

52740-CV

What's New

52740-CV

DAN ADRIAN NICOLAU VS. TEXAS HALL OF FAME

Status **Disposed** ⌚ 251
 Filed **02/21/2001**
 Type **Other Civil**
 Court Unit **CCL 2**
 Judicial Officer **Locke, Jim**
 Financial Balance **0.00**

Causes		Dispositions	
1.	Other Civil	Action	02/21/2001

Most Recent Events & Hearings		Case Summary
10/31/2005	DESTROY DATE (Judicial Officer: Locke, Jim) 8:00 AM	
11/08/2001	NOTICE OF DISMISSAL <i>NOTICE OF DISMISSAL (NT_DISMISSAL)</i>	
11/08/2001	ORDER OF DISMISSAL <i>10/31/01: SIGNED ORDER OF DISMISSAL ORDER OF DISMISSAL (ORD_DISMISS)</i>	
10/31/2001	Cases Must Be Retained to This Date of Destruction (Judicial Officer: Locke, Jim) 8:00 AM Result: Conversion	
10/30/2001	\$DISP <i>(\$DISP)</i>	
10/30/2001	<i>Global Disposition: CVC-DISPOSITION;1</i>	
10/29/2001	ORDER <i>10-29-01:RECEIVED ORDER OF DISSMISSAL ORDER (ORDER)</i>	
10/29/2001	MOTION TO DISMISS <i>MOTION TO DISMISS MOTION TO DISMISS (MT_DISMISS)</i>	
08/21/2001	ORDER FOR STATUS REPORT <i>6/18/01: SIGNED ORDER FOR JOINT STATUS REPORT ORDER FOR STATUS REPORT (ORD_S</i> View more events	

statistical closure
 10/30/2001
 Code: DIS: DISMISS..

case cross reference
 Ableterm Track Number
 34067

flags & actions due

- F Forms
- Save/Copy
- S Save
- X Exit

Enter selection...

52740-CV

DAN ADRIAN NICOLAU VS. TEXAS HALL OF FAME
Type Other Civil

Inactive

Events Previous Next

Date	Type and Comment	
11/08/2001	NOTICE OF DISMISSAL NOTICE OF DISMISSAL (NT_DISMISSAL)	
11/08/2001	ORDER OF DISMISSAL 10/31/01: SIGNED ORDER OF DISMISSAL ORDER OF DISMISSAL (ORD_DISMISS)	
10/30/2001	\$DISP (\$DISP)	
10/30/2001	Pre-trial Disposition Global Disposition: CVC-DISPOSITION;1	
10/29/2001	ORDER 10-29-01:RECEIVED ORDER OF DISSMISSAL ORDER (ORDER)	
10/29/2001	MOTION TO DISMISS MOTION TO DISMISS MOTION TO DISMISS (MT_DISMISS)	
08/21/2001	ORDER FOR STATUS REPORT 6/18/01: SIGNED ORDER FOR JOINT STATUS REPORT ORDER FOR STATUS R	
08/09/2001	JURY DEMAND PLAINTIFF'S DEMAND FOR JURY TRIAL JURY DEMAND (JURY_DEMAND)	
08/01/2001	OTHER RESPONSES RESPONSE TO ORDER REQUIRING JOINT STATUS REPORT OTHER RESPONSES (RESPON	
05/29/2001	REGULAR CITATION CITATION SERVED TO TEAXAS HALL OF FAME ON JUNE 6,2001 REGULAR CITATION (CIT	
05/14/2001	ORIGINAL ANSWER TEXAS HALL OF FAMES ORIGINAL ANSWER ORIGINAL ANSWER (ORIG_ANSWER)	
04/16/2001	ORDER UNDER RULE 103 4/10/01: SIGNED ORDER UNDER RULE 103 ORDER UNDER RULE 103 (ORD_RULE	
03/21/2001	ORDER ORDER & MOTION UNDER RULE 103/536 ORDER (ORDER)	
02/21/2001	REGULAR CITATION CIT ISD TO TEXAS HALL OF FAME REGULAR CITATION (CIT)	
02/21/2001	ORIGINAL PETITION ORIGINAL PETITION ORIGINAL PETITION (ORIG_PET)	
02/21/2001	New Cases Filed (OCA) Case Filing	

- F Forms
- Save/Copy
- S Save
- X Exit

FILED
At 10:00 AM
FEB 21 2001
MARCHAMLIN, DIST. CLERK
By [Signature]
Brazos County, Texas

CAUSE NO. 52,742 - 02

DAN ADRIAN NICOLAU
Plaintiff

IN THE _____ COURT

VS.

NUMBER _____

TEXAS HALL OF FAME, INC.
Defendant

BRAZOS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, DAN ADRIAN NICOLAU, Plaintiff in the above styled and numbered cause, complaining of TEXAS HALL OF FAME, INC. , Defendant, and for cause of action would show the Court as follows:

I.

Discovery is to be conducted under Level One.

II.

Plaintiff is a resident of Nueces County, Texas.

Defendant, TEXAS HALL OF FAME, INC. is a Texas Corporation. Service of process may be completed on Defendant by serving the agent for service, James A. Brady, 510 S. Congress Avenue, #104, Austin, Texas 78704.

III.

Venue is proper in Brazos County, Texas pursuant to the Texas Civil Practice and Remedies Code, Section 15.001 since all or part of the cause of action accrued in Brazos County, Texas.

[Signature]

IV.

On September 15, 2000, Plaintiff was an invitee at the establish of Defendants known as Hall of Fame when employees of the bar over-reacted to an incident at the bar and used excessive force that caused injuries to Plaintiff.

