

The State of Texas



Citations Unit
P.O. Box 12079
Austin, Texas 78711-2079

Phone: 512-463-5560
Fax: 512-463-6616
TTY (800) 735-2989
www.sos.state.tx.us

Secretary of State

January 8, 2004

Robert Wright
219 S Dearborn RM 905
Chicago, IL 60604

2004-088403-2

Include reference number in
all correspondence

RE: Gamal Abdel Hafiz VS ABC Inc et al
67th Judicial District Court Of Tarrant County, Texas
Cause No: 06720339603

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of process received by the Secretary of State of the State of Texas on December 31, 2003.

CERTIFIED MAIL #71603901984809465165

Refer correspondence to:

Jeffrey N. Kaitcer
Loe, Warren, Rosenfield, Kaitcer & Hibbs, P.C.
4420 W. Vickery Blvd.
P.O. Box 100609
Fort Worth, TX 76185-0609

Sincerely,

A handwritten signature in cursive script that reads "Helen Lupercio".

Helen Lupercio
Supervisor, Citations Unit
Statutory Documents Section

hl/vb
Enclosure

7-1

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

COPY

CITATION

Cause No. 067-203396-03

GAMAL ABDEL-HAFIZ

VS. ABC, INC., ET AL

To and through the Secretary Of State, Statutory Documents Section, P.O. Box 12079, Austin, Texas 78711

TO: ROBERT WRIGHT

219 S DEARBORN RM 905 CHICAGO, IL 60604-

SERVICE OF PROCESS MAY BE HAD UPON DEFENDANT BY DELIVERING TO THE SECRETARY OF STATE, OF THE STATE OF TEXAS, DUPLICATE COPIES OF THIS CITATION TOGETHER WITH DUPLICATE COPIES OF THE PLAINTIFF'S PETITION ATTACHED HERETO.

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 67th District Court, 401 W BELKNAP, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

GAMAL ABDEL-HAFIZ

Filed in said Court on December 17th, 2003 Against
ABC INC., ABC NEWS INC., ABC NEWS HOLDING COMPANY INC.

For suit, said suit being numbered 067-203396-03 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

067-203396-03
DEC 17 2003
FILED
CLERK OF DISTRICT COURT
TARRANT COUNTY TEXAS

JEFFREY N KAITCER

Attorney for GAMAL ABDEL-HAFIZ Phone No. (817)377-0060

Address 4420 W VICKERY BLVD PO BOX 100609 FORT WORTH, TX 76185-0

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the December 19th, 2003

By DPSnelson Deputy

DIMITY SNELSON

NOTICE: 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 AM. 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.

Thomas A. Wilder, Tarrant County District Clerk

401 W. Belknap

Fort Worth, Texas 76196-0402

OFFICER'S RETURN

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M; and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by delivering to the within named (Def.): _____

defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

BRUCE ELFANT
CONSTABLE, PREC 5, TARRANT COUNTY TEXAS

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

(Must be verified if served outside the State of Texas)

State of _____ County of _____

Signed and sworn to by the said _____
to certify which witness my hand and seal of office

(Seal)

County of _____ BY _____ State of _____ DEPUTY

DELIVERED THIS

before me this

DEC 31 2003
DAY OF

BRUCE ELFANT

CONSTABLE, PREC 5, TARRANT COUNTY TEXAS

00088403-2

CAUSE NO. 067 203396 03

GAMAL ABDEL-HAFIZ

IN THE DISTRICT COURT

VS.

