

IN THE DISTRICT COURT OF MCCLAIN COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
McClain County, Oklahoma

JUN 09 2023

by Kristel Gray, Court Clerk
Deputy

KANELLOS D. CHARALAMPOUS,)
through his Court-Appointed Guardian,)
Constantine Charalampous; and THE)
KANELLOS D. CHARALAMPOUS)
REVOCABLE TRUST; and THE)
CHARALAMPOUS FOUNDATION, an)
Oklahoma Not-for-Profit Corporation,)

CASE NO. CJ-23-109

Plaintiffs,)

v.)

ROBBIE LEE, STEPHEN MENDEL,)
KATHRYN MENDEL, individuals, and THE)
MENDEL LAW FIRM, LP, a Texas Limited)
Partnership,)

Defendants.)

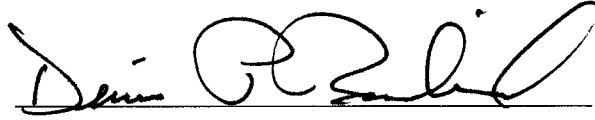
NOTICE OF FILING REMOVAL

TO: CLERK OF THE DISTRICT COURT
MCCLAIN COUNTY, OKLAHOMA
And All Counsel of Record

PLEASE TAKE NOTICE THAT on June 6, 2023, The Mendel Law Firm, L.P., Stephen Mendel, and Kathryn Mendel, Defendants in the above-entitled and numbered cause removed this action to the U.S. District Court for the Western District of Oklahoma, by filing a Notice of Removal in that Court.

A copy of the Notice of Removal is attached hereto as Exhibit A, and incorporated by reference as though set forth in full herein. Pursuant to 28 U.S.C. § 1446(d), this Court may proceed no further unless and until the case is remanded.

Respectfully submitted,



Denis P. Rischard, Attorney OBA #11976
Elizabeth Ann Rischard Davis, OBA #34770
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101 Park Avenue, Suite 1125
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*Attorneys for Defendants The Mendel Law Firm,
P.C., Stephen Mendel and Kathryn Mendel*

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June 2023, a true and correct copy of the above and foregoing document was emailed and/or mailed, postage pre-paid, to the following:

Christopher M. Scaperlanda, OBA # 31703
Steven P. Cole, OBA #11269
McAfee & Taft, P.C.
8th Floor Leadership Square
211 N. Robinson
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Phone: 405-235-921
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Email:
Christopher.scaperlanda@mcafeetaft.com
Steven.cole@mcafeetaft.com

Attorneys for Plaintiffs

-and- Greg Dixon, OBA # 16492
Nichols / Nixon PLLC
104 E. Main St.
Norman, OK



Denis P. Rischard/Elizabeth Ann Rischard Davis

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KANELLOS D. CHARALAMPOUS,
through his Court-Appointed Guardian,
Constantine Charalampous; and

THE KANELLOS D. CHARALAMPOUS
REVOCABLE TRUST; and

THE CHARALAMPOUS FOUNDATION, an
Oklahoma Not-for-Profit Corporation,

Plaintiffs,

ROBBIE LEE, STEPHEN MENDEL,
KATHRYN MENDEL, individuals, and
THE MENDEL LAW FIRM, LP, a Texas Limited
Partnership,

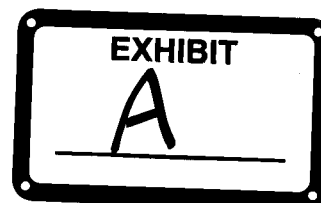
Defendants

CASE NO: CIV-23-499-JD

**DEFENDANTS THE MENDEL
LAW FIRM, L.P., STEPHEN
MENDEL, AND KATHRYN
MENDEL'S NOTICE OF
REMOVAL**

**DEFENDANTS THE MENDEL LAW FIRM, L.P., STEPHEN MENDEL, AND
KATHRYN MENDEL'S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1446(b)(2), 1441(a) and 1332(a), the Mendel Law Firm, L.P., Stephen Mendel, and Kathryn Mendel (hereinafter collectively referred to as the "Mendel Parties") hereby remove from the District Court of McClain County, Oklahoma, to the United States District Court for the Western District of Oklahoma all claims and causes of action in the civil action styled *Kanellos D. Charalampous, through his Court-Appointed Guardian, Constantine Charalampous; and The Kanellos D. Charalampous Revocable Trust; and The Charalampous Foundation, an Oklahoma Not-for-Profit Corporation v. Robbie Lee, Stephen Mendel, Kathryn Mendel, individuals, and The*



Mendel Law Firm, LP, a Texas Limited Partnership, Case No. CJ-23-109 (hereinafter the “State Court Action”).

Pursuant to 28 U.S.C. § 1446(d) and this Court’s Local Rules, copies of this Notice of Removal are being served on all parties at the addresses listed in Plaintiffs’ State Court Action. In support of this Notice of Removal, the Mendel Parties aver as set forth herein.

Procedural History and Plaintiffs’ Allegations

1. Plaintiffs filed the State Court Action in McClain County, Oklahoma, on May 12, 2023. Plaintiffs seek declaratory judgment related to estate planning work provided by the Mendel Law Firm, L.P., in 2022, alleging the planning instruments are invalid or unenforceable. Plaintiffs further list causes of action for breach of fiduciary duty, undue influence, fraud/constructive fraud/misrepresentation/negligent misrepresentation, intentional infliction of emotional distress, battery (as to defendant Robbie Lee), conversion, embezzlement/misappropriation/civil theft, unjust enrichment, money had and received, negligence, *respondeat superior*, and civil conspiracy/aiding and abetting.

2. The Mendel Law Firm, LP, Stephen Mendel, and Kathryn Mendel were served with Summons and Petition on May 19, 2023, via US Mail Restricted Delivery, and Kathryn Mendel was additionally served with Summons and Petition on May 22, 2023, via private process. Thus, this removal is timely as it is being filed within thirty (30) days from the date of service.

3. To the Mendel Parties’ knowledge, no jury was demanded by the Plaintiffs.

Grounds for Removal

4. Removal is proper because this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1332 and 1441(b). Pursuant to 28 U.S.C. § 1332, this Court has jurisdiction over this action because it is between citizens of different states and the amount in controversy is greater than \$75,000, exclusive of interest and costs. Thus, this action could have originally been filed in this Court and is now properly removed to this Court.

a. There is Complete Diversity of Citizenship Among the Parties

5. Plaintiffs Kanellos D. Charalampous, the Kanellos D. Charalampous Revocable Trust, and the Charalampous Foundation are all citizens of the State of Oklahoma. When determining an individual's citizenship, "[f]or purposes of diversity jurisdiction, a person is a citizen of a state if the person is domiciled in that state." Middleton v. Stephenson, 749 F.3d 1197, 1200 (10th Cir. 2014) (internal citation omitted). Here, the State Court Action specifically alleges that Kanellos Charalampous is an Oklahoma citizen and resident, the Plaintiff Trust was created pursuant to Oklahoma law, and the Plaintiff Charalampous Foundation is an Oklahoma not-for-profit corporation. *See* Exhibit 4, Plaintiff's Petition, pg. 3, ¶¶ 8-10. Nothing in the State Court Action suggests otherwise.

