

CAUSE NO. DC-12-01046-J

STEPHEN PIERCE and STEPHEN PIERCE INTERNATIONAL, INC.	§	IN THE DISTRICT COURT
	§	
Plaintiffs	§	
	§	
v.	§	OF DALLAS COUNTY, TEXAS
	§	
RICK KEENE and SONADOR CONSULTING	§	
	§	
Defendants	§	191 <sup>st</sup> JUDICIAL DISTRICT

**PLAINTIFFS' FIRST AMENDED PETITION, JURY DEMAND  
AND REQUEST FOR INJUNCTIVE RELIEF**

TO THE HONORABLE COURT:

Plaintiffs Stephen Pierce and Stephen Pierce International, Inc. (collectively referred to as "Pierce" or "Plaintiffs"), complain of Defendants Rick Keene and Sonador Consulting ("Keene," "Sonador Consulting" or collectively "Defendants") and show as follows:

I.

**DISCOVERY CONTROL PLAN**

1. Plaintiffs intend to conduct discovery under Level 2 in accordance with TEX. R. Civ. P. 190.3.

II.

**PARTIES, JURISDICTION, AND VENUE**

2. Plaintiff Stephen Pierce is a natural person who resides at 720 Lake Carolyn Parkway, Apt# 127W, Irving, Texas 75039.

3. Plaintiff Stephen Pierce International, Inc. is a Texas corporation authorized to conduct business in the State of Texas with its principal place of business at 321 North Central

Expressway Suite #220, McKinney, Texas 75070. Stephen Pierce is the CEO of Stephen Pierce International, Inc.

4. Defendant Rick Keene is a natural person who resides in Spokane, Washington and may be served with process at [REDACTED].

5. Defendant Rick Keene is the administrative contact of Defendant Sonador Consulting. Upon information and belief, Mr. Keene is the individual who is defaming the Plaintiffs on [www.stephenpiercescam.net](http://www.stephenpiercescam.net), as described below.

6. Defendant Sonador Consulting is a business residing in Spokane, Washington. Sonador Consulting has done business in Dallas County, Texas in that it has, committed a tort in whole or in part in the State of Texas. TEX. CIV. PRAC. & REM. CODE §§ 17.042(2). Sonador Consulting may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Room 220, Austin, Texas 78701, as its agent for service because it has engaged in business in Texas but does not maintain a regular place of business in Texas or a designated agent for service of process, and this suit arose from its business in Texas. TEX. CIV. PRAC. & REM. CODE §§ 17.044(b). To date, Sonador Consulting has not made an appearance in this matter and therefore may be served with citation by serving the Texas Secretary of State with duplicate copies of process and the Texas Secretary of State is directed and requested to immediately forward process by registered mail, return receipt requested, to Sandor Consulting's home office at [REDACTED].

7. The Court has subject-matter jurisdiction over all claims in this action because the amount in controversy exceeds the court's minimum jurisdictional requirements.

8. The Court has personal jurisdiction over the Defendants because Defendants operate a defamatory website specifically directed at the Plaintiffs in Texas, and intended to

cause harm in Texas. Defendants are well aware of where Plaintiffs' home forum is; on their website they state, "in Stephen Pierce [sic] home town of Dallas." Additionally, multiple posters reference both "Dallas" and "Texas" activities on Defendants' defamatory website.

9. Venue is proper in this Court pursuant to TEX. CIV. PRAC. & REM. CODE §15.002(a)(1), as the events giving rise to the claim occurred in Dallas County, Texas.

### III.

#### FACTUAL BACKGROUND

10. Plaintiffs Stephen Pierce and Stephen Pierce International, Inc., provide education and training with respect to internet marketing. For example, they provide customers consulting, seminars, videos, written materials, and other programs which are designed to teach individuals and businesses how to effectively use the internet to market their business.