ABC, INC., ABC NEWS, INC., ABC
NEWS HOLDING COMPANY, INC.,
DISNEY ENTERPRISES, INC.,
WFAA-TV, L.P., WFAA OF TEXAS,
INC., BELO CORP., CHARLES
GIBSON, BRIAN ROSS, ROBERT
WRIGHT, AND JOHN VINCENT

TARRANT COUNTY, TEXAS

_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, GAMAL ABDEL-HAFIZ, Plaintiff, and files this his Original Petition, complaining of ABC, INC., ABC NEWS, INC., ABC NEWS HOLDING COMPANY, INC., DISNEY ENTERPRISES, INC., WFAA-TV, L.P., WFAA OF TEXAS, INC., and BELO CORP. (hereinafter referred to collectively as the "Media Defendants"); and CHARLES GIBSON, BRIAN ROSS, ROBERT WRIGHT, and JOHN VINCENT (hereinafter referred to collectively as the "Non-Media Defendants"), and for cause of action would respectfully show unto the Court the following:

I.

Plaintiff intends to conduct discovery under Level 2 of the Discovery Control Plan pursuant to Rule 190 of the Texas Rules of Civil Procedure.

II.

Plaintiff GAMAL ABDEL-HAFIZ was a resident of Tarrant County, Texas at the time of the events made the subject of this suit.

Defendant ABC, INC. is a foreign corporation duly formed and existing under the laws of the State of New York. This Defendant is duly authorized to transact business in the State of Texas, and may be served with citation in this cause of action by serving its Registered Agent, CT CORPORATION SYSTEMS, at 350 N. St.Paul St., Dallas, Texas 75201. Furthermore, this Defendant has had constitutionally sufficient minimum contacts with the State of Texas with respect to the causes of action stated in this lawsuit, pursuant to § 17.042(1), (2), and (3) of the Texas Civil Practice and Remedies Code; and this Court may properly assert jurisdiction over Defendant, ABC, INC. The causes of action in this lawsuit arose out of torts committed in whole or in part in this State by Defendant ABC, INC. Defendant ABC, INC. is a wholly-owned subsidiary of Defendant DISNEY ENTERPRISES, INC.

Defendant ABC NEWS, INC. is a foreign corporation duly formed and existing under the laws of the State of Delaware. This Defendant is duly authorized to transact business in the State of Texas, and may be served with citation in this cause of action by serving its Registered Agent, CT CORPORATION SYSTEMS, at 350 N. St.Paul St., Dallas, Texas 75201. Furthermore, this Defendant has had constitutionally sufficient minimum contacts with the State of Texas with respect to the causes of action stated in this lawsuit, pursuant to § 17.042(1), (2), and (3) of the Texas Civil Practice and Remedies Code; and this Court may properly assert jurisdiction over Defendant, ABC NEWS, INC. The causes of action in this lawsuit arose out of torts committed in whole or in part in this State by Defendant ABC NEWS, INC. Defendant ABC NEWS, INC. is a wholly-owned subsidiary of Defendant ABC NEWS HOLDING COMPANY, INC.

Defendant ABC NEWS HOLDING COMPANY, INC. is a foreign corporation duly formed and existing under the laws of the Delaware. Defendant ABC NEWS HOLDING COMPANY, INC. has had constitutionally sufficient minimum contacts with the State of Texas with respect to the causes of action stated in this lawsuit, pursuant to § 17.042(1), (2), and (3) of the Texas Civil Practice and Remedies Code; and this Court may properly assert jurisdiction over Defendant, ABC NEWS HOLDING COMPANY, INC. The causes of action in this lawsuit arose out of torts committed in whole or in part in this State by Defendant ABC NEWS HOLDING COMPANY, INC. Therefore, in accordance with § 17.044(a)(1) or (b) of the Texas Civil Practice and Remedies Code, the Texas Secretary of State is an agent for service of process for Defendant ABC NEWS HOLDING COMPANY, INC.; and service may be made upon this Defendant under § 17.045 of the Texas Civil Practice and Remedies Code by serving duplicate copies of the process upon the Secretary of State of Texas at the following address, to-wit: 1019 Brazos, Austin, Travis County, Texas 78701. The Secretary of State shall immediately mail a copy of the process to Defendant ABC NEWS HOLDING COMPANY, INC. at its home office at the following address, to-wit: Corporate Trust Center, 1209 Orange St., Wilmington, Delaware 19801. Defendant ABC HOLDING COMPANY, INC. is the parent corporation of Defendant ABC NEWS, INC.

