

CAUSE NO. 24-4598-442

LOUDER WITH CROWDER, LLC,	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	_____ JUDICIAL DISTRICT
	§	
JARED MITELLO,	§	
	§	
<i>Defendant.</i>	§	DENTON COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, Louder with Crowder, LLC (“LWC”), files this Original Petition (“**Petition**”) against Jared Mitello (“**Defendant**”) and alleges as follows:

I. DISCOVERY CONTROL PLAN

1. LWC seeks monetary relief exceeding \$1,000,000. LWC requests that this Court order discovery for this matter to be conducted under Level 3 of TEXAS RULE OF CIVIL PROCEDURE 190.4.

II. PARTIES

2. Louder with Crowder, LLC is a Texas Limited Liability Company whose principal place of business is in Denton County, Texas.

3. Defendant is Jared Mitello (“**Defendant**”), an individual residing at [REDACTED]
[REDACTED]. Defendant may be served with process at that address or at any such other place that Defendant may be found.

III. JURISDICTION AND VENUE

4. This Court has jurisdiction as Plaintiff's damages exceed the minimum jurisdictional limits of this court.

5. Venue is proper in Denton County, Texas, because slander and libel lawsuits are subject to a mandatory venue statute under TEX. CIV. P. & REM. CODE 15.017¹.

IV. FACTS

6. LWC publishes online articles about current events and provides a popular podcast, “Louder with Crowder”. Steven Crowder (“**Crowder**”) is the host, creator, and namesake of LWC. Crowder is a preeminent figure in the political commentary arena and his reputation is the foundation on which LWC was built. Defendant was an employee of LWC until August 2018 but has not been involved with Crowder or LWC. Defendant has not even engaged in any communication with members of the Crowder family for approximately half a decade. Nonetheless, at the beginning of 2023, Defendant chose to intentionally insert himself in the middle of Crowder’s otherwise private divorce to help concoct a plan to prevent Crowder from obtaining any custody of his children.

A. DEFENDANT’S EXTORTION SCHEME

7. In October 2023, LWC became aware that Defendant was one of many attempting to “destabilize” Crowder. More troubling is that Defendant joined a PR strategy to significantly threaten Crowder’s public persona and brand, LWC (“**Extortion Scheme**”). Even though Defendant left LWC years prior Defendant jumped at the opportunity to further his own career at LWC’s detriment.

8. Defendant’s hatred and desire to damage LWC is well documented including Defendant stating, “I just don’t want [Crowder] anywhere near those kids.”

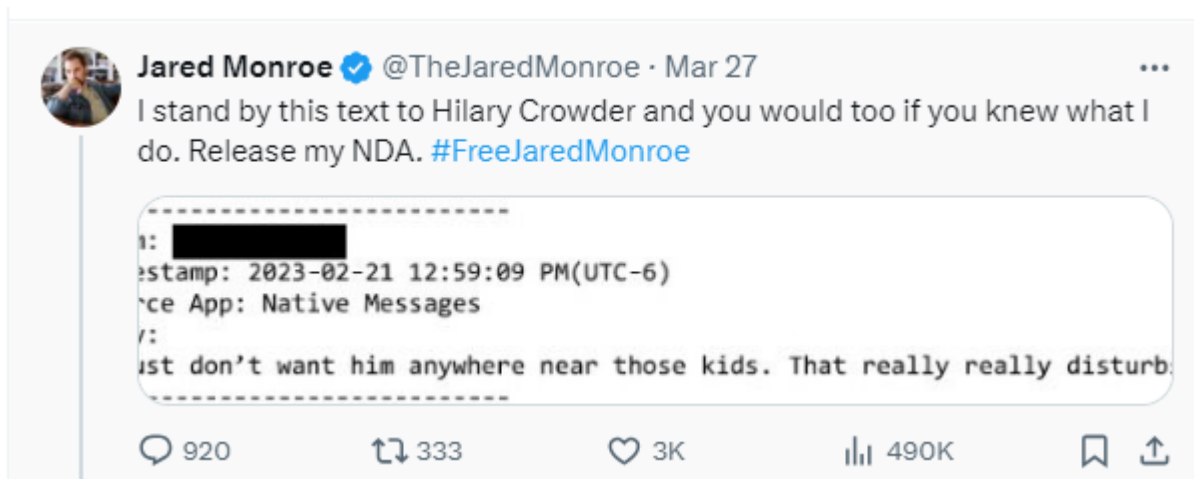
¹ Under TEX. CIV. PRAC. & REM. CODE §15.017 a “suit for damages for libel... shall be brought and can only be maintained ... in the county in which any defendant resided at the time of filing ... at the election of the plaintiff.”