6. Defendants are: (a) a limited partnership comprised of two partners, both of whom are citizens of Texas; and (b) three individuals, each of whom are citizens of Texas. The State Court Action alleges, and the Mendel Parties do not dispute, that

Defendant Lee is a Texas citizen residing in Houston, Harris County, Texas. Defendants Stephen and Kathryn Mendel are Texas citizens residing in Houston, Harris County, Texas. The Mendel Law Firm, L.P., is a Texas limited partnership. More specifically, on January 4, 2002, the Texas Secretary of State certified that The Mendel Law Firm, L.P., was a Texas domestic limited partnership, and issued the partnership file no. 800043422. The Mendel Law Firm, L.P.'s principal and only place of business is in Houston, Harris County, Texas. *See* Defendant Mendel Law Firm, L.P.'s Disclosure Statement Identifying Constituents of Partnership filed contemporaneously herewith.

7. Thus, there is complete diversity between the Plaintiffs and the Defendants in this case, and this Court has subject matter jurisdiction under 28 U.S.C. § 1332. Additionally, no defendant is a citizen of the state in which this action is brought.

b. The Amount in Controversy Requirement is Satisfied

8. The Tenth Circuit “appl[ies] the ‘either viewpoint’ rule. Under this rule, [the Court] consider[s] either the value of a judgment from the viewpoint of the plaintiff or the cost from the viewpoint of the defendant of injunctive and declaratory relief.” Phelps Oil & Gas, LLC v. Noble Energy Inc., 5 F.4th 1122, 1126 (10th Cir. 2021).

9. Here, the State Court Action alleges that Defendant Lee “caused Dr. Charalampous to transfer hundreds of thousands of dollars to her.” While Plaintiffs fail to specify an amount of damages attributable to the Mendel Parties, the State Court Action alleges that the Mendel Parties caused an improper transfer of \$100,000 to a third party. See Exhibit 4, Plaintiffs’ Petition, ¶¶ 30, 53, and 56. Plaintiffs further allege that

the estate at issue is worth “in excess of \$10 million.” See Exhibit 4, Plaintiffs’ Petition, ¶¶ 2, 8. Regardless, according to the “either viewpoint” rule, Plaintiffs seek a value that exceeds \$75,000. Accordingly, the amount in controversy in this action exceeds \$75,000, exclusive of costs and interest and, as such, removal on the basis of diversity should be allowed pursuant to 28 U.S.C. § 1441(b).

The Procedural Requirements for Removal Have Been Satisfied

10. Because the Mendel Parties are named defendants in this case, they have the right to remove this State Court Action to federal court.

11. This action is being removed “to the district court of the United States for the district and division embracing the place where such action is pending,” pursuant to 28 U.S.C. § 1441(a). The United States District Court for the Western District of Oklahoma embraces McClain County, Oklahoma. 28 U.S.C. § 116(c).

12. Plaintiffs filed the State Court Action in the District Court of McClain County, Oklahoma on May 12, 2023. Accordingly, this Notice of Removal is timely filed. *See* 28 U.S.C. § 1446(b)(1) (“The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based”).

13. The Mendel Parties all consent to removal. *See* Exhibit 3, Consent to Removal by the Mendel Parties. Defendant Robbie Lee’s consent is not required because, to the knowledge of the Mendel Parties, Ms. Lee has not been served.

14. After filing this Notice of Removal, the Mendel Parties will promptly serve written notice of this Notice of Removal on counsel for all adverse parties and file the same with the Clerk of McClain County, Oklahoma in accordance with 28 U.S.C. § 1446(d).

15. True and correct copies of all process and pleadings issued against the Defendants in the State Court Action are attached hereto as Exhibits 4 (Entry of Appearance and Petition) and 5 (Summonses Issued). Exhibits 1 – 3 are respectively an Index of State Court Matters Filed (Exhibit 1), the names of the parties and their counsel (Exhibit 2), and the consent to removal by the Mendel Parties (Exhibit 3). The Mendel Parties are not aware of any court orders issued in the State Court Action. As previously indicated, consent by Defendant Robbie Lee is not required as of this filing because to the knowledge of the Mendel Parties, Ms. Lee has not yet been served.

Non-Waiver of Defenses

16. By removing this action from McClain County, Oklahoma, the Mendel Parties do not waive any defenses available to them, nor do they admit any of the allegations in Plaintiffs' State Court Action, nor do they waive any right to a jury trial.

WHEREFORE, The Mendel Law Firm, L.P., Stephen Mendel, and Kathryn Mendel remove the above-captioned action from the McClain County District Court of Oklahoma to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

/s/ Denis P. Rischard

Denis P. Rischard, Attorney OBA #11976

Rischard & Associates, PLLC

101 Park Avenue, Suite 1125

Oklahoma City, OK 73102

Telephone: (405) 235-2393

Fax: (405) 231-2830

Email: drischard@rischardlaw.com

*Attorney for Defendants Stephen Mendel,
Kathryn Mendel, and the Mendel Law Firm, LP*

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June 2023, a true and correct copy of the above and foregoing document was emailed and/or mailed, postage pre-paid, to the following:

Christopher M. Scaperlanda, OBA # 31703

Steven P. Cole, OBA #11269

McAfee & Taft, P.C.

8th Floor Leadership Square

211 N. Robinson

Oklahoma City, OK 73102

Phone: 405-235-921

Fax: 405-235-0349

Email: Christopher.scaperlanda@mcafeetaft.com

Steven.cole@mcafeetaft.com

Attorneys for Plaintiffs

-and- Greg Dixon, OBA # 16492

Nichols / Nixon PLLC

104 E. Main St.

Norman, OK

Email:

greg@nicholsdixon.com

/s/ Denis P. Rischard

Denis P. Rischard

Exhibit 1 – Index of State Court
Matters Filed



OKLAHOMA
State Courts Network

The information on this page is NOT an official record. Do not rely on the correctness or completeness of this information. Verify all information with the official record keeper. The information contained in this report is provided in compliance with the Oklahoma Open Records Act, 51 O.S. 24A.1. Use of this information is governed by this act, as well as other applicable state and federal laws.

IN THE DISTRICT COURT IN AND FOR MCCLAIN COUNTY, OKLAHOMA

No. CJ-2023-00109

(Civil relief more than \$10,000: CIVIL ACTION \$10,000 OR MORE)

KANELLOS D CHARALAMPOUS, ET. AL. V. ROBBIE LEE,
ET. AL.