Defendant DISNEY ENTERPRISES, INC. is a foreign corporation duly formed and existing under the laws of the State of Delaware. Defendant DISNEY ENTERPRISES, INC. has had constitutionally sufficient minimum contacts with the State of Texas with respect to the causes of action stated in this lawsuit, pursuant to § 17.042(1), (2), and (3) of the Texas Civil Practice and Remedies Code; and this Court may properly assert

jurisdiction over Defendant, DISNEY ENTERPRISES, INC. The causes of action in this lawsuit arose out of torts committed in whole or in part in this State by Defendant DISNEY ENTERPRISES, INC. Therefore, in accordance with § 17.044(a)(1) or (b) of the Texas Civil Practice and Remedies Code, the Texas Secretary of State is an agent for service for Defendant DISNEY ENTERPRISES, INC.; and service may be made upon this Defendant under § 17.045 of the Texas Civil Practice and Remedies Code by serving duplicate copies of the process upon the Secretary of State of Texas at the following address, to-wit: 1019 Brazos, Austin, Travis County, Texas 78701. The Secretary of State shall immediately mail a copy of the process to Defendant DISNEY ENTERPRISES, INC. at its home office at the following address, to-wit: Corporate Trust Center, 1209 Orange St., Wilmington, Delaware 19801. Defendant DISNEY ENTERPRISES, INC. is the parent corporation of Defendant ABC , INC.

Defendant WFAA-TV, L.P. is a foreign limited partnership duly formed and existing under the laws of the State of Delaware. This Defendant is duly authorized to transact business in the State of Texas, and may be served with citation in this cause of action by serving its Registered Agent, GUY H. KERR, at 400 S. Record St., Dallas, Texas 75202. Defendant WFAA-TV, L.P. has had constitutionally sufficient minimum contacts with the State of Texas with respect to the causes of action stated in this lawsuit, pursuant to § 17.042(1), (2), and (3) of the Texas Civil Practice and Remedies Code; and this Court may properly assert jurisdiction over Defendant, WFAA-TV, L.P. The causes of action in this lawsuit arose out of torts committed in whole or in part in this State by Defendant WFAA-TV, LP. Defendant WFAA-TV, L.P. is a foreign limited partnership whose General Partner is Defendant WFAA OF TEXAS, INC.

Defendant WFAA OF TEXAS, INC. is a foreign corporation duly formed and existing under the laws of the State of Delaware. This Defendant is duly authorized to transact business in the State of Texas, and may be served with citation in this cause of action by serving its Registered Agent, GUY H. KERR, at 400 S. Record St., Dallas, Texas 75202. Defendant WFAA OF TEXAS, INC. has had constitutionally sufficient minimum contacts with the State of Texas with respect to the causes of action stated in this lawsuit, pursuant to § 17.042(1), (2), and (3) of the Texas Civil Practice and Remedies Code; and this Court may properly assert jurisdiction over Defendant, WFAA OF TEXAS, INC. The causes of action in this lawsuit arose out of torts committed in whole or in part in this State by Defendant WFAA OF TEXAS, INC. Defendant WFAA OF TEXAS, INC. is the General Partner in Defendant WFAA-TV, L.P. Furthermore, Defendant WFAA OF TEXAS, INC. is a wholly-owned subsidiary of Defendant BELO CORP.

Defendant BELO CORP. is a foreign corporation duly formed and existing under the laws of the State of Delaware. This Defendant is duly authorized to transact business in the State of Texas, and may be served with citation in this cause of action by serving its Registered Agent, MICHAEL J. MCCARTHY, at Communications Center, Houston & Young Street, Dallas, Texas 75265. Defendant BELO CORP. has had constitutionally sufficient minimum contacts with the State of Texas with respect to the causes of action stated in this lawsuit, pursuant to § 17.042(1), (2), and (3) of the Texas Civil Practice and Remedies Code; and this Court may properly assert jurisdiction over Defendant BELO CORP. The causes of action in this lawsuit arose out of torts committed in whole or in part in this State by Defendant BELO CORP. Defendant BELO CORP. is the parent corporation of Defendant WFAA OF TEXAS, INC.