From: [REDACTED]
Timestamp: 2023-02-21 12:58:29 PM(UTC-6)
Source App: Native Messages
Body:
I think there's a scenario where several of us would be willing to attest to all of that.

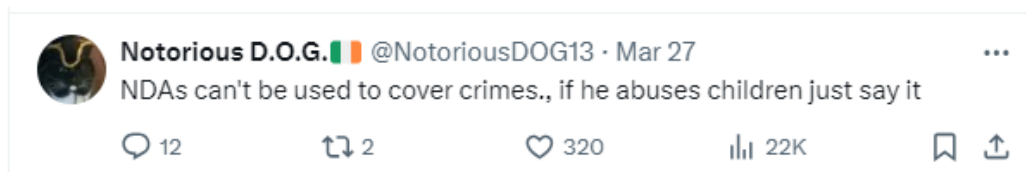
From: [REDACTED]
Timestamp: 2023-02-21 12:59:09 PM(UTC-6)
Source App: Native Messages
Body:
I just don't want him anywhere near those kids. That really really disturbs me

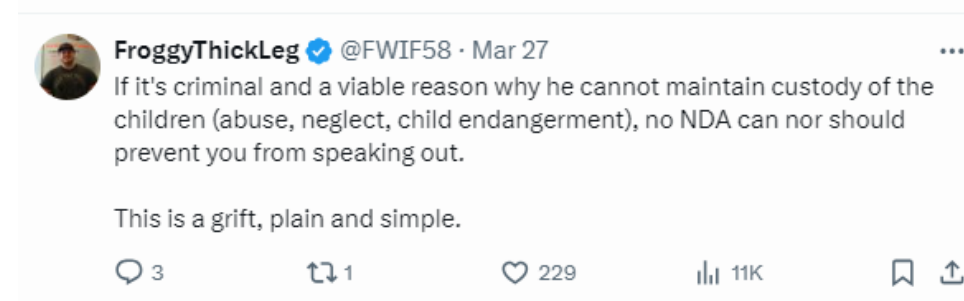
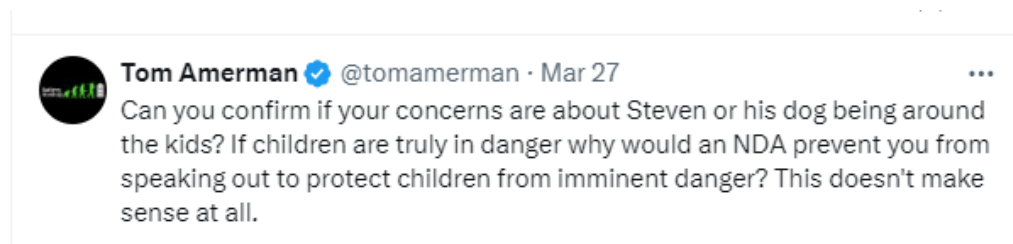
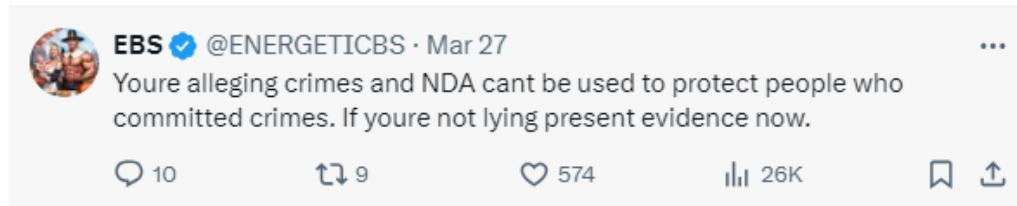
Text message from Defendant (redacted) to Hilary

9. Defendant then doubled down on his horrific statement via social media falsely and maliciously implying that Crowder is a danger to his own children, even criminally so.