V.

Plaintiff herein claims as damages, his physical pain and mental anguish in the past. Plaintiff also claims medical expenses incurred.

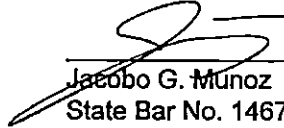
VI.

As a further result of the above, Plaintiff has incurred medical expenses. These expenses were incurred for necessary treatment of the injuries resulting from the incident complained of. These charges are reasonable and were the usual and customary charges made for such services in Brazos County, Texas.

WHEREFORE, Plaintiff prays of the Court that Defendant be cited to appear and answer and upon final trial Plaintiff have:

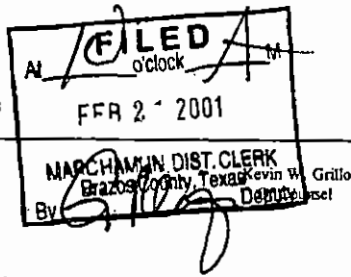
1. Judgment against Defendant, for a sum in excess of the minimum jurisdictional limits of the Court, with interest at the legal rate from nine per cent (9%), until judgment.
2. Interest after judgment at the legal rate per annum until paid.
3. Pre-judgment interest.
4. For costs of suit; and
5. Such other and further relief to which Plaintiff may be entitled.

Respectfully Submitted,



Jacobo G. Munoz
State Bar No. 14670200
719 S. Shoreline, Suite 600
Corpus Christi, TX 78401
(361) 882-1612
(361) 884-5152 (Facsimile)

Hilliard & Muñoz
ATTORNEYS AT LAW
A Partnership of Professional Corporations



Robert C. Hilliard, P.C.*
Jacob G. Muñoz, P.C.
Delmar Shelley Hilliard
John T. Flood
Dax S. Cowart
John M. Quinlan

* BOARD CERTIFIED
PERSONAL INJURY TRIAL LAW
CIVIL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

February 16, 2001

**MARC HAMLIN, DISTRICT CLERK
BRAZOS COUNTY COURTHOUSE
300 EAST 26th STREET
BRYAN, TX 77803-5359**

RE: DAN ADRIAN NICOLAU V. TEXAS HALL OF FAME, INC.

Dear Mr. Hamlin:

With respect to the above captioned, I am enclosing one original and one copy of PLAINTIFF'S ORIGINAL PETITION which I ask you file with the District Clerk's office. Please use one copy to prepare a citation for service on defendant, Texas Hall of Fame, Inc. Service of process can be completed on defendant by serving the agent for service, James A. Brady, 510 S. Congress Avenue, #104, Austin, Texas 78704. Service will be completed through a private investigator.

Once the citation is ready, please return same to my office for my further use. I am enclosing a self-addressed envelope for your convenience. In addition, please find checks in the amount of \$168.00 and \$25.00 which I believe to be the correct court fees due on this matter.

Thank you for your attention in this matter.

Respectfully submitted,

Jacobo G. Muñoz

JGM/mr
Enclosure

CLERK OF THE COURT

Marc Hamlin
300 East 26th Street, Suite 216
Bryan, TX 77803

ATTORNEY FOR PLAINTIFF OR PLAINTIFF

JACOBO G. MUNOZ
719 S. SHORELINE, SUITE 600
CORPUS CHRISTI TX 78401

CITATION

THE STATE OF TEXAS

NOTICE TO THE DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO TEXAS HALL OF FAME, INC., SERVICE OF PROCESS BY BE COMPLETED ON DEFENDANT BY SERVING THE

AGENT FOR SERVICE, JAMES A. BRADY, 510 S. CONGRESS AVENUE, #104, AUSTIN, TX 78704
Defendant, Greeting:

You are hereby commanded to appear by filing a written answer to the Plaintiff's ORIGINAL PETITION FOR DIVORCE

Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable CGL1 Court of Brazos County,

Texas at the Courthouse of said County in Bryan, Texas. Said Petition was filed on the 21 day of FEBRUARY

A.D. 19XX2001 in this case, numbered 52,740-CCL1 on the docket of said court, and styled,

DAN ADRIAN NICOLAU Plaintiff.

VS. TEXAS HALL OF FAME, INC. Defendant.

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's SAME AS ABOVE Petition accompanying this citation and made a part thereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at office, this the 21 day of FEBRUARY, 19XX 2001

Marc Hamlin
Clerk of Brazos County, Texas

By Deputy.

OFFICER'S RETURN

Came to hand on the day of 19 at o'clock M.

Executed at within the County of at o'clock M.

on the day of 19, by delivering to the within named

each, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving this citation

Sheriff Account
No.

To certify which witness my hand officially.

For Clerk's Use
Taxes
Returns recorded

Sheriff of County, Texas

By Deputy.

FILE COPY

Professional Civil Process
317 Peoples Street Suite 614
P.O. Box 181293 (78480-1293)
Tel. (800) 831-8219

March 19, 2001

Mary Ann Ward
County Clerk
300 E. 26th St.
Bryan, TX 77803

Cause# 52740CCL1
County BRAZOS
Court 1

RE: 103 order
Service on: Texas Hall Of Fame, Inc.

