

United States District Court
Southern District of Texas
FILED

SEP 21 2016

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

David J. Bradley, Clerk of Court

CANDACE LOUISE CURTIS &
RIK WAYNE MUNSON

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VS.

CIVIL ACTION NO. 4:16-cv-01969
(Alfred H. Bennett)

CANDACE KUNZ-FREED,
ALBERT VACEK, JR, ET AL

Defendant Amy Brunsting's Rule 12(b)(6)
Motion to Dismiss for Plaintiff's Failure to State a Claim

Plaintiffs sued me, defendant, Amy Brunsting, along with two state judges, a court reporter, and eleven attorneys for alleged RICO violations. The complaint should be dismissed because the plaintiffs fail to state a claim upon which relief can be granted.

Plaintiffs allege that I am involved in a racketeering enterprise in a probate case pending in Harris County Probate Court No. 4, under C. A. No. 412,249-401, *Estate of Nelva Brunsting, Deceased*. Nelva Brunsting was my mother. Plaintiffs allege that I conspired with two state judges, a court reporter, numerous attorneys (including attorney Jason Ostrom who was hired by the plaintiff Candace Brunsting) in a "secret society" to engage in illegal wiretapping, theft, extortion, forgery, wire fraud, and fraudulent transfer of securities as part of a racketeering group they refer to as "Harris County Tomb Raiders" and "the Probate Mafia". Plaintiffs claim that they were harmed by this alleged conspiracy. I know of no conspiracy, nor have I ever conspired with anyone regarding any of these matters. Plaintiffs have provided no facts to support their complaints.

Plaintiffs claim that I intercepted, recorded, possessed, concealed, manipulated, and disseminated illegal wiretap recordings of conversations made on my mother's telephone line. I

have been told that these are recorded phone messages that were found on my mother's answering machine. It is my understanding that these recordings were made while my mother was alive. I have never heard any of these recordings and my mother never discussed them with me. I have never possessed any of these recordings. Plaintiffs fail to provide facts to show that I possessed or in any way handled these recordings.

Plaintiffs claim that my answers to Plaintiff Curtis' interrogatories posed in her lawsuit against me in the Harris County Probate Court contained extortion threats. I have no idea what she is referring to. I made no threats against Plaintiff Curtis or anyone else in my replies to her questions.

Plaintiffs refer to a "heinous extortion instrument", but I believe they are referring to the qualified beneficiary trust (QBT) agreement that was executed by my mother, not by me. This document was executed before I became a trustee. I did not become a trustee until after the death of my mother, and I had no involvement with or authority over my mother's financial or trust matters while she was living. I had no involvement in the preparation of the QBT. After reading the QBT, I could not find any language in the document that could be used to extort the plaintiffs. There are no facts to show that I took or extorted anything from the plaintiffs.

Plaintiffs allege that attorney Bernard Matthews and I filed a false affidavit in a suit that Candace Curtis filed against me and others (Candace Louise Curtis v. Anita Brunsting et al., No. 4:12-cv-00592). The suit was a *lis pendens* filed by Plaintiff Curtis to prevent the sale of our mother's home. Mother passed away on November 11, 2011. After her death, her home was appraised and put up for sale. In 2012 a buyer offered us more than the appraised value, so we accepted the offer. The transaction was handled by a reputable title company. I did not file any

false affidavits during this proceeding or any other proceeding. Plaintiffs provide no information of the document in question, and they provide no facts regarding this claim.

Finally, I have never met nor spoken to one of the plaintiffs, Rik Munson. I have never corresponded with him prior to the filing of this suit. I have no business or personal contracts with or obligations to Rik Munson. Said plaintiff has not provided an explanation of how I caused him any harm.

Plaintiffs' claims are vague, conclusory, and based entirely on inference and speculation.

Prayer

I pray that the Court grant my motion to dismiss for plaintiffs' failure to state a claim and for such other and further relief, general and specific, legal and equitable, to which I may be entitled to receive.

Respectfully submitted,

//s// Amy Brunsting

Amy Brunsting
2582 Country Ledge Drive
New Braunfels, Texas 78132
Pro Se Defendant

Certificate of Service

I certify that a true and correct copy of the foregoing instrument was served on the following persons via first class mail:

- | | |
|--|-------------------|
| 1. Candace L. Curtis
218 Landana Street
American Canyon, CA 94503
925-759-9020 | Plaintiff, Pro Se |
| 2. Rik Wayne Munson
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925-349-8348 | Plaintiff, Pro Se |
| 3. Candace Kunz-Freed
c/o Cory S. Reed
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One Riverway, Suite 1400
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| 4. Albert Vacek, Jr.
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| 5. Bernard Lyle Matthews III
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| 6. Anita Kay Brunsting
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| 7. Neal E. Spielman
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| 8. Bradley Featherston
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12. Gregory Lester Defendant
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14. Bobbie Bayless Defendant
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16. Clarinda Comstock Defendant
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17. Toni Biamonte
Office of the Court Reporter
Harris County Civil Courthouse
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Houston, TX 77002

Defendant

on this 19th day of September 2016.

//s// Amy Brunsting

Amy Brunsting