10. Defendant knowingly made false statements then claimed to hide behind an NDA with LWC that prohibited him from sharing more information. The public viewing Defendant's statements clearly and readily understood the implication of Defendant's statements. Many comments discuss the children being in danger or Crowder committing criminal acts against his own children sufficient to warrant mandatory reporting obligations.





B. LWC'S EFFORTS TO AVOID LITIGATION

11. LWC tried to address and resolve Defendant's repeated efforts to disparage and damage LWC without litigation. But Defendant has refused all LWC's mitigating efforts.

12. LWC first sent Defendant a cease-and-desist letter requesting that he stop making disparaging comments about LWC, LWC employees, and LWC's managing member, Crowder, to

third parties.² LWC merely requested that Defendant provide written confirmation conveying his agreement to stop disparaging LWC.³ In exchange, LWC agreed to dismiss the pending Rule 202 Petition and forgo any future litigation. LWC did not seek monetary compensation of any kind. Yet Defendant did not respond.⁴

13. A Rule 202 Petition is not a lawsuit. Rather, it is a mechanism to obtain information and brief and narrowly tailored deposition testimony before filing a lawsuit. Again, LWC did not seek monetary damages. The Rule 202 Petition was an olive branch allowing Defendant an avenue to avoid reimbursing LWC for the damages that it has sustained because of Defendant's acts and omissions.

14. The Court heard LWC's Rule 202 Petition and, after finding good cause, entered an order allowing LWC to proceed with Defendant's depositions and request for documentation.⁵ Despite LWC's efforts to quietly resolve this damaging extortion scheme, Defendant refused to comply, choosing instead to ramp up his efforts to damage LWC.

C. DEFENDANT'S VIDEO AND LIES

15. On March 26, 2024, nearly a month after the Court's order, Defendant released a video on YouTube claiming that he is "being legally abused and intimidated into silence by a former employer" ("**Video**").⁶ Defendant claims that he was "surprised" by receiving the cease-and-desist letter and falsely claims that the letter required him to "cease communication with his friends."⁷

² Exhibit A – Cease-and-Desist Letter.

³ *Id.*

⁴ *Id.*

⁵ Exhibit B – Court Order.

⁶ <https://x.com/TheJaredMonroe/status/1772594355620270141?s=20>

⁷ *Id.*

16. Defendant boasts that he did not comply with the Court's Order and would continue to "fight back."⁸ Defendant falsely states that "after months now of litigation and exhausting even the court with relentless amendments to their Rule 202 Petition [LWC] was finally awarded their request."⁹ This statement is blatantly false. First, a Rule 202 Petition is not litigation. Further, LWC filed only a Rule 202 Petition and its Amended Rule 202 Petition.¹⁰ Not "relentless" versions as claimed by Defendant. The "months of litigation" involved two brief hearings totaling less than two hours and preparation of a four-page response. Defendant did not even appear at either hearing.

17. In the Video, Defendant repeatedly voices his opposition and defiance to the Court's order and LWC's efforts to handle Defendant's brazen, repeated, and intentional efforts to disparage and damage LWC.

18. Along with the Video, Defendant created a "GoFundMe" account to obtain a profit in exchange for his despicable acts. Defendant asked his viewers to donate and fund his own legal campaign against LWC. To date, Defendant's disparaging statements have extorted \$94,622 from his viewers for purposes of combatting LWC's alleged "legal abuse."¹¹ Defendant claims that the donated funds are to "fight this abusive case."¹² But at the time of Defendant's video, LWC did not have a legal case pending against Defendant. Nor did Defendant himself have a legal suit pending against LWC requiring him to seek and obtain \$94,000 in publicly raised legal funds.

19. Based on the Video and Defendant's continued actions, it is apparent that this lawsuit is necessary to protect LWC, and its employees, from incurring further damages.

⁸ *Id.*

⁹ <https://x.com/TheJaredMonroe/status/1772594355620270141?s=20> at 2:45-3:09.

¹⁰ Exhibits C-D – Rule 202 Petitions

¹¹ <https://x.com/TheJaredMonroe/status/1772594355620270141?s=20>

¹² *Id.*

V. CAUSES OF ACTION

A. DEFAMATION AND DEFAMATION PER SE

LWC incorporates by reference the foregoing paragraphs as set forth fully here.

