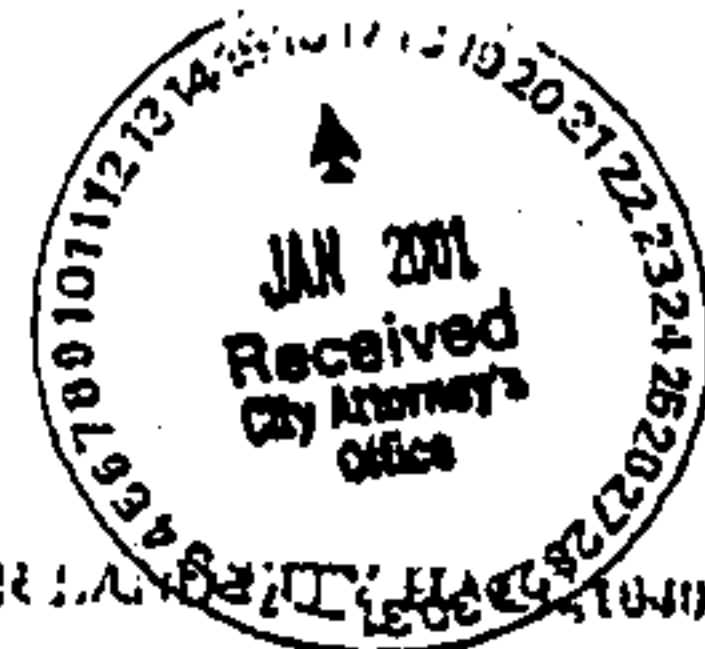
P.2

AS PER ORIGINAL

CASE NO. 19631

THE STATE OF TEXAS

TO: CITY OF SUGAR LAND, BY SERVING THE CITY ATTORNEY, SUGAR LAND
CORPORATE DRIVE, SUGAR LAND, TX 77478



DEFENDANT, in the hereinafter styled and numbered Cause:

YOU ARE HEREBY COMMANDED TO APPEAR before the Honorable County Court at Law No. TWO of Fort Bend County, Texas, at the Courthouse being located at the William B. Travis Building in the City of Richmond, Texas, by filing a written answer to the Amended Petition of Plaintiff at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in Cause No. 19631, styled: MARCHE SCHOEDINGER, PLAINTIFF(S) VS CITY OF SUGAR LAND, SUGAR LAND POLICE DEPARTMENT, OFFICER JONES, OFFICER SIPE, AND SERGEANT SCHULTZ, DEFENDANT(S) filed in said Court on the 27th day of DECEMBER, 2000.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, this the 3RD day of JANUARY, 2001.

DIANNE WILSON, COUNTY CLERK,
FORT BEND COUNTY, TEXAS

By *[Signature]*
ERICA MARTINEZ, Deputy

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the next Monday next following the expiration of 20 days after you are served this citation and amended petition, a default judgment may be taken against you. The name and address of the Plaintiff's attorney is:

PRO SE

OFFICER'S OR AUTHORIZED PERSON'S RETURN

CAME TO HAND on the 12th day of JANUARY, 2001, at 12 o'clock P.M. and EXECUTED at 12 o'clock P.M. on the 12th day of JANUARY, 2001, by delivering to the within named DEFENDANT, a true copy of this citation together with the accompanying copy of the petition, having first ascertained that the person to whom this copy of citation and petition was delivered was the person named in the citation and petition.

NOT EXECUTED, the distance used to execute being _____, for the following reason _____, the Defendant may be found _____

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY.

I, CHRISTOPHER SCHOEDINGER, swear that the above is true.

SWORN BEFORE ME, *[Signature]*, day of *[Signature]*, 2001.

