

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CANDACE LOUISE CURTIS, ET AL.,

Plaintiffs,

V.

CANDACE KUNZ-FREED, ET AL.,

Defendants.

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Civil Action No. 4:16-cv-01969

**DEFENDANT NEAL SPIELMAN’S MOTION TO DISMISS**

Defendant Neal Spielman (“Spielman”) files this Motion to Dismiss seeking the dismissal of all claims asserted by Plaintiffs against him. In support thereof, Defendant would respectfully show the Court the following:

**I.**

**SUMMARY OF THE ARGUMENT**

This case stems from “conspiracy” claims and other allegations against lawyers, judges, and court personnel involved in a bitterly contested **probate matter** in Harris County Probate Court No. 4. The Plaintiffs “claims,” which are nearly incomprehensible are nothing more than incredible conspiracy theories suggesting that the Harris County Probate Court is the home of a nefarious, shadowy syndicate with designs on stealing “familial wealth.” The Plaintiffs Original Complaint has alleged Spielman and other Defendants for (1) violations of the Racketeer Influence Corrupt Organization Act (“RICO”), 18 U.S.C. § 1962(c) and conspiracy to violate the same; (2) conspiracy to commit Honest Services Fraud, 18 U.S.C. § 1346; (3) conspiracy to commit Mail Fraud, 18 U.S.C. § 1341; (4) conspiracy to commit Wire Fraud, 18 U.S.C. § 1343; (5) Hobbes Act Extortion 15 U.S.C. §1951(b)(2); (6) conspiracy to obstruct justice, 18 U.S.C.

§371; and state law theft, Texas Penal Codes 31.02 & 31.03. Despite the litany of allegations, Plaintiffs have failed to plead any facts suggesting any wrongdoing by Spielman. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (holding that a claim should be dismissed as implausible if it does not “plead factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged”). For this reason, Plaintiffs’ Original Complaint against Spielman should be dismissed with prejudice.

## II. BACKGROUND

Plaintiffs’ suit arises from a case pending in Harris County Probate Court Number 4, Cause No. 412.249-401, *Carl Henry Brunsting et al. v. Anita Kay Brunsting, et al.*, (“the **Probate Matter**”). The **Probate Matter** involves a dispute between the Brunsting siblings over the administration over their late parents’ estate. Rather than litigate their claims in the proper forum—Probate Court No. 4—Plaintiffs have filed this suit, naming every person remotely involved with the **Probate Matter**—including the judge, court personnel, Defendant Spielman, and “99 Jane and John Does”—in an apparent attempt to avoid participating in the court-ordered mediation in the **Probate Matter**.<sup>1</sup>

Spielman is attorney of record for Amy Brunsting in the **Probate Matter**. *See* Plaintiffs’ Verified Complaint for Damages. Plaintiffs appear to have asserted only one claim specifically against Spielman: that Spielman “obstructed justice” by assenting to the postponement of a summary judgment hearing, somehow depriving Curtis access to the courts and other due process rights. *See* Plaintiffs’ Verified Complaint for Damages ¶131. Besides this one specific act, the remainder of Plaintiffs’ allegations against Spielman consists of unintelligible and boilerplate criminal “conspiracy” claims and allegations against all Defendants. Without

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<sup>1</sup> In the Plaintiffs’ Verified Complaint for Damages, Plaintiff Curtis has characterized the pending mediation of the **probate matter** as “predetermined by the personal interests of enterprise acolytes and not by law.” *See* ¶¶ 113-115.