Filed: 05/12/2023

Judge: EDWARDS, LEAH

PARTIES

LEE, ROBBIE, Defendant
CHARALAMPOUS, KANELLOS D, Plaintiff
MENDEL, STEPHEN, Defendant
THE KANELLOS D. CHARALAMPOUS REVOCA, Plaintiff
MENDEL, KATHRYN, Defendant
THE CHARALAMPOUS FOUNDATION, Plaintiff
THE MENDEL LAW FIRM, LP, Defendant

ATTORNEYS

Attorney

MCAFEE & TAFT
ALLISON B. CHRISTIAN, OBA #34326
211 N ROBINSON 8TH FL TWO LEADERSHIP SQ
OKLAHOMA CITY , OK 73102

Represented Parties

EVENTS

None

ISSUES

1. CIVIL ACTION \$10,000 OR MORE

DOCKET

Date	Code	Description	
05-12-2023	[TEXT]		\$ 163.00
		FILE & ENTER PETITION	
		Document Available (#CC23051200000309) <input type="checkbox"/> TIFF <input checked="" type="checkbox"/> PDF	
		(Entry with fee only)	\$ 6.00
		(Entry with fee only)	\$ 7.00
		OKLAHOMA COURT INFORMATION SYSTEM FEE - EFFECTIVE 07/01/04	\$ 25.00
		LENGTHY TRIAL FUND	\$ 10.00
		OK COURT APPOINTED SPECIAL ADVOCATES	\$ 5.00
		10% OF CASA TO COURT CLERK REVOLVING FUND	\$ 0.50
		OK COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND	\$ 1.55
		10% OF COJC TO COURT CLERK REVOLVING FUND	\$ 0.16
		STATE JUDICIAL REV. FUND INTERPRETER & TRANSLATOR SERVICES	\$ 0.45
		COURTHOUSE SECURITY FEE	\$ 10.00
		10% OF CHSC TO COURT CLERK REVOLVING FUND	\$ 1.00
		15% TO DISTRICT COURT REVOLVING FUND	\$ 2.48
		COURT CLERK PRESERVATION FUND	\$ 10.00
05-12-2023	[TEXT]		
		ENTRY OF APPEARANCE	
		Document Available (#CC23051200000323) <input type="checkbox"/> TIFF <input checked="" type="checkbox"/> PDF	
05-16-2023	[TEXT]		\$ 50.00
		ISSUE 5 SUMMONS	
		Document Available (#CC23051600000266) <input type="checkbox"/> TIFF <input checked="" type="checkbox"/> PDF	
05-16-2023	[TEXT]		\$ -1.25
		AJE: MONIES DUE THE FOLLOWING AGENCY(IES) REDUCED	
		AJE: COST DUE TO CARD ALLOCATION FEE	\$ 1.25

**Exhibit 2 – Parties &
Counsel of Record**

1. Plaintiffs:

- A. KANELLOS D. CHARALAMPOUS, through his Court-Appointed Guardian, Constantine Charalampous, and designated as an Oklahoma citizen that currently resides in Oklahoma.
- B. THE KANELLOS D. CHARALAMPOUS REVOCABLE TRUST, a trust created pursuant to Oklahoma law.
- C. THE CHARALAMPOUS FOUNDATION, an Oklahoma Not-for-Profit Corporation

2. Plaintiffs' Counsel:

- A. Christopher M. Scaperlanda (OBA No. 31703)
Steven P. Cole, OBA #11269
McAfee & Taft A Professional Corporation
8th Floor, Two Leadership Square
211 North Robinson
Oklahoma City, OK 73102
O: 405-235-9621
F: 405-235-0349
E: christopher.scaperlanda@mcafeetaft.com
E: steven.cole@mcafeetaft.com
- B. Greg Dixon (OBA No. 16492)
Nichols / Dixon PLLC
104 E. Main St., Suite 100
Norman, OK 73069
O: 405-294-1511
E: greg@nicholsdixon.com

3. Defendants:

- A. THE MENDEL LAW FIRM, L.P., a Texas citizen because it is a Texas limited partnership with its principal place of business in Houston, Texas.
- B. STEPHEN A. MENDEL, a citizen of Texas, and residing in Harris County, Texas.

C. KATHRYN A. MENDEL, a citizen of Texas, and residing in Harris County, Texas.

D. ROBBIE LEE, a citizen of Texas, and residing in Harris County, Texas.

4. **Defendants' Counsel:**

A. The Mendel Defendants are represented by:

Denis P. Rischard OBA No. 11976

Rischard & Associates, PLLC

101 Park Ave., Suite 1125

Oklahoma City, OK 73102

O: 405-235-2393

E: drischard@rischardlaw.com

B. To the knowledge of the Mendel defendants, Ms. Robbie Lee has not been served and does not have counsel.

* * * * *

Exhibit 3 – Consent to Removal

Consent to Removal by the Defendants
The Mendel Law Firm, L.P., Stephen Mendel,
& Kathryn Mendel

On or about May 12, 2023, The Mendel Law Firm, L.P., Stephen Mendel, and Kathryn Mendel (hereinafter the “Mendel Parties”) were sued in that one certain state court case known as C.A. No. CJ-23-109; *Kanellos D. Charalampous, through his Court-Appointed Guardian, Constantine Charalampous; and The Kanellos D. Charalampous Revocable Trust; and The Charalampous Foundation, an Oklahoma Not-for-Profit Corporation v. Robbie Lee, Stephen Mendel, Kathryn Mendel, individuals, and The Mendel Law Firm, LP, a Texas Limited Partnership* (hereinafter the “State Court Action”).

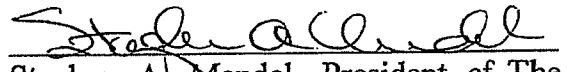
The State Court Action is currently pending in the District Court of McClain County, State of Oklahoma.

The Mendel Parties were served with the plaintiffs’ petition on May 19, 2023, via the U.S. Postal Service.

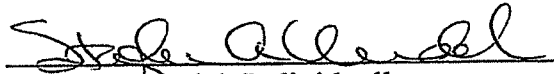
Pursuant to 28 U.S.C. § 1446(b)(2), Defendants, The Mendel Law Firm, L.P., Stephen Mendel, and Kathryn Mendel hereby consent to the removal of the above-entitled and numbered cause to the U.S. District Court for the Western District of Oklahoma, and further reserve all defenses to which they may be entitled.

Consent to Remove

Page 1


Stephen A. Mendel, President of The
Mendel Law Firm, L.P.