11. Upon information and belief, Defendant Sonador Consulting and Defendant Keene have created the website [www.stephenpiercescam.net](http://www.stephenpiercescam.net) which attacks and defames Plaintiff Stephen Pierce, Plaintiff Stephen Pierce International, Inc., and their business. Among other things, Defendants describe Plaintiffs' entire business as a "scam" in each of the following ways:

- "[www.stephenpiercescam.net](http://www.stephenpiercescam.net)"
- "Stephen Pierce Scam"
- "Stephen Pierce Scams"
- "How Stephen Pierce scammed me."

12. A scam is defined as "a fraudulent business scheme." See Webster's Online Dictionary. Plaintiffs' business is not a scam, nor is it a fraudulent business scheme. Plaintiffs inform potential customers of a price for various programs to educate them on internet

marketing. When the customers pay for the programs, Plaintiffs provide legitimate programs, as advertised. Plaintiffs do not guarantee any outcome from their programs, and expressly disclaim any particular result from buying the training programs.

13. Plaintiffs, have, until the actions of Defendants, had an excellent reputation in the field of internet business marketing. Plaintiffs conduct a large amount of their business on the internet, and therefore their reputation on the internet is critical to their business.

14. However, whenever one of Plaintiffs' potential clients search for the terms "Stephen Pierce," or "Stephen Pierce International, Inc.," on Google or other internet search engines, many find the false and defamatory statements published by Defendants.

15. Plaintiffs have been irreparably damaged and suffered significant monetary damages, in an amount to be proven at trial, because of Defendants' defamatory website and statements.

#### IV.

#### CAUSES OF ACTION

##### A. Count One – Defamation

16. Plaintiffs reallege and incorporate the allegations set forth in the preceding paragraphs as if set forth in full herein.

17. Defendants published statements by written communication on the Internet at [www.stephenpiercescam.net](http://www.stephenpiercescam.net) asserting as fact that Plaintiffs' business is a "scam."

18. The statements are directed towards Plaintiffs.

19. The statements are false because Plaintiffs' business is not a scam or fraudulent, it is a legitimate internet marketing business.

20. Plaintiffs supply their customers with programs that educate them on how to effectively market their business on the internet.



21. Defendants' statements are defamatory because they:
- a. Injure Plaintiffs' reputation and thereby expose Plaintiffs to public hatred, contempt, ridicule, or financial injury;
  - b. Impeach Plaintiffs' honesty, integrity, virtue, and reputation; and
  - c. Injure Plaintiffs in their occupations or professions.

22. The defamatory statements require no proof of their injurious character because they were obviously hurtful to Plaintiffs, as the statements have imputations of criminal conduct.

23. Defendants made the statements either negligently, knowingly, or with reckless disregard for their falsity.

24. Defendants' false statements directly and proximately caused injury to Plaintiffs, which resulted in damages in an amount to be determined by the trier of fact.

25. Defendants' unlawful conduct was wanton, willful, and malicious, warranting the imposition of exemplary damages in an amount to be determined by the trier of fact.

26. Defendants' conduct also constitutes violations of TEX. CIV. PRAC. & REM. CODE § 73.001, for which Plaintiffs seek to recover.

**a. Request for Declaratory Judgment**

26. Plaintiffs reallege and incorporate the allegations set forth in the preceding paragraphs as if set forth in full herein.

27. As Defendants have placed Plaintiffs' character publicly at issue, Plaintiffs request pursuant to TEX. CIV. PRAC. & REM. CODE § 37.003 (Uniform Declaratory Judgments Act) that the Court determine that Plaintiffs are entitled to a declaratory judgment that Defendants' statements are false.

**b. Request for Injunctive Relief**

28. Plaintiffs reallege and incorporate the allegations set forth in the preceding paragraphs as if set forth in full herein.

29. Defendants' defamatory and unlawful conduct has caused and will continue to cause Plaintiffs imminent, irreparable injuries for which there is no adequate legal remedy.

30. Plaintiffs are willing to post a bond in support of their request for injunctive relief.

31. Accordingly, Plaintiffs are entitled to preliminary and permanent injunctive relief.

**B. Count Two – Intentional Infliction of Emotional Distress**

32. Plaintiff Stephen Pierce realleges and incorporates the allegations set forth in the preceding paragraphs as if set forth in full herein.

