

III.

PARTIES

Plaintiff:

Plaintiff Harriet Miller is a resident of Dallas County, Texas.

Defendants:

1. Defendants Kenn S. George, Chair of the Dallas County Republican Party, and the Dallas County Republican Party (also known as the Dallas County Republican Executive Committee) are each residents of Dallas County, Texas, and may each be served by serving Kenn S. George at the Republican Party offices at 10100 North Central Expressway, Suite 175, Dallas, TX 75231, or wherever Defendant George may be found.

2. Defendant Tony Goolsby is a resident of Dallas County, Texas, and may be served at 9696 Skillman, Dallas, TX 75243, or wherever Defendant Goolsby may be found.

3. Defendant Allyn and Company is a company doing business in Dallas County, Texas, and may be served at the following address: 3232 McKinney Avenue, Dallas, TX 75204.

IV.

VENUE AND JURISDICTION

This is a libel and slander lawsuit filed pursuant to Texas common law and § 73.001, *et seq.*, of the Texas Civil Practices & Remedies Code. Venue is proper in Dallas County for the reason that the actions giving rise to the claims occurred in Dallas County and the plaintiff and defendants are residents of Dallas County. This Court has jurisdiction of this matter in that the amount in controversy is within the jurisdictional limits of the Court.

V.

FACTUAL BACKGROUND

1. In the General Election of November 2004, plaintiff Harriet Miller ran for the Texas House of Representatives, District 102, as the Democratic candidate against Tony Goolsby, the Republican incumbent.

2. On October 23, 2006, Defendant Kenn George, in his capacity as Chairman of the Dallas County Republican Party, sent a letter to Bill Hill, the Dallas County District Attorney, claiming that Plaintiff Harriet Miller had engaged in clear and disturbing voting irregularities in the 2004 elections, and that such actions raised the potential for voter fraud in the 2006 elections. Defendant George sent copies of his letter to Bruce Sherbert, the Dallas County Elections Administrator, and to Roger Williams, then Secretary of State of Texas.

3. Though the October 23, 2006 letter stated that it was based on Defendant George's "considerable review of the election results," the sole basis for Defendant George's claim that Plaintiff Miller had engaged in possible illegal conduct in the 2004 elections was that in certain precincts, "Harriet Miller received considerably more votes in her challenge for the Texas House than Paul Jenkins, the Democrat (sic) candidate for Congress[.]" In fact, Paul Jenkins was not the Democratic candidate for Congress in 2004 (there was no Democratic candidate for Congress in that district in 2004). Paul Jenkins ran as an Independent in 2004, which was a matter of public record.

4. Even though the information on which Defendant George based his letter of complaint was contradicted by the public record, he made the false accusations against Plaintiff Miller anyway.

5. Defendant George made and published the defamatory falsehood about Plaintiff Harriet Miller with actual malice, knowing it was false, or with reckless disregard of whether it was false or not.

6. Defendant Tony Goolsby published these false statements about Ms. Miller in literature mailed to voters in his district just prior to the November 2006 Election Day. Information contained in Defendant George's October 23 letter was published with malice, knowing it was false or with reckless disregard for whether the information was false or not. Indeed, Defendant Goolsby took it a step further, using the false information in George's letter to claim falsely that Plaintiff Miller was "under investigation for voter fraud" and was "caught in a voter fraud scandal."

7. These false accusations of voter fraud were used in a political advertising campaign orchestrated by Mr. George, the Dallas County Republican Party, and Defendant Tony Goolsby. For example, the false information published by Defendants George and Goolsby was provided to a local television reporter, Sara Dodd, who broadcast the information on the local CBS television affiliate (CBS 11 News) on October 25, 2006. On information and belief, the information was provided to Ms. Dodd either by Defendant George or an employee of Defendant Allyn and Company. Defendant Goolsby cited the CBS television broadcast in his subsequent campaign materials that he sent to voters before the November 6, 2006, Election Day, stating that "CBS 11 News reports that the Dallas County District Attorney is looking to accusations of massive voter fraud by Democrat Harriet Miller's 2004 campaign. That same mailer sent by Defendant Goolsby's campaign also falsely claimed that Plaintiff Miller was "under investigation for voter fraud." The materials containing false information about Plaintiff Miller, sent by Defendant Goolsby to voters in the district, were prepared by the Defendant Allyn and

Company either with knowledge that the information contained therein was false or with reckless disregard for whether the information was false or not.

VI.

CAUSE OF ACTION : LIBEL & SLANDER

8. Defendants acted with actual malice: They either knew the accusation was false when it was made or acted with reckless disregard as to the truth or falsity of their accusations. The actions of all Defendants constitute slander and libel under Texas Civil Practice & Remedies Code § 73.001.

9. The false accusations of illegal voting activity and voter fraud made against Plaintiff Harriet Miller by these Defendants injured the reputation of Ms. Miller. These false accusations were intended to, and had the effect of, damaging Ms. Miller's reputation for honesty, integrity, and virtue, thereby exposing her to negative publicity on the eve of the 2006 election. The injury to Plaintiff Miller's reputation caused by the false statements of Defendants continues to the present.

10. By falsely accusing Plaintiff Miller of engaging in conduct that would constitute a crime, Defendants' actions constitute libel per se.

VII.

DAMAGES

The amount of damages exceeds the amount necessary to invoke the jurisdiction of this Court.

VIII.

PRAYER

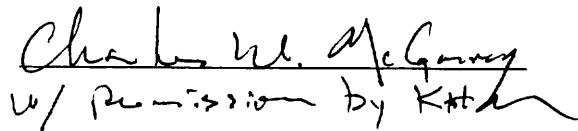
WHEREFORE, Plaintiff respectfully prays that Defendants be cited to appear and answer herein, and that upon final trial, Plaintiff recover a judgment against Defendant for actual and

exemplary damages, pre- and post-judgment interest, costs of court, attorneys' fees, and all other relief to which Plaintiff is entitled, at law or in equity.

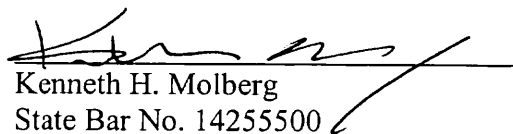
Respectfully submitted,

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w/ permission by K.H.M.

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