20. Defendant published false and disparaging statements about LWC to be published.

21. Defendant published statements about LWC and its managing member, Crowder, that were false, both in their particular facts, essence, implication, or gist in the context in which they were made.

22. Defendant's defamatory publication constitutes defamation per se, as they implicate LWC, and its managing member Crowder, in despicable criminal conduct.

23. Alternatively, Defendant's defamatory publications constitute defamation as they otherwise harmed LWC's reputation and subjected LWC to public contempt, disgrace, ridicule, or attack.

24. Defendant acted with intent, negligence and malice. Defendant's defamatory statements were made with reckless disregard for the truth or falsity of the statements, or they were made with knowledge of their falsity.

25. Defendant publicly disseminated his defamatory statements to an enormous audience causing significant harm to LWC.

26. Defendant's repeated disparagement has damaged LWC in an amount that LWC cannot reasonably calculate the dollar value of at this time.

VI. ATTORNEYS' FEES

27. LWC is entitled to recover its reasonable and necessary attorneys' fees and expenses under Chapter 38 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

VII. PUNITIVE DAMAGES

28. LWC incorporates by reference Sections I through VI, as though fully set forth herein.

29. Defendant made conscious decisions to wrongfully defame LWC. Defendant also had actual, subjective awareness of the risk involved in his wrongful conduct. Defendant nevertheless proceeded with conscious indifference to the rights, safety, or welfare of LWC and the children of LWC's member thereby entitling LWC to recover punitive damages for which it sues.

VIII. JURY DEMAND

30. In accordance with Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE, LWC demands a trial by jury. Simultaneously with the filing of this demand, a jury fee is being paid on behalf of LWC.

PRAYER

Louder with Crowder, LLC respectfully requests that Defendant Jared Mitello be cited to appear and answer, as required by law, and that LWC be granted judgment against Defendant for any and all damages, of any type, in an amount within the jurisdictional limits of this Court, pre and post judgment interest as allowed by law, and all attorney's fees and costs of court.

[SIGNATURES ON FOLLOWING PAGE]

Respectfully submitted,

/s/ Kinsey D. Lakey

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COUNSEL FOR PLAINTIFF

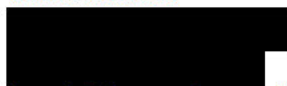
LOUDER WITH CROWDER, LLC

EXHIBIT A

October 30, 2023

Via U.S. First Class Mail CMRRR & Email :

Jared Mittelo



jared@honestfoxmedia.com

Re: Notice of Material Breach and Demand to Cease and Desist

Mr. Jared Mittelo:

Stanton LLP represents Louder with Crowder LLC (“LWC”) to address your material breach of the August 8, 2018, Confidential Separation Agreement and Release (“Agreement”). Please direct all future correspondence and communications regarding this matter directly to me.

As you are aware, the Agreement detailed the terms of your departure from LWC and included a non-disparagement clause. The Agreement states:

[LWC] and [Mr. Mittelo] further agree not to take actions or make statements, written or oral, that would disparage or otherwise defame the goodwill or reputation of the other or his/its business, customers, clients, members, managers, predecessors, successors, parents, subsidiaries, affiliates, insurers, assigns, agents, attorneys, employees, shareholders, and representatives.

I have learned that you breached the Agreement by making disparaging comments about LWC, LWC employees, and LWC’s member Steven Crowder, to third parties. Your disparaging comments and attempts to tarnish LWC, and its members, are unconscionable and a direct violation of the Agreement.

LWC DEMANDS THAT YOU IMMEDIATELY CEASE AND DESIST FROM MAKING ANY FURTHER DISPARAGING STATEMENTS, WRITTEN OR ORAL, ABOUT LWC, INCLUDING LWC’S MEMBERS OR EMPLOYEES, OR ANY OF LWC’S OTHER ASSOCIATES IDENTIFIED IN PARAGRAPH 7 OF THE SEPARATION AGREEMENT.

LWC filed the attached Rule 202 Petition in Collin County, Texas. THIS IS NOT A LAWSUIT. Under Texas Rule of Civil Procedure 202, LWC has the right to take your in-person deposition and require you to produce documents related to LWC’s anticipated claims arising from your communications with Hilary Crowder, Brittany Turner-White, the Daily Wire, and others.