NOTICE: POLICY OF NON-DISCRIMINATION ON THE BASIS OF DISABILITY: Fort Bend County does not discriminate on the basis of disability in the admission or access to, or treatment, or employment in, its programs or activities. Fort Bend County AD Coordinator, 1st Floor, Travis Building, 301 Jackson, Richmond, Texas 77469, phone (281) 341-2813 has been designated to coordinate compliance with the non-discrimination requirements contained in Section 31.107 of the Department of Justice regulations. Information concerning the provisions of the American with Disability Act, and the rights provided thereunder, are available from the ADA Coordinator.

EXHIBIT

C

CAUSE NO. 19631

THE STATE OF TEXAS

AS PER ORIGINAL

TO: SERGEANT SCHULTZ, BY SERVING THE CITY ATTORNEY, SUGAR LAND CITY HALL, 10105 CORPORATE DRIVE, SUGAR LAND, TX 77479

DEFENDANT, in this hereinafter styled and numbered Cause:

YOU ARE HEREBY COMMANDED TO APPEAR before the Honorable County Court at Law No. TWO of Fort Bend County, Texas, at the Court House being located at the William B. Travis Building in the City of Richmond, Texas, by filing a written answer to the Amended Petition of Plaintiff at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation. Cause No. 19631 styled: MARGIE SCHOLTINGER, PLAINTIFF(S), VS CITY OF SUGAR LAND, SUGAR LAND POLICE DEPARTMENT, OFFICER JONES, OFFICER SIPE, AND SERGEANT SCHULTZ, DEFENDANT(S) filed in said Court on the 27TH day of DECEMBER, 2000.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, this the 3RD day of JANUARY, 2001.

DIANNE WILSON, COUNTY CLERK
FORT BEND COUNTY, TEXAS

By: *[Signature]*
ERICA MARTINEZ, Deputy

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the next Monday next following the expiration of 20 days after you are served this citation and amended petition, a default judgment may be taken against you. The name and address of the Plaintiff's attorney is:

PRO SE

OFFICER'S OR AUTHORIZED PERSON'S RETURN

CAME TO HAND on the 9th day of January 2001 at 3 o'clock P.M. and EXECUTED at FT. BEND County, Texas at 12 o'clock P.M. on the 10TH day of JANUARY 2001, by delivering to the within named

DEFENDANT by certified mail, by depositing it in a sealed post-paid, properly addressed wrapper in a post office, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

NOT EXECUTED, the diligence used to execute being _____ for the following reason _____

the Defendant may be found _____

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY.

Constable

County, Texas

By _____ Deputy

Christopher Schoedinger swear that the above is true.

SWORN BEFORE ME, this 10th day of January 2001

Notary

NOTE: POLICY OF NON-DISCRIMINATION ON THE BASIS OF DISABILITY Fort Bend County does not discriminate on the basis of disability in the admission or access to, or treatment, or employment in its programs or activities. Fort Bend County ADA Coordinator, 7th Floor, Travis Building, 301 Jackson, Richmond, Texas 77469, phone (281) 341-8618 has been designated to coordinate compliance with the non-discrimination requirements contained in Section 33.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disability Act, and the rights provided thereunder, are available from the ADA Coordinator.

CITY OF SUGAR LAND
ADMINISTRATIVE SERVICES

January 20, 2001

AS PER ORIGINAL

THE STATE OF TEXAS

TO: OFFICER SIPE, BY SERVING THE CITY ATTORNEY, SUGAR LAND CITY HALL, 65405 CORPORATE DRIVE, SUGAR LAND, TX 77478

DEFENDANT, in the hereinafter styled and numbered Cause:

YOU ARE HEREBY COMMANDED TO APPEAR before the Honorable County Court at Law No. TWO of Fort Bend County, Texas, at the Courthouse being located at the William B. Travis Building in the City of Richmond, Texas, to bring a written answer to the Petition of Plaintiff as or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in Cause No. 19631, styled MARGOT SCHNEIDER, PLAINTIFF(S), VS CITY OF SUGAR LAND, SUGAR LAND POLICE DEPARTMENT, OFFICER JONES, OFFICER SIPE AND SERGEANT SCHULTZ, DEFENDANT(S) filed in and Court on the 21ST day of DECEMBER 2000.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court in office, this the 3RD day of JANUARY 2001.

