

CAUSE NO. 2016-519,740

INTERNET MONEY LIMITED d/b/a	§	IN THE 237 TH DISTRICT COURT
THE OFFLINE ASSISTANT AND	§	
KEVIN O'CONNOR, INDIVIDUALLY,	§	
Plaintiffs,	§	
	§	
V.	§	OF
	§	
TIMOTHY CASTLEMAN AND	§	
CASTLEMAN CONSULTING, LLC,	§	
Defendants.	§	LUBBOCK COUNTY, TEXAS

PLAINTIFFS' FIRST AMENDED ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW Comes **INTERNET MONEY LIMITED D/B/A THE OFFLINE ASSISTANT AND KEVIN O'CONNOR, INDIVIDUALLY**, hereinafter referred to as "Plaintiffs", complaining of **TIMOTHY CASTLEMAN AND, CASTLEMAN CONSULTING, LLC** hereinafter referred to as "Defendants," and hereby respectfully shows unto the Court and Jury as follows:

I.
DISCOVERY CONTROL PLAN

Discovery is intended to be conducted under Level II pursuant to Rule 190.3.

II.
PARTIES

Plaintiff, **INTERNET MONEY LIMITED d/b/a THE OFFLINE ASSISTANT**, ("Offline Assistant") is a corporation of Dublin, Ireland. Plaintiff requests a jury trial and payment of the jury fee is enclosed with the filing of this Petition.

Plaintiff, **KEVIN O'CONNOR**, ("O'Connor) is an individual and resident of Dublin, Ireland d/b/a The Offline Assistant. Plaintiff requests a jury trial and payment of the jury fee is

enclosed with the filing of this Petition.

Defendant, **TIMOTHY CASTLEMAN** (“Castleman”), is an individual who has made an appearance in this lawsuit by and through his attorney of record, Jared B. Hall.

Defendant, **CASTLEMAN CONSULTING, LLC** (“Castleman Consulting”), is a Texas limited liability company with its principal place of business in Lubbock, Lubbock County, Texas and who has made an appearance in this lawsuit by and through its attorney of record, Jared B. Hall.

III. **JURISDICTION AND VENUE**

This Court has Jurisdiction over this case in that the amount in controversy exceeds the minimum jurisdictional limits of this Court.

Venue is mandatory and proper in Lubbock County, Texas, because all or a substantial part of the events giving rise to the lawsuit occurred in this county (*see* Tex. Civ. Prac. & Rem. Code § 15.002).

Venue is proper in Lubbock County, Texas pursuant to Tex. Civ. Prac. & Rem. Code § 15.002 (Vernon 2002).

IV. **CONDITIONS PRECEDENT**

All conditions precedent to recovery have been performed, waived, or have occurred.

V. **FACTS**

On or around January 2015, Castleman Consulting requested The Offline Assistant for it to perform various task-based services, including but not limited to fulfilling orders on Castleman Consulting’s behalf. Castleman Consulting drafted and provided to Offline Assistant written instructions directing how all orders were to be handled. The instructions were sent to

Offline Assistant via Google Drive in a “read-only” format prohibiting any editing of the document. The instructions expressly directed Offline Assistant to double all orders it received by providing: “Pay special attention to the rows ‘Variation’ and ‘Volume.’ The volume of the [product item] means that if someone ordered 1 of the item in the store, then we would order 2 in Aliexpress. If someone orders 2 in the store then we would order 4 on Aliexpress.” The Offline Assistant’s confirmed these instructions through oral communications with a Castleman Consulting representative who again instructed Offline Assistant to double all orders it received unless specifically directed otherwise.

Notwithstanding, on or about November 20, 2015, Castleman Consulting contacted Offline Assistant alleging improper doubling of orders. On November 23, 2015, Plaintiff responded that it had properly ordered all items as directed in the instructions.

Thereafter, Defendant or someone with access to the Google Drive original instruction format sent by Castleman Consulting edited the original instructions to double all orders. Offline Assistant was made aware of this change to the instructions via the Google Drive notification procedure after the November 23, 2015 conversation with Castleman Consulting. Castleman Consulting then sought charge back for fees paid in October and November in the amount of \$1,994.00.

In addition, Defendants began an intentional and specific campaign to defame Plaintiffs. Rather than attempting to resolve this issue, Defendants made and continue to make false defamatory and disparaging comments regarding Plaintiffs to a myriad of third parties via social media and various other platforms and published his defamatory comments industry-wide compounding its injurious impact upon Plaintiffs.

