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**TO:** Dennis Lynch **TELECOPIER NO:** 214-939-2090  
**TO:** Donald Colletuori **TELECOPIER NO:** 214-939-2090  
**TO:** Peter D. Kennedy **TELECOPIER NO:** 512-536-9908  
**FROM:** C. Dunham Biles

**DATE:** Wednesday, November 21, 2007 **TIME:**

**CLIENT/MATTER NO.:** 1714-03 **OPERATOR:** S. Slaughter

**TOTAL NUMBER OF PAGES BEING SENT, INCLUDING THIS PAGE:** 16

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Message:

5146537.1  
1714-03

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November 21, 2007

**VIA HAND-DELIVERY**

Stephanie Gomez, Clerk  
160th District Court  
600 Commerce St., Box 640  
Dallas, TX 75202

Re: *In Re Petition of M.P.*; Cause No. 07-07934-H; In the 160<sup>th</sup> District Court of  
Dallas County, Texas.

Dear Ms. Gomez:

Enclosed please find the original and six (6) copies of Petitioner's First Amended Petition Requesting Deposition to Investigate Potential Claims in connection with the above-referenced action. Please file among the papers of the Court and return file-marked copies to the undersigned via the awaiting courier.

By copy of this correspondence, all counsel of record have been served with the foregoing pleading in accordance with the Texas Rules of Civil Procedure.

As always, if you have any questions, please do not hesitate to contact me.

Sincerely,



C. Dunham Biles

CDB:sxs

Enclosures

cc: Dennis Lynch (via facsimile and electronic mail)  
Donald Colleluori (via facsimile and electronic mail)  
Peter D. Kennedy (via facsimile and electronic mail)

**FILED**

**CAUSE NO. 07-07934-H 07 NOV 21 PM 2:31**

**IN RE:  
PETITION OF M.P.  
REQUESTING A DEPOSITION  
OF CORPORATE REPRESENTATIVE  
FOR GOOGLE, INC.**

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**GADY FITZSIMMONS  
IN THE DISTRICT COURT OF  
DALLAS CO., TEXAS**

**DEPUTY**

**DALLAS COUNTY, TEXAS**

**160th JUDICIAL DISTRICT**

**FIRST AMENDED PETITION REQUESTING DEPOSITION TO  
INVESTIGATE POTENTIAL CLAIMS**

M.P. ("Petitioner") requests authority to take the deposition of a corporate representative for Google, Inc. ("Google"), in order to investigate potential claims, as authorized by Texas Rule of Civil Procedure 202.1(b).

**I.**

Petitioner is an individual residing in Dallas County, Texas. Petitioner seeks to investigate potential claims she may have in her individual capacity or as owner of a country club against those responsible for the blog formerly posted on an internet blog location (the "Blog"). Petitioner requests to be referred to as "M.P." in lieu of her full name in order to protect her privacy and, given the nature of this petition, curtail any future harassment and tortious activity. Specifically, M.P. does not wish to republish defamatory statements made against Petitioner and Petitioner's business interests when, at this juncture, Petitioner merely seeks to investigate potential claims arising from false, malicious statements published on the Blog. A copy of the Blog, redacted to protect Petitioner's identity, is attached as Exhibit 1 to the Affidavit of Dale Martin attached hereto as Exhibit A.

## II.

Petitioner seeks to depose (or take what other form of discovery the parties agree upon) a corporate representative for Google. Google is a corporation organized under the laws of Delaware, and with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, CA 94043 and telephone number of (650) 253-0000. Google may be served through its counsel of record, Donald Colleluori and Dennis Lynch, Figari & Davenport, 901 Main Street, Suite 3400, Dallas, Texas 75202.

## III.

The substance of the testimony expected to be elicited from Google involves obtaining the names and addresses of entities and/or individuals who hosted and posted defamatory statements concerning M.P. on the Blog. Such defamatory statements on the Blog include, but are not limited to: (i) Petitioner "is a fraud of a club owner (albeit she 'earned' her ownership on her knees)"; (ii) Petitioner "continues to break the bylaws" of the country club; and (iii) "A lawsuit is imminent" [sic] against Petitioner for "breach of fiduciary responsibility and apparently some fraud."