Date Signed: 6/2/2023


Stephen Mendel, Individually

Date Signed: 6/2/2023


Kathryn. Mendel, Individually

Date Signed: 6/2/2023

* * * * *

Consent to Remove

Page 2

Exhibit 4 – Plaintiffs’ Petition

IN THE DISTRICT COURT OF MCCLAIN COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
McClain County, Oklahoma

MAY 12 2023

Kristel Gray, Court Clerk
by _____ Deputy

KANELLOS D. CHARALAMPOUS,)
through his Court-Appointed Guardian,)
Constantine Charalampous; and)

THE KANELLOS D. CHARALAMPOUS)
REVOCABLE TRUST; and)

THE CHARALAMPOUS FOUNDATION,)
an Oklahoma Not-for-Profit Corporation)

Plaintiffs,)

v.)

ROBBIE LEE, STEPHEN MENDEL,)
KATHRYN MENDEL, individuals,)
and THE MENDEL LAW FIRM, LP,)
a Texas Limited Partnership.)

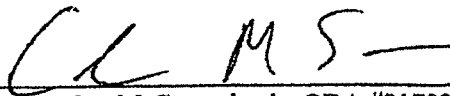
Defendants.)

Case No. ~~CJ-23-109~~

ENTRY OF APPEARANCE

The undersigned attorneys hereby appear as counsel for Plaintiffs, Kanellos D. Charalampous, The Kanellos D. Charalampous Revocable Trust, and The Charalampous Foundation, in the above-styled case.

Respectfully submitted,



Christopher M. Scaperlanda, OBA #31703
Steven P. Cole, OBA #11269
McAfee & Taft A Professional Corporation
8th Floor, Two Leadership Square
211 North Robinson
Oklahoma City, OK 73102
(405) 235-9621 (telephone)
(405) 235-0349 (facsimile)
christopher.scaperlanda@mcafeetaft.com
steven.cole@mcafeetaft.com

IN THE DISTRICT COURT OF MCCLAIN COUNTY McClain County, Oklahoma
STATE OF OKLAHOMA

FILED IN DISTRICT COURT

MAY 12 2023

Kristel Gray, Court Clerk
by _____, Deputy

KANELLOS D. CHARALAMPOUS,)
through his Court-Appointed Guardian,)
Constantine Charalampous; and)

THE KANELLOS D. CHARALAMPOUS)
REVOCABLE TRUST; and)

THE CHARALAMPOUS FOUNDATION,)
an Oklahoma Not-for-Profit Corporation)

Plaintiffs,)

v.)

ROBBIE LEE, STEPHEN MENDEL,)
KATHRYN MENDEL, individuals,)
and THE MENDEL LAW FIRM, LP,)
a Texas Limited Partnership.)

Defendants.)

Case No. CJ-23-109

PETITION

General Statement of Case

1. This suit involves a variety of schemes by Defendants, working together and in conspiracy with one another, to siphon large sums of money from Plaintiff Kanellos D. Charalampous ("Dr. Charalampous"), a 91-year-old man with Alzheimer's and dementia, as well as from his trust and from a charitable foundation that he created.

2. Defendant Robbie Lee was Dr. Charalampous' paid caretaker. Using her position of power and control, she caused Dr. Charalampous to transfer hundreds of thousands of dollars to her, to pay for substantial personal expenses on her behalf, and to transfer at least \$100,000 money to third parties for her benefit and for the benefit of her schemes. This was all years after Dr. Charalampous was diagnosed with dementia and Alzheimer's and more than a year after Dr.

Charalampous was directed in writing by his neurologist (in May 2021) that “You are no longer competent to manage your finances, which should now be managed by your children.”

3. The type of Alzheimer’s Dr. Charalampous has makes him particularly desirous of sex, to the point of inappropriateness. Defendant Lee used this desire, caused by the disease, to control Dr. Charalampous by engaging in regular sex acts with him. By engaging in sexual activity with a person medically unable to consent, Defendant Lee committed battery (and also violated criminal statutes prohibiting medical caretakers from engaging in sexual acts with those in their care).

4. Most troubling of all, in May 2022, Defendant Lee brought Dr. Charalampous to an attorney friend of hers, Defendant Stephen Mendel, and (according to representations made by Lee and Mendel) had him execute a new estate plan directly contrary to the one he had made six years earlier when he was competent. The details of the estate plan were written out by hand by Defendant Lee in a series of notes that have since been discovered by Plaintiffs. Despite repeated demand, Defendants have refused to supply Plaintiffs with copies of the estate planning documents they say Dr. Charalampous executed in May 2022.

5. Based on representations by Defendants and also the notes found that were written by Defendant Lee, the purported estate planning documents were to the benefit of Defendants and at the expense of the Plaintiffs (including, it is believed, documents purporting to revoke prior assignments of assets to the Kanellos D. Charalampous Revocable Trust (the “Trust”)—which at that point had already become irrevocable as a result of Dr. Charalampous’ incapacity).

6. After Defendants’ schemes were discovered, and with Defendants knowing that Dr. Charalampous’ sons were in the car on the way to get their dad, Defendants caused Dr. Charalampous to sign an instrument purporting to revoke powers of attorney he had previously

given his sons to care for him, his health, and his finances. Worse, the purported revocation contains an unconscionable provision purporting to restrain Dr. Charalampous' ability to name another power of attorney unless the power of attorney is specifically drafted and/or approved by Defendant Stephen Mendel.

7. Plaintiffs bring this action to obtain money damages against Defendants and also to obtain a declaratory judgment that any documents executed by Dr. Charalampous in 2022 at the direction of/in connection with Defendants are invalid by reason of lack of capacity, duress, and/or undue influence.

Parties, Jurisdiction, and Venue

8. Dr. Charalampous is a retired psychiatrist and entrepreneur. He was very financially successful and, over the course of his life, accumulated assets in excess of \$10 million. He is an Oklahoma citizen and currently resides in Oklahoma.

9. Plaintiff Trust is a trust created pursuant to Oklahoma law of which Dr. Charalampous is the settlor and to which he assigned the majority of his assets in 2016.

10. Plaintiff Charalampous Foundation (the "Foundation") is an Oklahoma not-for-profit corporation created by Dr. Charalampous in 2016. It is the successor-in-interest to the Dexion Foundation ("Dexion"), a Texas charitable 501(c)(3) foundation created by Dr. Charalampous in 1965.

11. Defendant Lee is an individual Texas citizen residing in Houston, Texas.

12. Defendant Stephen Mendel is an individual Texas citizen residing in Houston, Texas.

13. Defendant Kathryn Mendel is Defendant Stephen Mendel's wife. She is an individual Texas citizen residing in Houston, Texas.

14. At all relevant times, for all acts that are the subject of this suit, Defendant Stephen Mendel was acting in his capacity as a lawyer at the Mendel Law Firm, LP (the "Law Firm"). Upon information and belief, the Law Firm is a limited partnership with its *situs* in Texas.