DIANNE WILSON, COUNTY CLERK
FORT BEND COUNTY, TEXAS

DELIVERED

THIS

8 DAY OF

AT

BY

You have been sued. You may wish to consult with an attorney. If you do not file a written answer to this citation by 10:00 A.M. on the Monday next after the expiration of 20 days after you are served this citation and petition, a default judgment may be entered against you. The name and address of the Plaintiff's attorney is:

CONSTABLE PCT. 3
FT. BEND CO., TEX.

PROVEN

OFFICER'S OR AUTHORIZED PERSON'S RETURN

CAME TO HAND on the _____ day of _____, 2001, at _____, County of _____, State of _____, by delivering to me within or after _____ in person a true copy of this citation together with the return of the person having first attached such copy of such petition to such copy of citation and answered or when served at citation, the date of delivery NOT EXECUTED, the diligence used to execute being _____ for the following reason:

TO CERTIFY WHICH WITNESS MY HAND AND SEAL.

I, _____, swear that the above is true.

SWORN BEFORE ME, this _____ day of _____

NOTE: POLICY OF NON-DISCRIMINATION ON THE BASIS OF DISABILITY Fort Bend County does not discriminate on the basis of disability in the selection or access to, or treatment, or employment in, its programs or activities. Fort Bend County AD Coordinator, 7th Floor, Travis Building, 101 Jackson, Richmond, Texas 77460, phone (281) 341-8618 has been designated to coordinate compliance with the non-discrimination requirements contained in Section 15.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disability Act, and the rights provided thereunder, are available from the ADA Coordinator.

STATE OF TEXAS
COUNTY OF FORT BEND

CAUSE NO. 19631

AS PER ORIGINAL

THE STATE OF TEXAS

TO: OFFICER JONES, BY SERVING THE CITY ATTORNEY, SUGAR LAND CITY HALL, 18405
CORPORATE DRIVE, SUGAR LAND, TX 77479

DEFENDANT, in the hereinafter styled and numbered Cause:

YOU ARE HEREBY COMMANDED TO APPEAR before the Honorable County Court at Law No. TWO of Fort Bend
County, Texas, at the Courthouse, being located at the William B. Travis Building in the City of Richmond, Texas, by
filing a written answer to the Amended Petition of Plaintiff as or before 10 o'clock A.M. of the Monday next after the
expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in Cause No. 19631,
styled MARGIE SCHROEDINGER, PLAINTIFF(S), VS CITY OF SUGAR LAND, SUGAR LAND POLICE
DEPARTMENT, OFFICER JONES, OFFICER SIPE, AND SERGEANT SCHULTZ, DEFENDANT(S) filed in said
Court on the 27TH day of DECEMBER, 2000.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, this the 3RD day of JANUARY, 2001.

DIANNE WILSON, COUNTY CLERK
FORT BEND COUNTY, TEXASBy Erica Martinez
ERICA MARTINEZ, Deputy

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk
who issued this citation by 10:00 A.M. on the next Monday next following the expiration of 20 days after you are served
this citation and amended petition, a default judgment may be taken against you. The name and address of the Plaintiff's
attorney is:

PRO SE

OFFICER'S OR AUTHORIZED PERSON'S RETURN

CAME TO HAND on the 9TH day of JANUARY, 2001, at 12 o'clock, P.M. and EXECUTED at FORT BEND

County, Texas at 12 o'clock P.M. on the 10TH day of JANUARY, 2001, by delivering to the within named

OFFICER JONES, DEFENDANT, a true copy of this citation together with the accompanying copy of the petition for
possession, properly addressed wrapper in a post office box, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

NOT EXECUTED, the diligence used to execute being _____ for the following reason:

_____, the Defendant may be found

TO CERTIFY WHICH I WITNESS MY HAND OFFICIALLY.

