

Lisa Halvorson
4109 Caruth
Dallas, Texas 75225

2.03 Stephen Cannon is an individual citizen and Texas resident with his principal residence located in Dallas County, Texas. Defendant Stephen Cannon is the father of minor N.C. He may be served with process at the following address:

Stephen Cannon
3015 Westminster
Dallas, Texas 75205

III. JURISDICTION AND VENUE

3.01 This is a suit on behalf of a Texas resident for damages for violations of Texas state law. No claim is being made under Federal law.

3.02 This court has jurisdiction over Defendant as Defendant is a Texas resident and a substantial part of the events or omissions that give rise to the claims occurred in this state.

3.03 Venue is proper in Dallas County, Texas pursuant to Section 15.017 of the Texas Civil Practice and Remedies Code, in that Dallas County is the county in which Plaintiffs or Defendants resided at the time of the accrual of the causes of action.

IV. FACTS

4.01 Plaintiff E.T. is a 14 year old girl who lives in Dallas, Texas. E.T. is also an 8th grade student at Highland Park Middle School in the Highland Park Independent School District. E.T. began her schooling in HPISD at age five, in kindergarten and has spent her lifetime dedicated to the school community developing key relationships along the way with fellow students, teachers, coaches, faculty, staff and parents. E.T. has earned and cherishes her reputation as a responsible, respectful, kind, likable, funny, smart, assertive, confident, and charismatic leader. She has served on the student council, has run on the cross country team and

is currently a cheerleader. She has maintained high grades while playing an active role in the school and surrounding community. Through hard work and with high moral character, E.T. has built the foundation necessary for success now and in the future.

4.02 N.C. is 14 year old 8th grade student at Highland Park Middle School. N.C.'s father is Stephen Cannon, a physician and professor at Southwestern Medical School. N.C.'s mother is Lisa Halvorson, also a physician and professor at Southwestern Medical School. As parents of N.C. they have been responsible for providing him with supervision, nurturing and care. Stephen Cannon and Lisa Halvorson are divorced and have not developed an effective co-parenting relationship which has had a negative impact on N.C.

4.03 Prior to September of 2011, N.C. began drafting a 362-page novel entitled *Nobody's Perfect* (hereinafter referred to as "the book"). N.C. drafted the book while under the supervision of Defendants Lisa Halvorson and Stephen Cannon, using computer(s) purchased by them.

4.04 In the book N.C. identifies approximately 30 students from Highland Park Middle School, including E.T. In the book, N.C. uses the real names (in many cases the full names) of Highland Park Middle School students, teachers and parents. N.C. uses E.T. as a main character, placing her in unfathomable, graphic scenes ranging from immoral and demeaning to shocking and illegal.

4.05 In an effort to conceal his true intent to portray these children in a false light, N.C.'s story takes place in 11th grade instead of 8th grade. N.C. also attempts to call his book "fiction" in the Acknowledgment and falsely indicates he had E.T.'s permission to use her name and that she agreed "to have such horrible things done to her in the book." In reality he did not have permission, and his intent was to portray E.T. and the other children negatively and with the

intent to damage their reputations and cause them severe mental anguish.

4.06 Prior to the publication of his book, Defendant N.C. periodically mentioned to students that he was writing a book about his classmates. Although E.T. and N.C. have never been friends or socialized in or out of school, E.T. has always been friendly and nice to N.C. Sometime during 7th grade, N.C. approached E.T. and informed her that he was writing a book and that she was a character. He told her that she would be “date raped” in the book. As a young girl without an understanding of what “date rape” implies, E.T. simply responded with, “Oh, ok.” While she felt it was “creepy” she was conflicted because she knows to always “be nice.” When N.C. told her he was writing a book, E.T. believed it was going to be “like a 3 page essay on notebook paper” because she could have never imagined a 13 year old writing a full-length, published novel. When N.C. mentioned to E.T. what would happen in the book, E.T. never understood and could not have possibly comprehended the extent to which horrific acts would be carried out. Instead of truthfully disclosing the content of the book to E.T., he quietly wrote of multiple “incidents” that E.T. could never fathom or believe anyone could or would write about her. E.T. never agreed or consented to such false, deceitful, and twisted statements.