15. This Court has personal jurisdiction over the parties, and venue is proper in this Court.

General Background

16. Dr. Charalampous created Dexion in 1965.

17. In 1998, Dr. Charalampous created an estate plan that included a Last Will and Testament, Medical Power of Attorney and Durable Power of Attorney. Dr. Charalampous named his sons, Constantine ("Conrad") and Phillip, as Personal Representatives. Conrad and Philip were the only "individuals" named as heirs in the 1998 estate plan. Plaintiff Dexion Foundation was the only other named devisee, and only for a limited portion of the estate. Conrad and Philip were directors of Dexion at the time and have been continuously since.

18. In 2016, Dr. Charalampous created a new estate plan. The estate plan included, but was not limited to, execution of a Last Will and Testament, creation of the Plaintiff Trust, execution of durable powers of attorney and medical powers of attorney, and an assignments of Dr. Charalampous' assets to the Plaintiff Trust. Again, only Dr. Charalampous' sons and existing entities were named as beneficiaries under his estate. Also, both sons were designated as attorneys in fact under the powers of attorney, as well as personal representatives and successor trustees in the respective estate documents.

19. In April 2017, Dr. Charalampous completed his first codicil to his will, still placing all of his assets into his revocable trust with the exception of his Greek assets, and furthermore ratified the non-affected terms of his will.

20. In 2019, Dr. Charalampous had a series of medical and other events demonstrating his rapidly declining cognitive function. These included a car accident in March 2019 which he ran a stop sign and then off the road entirely, into a tree in a neighbor's yard. The next month, in April 2019, Dr. Charalampous spent five days in the hospital suffering from confusion and delirium after being found in an altered mental state (AMS) sitting next to his car. And in November 2019, Dr. Charalampous was examined at Memorial Hermann hospital in Houston, Texas, after being admitted overnight. The discharge paperwork states Dr. Charalampous had dementia and was taking dementia medication.

21. In April 2021, after an initial neurological examination by a board-certified neurologist, Dr. Charalampous was referred to and later examined by a board-certified neuropsychologist.

22. On May 5, 2021, after extensive examination, Dr. Charalampous was diagnosed to have Dementia of the Alzheimer's type, Moderate Severity, with Behavioral Disturbance (disinhibition). In the follow-up visit with the neurologist, Dr. Charalampous was declared "No longer competent" and having moderate dementia, Alzheimer's type.

23. On May 14, 2021, the neurologist sent a letter to Dr. Charalampous stating, "You are no longer competent to manage your finances, which should be managed by your children..." Dr. Charalampous' sons were also sent a copy of the letter.

Defendants create schemes to siphon money from Dr. Charalampous

24. Defendant Lee was Dr. Charalampous' paid nurse and caretaker at all relevant times. She was with him at the hospital during both 2019 events, and signed the discharge paperwork noting his dementia. She was responsible for making sure he took his medications

relating to the dementia and Alzheimer's. There is no question that she was aware of Dr. Charalampous' condition, and the limits it placed on his abilities.

25. Indeed, on May 14, 2021—the same day that the neurologist sent Dr. Charalampous a letter declaring him no longer competent—Defendant Lee admitted in a text message that Dr. Charalampous had Alzheimer's.

26. At some point, Defendant Lee began to use her position and her knowledge of Dr. Charalampous' condition to take financial advantage of him.

27. Among other things, the particular type of Alzheimer's Dr. Charalampous has made him particularly desirous of sex, to the point of inappropriateness. Defendant Lee used this desire, caused by the disease, to control Dr. Charalampous by engaging in regular sex acts with him.

28. In addition to the sexual acts, there is evidence that Defendant Lee would at times withhold from Dr. Charalampous (without his knowing) his Alzheimer's and dementia medications, to make him more confused and easier to control.

29. Some of Defendant Lee's schemes were simple. For example, she used credit cards and other accounts belonging to Dr. Charalampous to purchase things for herself and her family. Others of her schemes were more intricately planned.

The Estate Planning Scheme

30. In early 2022, Defendant Lee and Defendant Stephen Mendel (an estate planning attorney who is friends with Defendant Lee) caused Dr. Charalampous to donate \$100,000 to an institution with which a particular psychiatrist was associated, for the purpose of obtaining a report from the psychiatrist to the effect that Dr. Charalampous was competent to execute new estate planning documents.

31. Three days after the donation, the psychiatrist sent a one-page letter, directed to Defendant Stephen Mendel, stating that Dr. Charalampous had “mild cognitive impairment without dementia” and purporting to find him competent to execute new estate planning documents. The letter does not mention any aptitude, cognitive or physical testing results, nor does it mention any of Dr. Charalampous’ prior extensive history of diagnoses with dementia and Alzheimer’s or the medications he was taking for the same.

32. The psychiatrist report procured by Defendants is wholly inconsistent with every evaluation of Dr. Charalampous done in the 3 years prior, as well as every evaluation since. It was fraudulently procured in a transparent attempt by Defendants to provide cover for their subsequent acts.

33. On May 9, 2022, Defendant Lee took Dr. Charalampous to see Defendant Stephen Mendel. While there, Defendants purport that Dr. Charalampous executed a new estate plan that is wholly inconsistent with all of his prior estate plans. While Defendants have refused to produce copies of the alleged estate plan—despite repeated demand—statements they have made have provided Plaintiffs with clarity about what was supposedly done. It includes, *inter alia*, a new will, creation of a new trust (with Defendant Stephen Mendel as trustee), a purported assignment of assets that had previously been assigned to Plaintiff Trust, changes to Dexion/the Foundation, and a purported assignment of assets involving the Foundation.

34. It is important to be clear that, by operation of law, Plaintiff Trust became irrevocable when Dr. Charalampous lost capacity, and his sons became trustees at that time. And the sons were already directors of Dexion/the Foundation. As a result, Dr. Charalampous did not have the legal ability in May 2022 to change the disposition of assets that had been previously

assigned to the Trust or to Dexion/the Foundation. Such assets include—but are not limited to—the assets in Dr. Charalampous' Edward Jones account.

35. Of note, Dr. Charalampous never paid so much as one dollar to Defendant Stephen Mendel directly for these alleged estate planning services. However, on May 9, 2022—the same day Defendants say Dr. Charalampous met with attorney Mendel—Dr. Charalampous signed a \$5,500 check to “Kathryn Mendel,” attorney Mendel’s wife. The memo line on the check indicates it is for “ART.” The check is written in its entirety by Defendant Lee, with the signature line being the only input by Dr. Charalampous.

36. Dr. Charalampous never bought artwork from Defendant Kathryn Mendel. Rather, the check was intentionally deceptively written by Defendants to appear to be a legitimate expense, so as to not raise red flags with Dr. Charalampous’ sons (who had access to the bank account).

The Stock Transfer Scheme and POA Revocation Scheme

37. On September 21, 2022, Defendant Lee took Dr. Charalampous to see his Edward Jones broker. While they were there together, she had Dr. Charalampous sign an authorization form directing the broker to transfer one share of Berkshire Hathaway Inc. stock to Defendant Lee. The value of that one share exceeded \$400,000 at the time.

