

4. Plaintiff, 2700 N. MESA LLC ("2700 N. Mesa"), is a Texas limited liability company validly existing in El Paso County, Texas.

5. Defendant, IRENE BORUNDA, is an individual and can be served with citation at 8616 Cielo Vista Drive, El Paso, Texas 79925 or wherever she may be found.

6. Defendant, ROBERT BORUNDA, is an individual and can be served with citation at 8616 Cielo Vista Drive, El Paso, Texas 79925 or wherever he may be found.

7. Defendant, JOHN BILLINGSLEA (hereinafter "Billingslea"), is an individual and can be served with citation at 1520 Elmhurst Drive, El Paso, Texas 79925 or wherever he may be found.

8. Defendant, ANNA NAZARIO (hereinafter "NAZARIO"), is an individual and can be served with citation at 8618 Mettler Drive, El Paso, Texas 79925 or wherever she may be found.

II.

VENUE AND JURISDICTION

9. The events forming the basis of the allegations in the lawsuit occurred in El Paso County, Texas and jurisdiction and venue are proper in this Court and El Paso County, Texas.

III.

FACTUAL SUMMARY

10. Beginning on or about Summer 2008, Defendants have engaged in a coordinated, and most times, obsessive effort to shut down 3LM and to prevent Armstrong's ability to do business in El Paso, Texas and at the Patriot Place shopping center located at 1550 Hawkins, El Paso, Texas 79925. Defendants have engaged in

conduct, including but not limited to, concerted and unrelenting in person, letter (and email) and phone communications to various City of El Paso and law enforcement personnel. In these communications and conduct, they have made (i) false reports of criminal activity on the part of Plaintiffs; (ii) false and malicious allegations concerning personal and business activities of Plaintiffs; (iii) harassing and malicious reports to law enforcement officials of supposed criminal activity by Armstrong; (iv) false, harassing and malicious reports to City officials of supposed violations of permit and trash/waste ordinances and (v) excessive phone calls to the "911" system making false allegations of parking violations, violations of noise ordinances and occupancy restrictions of or attributed to the 3LM. Furthermore, Defendants have made numerous false and malicious statements in and to the local news media.

11. Upon information and belief, Irene Borunda and others have been placed on the "no call" list such that law enforcement has identified them as abusers of the 911 system.

12. On or about January 4, 2010, Irene Borunda made malicious and disparaging statements about Plaintiffs alleging that 3LM "is over-serving its customers" and "the owners of the 3LM [paid money] to one John Castillo (whom Borunda describes as a drug dealer) in order to "keep [him] quiet" regarding a wrongful death lawsuit filed by the survivors of Castillo's alleged girl friend, Lourdes Lopez. Borunda further asserted Castillo "dropped the charges" when he came "into money."

13. On or about January 4, 2010, Billingslea made malicious and disparaging statements that Armstrong and 3LM have their bar patrons "beaten unconscious."

14. Plaintiff 3LM has an existing lease with Patriot Place, Ltd. (hereinafter "Patriot Place"). On or about March 1, 2011, the City of El Paso voted to terminate the lease with Patriot Place.

15. Armstrong and 2700 N. Mesa had entered into prospective contractual relations to open and operate an establishment to be called the "Bears Den." After the negative publicity related to the actions and of the Defendants, those with whom Armstrong was to do business backed out.

IV.

CLAIMS FOR RELIEF

COUNT 1

Business Disparagement

16. Plaintiffs realleges all matters in the foregoing Paragraphs, which are incorporated herein by reference as if fully set forth.

17. Defendants' Borunda's and Billingslea's statements, and the collective statements of Defendants to law enforcement and others, maliciously intended to impute criminal and civil wrongdoing to Plaintiffs, constitute business disparagement in that they refer to the Plaintiffs' economic interests and cast doubt on the existence, quality or ownership of the Plaintiff's land, chattels or intangible things and the Defendants intended the words to cast doubt, or a third party reasonably understood the words to cast doubt. Further, the Defendants' statements, taken as a whole, create a substantially false and defamatory impression by omitting material facts or juxtaposing facts in a misleading way.

COUNT 2

Defamation & Defamation Per Se

18. Plaintiffs allege all matters in the foregoing Paragraphs, which are incorporated herein by reference as if fully set forth.

19. The actions and conduct of Defendants as set forth above and in falsely and maliciously alleging criminal conduct by Plaintiffs constitute Defamation and Defamation Per Se.

20. Among other statements as set forth above, Plaintiffs would show the individual Defendants have made statements to the effect that:

- (i) Plaintiffs engage in illegal activity by, among other things, selling alcohol to persons who cannot legally purchase it or who are intoxicated;
- (ii) Plaintiffs endanger the health, safety and welfare of the area around which the 3LM operates;
- (iii) Plaintiffs are not of good moral character.

21. Plaintiffs would show the foregoing statements of fact refer to Plaintiffs and are defamatory and false. Further, Plaintiffs would show the statements were made negligently or with actual malice.

COUNT 3

Tortious Interference

22. Plaintiffs allege all matters in the foregoing Paragraphs, which are incorporated herein by reference as if fully set forth.

23. The actions and conduct of Defendants as set forth above tortiously interfered with Plaintiffs' extant and prospective contractual relations.

24. Plaintiff has a valid lease contract with Patriot Place. The individual Defendants' efforts to prevent Plaintiffs from operating at the Hawkins location constitute willful and intentional interference with Plaintiffs' contractual rights.

25. Further, the individual Defendants' efforts to prevent Armstrong and 2700 N. Mesa from opening and operating the Bear's Den constitute willful and intentional interference with Armstrong's prospective contractual rights.

COUNT 4

Negligence

26. The actions and conduct of Defendants as set forth above including Defendants' actions and/or omissions in unlawfully, falsely and/or maliciously reporting to City officials, law enforcement and others about purported criminal activity (and in collecting supposed evidence of same), violations of law and/or violations of City ordinances, when no such activity actually existed (thereby causing Plaintiffs to be unnecessarily investigated and harassed) constitute common law negligence as Defendants knew or reasonably should have known that the reports they made, and the purported evidence they collected, were/was questionable and/or could not be attributed to Plaintiffs.

VII.

DAMAGES

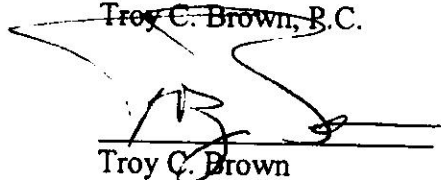
27. The conduct of Defendants herein, jointly and severally, has directly and proximately caused, or was a producing cause of the following damages to Plaintiff, for which Plaintiff seeks judgment against Defendants in amounts in excess of the minimum jurisdictional limits of this Court for:

- (a) actual damages;
- (b) consequential damages;
- (c) special damages;
- (d) interest;
- (e) court costs;

Wherefore, premises considered, Plaintiffs prays that upon final hearing hereof that Plaintiffs recover thier damages and costs, pre and post judgment interest and such other and further relief either at law or in equity, both special and general, to which she they be entitled including reasonable attorney's fees at trial, on appeal or collateral attack.

Respectfully Submitted,

~~Troy C. Brown, P.C.~~

A handwritten signature in black ink, appearing to read 'Troy C. Brown', is written over a horizontal line. The signature is stylized and somewhat cursive.

Troy C. Brown
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