33. Defendant's conduct, posting false and incredibly derogatory statements regarding Mr. Pierce and his business, was intentional or reckless.

34. Additionally, the posting of the false statements by Defendants was outrageous or intolerable.

35. As a direct result of this conduct by Defendants, Mr. Pierce suffered severe emotional distress.

**V.**

**JURY DEMAND**

36. Plaintiffs demand a jury trial for the claims for damages and has tendered the appropriate fee.

VI.

**PRAYER**

For the foregoing reasons, Plaintiffs ask that the Court issue citations for Defendants to appear and answer, and that Plaintiffs be awarded a judgment against Defendants for the following:

- a. Preliminary Injunctive relief that issues the following orders to Defendants, Rick Keene and Sonador Consulting, including their agents, servants, employees, independent contractors, attorneys, representatives, and those persons or entities in active concert or participation with them (collectively, the “Restrained Parties”):
  - i. Remove the website at the address: [www.stephenpiercescam.net](http://www.stephenpiercescam.net).
  - ii. Prohibiting the Restrained Parties from making any false statements of fact or statements that imply false statements of fact, publicly or to any person, orally or by written means, including but not limited to email and on the Internet, that defame or disparage Plaintiffs; and
  - iii. Mandating that the Restrained Parties take all action, including, but not limited to, requesting removal from the Internet search engines including Google, Yahoo!, and Bing, to remove all defamatory, disparaging, libelous, and false statements about Plaintiffs that Defendant posted on the Internet, including but not limited to the statements on the Internet at [www.stephenpiercescam.net](http://www.stephenpiercescam.net).
  - iv. Mandating, as it is foreseeable, that the above-referenced URL and the statements contained thereon will be referenced on additional webpages in the future, including but not limited to index, directory, and search results

- pages, that the Restrained Parties take all actions, including requesting removal from the Internet search engines Google, Yahoo!, and Bing, to remove all such webpages from the Internet;
- b. Full permanent injunctive relief for the relief requested in the preliminary injunctive relief, above;
  - c. Declaratory judgment that Defendants' statements about Plaintiffs on the Internet are false;
  - d. Actual damages in an amount to be determined by the trier of fact;
  - e. Exemplary damages in an amount to be determined by the trier of fact;
  - f. Prejudgment and post-judgment interest at the highest rate(s) allowed by law;
  - g. Reasonable and necessary attorneys' fees in prosecuting its claims through trial and, if necessary, through appeal;
  - h. Costs of court; and;
  - i. Such other further relief which this Court may deem just and proper.

Respectfully submitted,



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

STEPHEN PIERCE and STEPHEN PIERCE  
INTERNATIONAL, INC.

Plaintiffs

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RICK KEENE and SONADOR CONSULTING

Defendants

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IN THE DISTRICT COURT

OF DALLAS COUNTY, TEXAS

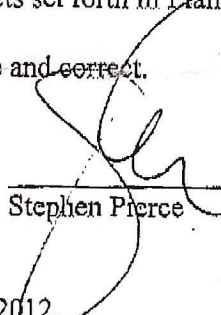
\_\_\_\_\_ JUDICIAL DISTRICT

AFFIDAVIT OF STEPHEN PIERCE

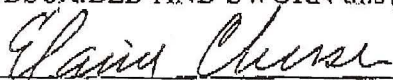
STATE OF TEXAS §  
  §  
COUNTY OF DALLAS §

Before Me, the undersigned notary public, on this day personally appeared Stephen Pierce who, after being duly sworn, stated under oath:

1. I am over 18 years of age and am competent and capable of executing this affidavit.
2. I have personal knowledge of the facts set forth in Plaintiffs' Original Petition and they are within my personal knowledge and are true and correct.

  
\_\_\_\_\_  
Stephen Pierce

SUBSCRIBED AND SWORN this 27 of January, 2012.

  
\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

