

CAUSE NUMBER: 199-01984-2014

IN RE: ROBERT V. BRAZELL

§ **IN THE DISTRICT COURT**
§
§
§ **COLLIN COUNTY, TEXAS**
§
§
§ **199th JUDICIAL DISTRICT**

**JOHN ALLEN'S FIRST AMENDED PETITION
FOR DAMAGES**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES John Allen (hereinafter "Allen"), Plaintiff, and files this his First Amended Petition for Damages against and Robert V. Brazell (hereinafter "RVB") and would show the Court as follows.

I.

PARTIES

1. Allen is an individual residing in Collin County, Texas.
2. RVB is an individual whose address is 3173 Carrigan Canyon, Salt Lake City, Utah, 84109. He may be served with process at the preceding address. He has entered his appearance herein through his attorney of record, Todd J. Harlow.

II.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the parties and subject matter in this case based on the facts alleged herein, and because the amounts involved are within the Court's jurisdictional limits.
4. Further, this Court has jurisdiction over the Defendants, because said Defendants have entered an appearance herein.

5. Venue is proper in Collin County, Texas, as a significant amount of the acts or omissions complained of herein occurred in Collin County.

III.

FACTUAL BACKGROUND

6. During the last half of 2007, RVB as the most senior management person at In-Store Broadcasting Holding, LLC (hereinafter "ISBH"), met with Allen in Plano, Texas in an effort to sell Allen an equity interest in ISBH.

7. As a part of his solicitation RVB represented he was a graduate of the business school at the University of Utah.

8. As a part of this solicitation RVB represented that he held positions at Overstock.com he did not hold and further represented that he had taken Overstock.com public..

9. Both of these representations were important and material to Allen in his decision to invest in ISBH.

10. Allen did not discover the falsity of these representations until May 2014 when he read the Worst CEO's website.

11. RVB knew both of these representations were false and were made with the intent that Allen rely on them.

12. Allen relied on RVB's representations and suffered an economic loss in an amount in excess of the jurisdictional limits of this Court

IV.

JURY DEMAND

13. Allen hereby demands a trial by jury.

V.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Allen respectfully prays that upon trial he take a judgment against the Defendants for:

1. Special damages in an amount exceeding the minimum the jurisdictional limits of the this Court but in an amount less the minimum jurisdictional limits of the United States District Court;
2. Exemplary Damages;
3. Pre-Judgment and Post-Judgment Interest;
4. Court costs; and.
5. Such other and further relief to which Allen may be justly entitled.

Respectfully submitted,

/s/ Donald H. Flanary, Jr.

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