Defendant CHARLES GIBSON is a non-resident of the State of Texas and is a citizen of the United State of America who does business in several places, including the following address, to-wit: 77 W. Sixty-Seventh St., New York, New York 10023. This Defendant has had constitutionally sufficient minimum contacts with the State of Texas with respect to the causes of action stated in this lawsuit, pursuant to § 17.042(1), (2), and (3) of the Texas Civil Practice and Remedies Code; and this Court may properly assert jurisdiction over Defendant CHARLES GIBSON. The causes of action in this lawsuit arose out of torts committed in whole or in part in this State by Defendant CHARLES GIBSON. Therefore, in accordance with § 17.044(a)(1) or (b) of the Texas Civil Practice and Remedies Code, the Texas Secretary of State is an agent for service of process for Defendant CHARLES GIBSON; and service may be made upon this Defendant under § 17.045 of the Texas Civil Practice and Remedies Code by serving duplicate copies of the process upon the Secretary of State of Texas at the following address, to-wit: 1019 Brazos, Austin, Travis County, Texas 78701. The Secretary of State shall immediately mail a copy of the process to Defendant CHARLES GIBSON at the following address, to-wit: 77 W. Sixty-Seventh St., New York, New York, 10023, by registered or certified mail, return receipt requested.

Defendant BRIAN ROSS is a non-resident of the State of Texas and is a citizen of the United State of America who does business in several places, including the following address, to-wit: 77 W. Sixty-Sixth St., New York, New York 10023. This Defendant has had constitutionally sufficient minimum contacts with the State of Texas with respect to the causes of action stated in this lawsuit, pursuant to § 17.042(1), (2), and (3) of the Texas Civil Practice and Remedies Code; and this Court may properly assert jurisdiction over

Defendant BRIAN ROSS. The causes of action in this lawsuit arose out of torts committed in whole or in part in this State by Defendant BRIAN ROSS. Therefore, in accordance with § 17.044(a)(1) or (b) of the Texas Civil Practice and Remedies Code, the Texas Secretary of State is an agent for service of process for Defendant BRIAN ROSS; and service may be made upon this Defendant under § 17.045 of the Texas Civil Practice and Remedies Code by serving duplicate copies of the process upon the Secretary of State of Texas at the following address, to-wit: 1019 Brazos, Austin, Travis County, Texas 78701. The Secretary of State shall immediately mail a copy of the process to Defendant CHARLES GIBSON at the following address, to-wit: 77 W. Sixty-Sixth St., New York, New York 10023, by registered or certified mail, return receipt requested.

Defendant ROBERT WRIGHT is a non-resident of the State of Texas and is a citizen of the United State of America who does business in several places, including the following address, to-wit: 219 S. Dearborn, Room 905, Chicago, Illinois 60604. This Defendant has had constitutionally sufficient minimum contacts with the State of Texas with respect to the causes of action stated in this lawsuit, pursuant to § 17.042(1), (2), and (3) of the Texas Civil Practice and Remedies Code; and this Court may properly assert jurisdiction over Defendant ROBERT WRIGHT. The causes of action in this lawsuit arose out of torts committed in whole or in part in this State by Defendant ROBERT WRIGHT. Therefore, in accordance with § 17.044(a)(1) or (b) of the Texas Civil Practice and Remedies Code, the Texas Secretary of State is an agent for service of process for Defendant ROBERT WRIGHT; and service may be made upon this Defendant under § 17.045 of the Texas Civil Practice and Remedies Code by serving duplicate copies of the process upon the Secretary of State of Texas at the following address, to-wit: 1019

Brazos, Austin, Travis County, Texas 78701. The Secretary of State shall immediately mail a copy of the process to Defendant ROBERT WRIGHT at the following address, to-wit: 219 S. Dearborn, Room 905, Chicago, Illinois 60604, by registered or certified mail, return receipt requested.

