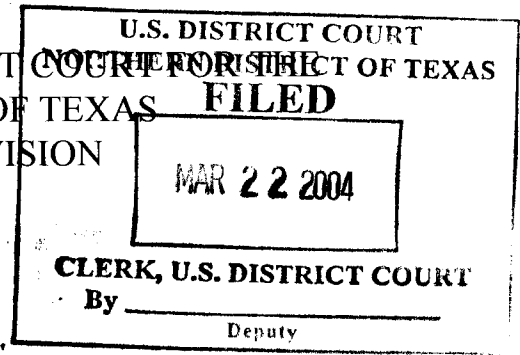


IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION



Larry Henry Tompkins,
Plaintiff,

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§
§

v.

Milton Eugene Douglass,
Defendant.

Civil Action No.

~~7-04 CV-057-R~~

ORIGINAL COMPLAINT

TO THE MOST HONORABLE PRESIDING JUDGE:

A. Parties

1. Plaintiff, Larry Henry Tompkins, is an individual that is a citizen of the State of Texas.
2. Defendant, Milton Eugene Douglass, an individual, who is a citizen of the State of Texas, may be served with process at 1811 10th Street, Wichita Falls, TX 76301. {*Fed. R. Civ. P. 4(e)*}

B. Jurisdiction

3. The court has jurisdiction over the lawsuit because the action arises under 42 U. S. C. Chapter 21, Section 1983, 1985. Jurisdiction also exists because Defendant, Milton Eugene Douglass filed in Wichita Falls, in Texas state court in Clappitt Retirement Community et. al. v. Benedeck Broadcasting, an Ex Parte Motion that caused a denial of my due process.

C. Conditions Precedent

4. All conditions precedent have been performed or have occurred. {*Fed.*}

D. Facts

5. On April 30th 2001 Larry Tompkins , the Plaintiff in this federal suit, filed a well justified libel lawsuit against the Wichita Falls T.V. Station K A U Z, Channel 6 TV, a former manager and 3 TV reporters in Texas State District Court. There were two other Plaintiffs, Clampitt Retirement Community and Barbara Cagle. This claim was not for just one instance of libel but for at least five instances of libel in 2000 and at least five instances of libel in 1998.

6. Plaintiffs in the Texas State libel case were represented by Wichita Falls very competent, 25 year practiced, local attorney Barry H. Richardson.

7. Plaintiffs paid attorney Barry H. Richardson \$15,000, up front, to represent them in what should have been a slam dunk lawsuit. There was tape recorded evidence of multiple negligent, malicious, libelous broadcasts. There was evidence of multiple recorded phone calls with reporters who were cautioned and warned the television station had previously libeled the Clampitt Retirement Community, manager and owner and had caused at least \$120,000 in damage to Clampitt, the business. In spite of those warnings, they did a 2nd series of negligent malicious broadcasts. That suit **was not** a frivolous or minor suit for plaintiffs!!!

8. On the same day of the case filing, the originally drawn judge, Jaunita Pavlick (Douglass), told Plaintiff's attorney Barry Richardson, she was going to recuse herself from that case. Several of the parties in the case were involved in a case she had previously heard.

9. Shortly after filing the Texas libel case for Plaintiffs, Barry Richardson developed a severe case of Gout with severe fatigue syndrome. On top of that, attorney Barry Richardson also caught a persistent and very hard to treat case of double pneumonia.

10. The case sat justifiably dormant because of Plaintiffs' attorney's severe health conditions.

11. Plaintiffs attorney, Barry Richardson, was of the opinion that the Clampitt Retirement Community case would be reassigned by the Texas Fort Worth administrative judge to an out of town judge.

E. Count 1 - Denial of Due Process U.S.C. 42 1983, 1985

12. Gene Douglass is guilty of denial of my due process because he failed to follow the Texas Rules of Civil Procedure, Rule 21. Every motion to the Court for an order shall be filed with the clerk of the court in writing and at the same time a true copy shall be served on all other parties.

13. On March 20, 2002 or shortly before, Gene Douglass submitted to the local Wichita Falls judge, Robert Brotherton, an Ex Parte motion to transfer the Clampitt et al v. Benedeck Broadcasting et al case.

14. On March 20, 2002 local Wichita Falls judge, Robert Brotherton, signed an order to transfer the Clampitt v. Benedeck Broadcasting case to the local Wichita Falls Judge Roy T. Sparkman.

15. On March 21, 2002, Gene Douglass filed the ex parte motion to transfer the Clampitt v. Benedeck Broadcasting case. It is amazing and questionable that the order to transfer the case was signed a day before the ex parte motion was even filed of record.

16. Gene Douglass finally sent to plaintiffs' attorney Barry Richardson a copy of the motion to transfer the case and the signed order to transfer the case to local judge, Roy T. Sparkman.

17. I, Larry Tompkins, was denied my right to due process and timely notice and opportunity for hearing on motion to transfer my case.

18. Local Wichita Falls judge, Roy Sparkman in rulings on 2 motions for summary judgments made unfairly biased, outrageous and cowardly rulings that dismissed the claims of all the small plaintiffs against all of the large media defendants. He did so without any findings of fact or conclusions of law or any memorandum opinion. He did so in spite of overwhelming evidence of record in the form of transcripts of multiple libelous broadcasts and transcripts of multiple telephone conversations with TV reporters, putting them on notice of current libel of Clampitt and others and previous libel damage to Clampitt of \$120,000.

F. Damages

13. As a direct and proximate result of defendant's conduct, plaintiff in this federal lawsuit suffered the following injuries and damages:

- a. Loss of Income from Lost Settlement for Actual and Punitive Damages in Clampitt et. al v. Benedeck Broadcasting et.al. Texas state case.
- b. Physical pain from exacerbated arthritis and mental anguish.

G. Attorney Fees

14. Plaintiff is entitled to an award of any attorney fees and costs..

H. Prayer

15. For these reasons, plaintiff, Larry Tompkins, asks for judgment against defendant, Gene Douglass, for the following:

- a. Actual damages of \$170,000.
- b. Prejudgment and post judgment interest.
- c. Costs of suit, including any attorney fees.
- d. Punitive damages of \$100,000
- e. All other relief the court deems appropriate.

Respectfully submitted,

By *Larry Henry Tompkins*
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