DAN ADRIAN NICOLAU
VS
TEXAS HALL OF FAME, INC

Dear Mary Ann Ward;

Enclosed please find:

- Original Petition and copies.
 Motion and Order under Rule 103 or 106.
 Firm Check in the amount of

Please do the following:

- Enclosed are returns of service and/or Declaration of Not Found Affidavits.
Please file back with the appropriate court.
 Please file 103 or 106 and send conformed copy in a self addressed
stamped envelope.
 Issue Citation(s) on Defendant(s) and forward to the Sheriff/
Constable for service, fees are enclosed for the service
 Open case/ issue/reissue citation(s) on defendant(s) and forward
the citation(s) back to our office. Envelope is enclosed.
 Return (1) file stamped copy of Petition back to our office.
Envelope is enclosed.
 Please forward back the Citation and Petition to our office and we
will forward the papers to the Sheriff to serve. Envelope is enclosed.

Thank you for your attention in this matter. Any Questions Please call
me at (800) 831-8219

Sincerely,

Berta Allen

CAUSE NO. 52740CCL1

DAN ADRIAN NICOLAU

IN THE COUNTY COURT & C

RECEIVED	
At <u>12</u> o'clock	M
MAR 21 2001	
MARCHAMLIN, DIST. CLERK Brazos County, Texas	
By <u>[Signature]</u>	Deputy

VS

BRAZOS COUNTY, TEXAS

TEXAS HALL OF FAME, INC

MOTION & ORDER UNDER RULE 103/536

TO THE HONORABLE JUDGE OF SAID COURT;

COMES NOW, Plaintiff in the above entitled and numbered cause, and moves the Honorable Judge of said Court to authorize the citation and other notices excuted on:

Texas Hall Of Fame, Inc., service will be made by Jackie Mcconnell.

Said individuals shall be a disinterested party, over the age of eighteen (18) years of age and not to have been convicted of a felony or a misdemeanor involving moral turpitude.

ORDER

IT IS ORDERED, ADJUDGED AND DECREED, that the agent listed above shall be authorized to serve citations and other notices in the above entitled cause. Said individuals shall be designated to have full power and authority to execute such process as set out in the Texas Rules of Civil Procedure and shall verify the return of process as required by Rule 107 of the Texas Rules of Civil Procedure.

Signed this 10th day of April, 2001.

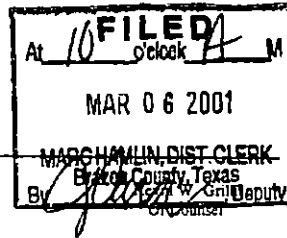
[Signature]
JUDGE PRESIDING

Requested on behalf of:

Munoz, Jacobo G.
719 S. Shoreline Suite 600
Corpus Christi, TX 78401
Tel (361) 882-1612
Fax (361) 884-5152
Bar # 14670200

FILED	
At <u>9:40</u> o'clock	M
APR 12 2001	
MARCHAMLIN, DIST. CLERK Brazos County, Texas	
By <u>[Signature]</u>	Deputy

Hilliard & Muñoz
ATTORNEYS AT LAW
A Partnership of Professional Corporations



Robert C. Hilliard, P.C.*
Jacob G. Muñoz, P.C.
Delmar Shelley Hilliard
John T. Flood
Dax S. Cowart
John M. Quinlan

March 1, 2001

* BOARD CERTIFIED
PERSONAL INJURY TRIAL LAW
CIVIL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

MARC HAMLIN, DISTRICT CLERK
BRAZOS COUNTY COURTHOUSE
300 EAST 26th STREET
BRYAN, TX 77803-5359

RE: Cause No. 52,740-CCLV
DAN ADRIAN NICOLAU V. TEXAS HALL OF FAME, INC.

Dear Mr. Hamlin:

With respect to the above captioned, enclosed is an original and a copy of the Citation you prepared, as well as the original and a copy of Plaintiff's Original Petition. I am returning these documents to you because the citation mentions an Original Petition for Divorce and this is not a Petition for Divorce. It is a Plaintiff's Original Petition. Please prepare a new citation and mail it back to me in the enclosed envelope.

Thank you for your attention in this matter.

Respectfully submitted,

Jacobo G. Muñoz

JGM/mr
Enclosure



CLERK OF THE COURT

Marc Hamlin
300 East 26th Street, Suite 216
Bryan, TX 77803

ATTORNEY FOR PLAINTIFF OR PLAINTIFF

JACOBO G. MUÑOZ
719 S. SHORELINE, SUITE 600
CORPUS CHRISTI TX 78401

CITATION

THE STATE OF TEXAS
NOTICE TO THE DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO TEXAS HALL OF FAME, INC., SERVICE OF PROCESS BY BE COMPLETED ON DEFENDANT BY SERVING THE

AGENT FOR SERVICE, JAMES A. BRADY, 510 S. CONGRESS AVENUE, #104, AUSTIN, TX 78704, Defendant, Greeting:

You are hereby commanded to appear by filing a written answer to the Plaintiff's ORIGINAL PETITION FOR DIVORCE

Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable CCL1 Court of Brazos County,

Texas at the Courthouse of said County in Bryan, Texas. Said Petition was filed on the 21

A.D. 2001 in this case, numbered 52,740-CCL1 on the docket of said court, and styled,

DAN ADRIAN NICOLAI

VS. TEXAS HALL OF FAME, INC.

FILED
MAY 06 2001
MAR 06 2001
MARC HAMLIN, DIST CLERK
Brazos County, Texas
By [Signature] Deputy

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's SAME AS ABOVE

Petition accompanying this citation and made a part thereof. The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at office, this the 21 day of FEBRUARY, 2001

Marc Hamlin
Clerk of Brazos County, Texas

By [Signature] Deputy.

OFFICER'S RETURN

Came to hand on the _____ day of _____, 19____, at _____ o'clock _____M.