Defendant JOHN VINCENT is a non-resident of the State of Texas and is a citizen of the United State of America who does business in several places, including the following address, to-wit: is 501 School St. S.W., Ste. 725, Washington, DC 20024. This Defendant has had constitutionally sufficient minimum contacts with the State of Texas with respect to the causes of action stated in this lawsuit, pursuant to § 17.042(1), (2), and (3) of the Texas Civil Practice and Remedies Code; and this Court may properly assert jurisdiction over Defendant JOHN VINCENT. The causes of action in this lawsuit arose out of torts committed in whole or in part in this State by Defendant JOHN VINCENT. Therefore, in accordance with § 17.044(a)(1) or (b) of the Texas Civil Practice and Remedies Code, the Texas Secretary of State is an agent for service of process for Defendant JOHN VINCENT; and service may be made upon this Defendant under § 17.045 of the Texas Civil Practice and Remedies Code by serving duplicate copies of the process upon the Secretary of State of Texas at the following address, to-wit: 1019 Brazos, Austin, Travis County, Texas 78701. The Secretary of State shall immediately mail a copy of the process to Defendant JOHN VINCENT at the following address, to-wit: 501 School St. S.W., Ste. 725, Washinton, DC 20024, by registered or certified mail, return receipt requested.

All of the above Defendants are hereinafter collectively referred to as the "Defendants."

III.

On or about December 19, 2002, defamatory, libelous, and slanderous statements were made concerning the Plaintiff in a national television broadcast and related articles published simultaneously on the Internet Website of the Media Defendants, which injured the reputation of Plaintiff and exposed him to public hatred, contempt, and ridicule. In summary, these articles and broadcast accused the Plaintiff (who was a Special Agent for the Federal Bureau of Investigation) of refusing to obey orders to surreptitiously record fellow Muslims with respect to ongoing terrorism investigations. Furthermore, these articles and broadcast accused Plaintiff of claiming his religion was more important than his duty as an agent of the Federal Bureau of Investigation and as a loyal citizen of the United States of America. In particular, the articles and broadcast, amongst other things, stated that:

1. "Or how about this? A Muslim FBI Agent accused of refusing orders to secretly record another Muslim suspected of terrorist connection."
2. "Muslim agent refused wiretap of fellow Muslims."
3. "FBI Agent named Gamal Abdel-Hafiz seriously damaged the investigation."

IV.

Readers and viewers of the articles and broadcast understood that the statements referred to the Plaintiff. In particular, any and all of the Plaintiff's co-workers understood that the broadcast and articles referenced him, due to the fact that he was the only Muslim special agent working for the Federal Bureau of Investigation at that time.

V.

The statements made and published by the Defendants were made with actual notice and were substantially false. While Plaintiff did express some procedural misgivings regarding wearing a concealed recording device, he never actually refused any order to wear a wire. Moreover, Plaintiff never cited any religious reasons for not wanting to wear a wire, but instead was concerned about his future credibility with respect to obtaining information from Muslim suspects or informants in other investigations. At no time did Plaintiff ever refuse any order to wear a concealed recording device. In fact, he was expressly ordered not to wear one by his superiors in the Dallas Office of the Federal Bureau of Investigation. Although this information was known to the Defendants at the time of their broadcast and Internet article, they disregarded it, at the expense of the veracity of the information they conveyed.

VI.

These defamatory, libelous, and slanderous statements constitute defamation per se, in that they suggest Plaintiff's professional incompetence.

VII.