4.07 The book contains multiple defamatory statements against E.T. The “horrible things” that N.C. writes about E.T. are a damning depiction of her moral character, that has forever damaged her reputation in the community, and her innocence. Among other lewd depictions of E.T. performing sexual acts, N.C. authored a surreal scene depicting E.T., after being drugged and raped by a classmate, imagining she was going to be “murdered.” The intent of N.C. was to cause harm to E.T. and with his book he has caused permanent harm to the spirit, and mind of E.T. Although the depiction of E.T. in the book is false, her reputation has been permanently damaged by scenes in the book that are too graphic and vile to be included in this

filing.

4.08 On or about September 1, 2011, N.C. published his book and posted the sale of his book on the Internet via www.lulu.com with the supervision and consent of Defendants Lisa Halvorson and Stephen Cannon. Not only were Lisa Halvorson and Stephen Cannon aware at the time that their son had published prior books with violent titles and questionable content, they were aware that he was authoring another book. On information and belief, despite the graphic content of the book, Lisa Halvorson and Stephen Cannon paid for the production and publication of the book online.

4.09 A preview of the book which contained excerpts were downloaded by the public. N.C. published at least five hard bound copies of the book and made it available for distribution and provided copies that were circulated at the Highland Park Middle School. Defendants Lisa Halvorson and Stephen Cannon purchased at least five copies of the book collectively and had such books in their possession.

4.10 Sometime in the summer of 2011, N.C. also provided approximately 100 pages of the book to his close friend, B.H. (another student at HPMS) and her mother, M.K. However, M.K. did not disclose the content or existence of the book to E.T. or M.P.. The intent of N.C. was to disseminate the defamatory statements about E.T. to students and their families. Further, M.K. said she warned N.C.:

"In mid-July, when we were on Nantucket, I was making lunch and N.C. started discussing the book. He said that 'all kinds of terrible things happen to EJ in the book.' I asked him if he had used her real name and he said 'yes, but she knows and she's fine with it.' I then proceeded to give him a 10-minute lecture on why he couldn't use any real names in any work of fiction, specifically stating that 'he/his family could get sued' for doing so. B.H. was a witness to this conversation. At the end of it, he said he understood and then they went outside. I advised Lisa Halvorson of this conversation when I gave

her the book pages, in front of N.C., because I wanted his mother to know that a responsible adult had told him not to use peoples' real names. N.C. admitted that the conversation had taken place and that he had understood my concerns at the time of the discussion. Keep in mind that at this point, I had no idea of the content, only that 'terrible things' were happening to her character."

4.11 Highland Park Middle School Vice Principal Richard Bohac quickly became aware of N.C.'s publication of the book and efforts to share the book with students. He also learned that N.C. was providing copies of the book to students on the premises of the school during school hours. He also became aware of the general content of the book and decided to obtain a copy and read it. The determination was made that the book contained obscene content which was damaging to some of the students and disruptive to the school environment. In fact, one Highland Park Middle School teacher is depicted as a "pedophile" in the book and his real name is used. Highland Park Middle School immediately placed N.C. on a 4 day in-school suspension. At the request of Stephen Cannon and Lisa Halvorson and following an in school investigation, Highland Park Middle School officials have now allowed N.C. to return to school and therefore E.T. is now exposed to N.C.

V. CAUSES OF ACTION

Libel Per Se

5.01 The allegations of Sections I through IV of this Petition are hereby asserted and fully incorporated by reference.

5.02 As aforementioned, N.C. recently published a statement of facts referring to E.T. The statement identifies E.T. by name. The statement is defamatory and false.

5.03 N.C. published the statement with actual malice and without regard to the truth of the statement. The statement at issue injured – and was intended by N.C. to injure – E.T. as a student and child.

5.04 The statement also tends to injure E.T.'s reputation thereby exposing her to public hatred, contempt, ridicule, or financial injury. The statement involves the imputation of sexual misconduct as to E.T. The statement also tends to impeach E.T.'s integrity, virtue, or reputation. The statement is defamatory as a matter of law.

5.05 The defamatory statement was repeated to others and it was reasonably foreseeable that the statement would be republished to other individuals.