Executed at _____, within the County of _____ at _____ o'clock _____M.

on the _____ day of _____, 19____, by delivering to the within named _____

_____ each, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving this citation _____

Sheriff Account
No. _____

To certify which witness my hand officially.

For Clerk's Use
Taxed _____
Returns recorded _____

Sheriff of _____ County, Texas

By _____ Deputy.

COURT COPY

CLERK OF THE COURT

Marc Hamlin
300 East 26th Street, Suite 216
Bryan, TX 77803.

ATTORNEY FOR PLAINTIFF OR PLAINTIFF

JACOBO G. MUNOZ
719 S. SHORELINE, SUITE 600
CORPUS CHRISTI TX 78401

CITATION

THE STATE OF TEXAS
NOTICE TO THE DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO TEXAS HALL OF FAME, INC., SERVICE OF PROCESS BY BE COMPLETED ON DEFENDANT BY SERVING THE AGENT FOR SERVICE, JAMES A. BRADY, 510 S. CONGRESS AVENUE, #104, AUSTIN, TX 78704 Defendant, Greeting:

You are hereby commanded to appear by filing a written answer to the Plaintiff's ORIGINAL PETITION FOR DIVORCE

Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable CCL1 Court of Brazos County, Texas at the Courthouse of said County in Bryan, Texas. Said Petition was filed on the 21 day of FEBRUARY A.D. 19X2001 in this case, numbered 52,740-CCL1 on the docket of said court, and styled,

DAN ADRIAN NICOLAU Plaintiff.

VS. TEXAS HALL OF FAME, INC. Defendant.

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's SAME AS ABOVE Petition accompanying this citation and made a part thereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at office, this the 21 day of FEBRUARY, 2001

Marc Hamlin
Clerk of Brazos County, Texas

By Deputy.

OFFICER'S RETURN

Came to hand on the day of 19, at o'clock M.

Executed at, within the County of at o'clock M.

on the day of 19, by delivering to the within named

each, in person, a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving this citation

Sheriff Account
No.

To certify which witness my hand officially.

For Clerk's Use
Taxed
Return recorded

Sheriff of County, Texas

By Deputy.

DEFENDANT COPY

FILED
At 10:06 AM
FEB 21 2001
MARCHAMLIN DIST. CLERK
Brazos County, Texas
By [Signature]

CAUSE NO. 52,740 - 02

DAN ADRIAN NICOLAU
Plaintiff

IN THE _____ COURT

VS.

NUMBER _____

TEXAS HALL OF FAME, INC.
Defendant

BRAZOS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, DAN ADRIAN NICOLAU, Plaintiff in the above styled and numbered cause, complaining of TEXAS HALL OF FAME, INC. , Defendant, and for cause of action would show the Court as follows:

I.

Discovery is to be conducted under Level One.

II.

Plaintiff is a resident of Nueces County, Texas.

Defendant, TEXAS HALL OF FAME, INC. is a Texas Corporation. Service of process may be completed on Defendant by serving the agent for service, James A. Brady, 510 S. Congress Avenue, #104, Austin, Texas 78704.

III.

Venue is proper in Brazos County, Texas pursuant to the Texas Civil Practice and Remedies Code, Section 15.001 since all or part of the cause of action accrued in Brazos County, Texas.

IV.

On September 15, 2000, Plaintiff was an invitee at the establish of Defendants known as Hall of Fame when employees of the bar over-reacted to an incident at the bar and used excessive force that caused injuries to Plaintiff.

V.

Plaintiff herein claims as damages, his physical pain and mental anguish in the past. Plaintiff also claims medical expenses incurred.

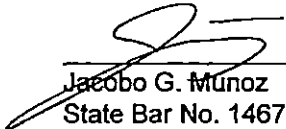
VI.

As a further result of the above, Plaintiff has incurred medical expenses. These expenses were incurred for necessary treatment of the injuries resulting from the incident complained of. These charges are reasonable and were the usual and customary charges made for such services in Brazos County, Texas.

WHEREFORE, Plaintiff prays of the Court that Defendant be cited to appear and answer and upon final trial Plaintiff have:

1. Judgment against Defendant, for a sum in excess of the minimum jurisdictional limits of the Court, with interest at the legal rate from nine per cent (9%), until judgment.
2. Interest after judgment at the legal rate per annum until paid.
3. Pre-judgment interest.
4. For costs of suit; and
5. Such other and further relief to which Plaintiff may be entitled.

Respectfully Submitted,



Jacobo G. Muñoz
State Bar No. 14670200
719 S. Shoreline, Suite 600
Corpus Christi, TX 78401
(361) 882-1612
(361) 884-5152 (Facsimile)

FILED
At 10 o'clock a M
MAY 14 2001
MARCHAMUN, DIST. CLERK
Brazos County, Texas
By *[Signature]* Deputy

CAUSE NO 52,740 - CCL 2

DAN ADRIAN NICOLAU 0 IN COUNTY COURT
Plaintiff 0
 0 AT LAW NO. 2
VS. 0
 0
TEXAS HALL OF FAME, INC. 0 BRAZOS COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the TEXAS HALL of FAME, INC., Defendant herein and file this its original answer and would say;
I

Defendant denies the matters plead by Plaintiff and pursuant to Rule 92 of the TRCP demands strict proof thereof.

WHEREFORE Defendant prays that Plaintiff go without day and for such other relief as Defendant may show its self entitled.

