

CAUSE NO. 2017-19367

BRIE ANA WILLIAMS	§	IN THE DISTRICT COURT OF
	§	
V.	§	
	§	
ALVIN WESLEY PRINE, DAVID L.	§	
RAMIREZ, LOS VAQUEROS RIO	§	HARRIS COUNTY, TEXAS
GRANDE TRAIL RIDE	§	
ASSOCIATION, LLC, AND	§	
HOUSTON LIVESTOCK SHOW	§	
AND RODEO, INC.	§	334TH JUDICIAL DISTRICT

**DEFENDANT HOUSTON LIVESTOCK SHOW AND RODEO, INC.'S MOTION FOR
LEAVE TO FILE THIRD PARTY PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, HOUSTON LIVESTOCK SHOW AND RODEO, INC., and files this it
Motion for Leave to File Third Party Petition. HLSR would show unto this Honorable Court as
follows:

INTRODUCTION

1. Plaintiff Brie Ana Williams sued Defendant Houston Livestock Show and Rodeo
("HSLR") and others, claiming in excess of \$10 million in damages arising from a sexual assault
of Williams by Defendant Alvin Wesley Prine (who is incarcerated for the crime), at an event
allegedly hosted by Defendant Los Vaqueros Rio Grande Trail Ride Association ("Los
Vaqueros").

2. Williams' counsel retained Wayne Dolcefino of Dolcefino Consulting as its
investigator in this case. On March 23, 2018, while discovery was ongoing, Dolcefino sent a
"formal request" directly to HSLR (not through its counsel of record) seeking to inspect and obtain
copies of records "under the provisions of the Texas Business Code Chapter 22." *See* Tex. Bus.
Orgs. Code § 22.353 (addressing availability of nonprofit corporation's financial record for public

inspection). Since that time, Dolcefino has made four additional requests for public records inspection on HLSR (on June 18, June 19, June 21, and June 25, 2018) pursuant to § 22.353. Defendant HLSR, the third party plaintiff, is seeking leave to bring Wayne Dolcefino (President of Dolcefino Communications, LLC d/b/s Dolcefino Consulting, before the Court for purposes of a declaration of HLSR's rights with regard to Dolcefino's public records inspection requests. *See* Tex. Civ. Prac. & Rem. Code § 37.004(a) (“[a] person . . . whose rights, status or other legal relations are affected by a statute . . . may have determined any question or construction or validity under the . . . statute . . . and obtain a declaration of rights, status, or other legal relations thereunder.”).

BACKGROUND

3. On March 23, 2018, Dolcefino made the following public records inspection request on HLSR:

1. A searchable ledger detailing any payments made to any security company for the period January 1, 2012 through December 31, 2013.
2. A searchable ledger detailing any payments made to any security company for the period January 1, 2017 through the present.
3. PDF copies of documents detailing any payments made to settle any litigation involving harassment or assault, redacted to exclude any information made confidential under state law, between January 1, 2012 through the present.

4. HLSR filed a motion for protection, which this Court denied on June 18, 2018. After the Court entered that order, Dolcefino sent additional public record inspection requests on June 18, June 19, June 21, and June 25, 2018. Dolcefino has also filed a criminal complaint with the District Attorney along with a demand for the DA to prosecute HLSR, its CEO Joel Cowley, its General Counsel Sherry Hibbert, and the undersigned, Bruce Gable and his prior law firm, pursuant to § 22.354(b) of the Texas Business Organizations Code for failure to comply with his

public records inspection request. There is a controversy between the parties regarding whether § 22.353 requires HLSR to provide the inspection that Dolcefino requests.

5. Third Party Plaintiff HLSR attaches its counterclaim and third-party petition to this motion as Exhibit 1 and incorporates it by reference.

ARGUMENT AND AUTHORITIES

6. Third Party Defendant Dolcefino is a necessary party with regard to this request for declaratory relief because any construction of the statute and determination of HLSR's legal obligations under the statute directly impact his public records inspection requests. HLSR is seeking a determination that, by providing HLSR's general ledger for the last three fiscal years, HLSR has fully complied with its obligations under § 22.353 and that HLSR has no legal obligation to provide any other documents for inspection that have been requested by Dolcefino in his public records inspection requests.

7. Third Party Plaintiff HLSR did not file this third-party petition within 30 days after filing its answer because the need for this third-party petition for declaratory relief did not arise until Dolcefino served these public record requests (March 23, June 18, June 19, June 21, and June 25), and this Court denied HLSR relief through its Motion for Protection on June 19, 2018.

8. Filing this Third Party Petition will not cause a delay of the trial and will not inconvenience the parties because the petition involves a request for declaratory relief relating to public record inspection requests tangentially related to matters before the Court.

For these reasons, Defendant Houston Livestock Show and Rodeo, Inc., asks this Court to grant this Motion for Leave to File Third Party Petition against Third Party Defendant Dolcefino, and grant such other and further relief to which HLSR is justly entitled.

Respectfully submitted,

MEHAFFYWEBER, P.C.

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Attorneys for Defendant,

Houston Livestock Show and Rodeo, Inc.

CERTIFICATE OF CONFERENCE

Counsel for HLS&R has conferred with plaintiff's counsel, and plaintiff is opposed.

/s/ Patrick W. Mizell

Patrick W. Mizell

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been electronically transmitted to the Clerk of the Court on this the 28th day of June, 2018, and served on the following:

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