The defamatory statements were published when they were placed on the Internet on ABC News' Primetime Thursday Website on December 19, 2002, and when they were broadcast over television station WFAA on December 19, 2002 in North Texas. This article and broadcast were read or heard by a large number of people in the geographic area where Plaintiff resides. Defendants were the authors of the articles and broadcast and acted wrongfully in the publication of the defamatory statements, in that they failed to

check the accuracy of the articles and broadcast with the reporters or with Plaintiff's employer, the Federal Bureau of Investigation. Furthermore, the Media Defendants were the owners and operators of the Internet Website and broadcast television station and acted wrongfully in the publication of the defamatory statements, in that they permitted the statements to be published even though they failed to establish and enforce industry standard rules requiring reporters to confirm facts of at least independent, reliable sources, confirm facts with all persons affected by the story, and confirm facts with available public records. Furthermore, Defendants knew or shown have known that the defamatory statements were likely to be inaccurate, because it is highly unlikely that federal agency would continue to employ a special agent in the Federal Bureau of Investigation who would refuse to follow orders.

All of the above-described acts and omissions amount to negligence, recklessness, and/or intentional misconduct.

VIII.

Furthermore, Defendants published the defamatory statements with actual knowledge, in that they either knew that they were false, or they acted with reckless disregard as to the truth or the falsity of the statements.

IX.

Prior to the publication of the articles and broadcast, the Plaintiff had a good reputation within the law enforcement community, which has been adversely affected by Defendants' defamatory, libelous, and slanderous statements.

X.

Pleading further herein, Plaintiff states that the statements contained in the articles broadcast of the Defendants constitute libel and slander by innuendo and implication. Specifically, Plaintiff states that, when viewed as a whole, the articles and broadcast construed by the average reasonable person of the general public would seem to link the Plaintiff to terrorism and religious fanatics, and suggests that he placed his religion over his duty as an agent of the Federal Bureau of Investigation.

XI.

The publication of the articles and broadcast have resulted in actual injury to the Plaintiff, in that he has suffered shame, embarrassment, humiliation, and mental pain and anguish. Additionally, Plaintiff is and will in the future be seriously injured in his good name and reputation in the community, exposed to the hatred, contempt, and ridicule of the general public, as well as friends and relatives. In particular, as a result of the defamatory statements published by the Defendants, Plaintiff is seen by many in the community at large as a sympathizer to terrorism and other religious fanatics, which has damaged and injured him, for which damages he hereby sues.

XII.

The Defendants' statements were not privileged in any way, because the Plaintiff is not now, and was not at the time, a public official or public figure. Plaintiff was not elected to any position, was not a candidate for public office, was not a household name, and thrusts himself into the public eye only for the limited purposes of clearing his name with respect to the defamatory statements made by Defendants. The defamatory

statements published by the Defendants had no relation to this limited public appearance by the Plaintiff.

XIII.

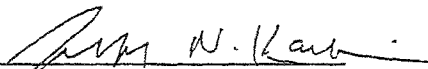
Furthermore, Plaintiff is entitled to exemplary damages from each Defendant individually, because each Defendant individually acted with malice required to support an award of exemplary damages. Each Defendant individually acted with conscious indifference to the rights, safety, or welfare of the Plaintiff, with actual, subjective awareness that their conduct involved an extreme degree of risk of harm to the Plaintiff.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays:

1. That Defendants be cited to appear and answer herein;
2. That, upon final trial, Plaintiff have judgment against Defendants, jointly and severally, for his damages as set forth above, in an amount within the jurisdictional limits of this Court;
3. For exemplary damages as plead for hereinabove;
4. For all costs of court;
5. That, upon final trial, Plaintiff recover pre-judgment and post-judgment interest from the date of judgment until same is paid; and
6. For such other and further relief, special and general, to which Plaintiff may be entitled, either at law or in equity.

Respectfully submitted,

LOE, WARREN, ROSENFELD,
KAITCER & HIBBS, P.C.
Attorney for Plaintiff
4420 West Vickery Blvd.
P.O. Box 100609
Fort Worth, Texas 76185-0609
817/377-0060 FAX: 817/377-1120

By: 
JEFFREY N. KAITCER
State Bar No. 11079750