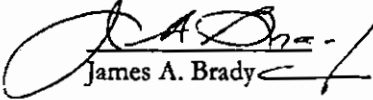
Respectfully Submitted,

[Signature]
James Austin Brady
State Bar No.02845000
510 S. Congress Ave.
Suite 104
Austin, Texas 78704
512-472-9006
512-478-6210 FAX.

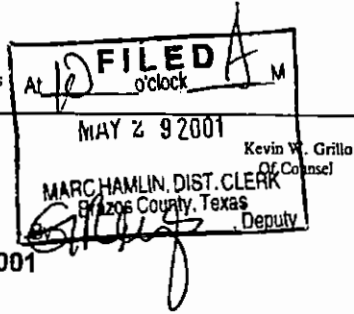
[Stamp]
ap

CERTIFICATE of SERVICE

A true copy of this answer has been mailed to the Attorney of record on this the 11th day of May 2001.


James A. Brady

Hilliard & Muñoz
ATTORNEYS AT LAW
A Partnership of Professional Corporations



May 18, 2001

Robert C. Hilliard, P.C.*
Jacob G. Muñoz, P.C.
Delmar Shelley Hilliard
John T. Flood
Dax S. Cowart
John M. Quinlan

* BOARD CERTIFIED
PERSONAL INJURY TRIAL LAW
CIVIL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

**MARC HAMLIN, DISTRICT CLERK
BRAZOS COUNTY COURTHOUSE
300 EAST 26th STREET
BRYAN, TX 77803-5359**

**RE: Cause No. 52,740-CCL 1
DAN ADRIAN NICOLAU V. TEXAS HALL OF FAME, INC.**

Dear Mr. Hamlin:

With respect to the above captioned, enclosed is an original and one copy of original Citation which I ask you file with the District Clerk's office. Please file stamp the copy and mail it back to me in the enclosed envelope.

Thank you for your attention in this matter.

Respectfully submitted,

Jacobo G. Muñoz

JGM/mr
Enclosure

OFFICERS RETURN OF SERVICE

COUNTY: BRAZOS

CASE # 52740CCL1

COURT 1

Clt. Ref.#

Clt.# 1001

DAN ADRIAN NICOLAU

VS

TEXAS HALL OF FAME, INC

The documents came to our hand for service on 03/14/01 Time: 09:47:58

Documents received for service:

CITATION; PLAINTIFFS ORIGINAL PETITION

The documents were delivered on 04/20/01 Time: 11:05:00

Executed at: 510 S. Congress Avenue #104
Austin, TX 78704

to the following: Texas Hall Of Fame, Inc.
By Delivering To James A. Brady

- PERSONALLY delivering the document to the person above.
- SUBSTITUTE SERVICE per Order by delivering to _____ in person who is sixteen (16) years of age or older, at the above listed address which is the usual place of abode/business of the above named person.
- POSTING per Order by securely affixing to the main entry way at the above address.

Jackie McConnell

AFFIDAVIT

I, am over the age of eighteen, not a party to nor interested in the outcome of the above suit, I have never been convicted of a felony or misdemeanor involving moral turpitude in any state of federal jurisdiction and I have studied and am familiar with the Texas RULES OF CIVIL PROCEDURE, VERNON'S TEXAS CIVIL STATUTES, CIVIL PRACTICE AND REMEDIES CODE and all other applicable rules and statutes relating to service of citation and/or notices.

Service Fee: _____

Witness Fee Tendered: _____

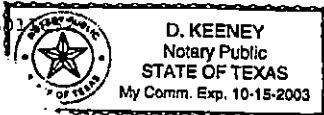
STATE OF TEXAS}

Jackie McConnell
Professional Civil Process Austin
P.O. Box 342467
Austin, Texas 78734-0042
(512) 477-3500

VERIFICATION

Before me, a notary public, on this day personally appeared the above named authorized person known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn declared that the statements therein contained are true and correct. Given my hand and seal of office this 21 day of April 2001.

PCP Inv.# A0301



NOTARY PUBLIC SIGNATURE

CLERK OF THE COURT

Marc Hamlin
300 East 26th Street, Suite 216
Bryan, TX 77803

C2
8-21

ATTORNEY FOR PLAINTIFF OR PLAINTIFF

JACOBO G. MUNOZ
719 S. SHORELINE, SUITE 600
CORPUS CHRISTI TX 78401

CITATION

THE STATE OF TEXAS
NOTICE TO THE DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO TEXAS HALL OF FAME, INC. SERVICE OF PROCESS MAY BE COMPLETED ON DEFENDANT BY SERVING
TX 78704

THE AGENT FOR SERVICE, JAMES A. BRADY, 510 S. CONGRESS AVE., #104 AUSTIN, TX Defendant, Greeting:

You are hereby commanded to appear by filing a written answer to the Plaintiff's ORIGINAL PETITION

_____ Petition at or before ten o'clock A.M. of the Monday next after
the expiration of twenty days after the date of service of this citation before the Honorable CCLJ Court of Brazos County,

Texas at the Courthouse of said County in Bryan, Texas. Said Petition was filed on the 21ST day of FEBRUARY

A.D. 2001, in this case, numbered 52,740-CCLJ on the docket of said court, and styled,

DAN ADRIAN NICOLU Plaintiff.

VS. TEXAS HALL OF FAME, INC. Defendant,

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's SAME AS ABOVE
Petition accompanying this citation and made a part thereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at office, this the 6TH day of FEBRUARY, 2001

FILED
MAY 29 2001
MARC HAMLIN, DIST. CLERK
BRAZOS COUNTY, TEXAS

Marc Hamlin
Clerk of Brazos County, Texas

By Gulielm Carmon Deputy.

