

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CANDICE LOUISE CURTIS, *ET AL.* §  
§  
VS. §  
§ Civil Action No. 4:16-cv-01969  
CANDACE KUNZ-FREED, *ET AL.* §  
§  
§

**DEFENDANTS JUDGE CHRISTINE RIDDLE BUTTS, JUDGE CLARINDA COMSTOCK & TONY BAIAMONTE’S ADOPTION AND JOINDER IN JILL WILLARD YOUNG’S MOTION TO STRIKE PLAINTIFFS’ “ADDENDUM OF MEMORANDUM IN SUPPORT OF RICO COMPLAINT”**

TO THE HONORABLE JUDGE ALFRED H. BENNETT:

Defendants Honorable Judges Christine Riddle Butts and Clarinda Comstock and substitute Court Reporter Tony Baiamonte (collectively, “Harris County Defendants”) hereby file this Adoption and Joinder in Jill Willard Young’s Motion to Strike Plaintiffs’ “Addendum of Memorandum in Support of RICO Complaint” and would respectfully show the Court as follows:

**1. Adoption of arguments raised in the Motion to Strike [Doc. 38].**

In the interest of justice and judicial economy, and pursuant to FED. R. CIV. P. 10(c), the Harris County Defendants hereby adopt and incorporate by reference as if fully set forth herein, the arguments and authority contained in Jill Young’s Motion to Strike [Doc. 38]. This Court should strike Plaintiffs’ Addendum [Doc. 26], because it is not a valid supplemental or amended Complaint under FED. R. CIV. P. 15. Plaintiffs appear to concede they are not amending their Complaint, while at the same time attempting to incorporate facts from other pleadings in support of their Complaint [Doc. 26, ¶ 7]. Plaintiffs attempt, by this Addendum, to incorporate facts stated

in a Motion for Sanctions and a Motion for Relief under FED. R. CIV. P. 60 filed in a *closed* federal court file. *Id.*<sup>1</sup> This is not a proper pleading recognized by the Federal Rules of Civil Procedure. Accordingly, this Addendum should be stricken.

**2. The Addendum does not challenge the merits of the Harris County Defendants' Motion to Dismiss.**

Assuming *arguendo* the Court allows the Addendum in support of Plaintiffs' Complaint, it does not state any facts that would support a claim against the Harris County Defendants. Indeed, the facts contained in the Motion for Relief attached to the Addendum merely recite the facts previously complained of in the Complaint. Plaintiffs complain about being ordered to mediation with "another crony" [Doc. 26, ¶¶ 43, 99] and delay created by removing summary judgment motions from the docket [*Id.*, ¶¶ 39-42]. Plaintiffs' pleadings (Addendum included) fail to confer subject matter jurisdiction and fail to state a claim against the Harris County Defendants.

**CONCLUSION & PRAYER**

The Addendum filed is an improper pleading and should be stricken. Even assuming the Addendum is considered a supplement to Plaintiffs' Complaint, it does not change the fact that Plaintiffs have failed to establish the Court has subject matter jurisdiction or that they have properly stated a claim against the Harris County Defendants.

For the reasons set forth above, the Harris County Defendants request the Court grant the Motion to Strike the Plaintiffs' Addendum [Doc. 26], and award the Harris County Defendants such other and further relief, at law or in equity, to which they may show themselves to be justly

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<sup>1</sup> *Candace Louise Curtis v. Anita Kay Brunsting*, *closed* Case No. 4:12-cv-00592 (J. Hoyt), [Doc. 112].

entitled.

**Dated: October 13, 2016.**

Respectfully Submitted,

/s/ Laura Beckman Hedge

**Laura Beckman Hedge**

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BAIAMONTE**

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**CERTIFICATE OF CONFERENCE**

The undersigned certifies that on October 12, 2016, I emailed the Plaintiffs to inquire as to whether they would withdraw their Addendum. On October 13, 2016, Rik Munson responded and did not agree to withdraw it; therefore the relief sought in this Motion is necessary.

/s/ Laura Beckman Hedge

Laura Beckman Hedge

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing instrument has been served on all counsel of record in accordance with the Federal Rules of Civil Procedure on this the 13<sup>th</sup> day of October, 2016, via ECF.

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