38. On October 27, 2022, Dr. Charalampous called his son, Conrad, confused about whether and why he had transferred the stock to Defendant Lee. Conrad called the broker, who told him what had happened. These two phone calls were the inciting incidents that led to the discovery of all of Defendants’ various schemes.

39. Upon making the discovery, Conrad announced that he was driving to Houston immediately and would arrive there later that evening. Conrad arrived in Houston that evening. He saw his father, talked to him briefly, and went to bed.

40. Conrad later learned that on that very same day, his father is purported to have signed a revocation of the power of attorney granted to Conrad and Philip back in 2016. That is, after Defendants were caught, they had a senior with Alzheimer's sign a revocation of the powers of attorney he had previously given to his sons to care for him, his health, and his finances. They had him revoke not only his Durable Power of Attorney, but also his Medical Power of Attorney, leaving him totally without anyone authorized to care for him. This was two (2) days before Dr. Charalampous was found to be so further diminished in his capacity that his neurologist stated that guardianship is "necessary."

41. More shockingly, the purported revocation contained an unconscionable provision purporting to restrain Dr. Charalampous' ability to name another power of attorney unless the power of attorney is specifically drafted and/or approved by Defendant Stephen Mendel.

42. The fact, timing, and details of the October 27 revocation make clear that Defendants—on the verge of being caught—caused Dr. Charalampous to sign it in hopes that they might avoid the consequences of their prior misconduct.

43. On October 31, 2022—after Conrad and his wife informed Defendant Lee that what she had done with the Edward Jones account was criminal—Defendant Lee returned cash in lieu the stock she had taken (presumably because she had already liquidated the actual share).

44. This is not the first time Defendant Stephen Mendel has done something like this. Rather, he has been sued for substantially the same acts at least once before. *See* Harris County Probate Case No. 447733-401.

Count I: Declaratory Judgment

45. Plaintiffs incorporate the foregoing as if fully set forth here.

46. There is a live dispute between Plaintiffs and Defendants about the validity and enforceability of any documents Dr. Charalampous may have executed in 2022 in connection with/at the direction of Defendants.

47. The Court should declare that any such documents are invalid and/or unenforceable by reason of incapacity and/or as the result of undue influence and/or duress.

Count II: Breach of Fiduciary Duty

48. Plaintiffs incorporate the foregoing as if fully set forth here.

49. Defendants owed fiduciary duties to Plaintiffs.

50. Defendants breached their duties.

51. Plaintiffs suffered damages as a result.

Count III: Undue Influence

52. Plaintiffs incorporate the foregoing as if fully set forth here.

53. Defendants used undue influence to cause Dr. Charalampous to take various acts in their favor including, but not limited to, *inter alia*, execution of estate planning documents with Defendants and also transfer of \$100,000 to a third party for purpose of obtaining the fraudulent psychiatrist evaluation.

54. Defendants' undue influence caused Plaintiffs damages.

Count IV: Fraud/Constructive Fraud/Misrepresentation/Negligent Misrepresentation

55. Plaintiffs incorporate the foregoing as if fully set forth here.

56. Defendants' various conduct toward Plaintiffs constitutes fraud and/or constructive fraud. This includes, Defendants' conduct in convincing Dr. Charalampous to execute estate planning documents with Defendants and also transfer of \$100,000 to a third party for purpose of obtaining the fraudulent psychiatrist evaluation all using misrepresentations of truth and/or through

failing to disclose material facts they had a duty to disclose—all while knowing of Dr. Charalampous' mental state.

57. Plaintiffs suffered damages as a result.

Count V: Intentional Infliction of Emotional Distress

58. Plaintiffs incorporate the foregoing as if fully set forth here.

59. Defendants acted intentionally and recklessly, and their conduct was extreme and outrageous.

60. Dr. Charalampous experienced severe emotional distress as a result of Defendants' extreme and outrageous conduct.

Count VI: Battery

61. Plaintiffs incorporate the foregoing as if fully set forth here.

62. By engaging in sexual conduct with an incapacitated person who could not consent as a matter of law, Defendant Lee committed the tort of battery.

63. Dr. Charalampous suffered damages as a result.

Count VII: Conversion

64. Plaintiffs incorporate the foregoing as if fully set forth here.

65. Defendants wrongfully interfered in Plaintiffs' property rights as to various assets belonging to Plaintiffs.

66. Plaintiffs suffered damages as a result.

Count VIII: Embezzlement/Misappropriation/Civil Theft

67. Plaintiffs incorporate the foregoing as if fully set forth here.

68. Defendants have wrongfully appropriated funds and other assets belonging to Plaintiffs.

69. Plaintiffs have suffered damages as a result.

Count IX: Unjust Enrichment

70. Plaintiffs incorporate the foregoing as if fully set forth here.

71. Through wrongful means, Defendants unjustly enriched themselves to Plaintiffs' detriment.

Count X: Money Had and Received

72. Plaintiffs incorporate the foregoing as if fully set forth here.

73. Defendants have taken possession of monies that in justice and equity should be returned to Plaintiffs.

Count XI: Negligence

74. Plaintiffs incorporate the foregoing as if fully set forth here.

75. Defendants owed Plaintiffs a duty of care, which they breached.

76. Plaintiffs suffered damages as a result.

Count XII: Respondeat Superior

77. Plaintiffs incorporate the foregoing as if fully set forth here.

78. Defendant Stephen Mendel's tortious acts were taken within the scope of his duties as an employee of Defendant law firm. Accordingly, it is liable to the same extent as he is.

Count XIII: Civil Conspiracy/Aiding and Abetting

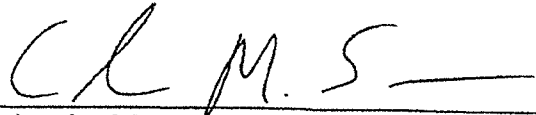
79. Plaintiffs incorporate the foregoing as if fully set forth here.

80. All of Defendants acts described herein were taken as a part of, and in furtherance of, a common plan/scheme to take advantage of Dr. Charalampous. Defendants are therefore liable for one-another's acts as if they themselves had committed the acts.

Prayer for Relief

WHEREFORE, Plaintiffs request that the Court grant judgment in their favor against Defendants as follows:

- (a) Declaring that any documents purportedly executed by Dr. Charalampous in 2022 in connection with/at the direction of Defendants were invalid and/or unenforceable by reason of incapacity and/or as the result of undue influence and/or duress.
- (b) Awarding damages, restitution, and disgorgement in an amount to be determined at trial;
- (c) Awarding Plaintiffs' costs and attorney's fees incurred in this action;
- (d) Awarding punitive damages in Plaintiffs' favor; and
- (e) Awarding such other relief to which Plaintiffs may be entitled.