Came to hand on the _____ day of _____, 19____, at _____ o'clock _____ M.

Executed at _____, within the County of _____ at _____ o'clock _____ M.

on the _____ day of _____, 19____, by delivering to the within named _____

_____ each, in person,
a true copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such
copy of citation and endorsed on such copy of citation the date of delivery.

Total fee for serving this citation _____

Sheriff Account
No. _____

To certify which witness my hand officially.

For Clerk's Use
Taxes _____
Returns recorded _____

SEE ATTACHED
ORIGINAL RETURN
OF SERVICE

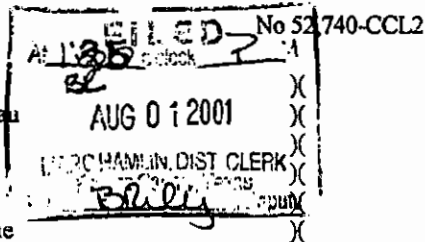
Sheriff of _____ County, Texas

By _____ Deputy.

COURT COPY

EMBER
[Signature]

Dan Adrian Nicolau
Vs.
Texas Hall of Fame



IN THE COUNTY COURT AT
LAW NUMBER TWO OF
BRAZOS COUNTY, TEXAS

RESPONSE TO ORDER REQUIRING JOINT STATUS REPORT

Defendant has called twice and left a message to have the attorney representing Dan Adrian Nicolau to return my call to discuss the court order of June 18, 2001. Defendant's attorney has been unable to contact the Plaintiff's attorney and accordingly;

1. Defendant contemplates filing a Motion for Sanctions for Plaintiff's failure to answer Interrogatory and Request for Production which motion shall include in the alternative a Motion to Dismiss. In addition Defendant contemplates filing a Rule 13 Motion based on the facts as presented in Defendant's response to the Plaintiff's Production and Interrogatories.
2. In addition to the time necessary to resolve the contemplated motions, Defendant needs to take the deposition of the Plaintiff. Plaintiff has not been noticed for his deposition because the Defendant was waiting for the responses the Interrogatories and Request for Production.
3. If a trial becomes necessary, although it is Defendants intention it should never come to trial, a trial date of October 15 or 22 would be acceptable to Defendant. The estimate length of time for the trial is 3 to 4 days.
4. Because there is no insurance, and because of the facts of the case, no settlement is being proposed by the Defendant, although Plaintiff is requesting "some" number. Defendants position is that mediation could be appropriate.
5. In addition to the motions mentioned in paragraph 1 Defendant is contemplating filing a motion for summary judgment which, if it does that, a setting would be requested and at that time a conference with the court would be appropriate. In addition Defendant does not object to, and considers the possibility of it being productive, a conference with the court once all the facts are established.

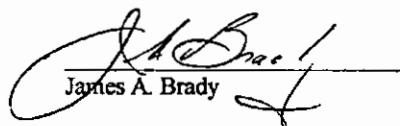
Respectfully Submitted,

James A. Brady
Attorney at Law
SBN 02845000
510 South Congress, Suite 104
Austin, Texas 78704
(512) 472-9006
(512) 478-6210 (fax)



CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing unilateral status report has been mailed this the 31st day of July, 2001, to Mr. Jacobo G. Munoz, Hilliard & Munoz, 719 S. Shoreline, Suite 600, Corpus Christi, Texas, 78401, in accordance with the Texas Rules of Civil Procedure.


James A. Brady

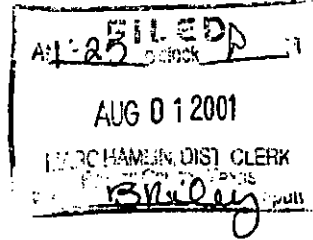
JAMES A. BRADY
ATTORNEY

OFFICES OF
JAMES A. BRADY
SUITE 104
510 SOUTH CONGRESS
AUSTIN, TEXAS 78704

TELEPHONE (512) 472-9006
FAX (512) 478-6210

July 31, 2001

Marc Hamlin
District Clerk
Brazos County Courts
216 Courthouse
300 E. 26th Street
Bryan, Texas 77803




RE: Nicolau v. Texas Hall of Fame, Inc. Cause # 52-740-CCL2
Certified Mail # 7000 1670 0004 0307 1491

Dear Mr. Hamlin:

Enclosed is my response to Judge Locke's ORDER REQUIRING
JOINT STATUS REPORT. I believe my response is self explanatory.

I will be filing Motions soon.

Very Truly,


James A. Brady

cc. Jacobe Munoz Certified Mail #7000 1670 004 0307 1484
Court Coordinator CCL-2
Texas Hall of Fame

JAMES A. BRADY
ATTORNEY

OFFICES OF
JAMES A. BRADY
SUITE 104
510 SOUTH CONGRESS
AUSTIN, TEXAS 78704

TELEPHONE (512) 472-9006
FAX (512) 478-6210

July 31, 2001

Marc Hamlin
District Clerk
Brazos County Courts
216 Courthouse
300 E. 26th Street
Bryan, Texas 77803

RECEIVED
AUG 1 2001
COUNTY CLERK #2

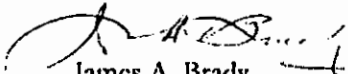
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Texas Hall of Fame

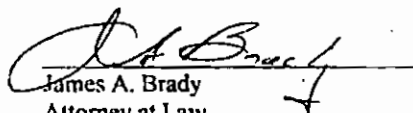
Dan Adrian Nicolau)	IN THE COUNTY COURT AT
)	
Vs.)	LAW NUMBER TWO OF
)	
Texas Hall of Fame)	BRAZOS COUNTY, TEXAS

