

anyone scared of her. Further, the Defendant was not wearing a mask and this face-to-face yelling and screaming by Defendant was done during the height of the COVID-19 (Omicron) pandemic. The Defendant had no regard for the health, safety or mental wellbeing of Plaintiff. The Defendant knew that such behavior would subject the Plaintiff to severe emotional distress.

4. The Defendant knowingly, intentionally, recklessly, and negligently sought to intimidate, humiliate, harass, verbally abuse, and/or disparage the Plaintiff. The Defendant's conduct was extreme and outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, as to be regarded as atrocious and utterly intolerable in a civilized community. In particular, the conduct was outrageous because the Plaintiff was in a public place and was not in any way instigated, invited, provoked, started, or condoned by Plaintiff.

5. The Defendant's conduct proximately caused the Plaintiff damage in that it caused the Plaintiff to suffer severe emotional distress. In particular, the Defendant's conduct was the direct and proximate cause of severe mental pain and anguish. In addition, the Plaintiff continues to suffer from extreme anxiety and nervousness caused by the conduct of Defendant.

6. The Plaintiff's emotional distress has been severe in that Plaintiff has suffered numerous, intense headaches, is unable to sleep at night, has been unable to enjoy or digest her food to the extent of losing weight, and has been fearful of leaving the house or being in public places.

7. In addition to severe emotional distress, the Plaintiff has suffered and will continue to suffer additional damages as a proximate result of the Defendant's conduct in that, in all reasonable probability, the Plaintiff will continue to suffer this mental pain and anguish for a long time into the future.

8. The conduct of the Defendant described in this petition was malicious and/or grossly negligent so as to entitle the Plaintiff to recover exemplary damages. Accordingly,

the Plaintiff asks that exemplary damages be awarded against the Defendant in a sum within the jurisdictional limits of the court.

9. Defendant has committed acts that were intended by her to place Plaintiff in fear of imminent physical harm, bodily injury, assault, or sexual assault. Defendant also committed such acts of abuse toward Plaintiff knowing and intending the reasonable likelihood of such acts to harass, annoy, alarm, abuse, torment, or embarrass Plaintiff. Good cause exists for prohibiting Defendant from coming within 200 feet of Plaintiff or communicating with Plaintiff except through her attorney or a person appointed by the Court|.

10. Applicant further requests the Court immediately, temporarily and permanently issue injunctive relief prohibiting Defendant and anyone acting on her behalf from the following:

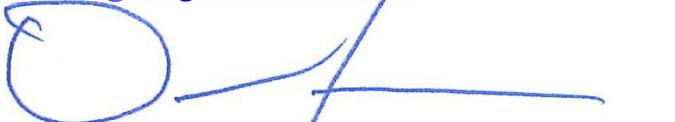
- a. committing elder abuse as described in Title 2, Chapter 48, of the Texas Human Resources Code.
- b. doing any act that is intended to result in mental or physical harm, bodily injury, or assault against Plaintiff.
- c. doing any act that is a threat that reasonably places Plaintiff in fear of imminent physical harm, bodily injury, or assault.
- d. communicating directly with Plaintiff in a threatening or harassing manner.
- e. communicating in any manner with Plaintiff except through her attorney or a person appointed by the Court.
- f. engaging in conduct directed specifically toward Plaintiff that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass Plaintiff.
- g. going to or near, or within 200 feet of, any location where Plaintiff is known by Defendant to be and from remaining within 200 feet after Defendant becomes aware of Plaintiff's presence.
- h. going to or near the residence of Plaintiff at 1211 Mountain View Drive, San Marcos, Hays County, Texas.

WHEREFORE, the Plaintiff requests that the Defendant be cited to appear and answer, and that on final trial, Plaintiff have the following:

1. Judgment against Defendants, jointly and severally, for damages.
2. Prejudgment interest as provided by law.
3. Award of exemplary damages against Defendant in a sum determined by the trier of fact.
4. Injunctive relief as requested herein.
5. Post-judgment interest as provided by law.
6. Costs of suit.
7. Such other and further relief to which the Plaintiff may be entitled.

Respectfully submitted,

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David Junkin
State Bar No. 11058020
Attorney for Plaintiff

VERIFICATION

My name is Rose Kirk Brooks, my date of birth is August 18, 1933, and my address is 1211 Mountain View Drive, San Marcos, Hays County, Texas 78666, United States of America. I declare under penalty of perjury that every factual statement in the foregoing Plaintiff's Original Petition is within my personal knowledge and is true and correct.

Signed on January ____, 2022.

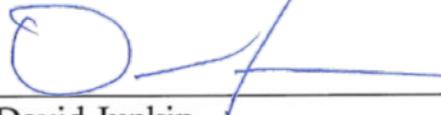
SEE NEXT PAGE

Rose Kirk Brooks

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Rose Kirk Brooks