Christopher M. Scaperlanda, OBA #31703
Steven P. Cole, OBA #11269
McAfee & Taft A Professional Corporation
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Oklahoma City, OK 73102
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(405) 235-0349 (facsimile)
christopher.scaperlanda@mcafeetaft.com
steven.cole@mcafeetaft.com

and

Greg Dixon, OBA #16492
Nichols / Dixon PLLC
104 E. Main St., Suite 100
Norman, OK 73069

ATTORNEYS FOR PLAINTIFFS

Exhibit 5 – Process Issued

IN THE DISTRICT COURT OF MCCLAIN COUNTY
STATE OF OKLAHOMA

KANELLOS D. CHARALAMPOUS,)
through his Court-Appointed Guardian,)
Constantine Charalampous; and)

THE KANELLOS D. CHARALAMPOUS)
REVOCABLE TRUST; and)

THE CHARALAMPOUS FOUNDATION,)
an Oklahoma Not-for-Profit Corporation)

Plaintiffs,)

v.)

ROBBIE LEE, STEPHEN MENDEL,)
KATHRYN MENDEL, individuals,)
and THE MENDEL LAW FIRM, LP,)
a Texas Limited Partnership.)

Defendants.)

Case No. CJ-2023-109

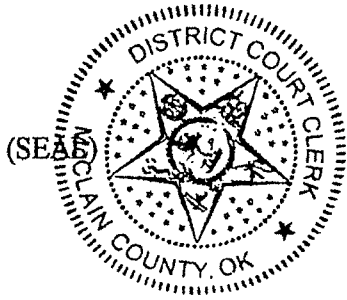
SUMMONS

TO THE DEFENDANT: **ROBBIE LEE**
5827 Sampley Way
Houston, TX 77092

You have been sued by the above-named Plaintiff. You are directed to file a written answer to the attached Petition and this Summons in the Court at the above address within twenty (20) days after service of this Summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff identified below. Unless you answer to the Petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 16th day of May, 2023.

Rick Warren, Court Clerk



By: Karen Walters
Deputy Court Clerk

ATTORNEYS FOR PLAINTIFF:

Christopher M. Scaperlanda, OBA #31703
Steven P. Cole, OBA #11269
McAfee & Taft A Professional Corporation
8th Floor, Two Leadership Square
211 North Robinson
Oklahoma City, OK 73102
(405) 235-9621 (telephone)
(405) 235-0349 (facsimile)
christopher.scaperlanda@mcafeetaft.com
steven.cole@mcafeetaft.com

and

Greg Dixon, OBA #16492
Nichols / Dixon PLLC
104 E. Main St., Suite 100
Norman, OK 73069

This Summons was served on _____ (date of service).

Signature of Person Serving Summons

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUITE OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME STATED IN THE SUMMONS.

IN THE DISTRICT COURT OF MCCLAIN COUNTY
STATE OF OKLAHOMA

KANELLOS D. CHARALAMPOUS,)
through his Court-Appointed Guardian,)
Constantine Charalampous; and)

THE KANELLOS D. CHARALAMPOUS)
REVOCABLE TRUST; and)

THE CHARALAMPOUS FOUNDATION,)
an Oklahoma Not-for-Profit Corporation)

Plaintiffs,)

v.)

ROBBIE LEE, STEPHEN MENDEL,)
KATHRYN MENDEL, individuals,)
and THE MENDEL LAW FIRM, LP,)
a Texas Limited Partnership.)

Defendants.)

Case No. CJ-2023-109

SUMMONS

TO THE DEFENDANT: **STEPHEN MENDEL**
1155 Dairy Ashford Road, #104
Houston, TX 77079

You have been sued by the above-named Plaintiff. You are directed to file a written answer to the attached Petition and this Summons in the Court at the above address within twenty (20) days after service of this Summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff identified below. Unless you answer to the Petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 16th day of May, 2023.

Rick Warren, Court Clerk



By: Haren Weltman
Deputy Court Clerk

ATTORNEYS FOR PLAINTIFF:

Christopher M. Scaperlanda, OBA #31703
Steven P. Cole, OBA #11269
McAfee & Taft A Professional Corporation
8th Floor, Two Leadership Square
211 North Robinson
Oklahoma City, OK 73102
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(405) 235-0349 (facsimile)
christopher.scaperlanda@mcafeetaft.com
steven.cole@mcafeetaft.com

and

Greg Dixon, OBA #16492
Nichols / Dixon PLLC
104 E. Main St., Suite 100
Norman, OK 73069

This Summons was served on _____ (date of service).

Signature of Person Serving Summons

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IN THE DISTRICT COURT OF MCCLAIN COUNTY
STATE OF OKLAHOMA

KANELLOS D. CHARALAMPOUS,)
through his Court-Appointed Guardian,)
Constantine Charalampous; and)

THE KANELLOS D. CHARALAMPOUS)
REVOCABLE TRUST; and)

THE CHARALAMPOUS FOUNDATION,)
an Oklahoma Not-for-Profit Corporation)

Plaintiffs,)

v.)

ROBBIE LEE, STEPHEN MENDEL,)
KATHRYN MENDEL, individuals,)
and THE MENDEL LAW FIRM, LP,)
a Texas Limited Partnership.)

Defendants.)

Case No. CJ-2023-109

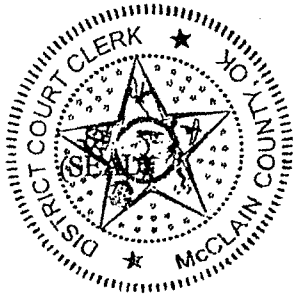
SUMMONS

TO THE DEFENDANT: **STEPHEN MENDEL**
19419 Kessington Lane
Houston, TX 77094

You have been sued by the above-named Plaintiff. You are directed to file a written answer to the attached Petition and this Summons in the Court at the above address within twenty (20) days after service of this Summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff identified below. Unless you answer to the Petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 16th day of May, 2023.

Rick Warren, Court Clerk



By: Karen Walters
Deputy Court Clerk

ATTORNEYS FOR PLAINTIFF:

Christopher M. Scaperlanda, OBA #31703
Steven P. Cole, OBA #11269
McAfee & Taft A Professional Corporation
8th Floor, Two Leadership Square
211 North Robinson
Oklahoma City, OK 73102
(405) 235-9621 (telephone)
(405) 235-0349 (facsimile)
christopher.scaperlanda@mcafeetaft.com
steven.cole@mcafeetaft.com

and

Greg Dixon, OBA #16492
Nichols / Dixon PLLC
104 E. Main St., Suite 100
Norman, OK 73069

This Summons was served on _____ (date of service).