RESPONSE TO ORDER REQUIRING JOINT STATUS REPORT

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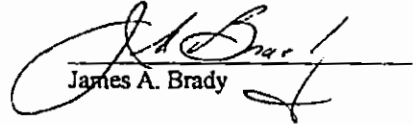
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Respectfully Submitted,


James A. Brady
Attorney at Law
SBN 02845000
510 South Congress, Suite 104
Austin, Texas 78704
(512) 472-9006
(512) 478-6210 (fax)

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing unilateral status report has been mailed this the 31st day of July, 2001, to Mr. Jacobo G. Munoz, Hilliard & Munoz, 719 S. Shoreline, Suite 600, Corpus Christi, Texas, 78401, in accordance with the Texas Rules of Civil Procedure.


James A. Brady

A 2:40 P
AUG 09 2001
MAYOR JAMES G. CLERK
CLERK OF DISTRICT CLERK

NO. 52,740-CCLA

DAN ADRIAN NICOLAU

§
§
§
§
§

IN THE COUNTY OF BRAZOS

VS.

AT LAW NUMBER ONE

TEXAS HALL OF FAME, INC.

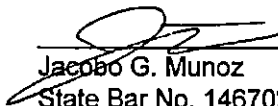
BRAZOS COUNTY, TEXAS

PLAINTIFF'S DEMAND FOR JURY

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Plaintiff DAN ADRIAN NICOLAU does make this his application and demand for jury trial of the above styled and numbered cause.

Respectfully submitted,



Jacobo G. Munoz
State Bar No. 14670200
719 S. Shoreline, Suite 600
Corpus Christi, TX 78401
(361) 882-1612
(361) 882-5152 (Facsimile)

ATTORNEY FOR PLAINTIFF

ENTERED
BY


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been mailed to Mr. James A. Brady on this the 7th day of August, 2001, in accordance with the Texas Rules of Civil Procedure.


Jacobo G. Munoz

Hilliard & Muñoz
ATTORNEYS AT LAW
A Partnership of Professional Corporations

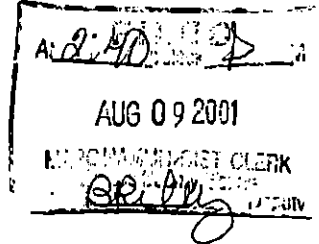
Robert C. Hilliard, P.C.*
Jacobo G. Muñoz, P.C.
Delmar Shelley Hilliard
John T. Flood
Dax S. Cowart
John M. Quinlan

Kevin W. Grillo
Of Counsel

August 7, 2001

* BOARD CERTIFIED
PERSONAL INJURY TRIAL LAW
CIVIL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

Mr. Marc Hamlin
Brazos County Courthouse
300 East 26th Street, Suite 216
Bryan, TX 77803



Re: Cause No. 52-740, CCL1
Dan Adrian Nicolau v. Texas Hall of Fame, Inc.

Dear Mr. Hamlin:

With respect to the above captioned, enclosed is an original and a copy of Plaintiff's Demand for Jury for filing among the Court's records. Please file stamp the copy and return it to me in the enclosed envelope. By copy of this letter, I am informing the attorney for Defendant, Mr. James A. Brady. Enclosed is a check in the amount of \$22.00, which I believe is the correct jury fee.

Thank you for your attention in this matter.

Respectfully submitted,

Jacobo G. Munoz

/mr

xc: Mr. James A. Brady
Attorney at Law
510 South Congress, Suite 104
Austin, TX 78704

"INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE"

Telephone (361) 882-1612 • Fax (361) 884-5152 • 719 S. Shoreline, Suite 600 • Corpus Christi, Texas 78401

NO. 52,740-CCL2

At 3 FILED o'clock P M
AUG 21 2001
IN THE COUNTY COURT CLERK
MARICAMPUS DISTRICT
Brazos County Texas
By [Signature] Deputy

Dan Adrian Nicolau

§ IN THE COUNTY COURT CLERK

Vs.

§ LAW NUMBER TWO OF

Texas Hall of Fame

§ BRAZOS COUNTY, TEXAS

ORDER REQUIRING JOINT STATUS REPORT

The parties are ordered to conduct a status conference and to file a Joint Status Report by

August 1, 2001 setting forth the following information:

1. All pending or contemplated motions, including any challenges to jurisdiction or venue.
2. An estimate of the time needed to complete discovery, with a brief description of the discovery completed and the discovery contemplated.
3. If the case is expected to require a trial, a requested trial date, estimated length of trial.
4. The prospects of settlement and whether mediation would be appropriate.
5. Any other matters which might be relevant to the disposition of this case or which may require a conference with the court.

Signed this 18 day of June, 2001.

[Signature]
JUDGE PRESIDING

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN SANCTIONS

CIVIL DOCKET

BEAR GRAPHICS, INC.