## IV.

In other words, the anonymous defamer(s) has falsely called petitioner: (i) a fraud; (ii) a gold digger; and (iii) a person of ill repute, while falsely asserting that she has violated bylaws, committed fraud, and breached fiduciary duties. Those defamatory statements constitute statutory libel under Texas Civil Practice & Remedies Code § 73.001 in that they tend to injure the reputation of Petitioner and expose Petitioner to public hatred, contempt, and ridicule; tend to expose Petitioner to financial injury; and tend to impeach Petitioner's honesty, integrity, virtue, and reputation, exposing Petitioner to public hatred and ridicule. Moreover, such defamatory statements are libelous per se in that they: (1) injure Petitioner's occupation—club owner—and FIRST AMENDED PETITION REQUESTING DEPOSITION TO INVESTIGATE POTENTIAL CLAIMS

(2) impute sexual misconduct.

V.

Prior to the false and libelous remarks set forth above, Petitioner enjoyed an excellent reputation. Indeed, Petitioner has often been recognized for her integrity, sound business judgment, and civic responsibility. As a direct and proximate result of the false and defamatory statements, Petitioner has endured shame, embarrassment, humiliation, and mental pain and anguish. Additionally, Petitioner may have been seriously injured in her business reputation, good name, and standing in the community, and may be exposed to the hatred, contempt, and ridicule of the public in general as well as of her business associates, clients, social acquaintances, and others. The nature and extent of the injuries inflicted, however, cannot be determined until the identity of those responsible for the libelous statements published on the blog are revealed.

VI.

With the identity of those responsible for the above-referenced false and libelous statements, Petitioner will be able to further investigate potential claims resulting from those statements, including, but not limited to: statutory libel under Texas Civil Practice & Remedies Code § 73.001; tortious interference with contract; tortious interference with prospective business relations; business disparagement; and civil conspiracy. This investigation and the information determined therefrom are necessary in order for Petitioner to: (1) request that such defamatory and otherwise wrongful conduct cease; (2) determine the extent and nature of damages suffered; (3) determine what causes of action Petitioner may properly bring; and (4) determine whether to file claims against those responsible. Without knowing who made the libelous statements, Petitioner cannot determine to whom those statements were made and the nature and extent of the resulting consequential damages. For example, if the libelous statements

FIRST AMENDED PETITION REQUESTING DEPOSITION TO  
INVESTIGATE POTENTIAL CLAIMS

were viewed by, or repeated to, current or potential members of Petitioner's club and those libelous statements influenced membership decisions, not only will Petitioner have suffered special damages, but Petitioner and/or her club may have additional claims (e.g., tortious interference and business disparagement).

The burden of this procedure is outweighed by the fact that this deposition may help avoid litigation. For example, Petitioner may determine that the defamatory bloggers are mainly malcontented reprobates whose opinions are so largely devalued by persons of reason that no damages were sustained by Petitioner.

Considering the premises, Petitioner requests that the Court set a date for a hearing on this petition, and after the hearing find that the likely benefit of allowing Petitioner to take the requested deposition, or other form of discovery to which the parties agree, in order to investigate potential claims outweighs the burden or expense of the procedure. Petitioner further requests that the Court issue an order authorizing Petitioner to take the discovery of a corporate representative for Google to be taken at a time and place to be specified by Petitioner in a deposition notice or other form of discovery as required by the Texas Rules of Civil Procedure.

Respectfully submitted,

**BICKEL & BREWER**

By: 

John W. Bickel II  
State Bar No. 08867720  
C. Dunham Biles  
State Bar No. 2402407

1717 Main Street  
Suite 4800  
Dallas, Texas 75201  
Telephone: (214) 653-4000  
Facsimile: (214) 653-1015

**ATTORNEYS FOR PLAINTIFF**





**CERTIFICATE OF SERVICE**

I certify that I caused a true and correct copy of the foregoing document to be served upon the following via facsimile and electronic mail on this 21<sup>st</sup> day of November, 2007.



C. Dunham Biles

**Via Facsimile (512) 536-9908 and electronic mail**

**pkennedy@gdhm.com**

Peter D. Kennedy, Esq.