5.06 E.T. did not consent to the production or publication of the statement.

5.07 E.T. would show this Court that she is not a public figure or a public official. Instead, under Texas law E.T. is deemed to be a private-figure Plaintiff. N.C. is a non-media Defendant. Additionally, the speech at issue does not involve public issues.

VI. SLANDER PER SE

6.01 The allegations of Sections I through V of this Petition are hereby asserted and fully incorporated by reference

6.02 N.C. orally communicated or published statements of fact concerning E.T. The statements referred to E.T. by name.

6.03 The statements are defamatory as a matter of law and false in certain material respects. Cannon published the statements without regard to the truth of the statements. Cannon is strictly liable for his actions; additionally, Cannon's statement was made with actual malice.

6.04 The statements at issue injured – and were intended to injure – E.T.'s reputation, and to impute sexual misconduct.

6.05 The defamatory statements were repeated to others and it was reasonably foreseeable that the statement would be republished to other individuals.

VI. NEGLIGENCE AS TO DEFENDANT

LISA HALVORSON AND STEPHEN CANNON

7.01 The allegations of Sections I through VI of this Petition are hereby asserted and fully incorporated by reference

7.02 Defendants Lisa Halvorson and Stephen Cannon had a duty to control certain acts of N.C.

7.03 Plaintiffs would show that Defendants Lisa Halvorson and Stephen Cannon were guilty of various acts and omissions constituting negligence which were the proximate cause of the incident in question. Those negligent acts include, but are not limited to, the following:

1. Failing to supervise N.C. as a parent of ordinary prudence would have kept under the same or similar circumstances;
2. Failing to act as an ordinary prudent parent would have acted under the same or similar circumstances;
3. Failing to timely discover the dissemination of defamatory statements made by N.C. of E.T.;
4. Failing to timely discover the publication of the book by N.C.;
5. Failing to monitor the movies, television programs, books, and other influential material that was viewed and read by N.C.;

Each of the above-referenced acts and/or omissions, singularly or in connection with each other, constitute(s) negligence which proximately caused the occurrence and the damages as set forth herein.

VIII. NEGLIGENCE AS TO DEFENDANT N.C.

8.01 The allegations of Sections I through VII of this Petition are hereby asserted and fully incorporated by reference.

8.02 By publishing the aforementioned defamatory statement, N.C. breached the duty to exercise reasonable care in avoiding the foreseeable risk of injury to E.T. Such publication constitutes negligence which proximately caused the occurrence and the damages as set forth herein.

IX. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

9.01 The allegations of Sections I through VIII of this Petition are hereby asserted and fully incorporated by reference.

9.02 N.C. acted intentionally or recklessly in publishing the aforementioned statement concerning E.T. The contents of the statement were extreme and outrageous, and go beyond all possible bounds of decency in that they impute explicit sexual misconduct as to a child.

9.03 E.T. has suffered severe emotional distress as a result of reading the contents of statement and by the publication of the statement to others. N.C.'s conduct proximately caused E.T.'s emotional distress.

9.04 No alternative cause of action would provide a remedy for the severe emotional distress caused by the conduct of N.C.

X. DAMAGES

10.01 The allegations of Sections I through IX of this Petition are hereby asserted and fully incorporated by reference.

10.02 At this time, the Plaintiff seeks an award of all damages sustained (and presumed under the law) within the jurisdictional limits of this Court. Plaintiff also seeks exemplary damages, special damages for lost past and future income, pre-judgment and post judgment interest at the highest lawful rates, and all taxable costs of court. Plaintiff also seeks all other relief, at law or in equity, that Plaintiff may show himself justly entitled.

XI. JURY DEMAND

11.01 In accordance with Rule 216 of the Texas Rules of Civil Procedure, Plaintiff demands a trial by jury. A jury fee is being paid at the time of this filing on behalf of Plaintiff.

XII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein and that upon final trial hereof, Plaintiff has and recovers a judgment against Defendant for the relief described above, to which he may show himself to be justly entitled.

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P

/s/ Anthony L. Vitullo

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M.P. INDIVIDUALLY
AND AS NEXT FRIEND OF E.T.**