371

CASE NO. 52,740-CCD

Rpd: 10/31/01

No. of Case	NAME OF PARTIES	ATTORNEYS	Kind of Action and Party Demanding Jury	DATE OF FILING			
				Month	Day	Year	
<p>52,740- ccy</p> <p>Fee Book</p> <p>Vol. Page</p>	<p>Dan Adrian Nicolau</p> <p style="text-align: center;">vs.</p> <p>Texas Hall of Fame, Inc</p>	<p>Jacobo G. Munoz, PC</p> <p style="text-align: center;">Pltf.</p> <p style="text-align: center;">Deft.</p>	<p>Other</p>	<p>2</p>	<p>21</p>	<p>01</p>	
				<p>Jury Fee, \$</p> <p>Paid by</p> <p>Jury No.</p>			
Date of Orders			ORDERS OF COURT		MINUTE BOOK		PROCESS
Month	Day	Year	Vol.	Page			
4	10	01	<p>Signed order to allow civil process to be served by private process server</p>				
6	22	01	<p>Signed Order for Joint Status Report</p>				
10	31	01	<p>Signed agreed order to dismiss</p>				

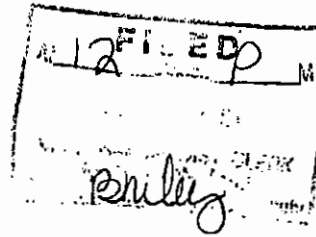
JAMES A. BRADY
ATTORNEY

OFFICES OF
JAMES A. BRADY
SUITE 104
510 SOUTH CONGRESS
AUSTIN, TEXAS 78704

TELEPHONE (512) 472-9006
FAX (512) 478-6210

October 25, 2001

Marc Hamlin
District Clerk
Brazos County Courts
219 Courthouse
300 E. 26th Street
Bryan, TX 77803



Re: Nicolau v Texas Hall of Fame, Inc. Cause # 52-740-CCL2

Dear Mr. Hamlin,

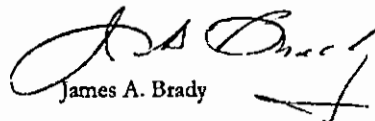
Enclosed herewith please find a Joint Motion to Dismiss the above, styled and numbered cause and an Order of Dismissal which has been agreed to by the attorneys of record.

Please be advised this matter has been settled and can be dismissed from the docket.

I am enclosing a self addressed, stamped envelope, please return a copy of the Order of Dismissal to me after it has been signed by the Judge.

By copy of this letter, I am informing Mr. Munoz that I am forwarding the Motion to Dismiss to the court and am enclosing the settlement check in the amount of \$738.00.

Very truly yours,


James A. Brady

JAB:rs

Cc: Jacobe Munoz

Cause No. 52, 740-CCL

DAN ADRIAN NICOLAU
Plaintiff

)
)
)
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)
)

IN THE COUNTY COURT

VS.

AT LAW NUMBER ONE

TEXAS HALL OF FAME, INC.
Defendant

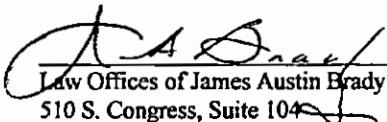
BRAZOS COUNTY, TEXAS


MOTION TO DISMISS

COMES NOW Plaintiff and Defendant and files this their joint Motion to Dismiss and would show the court as follows:

The above styled and numbered cause has been resolved and accordingly the parties pray that the court dismiss with prejudice the pending action.

Respectfully submitted,


Law Offices of James Austin Brady
510 S. Congress, Suite 104
Austin, Texas 78704
SBN 02845000


Hilliard & Munoz
Attorneys at Law
719 S. Shoreline, Suite 600
Corpus Christi, Texas 78401
Jacob G. Munoz
SBN 14670200

RECEIVED
NOV 01 2001

COUNTY COURT AT LAW #2

12/1/01
Billey

14 132

RECEIVED
NOV 01 2001

Cause No. 52, 740-CCL

RECEIVED
At 12 o'clock P M
OCT 29 2001
MARCO HAMILIN, DIST. CLERK
Brazos County, Texas
By [Signature] Deputy

COURT REPORTER COLAU
Plaintiff

IN THE DISTRICT COURT
Brazos County, Texas

VS.

AT LAW NUMBER ONE

TEXAS HALL OF FAME, INC.
Defendant

)
)
)
)
)
)
)

BRAZOS COUNTY, TEXAS

ORDER OF DISMISSAL

CAME ON TO BE HEARD the motion of Plaintiff and Defendant that the above styled and numbered cause has been resolved accordingly it is:

Ordered, adjudged and agreed that the above cause is dismissed with prejudice.

Signed this 31st day of October, 2001.

Approved as to form and substance.

[Signature]
Judge Presiding

[Signature]
Law Offices of James Austin Brady
510 S. Congress, Suite 704
Austin, Texas 78704
SBN 02845000

FILED
At 4 o'clock P M
NOV 08 2001
MARCO HAMILIN, DIST. CLERK
Brazos County, Texas
By [Signature]

[Signature]
Hilliard & Munoz
Attorneys at Law
719 S. Shoreline, suite 600
Corpus Christi, Texas 78401
Jacob G. Munoz
SBN 14670200

November 8, 2001

JAMES A. BRADY
510 SOUTH CONGRESS, SUITE 104
AUSTIN TX 78704

JACOBO MUNOZ
719 S. SHORELINE, SUITE 600
CORPUS CHRISTI TX 78401

RE: Case No. 52740-CV County Court At Law #2 - Brazos County

Style: DAN ADRIAN NICOLAU
v. TEXAS HALL OF FAME

Dear Counsel:

In accordance with the provision of Rule 306a Texas Rules of
Civil Procedure, you are hereby notified of the entry of an
Order of Dismissal. Said order was signed 31st day of
October, 2001.

VERY TRULY YOURS

Marc Hamlin/ap
MARC HAMLIN
DISTRICT CLERK
P. O. BOX 2208
BRYAN, TX. 77803