Graves Dougherty Hearon & Moody

401 Congress Avenue, Suite 2200

Austin, TX 78701

**COUNSEL FOR THE UNKNOWN MOVANT**

**Via Facsimile (214) 939-2090 and electronic mail**

**don.colleluori@figdav.com**

**dennis.lynch@figdav.com**

Donald Colleluori

Dennis Lynch

Figari & Davenport

3400 Bank of America Plaza

901 Main Street

Dallas, TX 75202

**COUNSEL FOR GOOGLE, INC.**

5146762.6

1714-03

**CAUSE NO. 07-07934-H**

<b>IN RE:</b>  <b>PETITION OF M.P.</b>  <b>REQUESTING A DEPOSITION</b>  <b>OF CORPORATE REPRESENTATIVE</b>  <b>FOR GOOGLE, INC.</b>	§ § § § § § § § § §	<b>IN THE DISTRICT COURT OF</b>    <b>DALLAS COUNTY, TEXAS</b>   <b>160<sup>th</sup> JUDICIAL DISTRICT</b>
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**AFFIDAVIT OF DALE MARTIN IN SUPPORT OF  
PETITIONER'S FIRST AMENDED PETITION  
TO INVESTIGATE POTENTIAL CLAIMS**

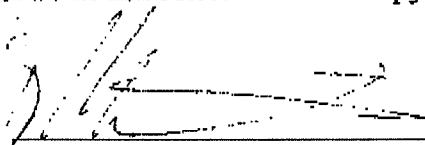
**STATE OF TEXAS       §**  
**§**  
**COUNTY OF DALLAS   §**

Before me the undersigned authority, personally appeared Dale Martin, who being duly sworn upon his oath, deposed and stated the following:

1. My name is Dale Martin. I am over the age of eighteen (18) years, have never been convicted of a felony, and am competent to make this affidavit. All statements within this affidavit are within my personal knowledge and are true and correct.

2. I am the Director of Information Technology with Bickel & Brewer. Bickel & Brewer represents Petitioner M.P. in this matter. I have reviewed Petitioner's First Amended Petition To Investigate Potential Claims (the "Petition").

3. Attached hereto as Exhibit 1 is a true and correct redacted copy of the blog at issue in the Petition.

  
\_\_\_\_\_  
DALE MARTIN



SUBSCRIBED AND SWORN TO before me, the undersigned authority, this  
21 day of November 2007, to certify which witness my hand and seal of office.



*Stacey Slaughter*  
\_\_\_\_\_  
Notary Public in and for the State of Texas

5146806.1  
1714-03

|SEARCH BLOG| | FLAG BLOG| Next Blog»

Create Blog | Sign In

**[REDACTED] COUNTRY CLUB IS A FRAUD**

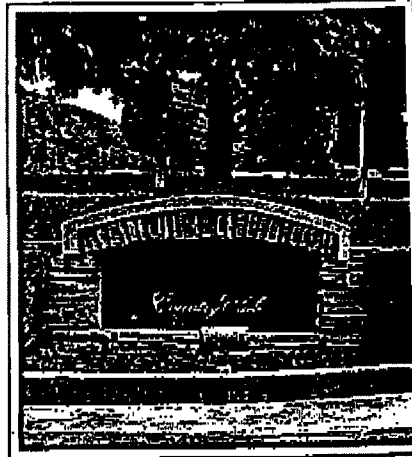
**EXHIBIT**  
1

tabbles

THURSDAY, NOVEMBER 09, 2006

## MP must be stopped!

● must be rolling over in his grave. MP has taken the club he bestowed and turned it into nothing more than a glorified municipal goat track. It is a "hotel California", such a lovely place, many rooms left at this hotel California. She will let you check in, but she surely will not let you check out. How many public tournaments has she opened this exclusive club to? Simple answer: whomever called and made a reservation. How many members are trying to check out?: The rumor is more than fifty. Oh, but it's such a lovely place.



The purpose of this blog is to discuss possible remedies. She continues to break the bylaws. She must be stopped! Sorry ●, your older European version of Anna Nicole Smith has moved on to greener ●, and left your club out to pasture.