PRESERVATION DEMAND

LWC demands that you preserve—and not alter in any way—all evidence including both hard copies of any records or any electronic data that could be relevant to your breach of the Agreement and LWC's potential claims against you. This request for the preservation of evidence includes, but is not limited to: preserving original and all copies of communications such as text messages, letters and emails sent and received, voicemails and other records of telephone calls, cell phone billing records, computer files of all types regardless of the media on which these items are stored (hard drive, CD/DVD, flash drive, etc.), and whether or not the data resides on an active file, deleted file, or fragment file.

Your failure to preserve relevant data may constitute spoliation of evidence, which may subject you to sanctions including, but not limited to, an adverse inference instruction at trial. Should you fail to preserve all relevant documents, this letter will be relied on as evidence of LWC's request and notice of your preservation obligations in any future litigation.

COMPLIANCE AGREEMENT

Your immediate and full cooperation with this matter is required. Despite your repeated violation of the Agreement, it is my hope to resolve this issue amicably and without the need for further action. LWC is willing to nonsuit the Rule 202 Petition, and halt all anticipated litigation, conditioned upon your agreement to immediately cease and desist all disparaging statements.

You must send written confirmation conveying your agreement to cease and desist all disparaging statements and preserve all relevant data and documentation. Confirmation of your agreement should be sent to kdl@stantonllp.com **no later than 5:00 p.m. on Friday, November 3, 2023**. Failure to do so will force LWC to move forward with the Rule 202 Petition and all other legal proceedings necessary to preserve LWC's contractual protections.

This letter does not set forth an exhaustive statement of the relevant facts, and it is written without election, waiver, or prejudice and with full reservation of LWC's rights, at law, in equity, or otherwise. Should you refuse to comply with the requests made, LWC will not hesitate to pursue all legal remedies and seek monetary and injunctive relief.

Sincerely,

/s/ James M. Stanton

James M. Stanton

Enclosures The Agreement
 Rule 202 Petition

EXHIBIT B

CAUSE NO. 366-06491-2023

**IN RE LOUDER WITH
CROWDER, LLC,**

Petitioner,

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IN THE DISTRICT COURT

366TH JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

ORDER ON PETITIONER'S RULE 202 PETITION

On this day the court heard Petitioner Louder with Crowder, LLC's ("LWC") Rule 202 Petition ("Petition") under TEX. R. CIV. P. 202, in which LWC seeks an order to take the oral and videotaped deposition of Respondent Jared Mittelo ("Respondent"). The Petition was presented to the court in due time, manner, and form, and after due consideration, the court finds the following Order is proper.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that these findings and rulings shall be binding on the parties:

- a. The Court finds that allowing LWC to depose Respondent is appropriate under the circumstances, to investigate potential claims against Respondent that may constitute breach of contract, tortious interference with a contract, tortious interference with prospective business relations, and defamation. The likely benefit of allowing LWC to take the requested deposition to investigate potential claims outweighs the burden or expense of the procedure.
- b. The Court finds that Respondent generally appeared before the Court, thus voluntarily waiving any objection he may have had regarding personal jurisdiction.

c. The court orders that the deposition of Respondent shall take place in person, at a mutually agreed upon location and at a mutually agreed upon time and date on or before March 15, 2024.

IT IS FURTHER ORDERED that Respondent is required to produce documents regarding his communications with the following:

1. Dave Landau
2. Hillary Crowder
3. Brittany Turner White
4. Sven Tiedemann
5. Everett Wade
6. Courtney Kirchoff
7. Edward Parker
8. Aaron Luna
9. Jeremy Boring
10. Natalie Korzon
11. Deborah Korzon
12. Garrett Morrison
13. Employees and/or representatives of The Daily Wire;
14. Current and former employees of Louder with Crowder, LLC; and
15. Any other individual, not currently known, to whom Respondent has made disparaging comments about LWC and/or Steven Crowder.

IT IS FURTHER ORDERED that Respondent is required to produce documents regarding his breach of the Agreement and scheme to interfere with LWC's current and prospective business relations.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that once the deposition addressed above has been completed, this case should be dismissed without prejudice, since the cause was originally instituted for the limited purpose of taking a fact-related deposition under TEX. R. CIV. P. 202. For this reason, there are no grounds for this cause to remain open. However, nothing in this Order shall be construed to affect or to limit LWC's rights to pursue potential civil claims against the parties named in the Petition, as well as others.

