

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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

DEFENDANTS MENDEL’S & FEATHERSTON’S 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 Stephen A. Mendel and Bradley E. Featherston (collectively the “Mendel & Featherston Defendants”) hereby file this Adoption and Joinder in Jill Willard Young’s Motion to Strike Plaintiffs’ Addendum of Memorandum in Support of RICO Complaint (“Addendum”) and would respectfully show the Court as follows:

I.

THE COURT SHOULD STRIKE PLAINTIFFS’ ADDENDUM

1. In the interests of justice and judicial economy, and pursuant to Federal Rule of Civil Procedure 10(c), the Mendel & Featherston Defendants hereby adopt and incorporate by reference, as if recited herein the arguments and authority contained in Jill Willard Young’s Motion to Strike [Doc. 38]. The Court should strike Plaintiffs’ Addendum, because it is not a valid pleading under the Federal Rules of Civil Procedure.

2. More importantly, the Court should dismiss Plaintiffs’ claims against the Mendel & Featherston Defendants. The Addendum does not affect the merits of the Mendel & Featherston Defendants’ Motions to Dismiss as none of the allegations against the Mendel &

Featherston Defendants form the basis for a valid complaint or support a RICO claim against the Mendel & Featherston Defendants.

3. Plaintiffs' claims should be dismissed because they have not adequately pleaded a violation of the RICO Act. Even assuming that Plaintiffs' Addendum is considered to be a supplement to Plaintiffs' Complaint, it does not change the fact that Plaintiffs have failed to meet the required pleading standards.

II.
PRAYER

WHEREFORE PREMISES CONSIDERED, Defendants Stephen A. Mendel and Bradley E. Featherston hereby request that the Court strike Plaintiffs' Addendum.

Respectfully submitted,

/s/ David C. Deiss _____

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CERTIFICATE OF SERVICE

I hereby certify 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 27th day of October, 2016, via ECF.

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