Please leave your comments and/or suggestions!

POSTED BY ●CCSUCKS AT 7:46 AM 12 COMMENTS

### ABOUT ME



●CCSUCKS

[VIEW MY COMPLETE PROFILE](#)

### LINKS

[Goat Track](#)

### PREVIOUS POSTS

[MP must be stopped!](#)

Post a Comment On: █████ Country Club is a fraud

"MP must be stopped!"

12 Comments - [Show Original Post](#)

[Collapse comments](#)

anonymous said...

I wish I had taken a picture of the sign posted in the men's locker room during an unannounced outside play tournament. It read: "Course closed to Members only" It took me several seconds to process the sign, and determine that once again, I was unable to cruise the exclusive and oh so private fairways of █████ CC.

6:38 AM

anonymous said...

I threw up a little in my mouth when I heard █████ was up for membership at Augusta. Isn't this the same █████ who "mistakenly" claimed his guest at the derby was a 2 handicap, when in actuality it was a plus 2? I guess it's only befitting to have a fraud of a son-in-law for a fraud of a club owner (albeit she "earned" her ownership on her knees). I have to believe the members of Augusta will not allow membership to this punk. ➔

12:45 PM

anonymous said...

This must be the same █████ who was thrown out of Fairbanks Ranch for handicap manipulation.

Back to █████ CC, I think in the original bylaws of the club limited the amount of outside play. The club exceeds those yearly amounts on a monthly basis. You guys don't get it. She doesn't care.

8:24 AM

Leave your comment

You can use some HTML tags, such as <b>, <i>, <a>

Choose an identity

[Google/Blogger](#)  [Other](#)  [Anonymous](#)

Sign in with your Google Account

USERNAME

PASSWORD

No Google Account? [Sign up here](#)  
You can also use your Blogger account

PUBLISH YOUR COMMENT

PREVIEW

**anonymous said...**

I am not a member of the precious CC, but I found it more than ironic that MP wouldn't allow the valley cup to play her precious club over Easter weekend, but 2 out of the 3 times I went to CC to play a practice round, the club was closed due to an outside tournament. Must suck to have to call to find out if your own club is open to private play.

5:29 PM

**anonymous said...**

I didn't know [REDACTED], but maybe the fair question to ask is, "if [REDACTED] were to encounter [REDACTED] Country Club as it is now, would he want to join?"

Hopefully, [REDACTED] will not to allow MP to destroy his legacy.

5:56 PM

**anonymous said...**

one of my favorites was watching MPP feed her little [REDACTED] with the fork from the table where she sat with her 3 guests, one in denim. all on the patio where the dogs pee.

4:10 PM

**anonymous said...**

it just amazes me that mp wouldnt just go to a float and let everyone out who wants out and let in new members who would bring guests, use the dining room and shop in her precious store. 50 new members would with a 25K transfer fee raise 1.25M for the club/her AND gets rid of the disgruntled. yes, CC would become a 50-75K initiation club which would damage her ego but would be healthiest for all concerned.

9:54 AM

**anonymous said...**

I heard a class action lawsuit was going to be filed against [REDACTED] for breach of contract. Can anyone confirm? Why would she want such a headache?

5:24 PM

**anonymous said...**

Yes! A law suit is eminent. Not sure how many people are joining but a lot from what I've heard. Law suit is breach of fiduciary responsibility and apparently some fraud. Should be interesting.

4:23 PM

**anonymous said...**

As a member, hopefully for only a short time, MPP defies all of my sensibilities. Sunday when I arrived to play golf there were no bag boys in the cart barn. The word was many or all were relieved of their jobs the day before. Must have screwed up at the Derby.

The best part is MPP wants to make [REDACTED] CC the Augusta West. Is she smokin' wacky tobaccy?

7:01 PM

**anonymous said...**

So if [REDACTED] CC is going to be the Augusta of the west, does that mean she will kick herself out as Augusta doesn't allow female members?

4:23 AM

**anonymous said...**

her she goes again [REDACTED] CC closed to members Friday and Saturday October 5 & 6 for [REDACTED] use. Have fun!

11:34 AM