Signature of Person Serving Summons

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IN THE DISTRICT COURT OF MCCLAIN COUNTY
STATE OF OKLAHOMA

KANELLOS D. CHARALAMPOUS,)
through his Court-Appointed Guardian,)
Constantine Charalampous; and)

THE KANELLOS D. CHARALAMPOUS)
REVOCABLE TRUST; and)

THE CHARALAMPOUS FOUNDATION,)
an Oklahoma Not-for-Profit Corporation)

Plaintiffs,)

v.)

ROBBIE LEE, STEPHEN MENDEL,)
KATHRYN MENDEL, individuals,)
and THE MENDEL LAW FIRM, LP,)
a Texas Limited Partnership.)

Defendants.)

Case No. CJ-2023-109

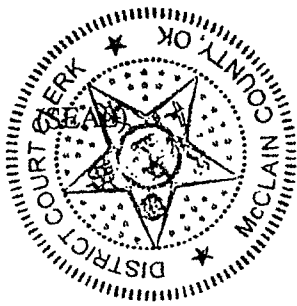
SUMMONS

TO THE DEFENDANT: **KATHRYN MENDEL**
19419 Kessington Lane
Houston, TX 77094

You have been sued by the above-named Plaintiff. You are directed to file a written answer to the attached Petition and this Summons in the Court at the above address within twenty (20) days after service of this Summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff identified below. Unless you answer to the Petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 16th day of May, 2023.

Rick Warren, Court Clerk



By: Karen Weltner
Deputy Court Clerk

ATTORNEYS FOR PLAINTIFF:

Christopher M. Scaperlanda, OBA #31703
Steven P. Cole, OBA #11269
McAfee & Taft A Professional Corporation
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and

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Nichols / Dixon PLLC
104 E. Main St., Suite 100
Norman, OK 73069

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IN THE DISTRICT COURT OF MCCLAIN COUNTY
STATE OF OKLAHOMA

KANELLOS D. CHARALAMPOUS,)
through his Court-Appointed Guardian,)
Constantine Charalampous; and)

THE KANELLOS D. CHARALAMPOUS)
REVOCABLE TRUST; and)

THE CHARALAMPOUS FOUNDATION,)
an Oklahoma Not-for-Profit Corporation)

Plaintiffs,)

v.)

ROBBIE LEE, STEPHEN MENDEL,)
KATHRYN MENDEL, individuals,)
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a Texas Limited Partnership.)

Defendants.)

Case No. CJ-2023-109

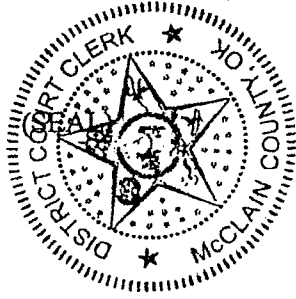
SUMMONS

TO THE DEFENDANT: **THE MENDEL LAW FIRM, LP**
1155 Dairy Ashford Rd # 104
Houston, TX 77079263

You have been sued by the above-named Plaintiff. You are directed to file a written answer to the attached Petition and this Summons in the Court at the above address within twenty (20) days after service of this Summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff identified below. Unless you answer to the Petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 16th day of May, 2023.

Rick Warren, Court Clerk



By: Haven Weltman
Deputy Court Clerk

ATTORNEYS FOR PLAINTIFF:

Christopher M. Scaperlanda, OBA #31703
Steven P. Cole, OBA #11269
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

K.D. Charalampous, Kanellos D. Charalampous Rev. Trust, & The Charalampous Foundation

(b) County of Residence of First Listed Plaintiff McClain, Oklahoma
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
See attachment.

DEFENDANTS

Robbie Lee, Stephen Mendel, Kathryn Mendel, & The Mendel Law Firm, LP.

County of Residence of First Listed Defendant Harris County, Texas
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Denis P. Rischard, Rischard & Associates, PLLC, 101 Park Ave., Ste. 1125, Oklahoma City, OK 73102, P: 405-235-2393

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander		INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	LABOR	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	IMMIGRATION	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:	<input type="checkbox"/> 462 Naturalization Application	
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 465 Other Immigration Actions	
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §§ 1441(a) and 1332(a).

Brief description of cause:

Plaintiffs challenge the enforceability of estate planning work performed in Harris County, Texas, and claims related thereto.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Jun 5, 2023

DEPUTY CLERK OF RECORD

Denis Rischard (Jun 5, 2023 16:10 CDT)

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.






Fed Cvl Cvr Sheet (File Copy)

Final Audit Report

2023-06-05

Created:	2023-06-05
By:	Annie Rishard Davis (adavis@rischardlaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAz9Zo5qig4VsOSa_I99Q_M7QcFrRL2qcc

"Fed Cvl Cvr Sheet (File Copy)" History

-  Document created by Annie Rishard Davis (adavis@rischardlaw.com)
2023-06-05 - 9:08:46 PM GMT
-  Document emailed to Denis Rischard (drischard@rischardlaw.com) for signature
2023-06-05 - 9:09:24 PM GMT
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Attachment to JS 44
Parties & Counsel of Record

1. Plaintiffs:

- A. KANELLOS D. CHARALAMPOUS, through his Court-Appointed Guardian, Constantine Charalampous, and designated as an Oklahoma citizen that currently resides in Oklahoma.
- B. THE KANELLOS D. CHARALAMPOUS REVOCABLE TRUST, a trust created pursuant to Oklahoma law.
- C. THE CHARALAMPOUS FOUNDATION, an Oklahoma Not-for-Profit Corporation

2. Plaintiffs' Counsel:

- A. Christopher M. Scaperlanda (OBA No. 31703)
Steven P. Cole, OBA #11269
McAfee & Taft A Professional Corporation
8th Floor, Two Leadership Square
211 North Robinson
Oklahoma City, OK 73102
O: 405-235-9621
F: 405-235-0349
E: christopher.scaperlanda@mcafeetaft.com
E: steven.cole@mcafeetaft.com
- B. Greg Dixon (OBA No. 16492)
Nichols / Dixon PLLC
104 E. Main St., Suite 100
Norman, OK 73069
O: 405-294-1511
E: greg@nicholsdixon.com

3. Defendants:

- A. THE MENDEL LAW FIRM, L.P., a Texas citizen because it is a Texas limited partnership with its principal place of business in Houston, Texas.
- B. STEPHEN A. MENDEL, a citizen of Texas, and residing in Harris County, Texas.

C. KATHRYN A. MENDEL, a citizen of Texas, and residing in Harris County, Texas.

D. ROBBIE LEE, a citizen of Texas, and residing in Harris County, Texas.

4. **Defendants' Counsel:**

A. The Mendel Defendants are represented by:

Denis P. Rischard OBA No. 11976

Rischard & Associates, PLLC

101 Park Ave., Suite 1125

Oklahoma City, OK 73102

O: 405-235-2393

E: drischard@rischardlaw.com

B. To the knowledge of the Mendel defendants, Ms. Robbie Lee has not been served and does not have counsel.

* * * * *