2/29/2024

SIGNED on this _____ day of February 2024.

A handwritten signature in black ink that reads "Tom Nowak". The signature is written in a cursive, slightly slanted style.

HONORABLE JUDGE TOM NOWAK

EXHIBIT C

366-06491-2023

CAUSE NO. _____

IN RE LOUDER WITH
CROWDER, LLC,

Petitioner,

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IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

RULE 202 PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, Louder with Crowder, LLC (“LWC”), files this Rule 202 Petition (“Petition”) under Texas Rule of Civil Procedure 202 requesting Respondent’s deposition and for the production of documents, and shows this Court the following:

I.

Louder with Crowder, LLC is a Texas Limited Liability Company whose principal place of business is in Dallas County, Texas.

Respondent is Jared Mitello (“Respondent”), an individual residing at [REDACTED]
[REDACTED]. Respondent may be served with process at that address or at any such other place that Respondent may be found.

II.

The Court has jurisdiction over Respondent and the subject matter of the anticipated lawsuit because the Parties executed a Confidential Separation Agreement and Release (“Agreement”), fully described herein, under which the Parties agreed that venue for any litigation would be in Collin County, Texas.

III.

LWC publishes online articles about current events and provides a popular podcast, “Louder with Crowder.” Steven Crowder (“Crowder”) is the host, creator, and namesake of LWC. Crowder is a preeminent figure in the political commentary arena and his reputation is the foundation on which LWC was built. Respondent was an employee of LWC and a media personality on the LWC podcast.

Upon Respondent’s voluntary departure from LWC, the Parties entered into the Agreement. The Agreement contains a Non-Disparagement Clause. LWC believes that Respondent has been approaching various third parties and disparaging LWC and Crowder to tortiously interfere with LWC’s continuing and prospective business relationships thereby breaching the Agreement.

LWC files this verified petition to take a deposition on oral examination and seeks to depose Respondent to investigate potential claims against Respondent that may constitute breach of contract, tortious interference with a contract, tortious interference with prospective business relations, and defamation. Respondent is expected to offer testimony and produce documents regarding his communications with the following:

1. Dave Landau
2. Hillary Crowder
3. Brittany White-Turner
4. Sven Tiedemann
5. Everett Wade
6. Courtney Kirchoff
7. Edward Parker

8. Aaron Luna
9. Jeremy Boring
10. Natalie Korzon
11. Deborah Korzon
12. Garrett Morrison
13. Employees and/or representatives of The Daily Wire;
14. Current and former employees of Louder with Crowder, LLC; and
15. Any other individual, not currently known, to whom Respondent has made disparaging comments about LWC and/or Crowder.

Additionally, Respondent is expected to offer testimony and produce documents regarding his breach of the Agreement and scheme to interfere with LWC's current and prospective business relations.

Along with monetary damages, LWC also anticipates seeking temporary and permanent injunctive relief. TEX. R. CIV. P. 202(d)(1). As the defendant, Respondent will have an interest in this litigation that is averse to LWC. TEX. R. CIV. P. 202.2(e) and (f). LWC does not expect that there will be any other parties adverse to LWC. *Id.*

LWC desires to depose Respondent. The substance of Respondent's testimony will relate to his breach of contract, tortious interference with LWC's existing and prospective business relationships, and defamation. This deposition is needed for LWC to fully investigate the potential claims against Respondent before filing suit. TEX. R. CIV. P. 202.2(g).

LWC seeks an order from the Court authorizing LWC to depose Respondent, and for Respondent to produce requested documents, within 30 days from the date of the hearing and subsequent order. TEX. R. CIV. P. 202.2(h).

IV.

Louder with Crowder, LLC requests that this Court conduct a hearing on this Petition within 15 days after the date of service on Jared Mitello. Then, order Respondent to appear for deposition and provide the documents requested by LWC withing 30 days from the date of the Order. LWC further prays for other relief, whether at law or in equity to which this Court finds LWC is justly entitled.