Specifically, Defendants took to multiple forums including Facebook, Twitter, a blog,

Warrior Forum, Google Reviews, and podcasts to publish false and misleading accounts of Defendants' dealings with Plaintiff, including but not limited to false statements regarding (a) failed promises, (b) 80% to 85% error rate in the orders placed, (c) inability or unwillingness to follow instructions, (d) theft from Defendants, and (e) provision of terrible services. These statements were made with the knowledge of their falsity or, at the very least, recklessly. In fact, Defendants recognized and gloated about the damage Defendants were causing Plaintiffs.

VI. THEORIES OF LIABILITY

A. Action for Slander and Libel

Plaintiffs re-allege and incorporate by reference all previous and subsequent paragraphs herein.

As discussed above, Defendants defamed Plaintiffs both orally and in writing. These statements constitute statutory libel because they tended to injure the Plaintiff's reputation and expose the plaintiff to public hatred, contempt, ridicule, and financial injury, and impeached his honesty and integrity.

The defamatory statements set forth above are false. The truth is that Offline Assistant performed its' obligations under the contract pursuant to the Instructions that were provided by Castleman Consulting. Furthermore, Offline Assistant attempted to clarify these orders by contacting one of Castleman Consulting's representative. Offline Assistant was assured that the instructions were correct and all orders were to be doubled unless expressly told otherwise.

The Defendants published the defamatory statements set out above when Defendants took to multiple forums including Facebook, Twitter, his blog, Warrior Forum, Google Reviews, and podcasts to publish false and misleading accounts of Defendants' dealings with Plaintiffs. Defendants' comments include but are not limited to false statements regarding failed promises

by Plaintiff, 80% to 85% error rate in the orders placed by Plaintiffs, inability or unwillingness to follow instructions by Plaintiffs, theft from Defendants by Plaintiffs, and provision of terrible services by Plaintiffs. These statements were made with the knowledge of their falsity or, at the very least, recklessly. All of the persons who heard or read the defamatory statements understood that the statements were defamatory in the manner described above.

Prior to the publication of the defamatory statements described above, the Plaintiffs enjoyed a reputation for industry, dependability, openness, and honesty.

VII. **DAMAGES**

As a direct and proximate result of the Defendants' publication of the defamatory statement, Plaintiffs' reputations have been severely injured. The defamatory statements have caused the Plaintiffs to suffer extreme mental anguish, public humiliation, and embarrassment. These defamatory statements have caused Plaintiffs to lose business and lost business opportunities to date as well as damages to their reputation and good will. The Plaintiffs seek damages for these injuries in an amount within the jurisdiction of this court not to exceed One Million Dollars (1,000,000.00).

VIII. **EXEMPLARY DAMAGES**

The Plaintiffs are entitled to exemplary damages from the Defendant, Timothy Castleman, because he acted with the malice required to support an award of exemplary damages. Castleman acted with a specific intent to cause injury to the Plaintiffs. In particular, Defendant sent Plaintiffs an email stating "we're going to go very public and very wide with this and by the time we're done you'll either have paid me the money you owe me or lose WAY more business because of it." The Defendants continued, "too bad, you could have just been a

man... now you get to deal with this for the rest of your business career.”

IX.
REQUESTS FOR DISCLOSURE

Pursuant to Rule 194, Plaintiffs hereby request that Defendants disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2.

X.
JURY DEMAND

Plaintiffs assert their right to a trial by jury under Texas Constitution, Article I, Section 15 and make this demand for a jury trial at least forty-five (45) days before the date this case is set for trial in accordance with Texas Rule of Civil Procedure 216. Plaintiff tenders the fee of \$30.00, as required by Texas Government Code Section 51.604.

XI.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully pray that:

1. Defendants be cited to appear and answer herein;
2. Upon final trial, Plaintiffs be granted judgment against Defendants, jointly and severally, for all damages proved up to a maximum of One Million Dollars (\$1,000,000.00);
3. Plaintiffs be granted judgment for reasonable and necessary attorney's fees as requested herein;
4. Judgment for exemplary damages against the Defendants in a sum determined by the trier of fact.
5. Plaintiffs be granted judgment for all costs of court;
6. Plaintiffs be granted judgment for post-judgment interest at the legal rate on the total amount of judgment until paid;
7. Plaintiffs be granted such other and further relief, special or general, legal or equitable, as Plaintiffs may be shown to be justly entitled to receive.

Respectfully submitted,

/s/ J. Paul Manning

J. PAUL MANNING

State Bar No. 24002521

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing instrument was on this 28th day of April, 2016, served on the attorneys of record as follows:

Email: jhallattorney@gmail.com

Fax: 866-870-2072

JARED B. HALL

THE LAW OFFICE OF JARED B. HALL, PLLC

PO BOX 6982

Lubbock, TX 79493

/s/ J. Paul Manning

PAUL MANNING