I, CHRISTOPHER SCHROEDINGER, swear that the above is true.

SWORN BEFORE ME, this 10th day of January, 2001.

NOTE: POLICY OF NON-DISCRIMINATION ON THE BASIS OF DISABILITY Fort Bend County does not discriminate on the basis of disability in the recruitment,
selection, or treatment, or employment in its programs or activities. Fort Bend County ADA Coordinator, 35 West, Travis Building, 201 Jackson, Richmond, Texas
77469, phone (281) 341-2618 has been designated to coordinate compliance with the non-discrimination requirements contained in Section 504 of the Department of
Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA
Coordinator.

CAUSE NO. 19631

THE STATE OF TEXAS

AS PER ORIGINAL

TO: OFFICER JONES, BY SERVING THE CITY ATTORNEY, SUGAR LAND CITY HALL, 10000 CORPORATE DRIVE, SUGAR LAND, TX 77478

DEFENDANT in the hereinafter styled and numbered Cause:

YOU ARE HEREBY COMMANDED TO APPEAR before the Honorable County Court at Law No. TWO of Fort Bend County, Texas, at the Courthouse being located at the William B. Travis Building in the City of Richmond, Texas, by filing a written answer to the Petition of Plaintiff at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in Cause No. 19631, styled: MARCIE SCHOEDINGER, PLAINTIFF(S), VS CITY OF SUGAR LAND, SUGAR LAND POLICE DEPARTMENT, OFFICER JONES, OFFICER SIPE, AND SERGEANT SCHULTZ, DEFENDANT(S) filed in said Court on the 21ST day of DECEMBER, 2000.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, this the 3RD day of JANUARY, 2001.

DIANNE WILSON, COUNTY CLERK
FORT BEND COUNTY, TEXAS

By *Erica Martinez*
ERICA MARTINEZ, Deputy

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the next Monday next following the expiration of 20 days after you are served this citation and petition, a default judgment may be taken against you. The name and address of your attorney is:

PRO SE

AT
BY

ROB COOK
CONSTABLE PCT. 3
FT. BEND CO., TEX

OFFICERS OR AUTHORIZED PERSONS RETURN

CAME TO HAND on the _____ day of _____ at _____ o'clock _____ M., and _____ County, Texas at _____ o'clock _____ M. on the _____ day of _____ by delivery of _____

at _____ a true and correct copy of this citation was given to the _____

FILED

01 JAN 25 AM 10:52

COUNTY CLERK
FORT BEND COUNTY, TEXAS

ATTORNEYS AT LAW

MAGENHEIM, BATEMAN & HELFAND

A PROFESSIONAL LIMITED LIABILITY COMPANY

3600 ONE HOUSTON CENTER, 1221 MCKINNEY STREET, HOUSTON, TEXAS 77010

TELEPHONE (713) 609-7700 FACSIMILE (713) 609-7777

WWW.MBHTEXAS.COM

WILLIAM S. HELFAND

DIRECT DIAL (713) 609-7881

January 24, 2001

Diane Wilson
County Clerk
301 Jackson St.
Richmond, Texas 77469

RE: Cause No. 19631; *Margie Schoedinger v. City of Sugar Land, et al.*; In the County Civil Court at Law Number 2, Fort Bend County, Texas.

Dear Ms. Wilson:

Enclosed for filing in the above referenced cause, please find the original and one copy of the following:

1. Notice of Filing Removal; and
2. Our firm check in the amount of \$6.00 for the fee for a certified copy of the docket sheet.

Please file stamp and return one copy in the self-addressed, stamped envelope provided. By copy of this letter, all known counsel of record are being provided with a copy of same. Thank you for your cooperation and assistance in this matter.

Very truly yours,



Hillary Lupomech
Legal Secretary to William S. Helfand

/hjl

enclosures

cc: Margie Shoedinger
12100 Highway 6 South
Unit 6204
Sugar Land, Texas 77478

Via CM/RRR 7099 3220 0008 8762 5538