Respectfully submitted,

/s/ Anthony L. Vitullo

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KINSEY D. LAKEY

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STANTON LLP

6125 Luther Lane #250

Dallas, TX 75225

T: 972-233-2301

Counsel for Petitioner

VERIFICATION

STATE OF TEXAS

§

COUNTY OF DALLAS

§

§

I, Gerald Morgan of full age, being first sworn, say that I am Chief Executive Officer of Louder with Crowder, LLC, the petitioner named in the attached petition. And I also state that I have read the petition and know the contents of it, and that the matters and things contained in it are true.

My name is Gerald Morgan, my date of birth is [REDACTED], and my address

[REDACTED], I declare under penalty of perjury that the forgoing is true and correct.

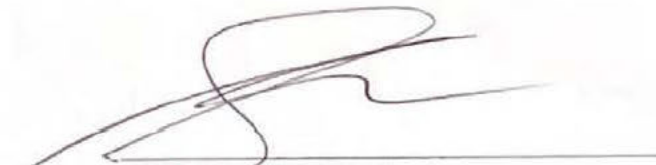

GERALD MORGAN,
CEO of Louder with Crowder, LLC

EXHIBIT D

CAUSE NO. 366-06491-2023

**IN RE LOUDER WITH
CROWDER, LLC,**

Petitioner,

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IN THE DISTRICT COURT

366TH JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

AMENDED RULE 202 PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner, Louder with Crowder, LLC (“LWC”), files this Amended Rule 202 Petition (“Petition”) under TEXAS RULE OF CIVIL PROCEDURE 202 requesting the deposition of Jared Mittelo, the Respondent, and the production of documents, and shows this Court the following:

I.

Louder with Crowder, LLC is a Texas Limited Liability Company whose principal place of business is in Dallas County, Texas.

Respondent is Jared Mittelo (“Respondent”), an individual residing at [REDACTED]
[REDACTED]. Respondent may be served with notice through his counsel of record John W. Lilley III and Dana M. Hilzendager, at Wick Phillips Gould & Martin, LLP, 3131 McKinney Avenue, Suite 500, Dallas, Texas 75204, jack.lilley@wickphillips.com and dana.hilzendager@wickphillips.com; and Emily Steppick, Wick Phillips Gould & Martin, LLP, 100 Throckmorton Street, Suite 1500, Fort Worth, Texas 76102, emily.steppick@wickphillips.com.

II.

The Court has jurisdiction over Respondent and the subject matter under the Confidential Separation Agreement and Release (“Agreement”), previously executed by the Parties and described herein, under which the Parties agreed that venue for any litigation would be in Collin County, Texas. TEX. R. CIV. P. 202(b)(1)

III.

LWC publishes online articles about current events and provides a popular podcast, “Louder with Crowder.” Steven Crowder (“Crowder”) is the host, creator, and namesake of LWC. Crowder is a preeminent figure in the political commentary arena and his reputation is the foundation on which LWC was built. Respondent was an employee of LWC and a media personality on the LWC podcast.

Upon Respondent’s voluntary departure from LWC in August 2018, the Parties entered into the Agreement. The Agreement contains a Non-Disparagement Clause. LWC believes that Respondent has been approaching and/or sending information to various third parties disparaging LWC and Crowder and tortiously interfering with LWC’s continuing and prospective business relationships thereby breaching the Agreement. Further, LWC believes Respondent has made disparaging comments about Crowder. Since Crowder is the host and face of LWC, any disparaging remarks about Crowder hurts LWC. LWC believes Respondent sent a threatening message to Crowder to evoke fear and to silence LWC on various issues. LWC believes Respondent’s statements and actions indicate that Respondent has engaged in disparaging conduct that has harmed the reputation of LWC and is in violation of the Agreement.

LWC files this verified amended petition to take a deposition on oral examination and seeks to depose Respondent to investigate potential claims against Respondent. TEX. R. CIV. P.

202(d)(2). Additionally, LWC requests that Respondent produce documents in connection with the requested deposition. TEX. R. CIV. P. 202.5¹; *see also City of Dallas v. City of Corsicana*, No. 10-14-00090-CV, 2015 WL 4985935 (Tex. App. Aug. 20, 2015); *see In re City of Tatum*, 567 S.W.3d 800 (Tex. App. 2018).

Respondent is expected to offer testimony and produce documents regarding his communications about LWC and/or Crowder with the following:

1. Hilary Crowder
2. Brittany Turner-White
3. Natalie Korzon Skiathitis
4. Deborah Korzon
5. Dave Landau
6. Sven Tiedemann
7. Everett Wade
8. Courtney Kirchoff
9. Garrett Morrison
10. Edward Parker
11. Aaron Luna
12. Jeremy Boreing
13. Employees and/or representatives of The Daily Wire;
14. Current and former employees of Louder with Crowder, LLC; and

¹ “Except as otherwise provided in this rule, depositions authorized by this rule are governed by the rules applicable to depositions of nonparties in a pending suit. The scope of discovery by this rule is the same as if the anticipated suit or potential claim had been filed.” TEX. R. CIV. P. 202.5. Depositions of nonparty witnesses are governed by TEXAS RULE OF CIVIL PROCEDURE 205 which explicitly provides for production of documents and tangible things. The language of the rules, when read together permits a petition seeking a pre-suit deposition under Rule 202 to also request production of documents and is not an abuse of discretion. *See Tatum* 567 S.W.3d at 808.

15. Any other individual, not currently known, to whom Respondent has made disparaging comments about LWC and/or Crowder.

Respondent is also expected to offer testimony and produce documents regarding his breach of the Agreement and scheme to interfere with LWC's current and prospective business relations.

Along with monetary damages, LWC also anticipates seeking temporary and permanent injunctive relief. TEX. R. CIV. P. 202(d)(1). Should litigation be filed, Respondent will have an interest that is averse to LWC. TEX. R. CIV. P. 202.2(e) and (f). LWC does not expect that there will be any other parties adverse to LWC in the anticipated litigation. *Id.* The likely benefit of allowing LWC to take the requested deposition to investigate a potential claim outweighs the burden or expense of the procedure. TEX. R. CIV. P. 202.4(a)(2).

LWC desires to depose Respondent. The substance of Respondent's testimony will relate to his breach of contract, tortious interference with LWC's existing and prospective business relationships, and defamation. This deposition is needed for LWC to investigate its potential claims against Respondent before filing a suit. TEX. R. CIV. P. 202.2(g).

LWC seeks an order from the Court authorizing LWC to depose Respondent, and for Respondent to produce requested documents, within 30 days from the date of the hearing and subsequent order. TEX. R. CIV. P. 202.2(h).

IV.

Louder with Crowder LLC requests that this Court conduct a hearing on this Petition 15 days after notice is provided to Respondent. Then, order Respondent to appear for deposition and provide the documents requested by LWC within 30 days from the date of the Order. LWC further prays for other relief, whether at law or in equity to which this Court finds LWC is justly entitled.

Respectfully submitted,

/s/ James M. Stanton

JAMES M. STANTON

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jms@stantonllp.com

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**COUNSEL FOR PETITIONER
LOUDER WITH CROWDER, LLC**

CERTIFICATE OF SERVICE

I certify that a copy of the above Amended Rule 202 Petition was served on all counsel of record via the Court's electronic filing system on December 14, 2023.

/s/ James M. Stanton

JAMES M. STANTON

VERIFICATION

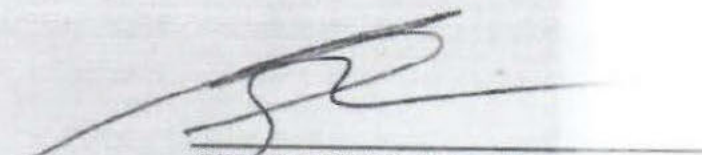
STATE OF TEXAS

COUNTY OF DALLAS

§
§
§

I, Gerald Morgan of full age, being first sworn, say that I am Chief Executive Officer of Louder with Crowder, LLC, the petitioner named in the attached Amended Rule 202 Petition. And I also state that I have read the Amended Rule 202 Petition and know the contents of it, and that the matters and things contained in it are true.

My name is Gerald Morgan, my date of birth is [REDACTED], and my address is [REDACTED], I declare under penalty of perjury that the foregoing is true and correct.


GERALD MORGAN,
CEO of Louder with Crowder, LLC

Automated Certificate of eService

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Associated Case Party: Lowder Than Crowder, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
John Williamson		jwilliamson@plattrichmond.com	5/24/2024 9:09:05 AM	SENT
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